



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

1999 SESSION

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

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OFFICIAL HANSARD REPORT 1999 SESSION INDEX

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

Administration of Oaths or Affirmations

Bulgin, Hon. Samuel, 14, 99, 475, 836, 1317, 1339
 Ebanks, Hon. Donovan, 99, 377, 791, 1269
 Gomez, Hon. Kearney, 139
 Walton, Hon. Joel, 13, 42, 159, 277, 377, 679, 791, 947, 1041, 1283

Apologies for Absence/Lateness

Ballantyne, Hon. David, 191, 242, 565, 598, 841, 861, 1031, 1105, 1145, 1207
 Bodden, Hon Truman M., 247, 1397
 Bodden, Miss Heather D., 27, 5, 11357, 1377
 Bush, Mr. W. McKeeva, 91, 1249
 Ebanks, Mr. D. Dalmain, 42, 51, 73, 175, 191, 213, 247, 307, 329, 629, 971, 1155, 1185, 1207, 1227, 1249, 1259, 1437, 1453
 Eden, Hon. Anthony S., 247, 307, 879, 899, 923, 1397
 Jefferson, Hon. Thomas C., 139, 213, 329, 821, 841, 953, 1041, 1069, 1089, 1155, 1339, 1377, 1397
 Jefferson, Mr. John D. Jr., 449, 475, 1249, 1357, 1377
 Kirkconnell, Hon. Mabry S., Speaker, 431, 1227, 1249
 McCarthy, Hon. George A., 13, 42, 159, 175, 187, 191, 213, 241, 247, 515, 541, 565, 587, 629, 679, 699, 723, 745, 1123, 1207, 1339
 McField, Dr. Frank, 1249
 McLean, Hon. John B., 377, 403, 1397
 Moyle, Mrs. Edna, 377, 791, 841, 861
 O'Connor-Connolly, Hon. Julianna, 99, 139, 231, 295, 377, 403, 629, 679, 699, 723, 745, 1123, 1185, 1227, 1249, 1357, 1377, 1397
 Pierson, Mr. Linford A., 91, 99, 139, 159, 175, 191, 213, 231, 791, 821, 841, 861, 899, 1041
 Ryan, Hon. James, 187, 241, 247, 259, 841, 861, 1031, 1145, 1163, 1227, 1249
 Walton, Hon. Joel, 307, 777, 841, 861

Ballantyne, Hon. David, F.,

Banks and Trust Companies (A)(Waiver of Penalty Fees) Bill, 1999, 558
 Debate on the Throne Speech, 356
 Health Services (Fees) Bill, 1999, 1054
 Misuse of Drugs (A)(Maritime International Co-operation) Bill, 1999, 676
 Motion to Rescind Amendment (No. 1) to PMM No. 11/99 Referendum Law (GM No. 5/99), 1157
 Referendum Law—(PMM No. 11/99), 943
 Renaming of Harquail Bypass to "Esterley Tibbetts Highway" (PMM 10/99), 427
 Third Interim Report of the Select Committee of the whole House dealing with The Immigration Law, The Local Companies (Control) Law and The Trade and Business Licensing Law, 1437

Bills:

- ♦ Appropriation (2000) Bill, 1999, 1269(1r), 1269 (2r), 1363 (R), 1365 (3r)
- ♦ Banks and Trust Companies (A)(Waiver of Penalty Fees) Bill, 1999, 556 (1r), 556 (2r), 557 (C), 560 (R), 571 (3r)

Bills (continued):

- ♦ Bills of Sale (A) Bill, 1998, 383 (1r), 388 (2r), 400, 409 (C), 418 (R), 419 (3r)
- ♦ Companies (A)(Euro) Bill, 1998, 384 (1r), 392 (2r), 415 (C), 419 (R), 420 (3r)
- ♦ Companies Management Bill, 1999, 791 (1r), 799 (2r), 875 (C), 876 (R), 876 (3r)
- ♦ Elections (A) Bill, 1999, 791 (1r), 791 (2r), 801 (C), 801 (R), 833 (3r)
- ♦ Elections (A)(No. 2) Bill, 1999, 1006 (1r), 1007 (2r), 1007 (C), 1008 (R), 1008 (3r)
- ♦ Electricity (A) Bill, 1999, 383 (1r), 384 (2r), 398 (C), 418 (R), 419 (3r)
- ♦ Euro Conversion Bill, 1998, 384 (1r), 390 (2r), 410 (C), 419 (R), 419 (3r)
- ♦ Health Services (Fees) Bill, 1999, 1044 (1r), 1044 (2r), 1049 (C), 1061 (R), 1072 (3r)
- ♦ Labour (A)(Tribunals) Bill, 1998, 383 (1r), 497 (2r), 513, 543 (C), 548 (R), 548 (3r)
- ♦ Liquor Licensing (A) (New Licences) Bill, 1999, 858 (1r), 858 (2r), 859 (C), 860 (R), 876 (3r)
- ♦ Liquor Licensing Law (A)(Protection of Minors) Bill, 1999, 384 (1r), 549 (2r), 552 (C), 553 (R), 553 (3r)
- ♦ Loan (Capital Projects 2000) Bill, 1999, 1387 (1r), 1407 (2r), 1424 (C), 1426 (R), 1426 (3r)
- ♦ Merchant Shipping (A)(Maritime Safety and Miscellaneous Provisions) Bill, 1999, 497 (1r), 512 (2r), 547 (C), 548 (R), 549 (3r)
- ♦ Misuse of Drugs (A) (Maritime) International Co-operation) Bill, 1999, 675 (1r), 676 (2r), 677 (C), 678 (R), 689 (3r)
- ♦ National Drug Council (A) (Fund Raising Powers) Bill, 2000, 1387 (1r), 1388 (2r), 1424 (C), 1426 (R), 1426 (3r)
- ♦ National Gallery Bill, 1998, 383 (1r), 504 (2r), 545 (C), 548 (R), 548 (3r)
- ♦ National Pensions (A)(Self-employed Persons and Prescribed Maximum) Bill, 1998, 384 (1r), 511 (2r), 545 (C), 548 (R), 548 (3r).
- ♦ Public Service Pension Bill, 1999, 384 (1r), 393 (2r), 415 (C), 419 (R), 420 (3r)
- ♦ Stamp Duty (A)(Insurance Policies) Bill, 1999, 1387 (1r), 1389, 1401, 1421 (2r), 1423 (C), 1426 (R), 1426 (3r)
- ♦ Travel Tax (A) Bill, 1998, 383 (1r), 388 (2r), 409 (C), 418 (R), 419 (3r)

Bodden, Hon. Truman, M.,

10 Year National Strategic Plan (1999-2008) (GM 4/99), 708, 784
 Absence of questions on the Order Paper (*reply to Point of procedure*), 175, 565, 1207
 Amendment to the Development Plan 1997 (GM 3/99), 383
 Amendments to the Development Plan (*response to Member*), 1183
 Assistance for Local Potable Water Producers (PMM 13/99), 562
 Audited Accounts of the Cayman Islands Government for the year ended 31 December 1997, 542
 Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 847

- Cayman Airways Ltd. Financial Statements 31 December 1997, 451
- Cayman Islands Central Planning Authority and Development Control Board Annual Report, 863
- Cayman Islands Monetary Authority Annual Report 1997, 541
- Cayman Islands' National Strategic Plan (1999-2008) and Key to the Future—A Guide to the National Strategic Plan, 555,
- Civic Centre/Hurricane Shelter in GT (PMM 4/99), 367
- Community College of the Cayman Islands Annual Report 1998, 1227
- Companies Management Bill, 1999, 800
- Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 818
- Debate on Throne Speech, 152, 159
- Elections (A) Bill, 1999, 795, 796, 797
- Electricity (A) Bill, 1999, 384, 387
- Electronic Mail Service (PMM 19/99), 803
- Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 750
- Financial Statements of the Civil Aviation Authority of the Cayman Islands 31st December 1996 & 1997, 450
- Financial Statements of the Community College of the Cayman Islands as at 231 December 1998 and 1997, 1227
- Government Minute (*Response to Raising of Matter of Privilege*), 947
- Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1207
- Housing Initiative for Affordable Housing (PMM 3/99), 581, 614
- Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 21 (*tabled memo p. 35—see appendix*), 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 53, 54, 55,
- Introduction of Electronic Transactions Law (PMM 27/99), 1322
- Labour (A)(Tribunals) Bill, 1998, 501
- Motion to Rescind Amendment No. 1 to PMM No. 11/99 Referendum Law (GM No. 5/99), 1155
- Multidisciplinary Environmental Impact Study (PMM 6/99), 524
- National Gallery Bill, 1998, 510
- Point of Procedure (*reply thereto*)
- Length of time debating Throne Speech, 259
 - Member's displeasure over Order of Business, 877
- Public Service Pension Bill, 1999, 397
- Referendum Law—(PMM No. 11/99), 934, 944, 945, 955, 989, 992, 1008, 1028, 1091, 1155, 1159
- Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 425
- Removal of Import Duties from Imported Foods (PMM 31/99), 1468
- Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 911, 1152
- Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Response to Raising of Matters (SO 11(6))*), 1263
- Stamp Duty (A)(Insurance Policies) Bill, 1999, 1395, 1401
- Training Initiative (PMM 2/99), 435, 477
- White Paper (*Reply to Raising of Matters (SO 28)*), 431
- Bodden, Miss Heather D.,**
- 10 Year National Strategic Plan (1999-2008) (GM 4/99), 768
- After School Programme for BT (PMM 1/99), 357, 364
- Assistance for Local Potable Water Producers (PMM 13/99), 562
- Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 805, 819
- Debate on the Throne Speech, 166
- Dissenting Report of the Public Accounts Committee on the Special Report of the Auditor General on the Quarrying Operations on Crown lands (*also see appendix*), 1204
- Engineering investigation into the causes and possible effects of flooding in the Savannah area (PMM 7/99), 533
- Government Assistance for Local Farming Community (PMM 30/99), 1451
- Motion to establish a family unit (PMM 17/99), 694
- Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 647
- Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 427
- Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 913
- Bodden, Mr. Roy,**
- 10 Year National Strategic Plan (1999-2008) (GM 4/99), 713
- Absence of questions on the Order Paper, 175, 1207
- After School Programme for Bodden Town (PMM 1/99), 359
- Amendment to the Immigration Law (RE: Domestic Problems) (PMM 5/99), 487, 491
- Assistance for Local Potable Water Producers (PMM 13/99), 561, 563
- Break-in of Police Shed (*Raising of Matters (SO 11(6))*), 564
- Civic Centre/Hurricane Shelter in GT (PMM 4/99), 369
- Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 805, 813
- Debate on Throne Speech, 110
- Development of a Strategic Approach to Crime and Recidivism (PMM 20/99), 853
- Electricity (A) Bill, 1999, 384
- Elections (A) Bill, 1999, 792
- Engineering investigation into the causes and possible effects of flooding in the Savannah area (PMM 7/99), 531, 532, 535
- Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 696, 739
- Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1371
- Government Assistance for Local Farming Community (PMM 30/99), 1449
- Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1199
- Health Insurance Law 1997; Health Insurance (A) (Indigent Persons) Regulations 1998 (GM 2/99), 381
- Health Services (Fees) Bill, 1999, 1046
- Housing Initiative for Affordable Housing (PMM 3/99), 579, 620
- Impending Closure of Barclays Bank PLC in Cayman Brac (*Raising of Matters (SO 11(6))*), 1279
- Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 23, 33, 60, 69
- Introduction of an Electronic Transactions Law (PMM 27/99), 1297
- Juvenile gang activity, Unrest at Northward Prison, Escapes from the Central Police Station Lock-up Facility (*Raising of Matters, SO 11(6)*), 1434
- Labour (A)(Tribunals) Bill, 1998, 502
- Moratorium of further development of the fragile storm belt and ecosystem along the so-called “West Bay Peninsula” (PMM9/99) (*withdrawn*), 537
- Motion to establish a family unit (PMM 17/99), 691
- Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), (*Deferred 564*), 639, 648

Points of Procedure:

- Length of time debating Throne Speech, 259
- Displeasure recorded re: Order of Business, 877

Public Service Pension Bill, 1999, 396

Referendum Law—(PMM No. 11/99), 916, 940, 956, 1035, 1061, 1120, 1129, 1160

Bodden, Mr. Roy (continued)

Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 421, 425, 429

Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 893, 895

Review of Measures Imposed Under the Finance Law 1998 (PMM No. 24/99), 1218, 1236

Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1265

Stamp Duty (A)(Insurance Policies) Bill, 1999, 1403

Statement re: Sitting beyond normal hours to dispatch business of the House, 1163

Training Initiative (PMM 2/99), 440, 479

Budget Address (also see *Debate on the Budget Address*), 1269

Bush, Mr. W. McKeeva,

10 Year National Strategic Plan (1999-2008) (GM 4/99), 755

Absence of Questions on the Order Paper (SO 28) 565, 699, 1339

After School Programme for BT (PMM 1/99), 357, 362, 363

Amendment to the Immigration Law (RE: Domestic Problems) (PMM 5/99), 487, 493

Assistance for Local Potable Water Producers (PMM 13/99), 561, 562

Assistance of those in need because of recent flood (*Raising of Matters (SO 11(6))*), 1302, 1303

Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 833, 845

Civic Centre/Hurricane Shelter in GT (PMM 4/99), 365

Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 811

Debate on the Throne Speech, 203, 219, 237

Development of a Strategic Approach to Crime and Recidivism (PMM 20/99), 858

Elections (A) Bill, 1999, 792

Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 696, 734, 751

Existence of a serious situation at Her Majesty’s Prison Northward (*Raising of Matter of Grave National Importance*), 1134

Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1367, 1430

Government Assistance for Local Farming Community (PMM 30/99), 1439, 1443

Government Minute on the Report of the Public Accounts Committee on the Auditor General’s Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1191

Housing Initiatives for Affordable Housing (PMM 3/99), 560, 572, 574, 598, 611, 621, 626

Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 16, 17-23, 33, 51, 68, 69, 70, 74

Introduction of Electronic Transactions Law (PMM 27/99), 1294

Juvenile gang activity, Unrest at Northward Prison, Escapes from the Central Police Station Lock-up Facility (Statement in relation to Raising of Matters, SO 11(6)), 1436

Liquor Licensing (A)(New Licences) Bill, 1999, 859

Loan (Capital Projects 2000) Bill, 1999, 1410, 1421

Motion to establish a family unit (PMM 17/99), 689, 693

Motion to Rescind Amendment (No. 1) to PMM No. 11/99 Referendum Law (GM No. 5/99), 1155

Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 645

Pedro Castle (SO 11(6)), 375

Referendum Law—(PMM No. 11/99), 938, 1072, 1147, 1160

Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 421, 422, 425

Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 892, 893, 914, 1147

Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1263, 1267

Stamp Duty (A)(Insurance Policies) Bill, 1999, 1394

Training Initiative (PMM 2/99), 432, 465, 477, 480

Vesting of Crown Land (PMM 23/99), 636, 638

White Paper (*Raising of Matters SO 28*), 431

Commonwealth Day Message, 159

Debate on the Budget Address

Bodden, Mr. Roy, 1323, 1332, 1340

McCarthy, Hon. George A., 1349

Debate on the Throne Speech

Ballantyne, Hon. David, 356

Bodden, Hon. Truman M., 152, 159

Bodden, Miss Heather, 166

Bodden, Mr. Roy, 110

Bush, Mr. W. McKeeva, 203, 219, 237

Eden, Hon. Anthony, 193

Jefferson, Hon. Thomas C., 241, 252, 268, 277

Jefferson, Mr. John D., Jr., 170, 176

McCarthy, Hon. George A., 351

McField, Dr. Frank, 75, 96, 103

McLean, Hon. John B., 341, 349

Moyle, Mrs. Edna M., 327, 336

O’Connor-Connolly, Hon. Julianna, 318

Pierson, Mr. Linford A, 282, 298

Tibbetts, Mr. D. Kurt, 119, 126, 143

Deputy Speaker in the Chair, 431-473, 717-721; 1227-1258

Divisions

1/99—(Motion to adjourn), 71

2/99—(Presenting of PMM 10/99), 421

3/99—(Deferral of debate on PAC Report), 542

4/99—(Second resolve section of PMM 3/99), 626

5/99—(First resolve section of PMM 3/99), 628

6/99—(PMM 14/99), 651

7/99—(Amendment to PMM 11/99), 960

8/99—(Suspension of SO 14(1) & (2) and in accordance with SO 14(4) that the Special Report of the Auditor General on quarrying operations on Crown lands and the report of the Public Accounts Committee be taken), 1203

9/99—(Deferral of Draft Estimates for the year 2000), 1263

10/99—(Motion to adjourn), 1337

11/99—(Appropriation (2000) Bill, 1999 (3r)), 1366

12/99—(Loan (Capital Projects 2000) Bill, 1999 (2r)), 1423

13/99—(Motion to adjourn), 1475

Ebanks, Hon. Donovan,

Amendment to the Immigration Law (RE: Domestic Problems) (PMM 5/99), 491

Cuban Nationals with Caymanian Connections (PMM 12/99), 538

Elections (A) Bill, 1999, 792, 798

Liquor Licensing (A) (New Licences) Bill, 1999, 858

Liquor Licensing Law (A)(Protection of Minors) Bill, 1999, 549, 550, 551

Public Service Pension Bill, 1999, 396

Ebanks, Mr. D. Dalmain,

- Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 849
 Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 812
 Cuban Nationals with Caymanian Connections (PMM 12/99), 538
 Multidisciplinary Environmental Impact Study (PMM 6/99), 528
 Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 423
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 912

Eden, Hon. Anthony S.,

- 10 Year National Strategic Plan (1999-2008) (GM 4/99), 770
 Assistance of those in need because of recent flood (*Response to Raising of Matters (SO 11(6))*), 1303
 Audited Accounts of the Cayman Islands Government for the year ended 31 December 1997, 543
 Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 815
 Debate on the Throne Speech, 193
 Elections (A) Bill, 1999, 794
 Electricity (A) Bill, 1999, 386
 Engineering investigation into the causes and possible effects of flooding in the Savannah area (PMM 7/99), 534
 Government Assistance for Local Farming Community (PMM 30/99), 1451
 Government Minute on the Report of the Public Accounts Committee on the Auditor General’s Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1212
 Health Insurance Law 1997; Health Insurance (A) (Indigent Persons) Regulations 1998 (GM 2/99), 380, 382
 Health Services (Fees) Bill, 1999, 1044, 1048
 Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 56
 Motion to establish a family unit (PMM 17/99), 694
 National Drug Council Financial Statements ended 30 June, 1998, 841
 National Drug Council (A) (Fund Raising Powers) Bill, 2000, 1387, 1388
 National Drug Council of the Cayman Islands Annual Report 1998, 841
 Public Assistance Programme Audit Report, 861
 Report of the Auditor General on the audited accounts of the Cayman Islands for the year ended 31 December 1997, 543
 Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Reply to Raising of Matters (SO 11(6))*), 1267

Government Motions

- No. 1/99—Increase of Financial Grant to Voluntary Ex-servicemen and their Widows, 15
 Amendment No. 1, 20 (*Withdrawn*, 73)
 Amendment No. 2, 74
 Bodden, Hon. Truman, (*tabled memo p.35: See Appendix*), 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 53, 54, 55
 Bodden, Mr. Roy, 23, 33, 60, 69
 Bush, Mr. W. McKeeva, 16, 17, 21-23, 51, 68, 69, 70, 74
 Eden, Hon. Anthony, 56
 Jefferson, Hon. Thomas C., 68, 69, 70, 71
 Jefferson, Mr. John D. Jr., 56-59
 McField, Dr. Frank, 48, 69
 Moyle, Mrs. Edna, 54-55
 O’Connor-Connolly Hon. Julianna (*Mover*) 15, 28, 36, 56, 58, 67, 73, 74
 Pierson, Mr. Linford A., 20, 23, 24, 27, 27, 73

- Tibbetts, Mr. D. Kurt, 23, 35, 40-41, 61, 69, 70, 73
 No. 2/99—Health Insurance Law 1997; Health Insurance (A) (Indigent Persons) Regulations 1998
 Bodden, Mr. Roy, 381
 Eden, Hon. Anthony S. (*Mover*), 380, 382
 McField, Dr. Frank, 382
 No. 3/99—Amendment to the Development Plan 1997
 Bodden, Hon. Truman M. (*Mover*), 383
 No. 4/99—10 Year National Strategic Plan (1999 - 2008)
 Bodden, Heather D., 768
 Bodden, Hon. Truman M. (*Mover*), 708, 784
 Bodden, Mr. Roy, 713
 Bush, Mr. W. McKeeva, 755

- Eden, Hon. Anthony S., 770
 Jefferson, Mr. John D., 717
 McField, Dr. Frank, 717
 Pierson, Mr. Linford A., 760, 763
 Tibbetts, Mr. D. Kurt, 771, 774, 779

- No. 5/99—Motion to Rescind Amendment (No. 1) to PMM No. 11/99 Referendum Law
 Ballantyne, Hon. David, 1157
 Bodden, Hon. Truman, 1155
 Bush, Mr. W. McKeeva, 1155
 McField, Dr. Frank, 1156
Motion withdrawn, 1158
 Tibbetts, Mr. D. Kurt, 1155

Jefferson, Hon. Thomas C.,

- After School Programme for Bodden Town (PMM 1/99), 362
Caymanian Compass headlines - “Civil servants call for parity”, 1406
 Company Management Bill, 1999, 799
 Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 811
 Debate on the Throne Speech, 241, 252, 268, 277
 Electronic Mail Service (PMM 19/99), 802, 803
 Financial Statements of the Port Authority of the Cayman Islands 31st December 1996 & 1997, 451
 Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1373, 1427
 Government Minute on the Report of the Public Accounts Committee on the Auditor General’s Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1213
 Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 68-71
 Introduction of Electronic Transactions Law (PMM 27/99), 1291
 Pedro Castle (*Reply to Raising of Matters (SO 11(6))*), 375
 Port Authority of the Cayman Islands Annual Report, 475
 Public Passenger Vehicles (A) (Taxi Drivers) Regulations (1999), 555
 Quarry Products (*Reply to Raising of Matters (SO 11(6))*), 375
 Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 424
 Report on Transportation/Traffic on Grand Cayman prepared by Peter Partington, PE, September 1998, 449
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 912
 Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Reply to Raising of Matters (SO 11(6))*), 1265
 Vesting of Crown Land (PMM 23/99), 638
- Jefferson, Mr. John D., Jr.,**
 10 Year National Strategic Plan (1999-2008) (GM 4/99), 717
 Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 833, 851

Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 812
 Cuban Nationals with Caymanian Connections (PMM 12/99), 538, 554
 Debate on the Throne Speech, 170, 176
 Elections (A) Bill, 1999, 794
 Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 741
 Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1429
 Government Assistance for Local Farming Community (PMM 30/99), 1439, 1452
 Government Minute (*Raising on Matter of Privilege*), 947

Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1173
 Housing Initiative for Affordable Housing (PMM 3/99), 572, 575
 Immigration Board Policy on Dependants of Work Permit holders, (*Raising on Matter for which Government has Responsibility*) 995
 Increase of financial grant to voluntary ex-servicemen and their widows (GM 1/99), 56-59
 Labour (A)(Tribunals) Bill, 1998, 498
 Multidisciplinary Environmental Impact Study (PMM 6/99), 528
 Referendum Law—(PMM No. 11/99), 959
 Removal of Import Duties from Imported Foods (PMM 31/99), 1462
 Report of the Public Accounts Committee on the report of the Auditor General on the audited accounts of the Cayman Islands Government for the year ended 31 December 1997 (*Also see appendix*), 541
 Report of the Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown lands (*Also see appendix*), 1203
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 897
 Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1265
 Training Initiative (PMM 2/99), 432

McCarthy, Hon. George A.,

Banks and Trust Companies (A) (Waiver of Penalty Fees) Bill, 1999, 556, 557
 Budget Address, 1269, 1349
 Debate on the Throne Speech, 351
 Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year 2000, 1269
 Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1172, 1195
 Government Minute on the Report of the Standing Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown Land, 1453, 1456
 Impending Closure of Barclays Bank PLC in Cayman Brac (*Response to Raising of Matters (SO 11(6))*), 1280
 Loan (Capital Projects 2000) Bill, 1999, 1407, 1423
 Merchant Shipping (A)(Maritime Safety and Miscellaneous Provisions) Bill, 1999, 512
 Removal of Import Duties from Imported Foods (PMM 31/99), 1466

Review of Measures Imposed Under the Finance Law 1998 (PMM No. 24/99), 1241
 Stamp Duty (A)(Insurance Policies) Bill, 1999, 1389, 1407

McField, Dr. Frank, S.,

10 Year National Strategic Plan (1999-2008) (GM 4/99), 717
 After School Programme for Bodden Town (PMM 1/99), 361
 Amendment to the Immigration Law (RE: Domestic Problems) (PMM 5/99), 489
 Caribbean Utilities Co. Ltd's Rate Increase (PMM 16/99), 836, 844
 Civic Centre/Hurricane Shelter in George Town (PMM 4/99), 371
 Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 813
 Debate on the Throne Speech, 75, 96, 103
 Development of a Strategic Approach to Crime and Recidivism (PMM 20/99), 853
 ,
 Elections (A) Bill, 1999, 793
 Elections (A)(No. 2) Bill, 1999, 1007
 Electronic Mail Service (PMM 19/99), 802, 804
 Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 749
 Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1368
 Government Assistance for Local Farming Community (PMM 30/99), 1444
 Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1193
 Health Insurance Law 1997; Health Insurance (A) (Indigent Persons) Regulations 1998 (GM 2/99), 382
 Health Services (Fees) Bill, 1999, 1047
 Housing Initiative for Affordable Housing (PMM 3/99), 574, 577, 619
 Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 48, 69
 Introduction of Electronic Transactions Law (PMM 27/99), 1293
 Labour (A)(Tribunals) Bill, 1998, 498
 Liquor Licensing Law (A)(Protection of Minors) Bill, 1999, 550
 Motion to establish a family unit (PMM 17/99), 692
 Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 641
 Multidisciplinary Environmental Impact Study (PMM 6/99), 526
 National Drug Council (A) (Fund Raising Powers) Bill, 2000, 1388
 National Gallery Bill, 1998, 507
 Prayer of Thanksgiving for Cayman Islands and comfort for victims of other jurisdictions (PMM8/99) (*withdrawn*), 364
 Public Service Pension Bill, 1999, 395
 Referendum Law—(PMM No. 11/99), 938, 955, 960, 984, 1135, 1145, 1159
 Removal of Import Duties from Imported Foods (PMM 31/99), 1462
 Renaming of Harquail Bypass to "Esterley Tibbetts Highway" (PMM 10/99), 423
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 898
 Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1266
 Situation at HM Prison Northward (*Raising on a matter of public importance for which government has responsibility (SO 11(6))*), 1142
 Stamp Duty (A)(Insurance Policies) Bill, 1999, 1391

Training Initiative (PMM 2/99), 456, 478

McLean, Hon. John B.,
 Accounts of the AIDB for year ending 31st December 1997, 1089
 Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 836
 Cayman Turtle Farm 1983 Limited Financial Statements Ending 31st March 1998, 555
 Debate on the Throne Speech, 341, 349
 Government Assistance for Local Farming Community (PMM 30/99), 1442
 Housing Initiative for Affordable Housing (PMM 3/99), 577
 Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 641
 Multidisciplinary Environmental Impact Study (PMM 6/99), 519
 National Trust for the Cayman Islands Annual Report (YE 31 August 1998), 1377
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 896
 Vesting of Crown Land (PMM 23/99), 637

Veteran's and Seaman's Society of Cayman Brac and Little Cayman Lease of a Portion of Crown Land Situated on the Bluff at Cayman Brac Block 104A, Parcel 9, 555
 Water Authority of the Cayman Islands Annual Report 1997, 541

Moyle, Mrs. Edna M.,
 After School Programme for Bodden Town (PMM 1/99), 363
 Amendments to the Development Plan (*Matter of public importance for which Government has responsibility (SO 11(6))*) 1121
 Banks and Trust Companies (A) (Waiver of Penalty Fees) Bill, 1999, 557
 Debate on the Throne Speech, 327, 336
 Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 734
 Government Action Needed in Taxis, Watersports and Tour Operators (PMM 29/99), 1367
 Health Services (Fees) Bill, 1999, 1046
 Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 54, 55
 Motion to establish a family unit (PMM 17/99), 689, 690, 695
 Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 639
 National Drug Council (A) (Fund Raising Powers) Bill, 2000, 1388
 Referendum Law—(PMM No. 11/99), 1077, 1102
 Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1265
 Undertakings given in Finance Committee (*See also: Speaker's Announcements & Rulings*), 1362

O'Connor-Connolly, Hon. Julianna,
 Commemoration of 40th Anniversary of Women's right to vote, 1043
 Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 817
 Debate on the Throne Speech, 318
 Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 15, 28, 36, 67, 73, 74
 Introduction of Electronic Transactions Law (PMM 27/99), 1295
 Labour (A)(Tribunals) Bill, 1998, 497, 503
 National Gallery Bill, 1998, 505, 510
 National Pensions (A)(Self-employed Persons and Prescribed Maximum) Bill, 1998, 511
 Referendum Law—(PMM No. 11/99), 988
 Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 912

Parliamentary Questions Answered in Writing —End of Volume II

Parliamentary Questions by Subject (*See also:* Parliamentary Questions—Numerically)

Baroness Symons' Report

- 79: Interpretation of statement made by Baroness Symons on formidable checklist during her report on the Overseas' Territories, 823
 80: Interpretation of statement made by Baroness Symons on "...the composition of legislatures and Executive Councils and their operation" during her report on the overseas territories, 827

Cable & Wireless (Cayman) Ltd. (C&W)

- 17: Result of government negotiations with C&W re: charges for use of Internet, 231
 29: Duty concessions for C&W and CUC, 334
 51: Complimentary cellular telephones provided by C&W to Government employee or elected official, 656
 33: Reasons for injunction against the *Caymanian Compass* to stop the publication of the contract between C&W
 97: Percentage of digitized phones in Cayman Islands, 910

101: Policy re: C&W "rebalancing" proposals, 928

142: List of officers and departments with hand-held radios and cellular phones, 1228

Caribbean Utilities (CUC)

- 29: Duty concessions for C&W and CUC, 334
 108: Method used to verify CUC need to increase the cost of electricity to meet the guaranteed 15% on investment, 953 (*deferred*)

Cayman Airways

- 35: Outstanding debts of CAL; hush kit installation; Government subsidy required for breakeven position, 452
 78: List of personnel hired and those that left during the past six months, 821
 90: Pension benefits for long serving employees of CAL, 891

Civil Aviation Authority

- 34: CAA—capital development plan, 403
 178: Y2K compliance of CAA and CAL, 1386
 182: Contributions made by CAA, Water Authority and the Port Authority for the year 1998, 1417 (*deferred*), 1453

Civil Service

- 10: Update on Public Service/Personnel Department reviews, 191
 14: Committee responsible for civil service salary review, 231 (*deferred*), 295

Computer Services

- 183: Staff complement of Computer Services Department by post and nationality, 1418

Crime

- 130: Number and category of offences committed by persons between the age of 17 and 25 since January 1999, 1105
 149: Update on juvenile secure remand and rehabilitation facility, 1253

Customs

- 58: Increase in number of revenue collection officers assigned to each arriving international flight at Owen Roberts International Airport, 669

District Matters

- 8: Alternative cemetery sites for Bodden Town and Spotts, 125
 43: Proposed completion date for the BT Post Office, 608
 96: Completion of park in Hutland, 908

- 103: Plans to construct civic centre/hurricane shelter in Savannah/Newlands, 933
- 109: Update on BT District Library, 954
- 117: Spotts beach jetty insured and plans to rebuild, 1002
- 119: Progress report on BT playfield, 1003
- 127: Breakdown, by district, of persons receiving housing assistance for the years 1997 to May 1999, 1041
- 141: Update on amendment to Marine Parks Law to allow handline fishing in Northwest Point Marine Park, 1185
- 143: Construction of Spotts Tourist Landing, 1229
- 161: Remaining roadworks for BT, 1316

Dredging

- 12: List of dredging applications approved in principle, pending, 215
- 23: List of inland mining approvals 1996 to date, 307
- 31: Executive Council's permission to local company to import aggregate, 349 (*deferred*)
- 32: Procedures regarding importation of explosives for quarrying, 403 (*withdrawn*)
- 36: Procedures ensuring explosives for quarry purposes are stored, handled and used safely, 587
- 89: Dredging applications decided by ExCo, 886

Economy

- 114: Economic Council's recommendations re: maintaining the Caymanian economy, 983

Education

- 3: Career Training, implementation of plans by ministry, 95
- 39: Total recurrent costs for operating government schools during 1998 school year, 593
- 40: Requirements for admission into accredited universities in the US as required by the Education Council, 596
- 62: Projected enrolment of government's primary and secondary schools on Grand Cayman for the school year beginning September 1999, 679
- 63: Government's policy regarding provision of subsidies and grants to private schools, 686
- 99: Major implications of national curriculum, 925
- 133: Accomplishments in technical and vocational training over last 12 months, 1109
- 134: Increase in students diagnosed with Attention Deficit Hyperactive Disorder, 1112
- 135: Policy for parents who cannot afford to pay increased school and book rental fees, 1116
- 137: Update on implementation phases of 1995-1999 Strategic Education Plan, 1164
- 153: Progress report on new canteen facilities, GHHS, 1305
- 154: Detailed list of unfilled teachers' positions in all government schools, 1306
- 156: How National Curriculum will enhance school inspectorate, 1309
- 172: Placement of required number of teacher's aides at GT and RB Primary Schools, 1377
- 173: Reports of violence at GHHS & JGHS, 1379
- 174: Recognition of College of Preceptors certification, 1382
- 175: Strategies to effect communication between government schools, PTAs, HSA and Education Department, 1383
- 176: Advice/support received in development of national curriculum, 1384
- 177: Breakdown of number of students and teachers per class in all government primary schools (*see appendix*), 1385
- 184: Meetings held by Education Department with Education Committee since November 1996, 1418
- 185: Consideration for change of policy re: preschool assistance, 1420

- 188: Number of government scholarships awarded this year, 1459
- 189: Update on new primary school for WB, 1461
- 190: John A. Cumber Primary School new hall, 1461 (*withdrawn*)

Environment

- 6: Alternative landfill site, 101
- 7: Dumping of debris from Holiday Inn site, 123
- 8: Alternative cemetery sites for BT and Spotts, 125
- 12: List of dredging applications approved in principle, pending, 215
- 13: Who is responsible for removing debris from Holiday Inn site, 231 (*deferred*), 247
- 18: List of insecticides used to spray mosquitoes, 234
- 22: Cause of cloudy water in North Sound on 26th October 1998, 296
- 23: List of inland mining approvals 1996 to date, 307
- 27: Explosives used in excavations and quarries, 316
- 46: Proper disposal of animal carcasses at public dump, 610
- 52: Government's policy regarding importation of pets such as cats and dogs, into the country, 657
- 66: Designating Northwest Point to the Turtle Farm area as "No Dive Zone", 702
- 67: Control of illegal fish pots in the Cayman Islands, 705
- 76: What is being done to educate or advise the general public of the boundaries of the Replenishment Zones and Marine Parks, 777
- 77: Procedures in place to avoid damage to corals by the anchors of boats and ships, 778
- 81: Steps taken to eliminate or control discharge of effluent from "live aboards" in the areas of Yacht Club, the Marina Club and Rackley Canal, 842
- 85: Procedures for monitoring the impact or stress of dives on dive sites or reefs, 874
- 131: Update on Multidisciplinary Environmental Impact Study, 1107
- 132: What is being done to ensure the cruise ships do not discharge effluent while in GT Harbour, 1108
- 136: Steps taken to control number of persons visiting the Sandbar daily, and protect the stingrays, 1163
- 155: Illegal taking of lobster in Little Cayman, 1309

Finance & Economic Development

- 57: Government's cash reserve ratio for banks with "A" and "B" class licences; and the approved code of conduct under which banks operate, 665
- 72: List capital projects approved by Executive Council since 1995, 729

Government Accounts

- 19: Government initiatives to widen the revenue base, 259
- 20: Government policy re: annual contributions to general reserves, 262
- 28: Update on ongoing financial reforms, 329
- 86: Amount expended on 1998 Capital Expenditure, 879
- 87: Total public debt to date, 883 (*deferred*), 1413
- 88: Surplus/deficit position for year end 1998, 884
- 92: Latest available figures on government accounts, 899
- 94: Breakdown of public debt, 904
- 95: Contingent liabilities from December 1995 to date, 906
- 98: Define terms of reference for Medium Term Financial Plan, 923
- 180: Amounts owed by government not included in current accounts payable and public debt, 1398
- 181: Money collected from real estate companies since 1997, 1400

Health Care/Health Insurance/Hospitals/Clinics

- 54: Objections raised against the Hepatitis B vaccination programme, 660
- 55: Cases of reaction to the Hepatitis B Vaccines since the inception of programme, 660
- 56: The present functions of the Forensic Laboratory at the George Town Hospital, 663
- 65: Breakdown by district, of number of persons referred to overseas centres for substance abuse treatment since January 1998, 699
- 68: List of equipment in the Physiotherapy Department at the Faith Hospital and the employment of a physiotherapist there, 706
- 69: Provision of adequate health care benefits for those persons categorised as "uninsurable" and "partially uninsurable", 723
- 74: Staff turnover in the Health Services Department over the past three years, 732
- 121: Handling of personnel problems within Health Services Department, 1019
- 122: Air-conditioning problems at new hospital, 1023
- 123: Y2K compliance of hospital equipment, 1025
- 146: Full-time gynecologist/obstetrician at Faith Hospital, Cayman Brac, 1251
- 148: Consideration for establishment of organ donor programme, 1252

- 150: Undertaking of clinical assessment of Health Services in last four years, 1213
- 151: Reason for not extending government pathologist's contract, 1284
- 152: Additional costs to hospital resulting from resignation of pathologist, 1285
- 162: Percentage of health insurance claims honoured, 1329
- 163: Breakdown of projected operating cost for all government health facilities for 1999, 1330
- 186: Internship/residency arrangements for Caymanians, 1456
- 187: Plans for adequate public health facility at GT Hospital, 1457

Housing

- 9: Low income housing provisions, 139
- 11: Banks participating in Government Guaranteed Mortgage Scheme, 213
- 100: Status of guaranteed housing programme, 927
- 127: Breakdown, by district, of persons receiving housing assistance for the years 1997 to May 1999, 1041

Hurricane Shelters

- 24: Hurricane shelters—number of, built to specification, how equipped, 311

Identification

- 93: Government's disposition re: PMM 8/94 (Compulsory photo identification), 902

Immigration Matters

- 60: Problems encountered by the law enforcement agencies as Caymanians do not need to complete embarkation disembarkation cards, 672

Legal

- 44: Recent cases of person/company found guilty of an offence by the Courts but no conviction was recorded, 609

Medium Term Financial Plan

- 98: Terms of reference for Medium Term Financial Plan, 923

Monetary Authority

- 138: Government's policy on granting full autonomy to Monetary Authority, 1166

- 139: Provisions in place to protect investors from fraudulent practices in mutual fund management, 1170
- 140: Arrangements at Monetary Authority for recourse in the event of allegations of fraud, abuse or misappropriation of funds, 1171

MRCU

- 18: List of insecticides used to spray mosquitoes, 234

Official Travel

- 179: Government's official travel policy, 1397

Pedro St. James Castle

- 70: To provide details of any staff and personnel changes at Pedro St. James Castle since January 1999, 724
- 71: Accounts for the Pedro St. James Project, 729
- 75: Policy allowing suspended manager of Pedro St. James Castle to hold another job, 745
- 102: Total cost of Pedro St. James project to date; and, amount drawn down from CDB to date, 929
- 105: Details of income and expenditure of Pedro St. James since its opening, 950
- 116: Pedro St. James operational, ongoing promotion and advertising, 1000

Personnel

- 39A: Terms of employment of the Court Administrator, 605
- 48: The total number of Caymanians versus non-Caymanians in the civil service.

Planning

- 64: Improvements to customer service of Planning Department earning the Governor Owen's Award, 688

Playing Fields

- 37: Completion of playing field in Bodden Town, 589
- 53: Completion of playing field in Old Man Bay, 658

Police

- 47: Complaints received against the Police Force, 607 (*deferred*), 634

Port Authority

- 25: Port Authority capital development programme, 313
- 30: Procedure for importing heavy equipment, 349 (*deferred*), 377
- 157: Cost of parts replaced on crane at Port Authority, 1311
- 182: Contributions made by CAA, Water Authority and the Port Authority for the year 1998, 1417 (*deferred*), 1453

Prison

- 49: System that exists at the Northward Prison to alert those in the immediate vicinity of an escape, 632
- 50: Type of training available to a newly recruited prison officers, 633

Public Works

- 15: Computerisation of Quantity Surveying Section PWD, 231 (*deferred*), 248
- 16: PWD policy for acquiring discounts on materials, 231 (*deferred*), 250
- 110: Computerisation of Quantity Surveying Unit of PWD, 971
- 111: PWD policy for tenders on capital projects, 974
- 112: PWD restructuring, 978
- 113: PWD authorisation to do road repairs or maintenance, 980
- 126: PWD policy for negotiating bulk purchase price, 1041 (*deferred*), 1254

Ritz Carlton

- 5: Discussions between government and Ritz Carlton reps. 100

107: Stage of proposed government lease extension—Block 12C Parcels 11 and 215 WB, 953

Roads

- 26: Government policy on testing of private roads constructed in sub-divisions, 315
- 38: Status report on the National Roads Plan, 591
- 83: Materials purchased locally for roadworks, since Jan '97, 867
- 161: Remaining roadworks for BT, 1316
- 167: Policy on materials taken from reconstructed roads, 1358

Schools

- 1: Adequate facilities for the Sunrise Centre, 91
- 2: Lighthouse School, commencement of work thereon, 92

Social Services

- 41: Sports programmes organised by government for summer holidays, 607 (*deferred*), 654
- 45: Veterans' increase, 674

Sports

- 124: Criteria for sports grants, 1026
- 125: Breakdown of maintenance cost on major playing fields in Grand Cayman and Cayman Brac from September 1998 to August 1999, (1041, *deferred*), 1069

Stock Exchange

- 144: Legislation in place to prevent insider trading at Cayman Islands Stock Exchange, 1230

Tourism

- 4: Tourism Development Plan, when to be tabled, 99
- 5: Discussions between government and Ritz Carlton reps, 100
- 82: List of major promotions undertaken by the Tourism Department from June 1997 - June 1999, 864
- 84: Accounts for the overseas' offices of the Department of Tourism, including any travel expenses from January 1998 to May 1999, 871
- 115: Authorisation of travel, food, and entertainment for DOT US marketing staff, 997
- 118: Personnel changes in UK DOT within past 12 months, 1002
- 120: Steps taken to arrest downturn in North American stay-over visitors and the negative effects to business, 1002 (*deferred*), 1126
- 136: Steps taken to control number of persons visiting the Sandbar daily, and protect the stingrays, 1163
- 143: Construction of launching ramp at the Spotts Tourist Landing, 1229
- 165: Working relationship between Tourism Association of Cayman Brac and Little Cayman and DOT, 1357
- 166: Budget for Miss Cayman Islands' pageant, 1358
- 169: Remuneration received by DOT rep. In North America, 1359
- 170: CAL ID cards for UK and US DOT staff (*Withdrawn*), 1361
- 171: Terms of contract with Oleary-Clarke (*Withdrawn*), 1361

Transportation

- 104: Number of permits issued to minibus drivers since DOT licensing came on line, 947
- 129: DVES maintaining all government vehicles and equipment, 1069 (*deferred*), 1123
- 145: Which entity is paying for the second phase of Harquail Bypass, 1249

UK Representative

- 168: Replacement for Cayman Islands UK Representative (*Withdrawn*), 1359

Water Authority

- 21: Water Authority—plans for expansion, 265

- 182: Contributions made by CAA, Water Authority and the Port Authority for the year 1998, 1417 (*deferred*), 1453

Women's Affairs

- 40A: Understanding of women at risk from domestic abuse, 605
- 42: Training opportunities available to single mothers to equip them for the world of work, 607
- 61: Ruling by Legal Department on elimination of discrimination and violence against women in the Cayman Islands if the UK is a signatory to these conventions, 674

Works

- 59: Establishment of permanent moorings in the George Town and Spotts Harbour, 669
- 73: Proper markings of channels around Cayman Islands, 730

Y2K

- 123: Y2K compliance of hospital equipment, 1025
- 164: List of government departments that are Y2K compliant and those that are not (*Withdrawn*), 1362
- 178: Y2K compliance of CAA and CAL, 1387

Parliamentary Questions—Numerically (See also: Parliamentary Questions by Subject)

- 1: Adequate facilities for the Sunrise Centre, 91
- 2: Lighthouse School, commencement of work thereon, 92
- 3: Career Training, implementation of plans by ministry, 95
- 4: Tourism Development Plan, when to be tabled, 99
- 5: Discussions between government and Ritz Carlton reps, 100
- 6: Alternative landfill site, 101
- 7: Dumping of debris from Holiday Inn site, 123
- 8: Alternative cemetery sites for Bodden Town and Spotts, 125
- 9: Low income housing provisions, 139

Parliamentary Questions—Numerically (continued)

- 10: Up-date on Public Service/Personnel Department reviews, 191
- 11: Banks participating in Government Guaranteed Mortgage Scheme, 213
- 12: List of dredging applications approved in principle and pending, 215
- 13: Who is responsible for removing debris from Holiday Inn site, 231 (*deferred*), 247
- 14: Committee responsible for Civil Service salary review, 231 (*deferred*), 295
- 15: Computerisation of Quantity Surveying Section of PWD, 231 (*deferred*), 248
- 16: PWD policy for acquiring discounts on materials, 231 (*deferred*), 250
- 17: Result of government negotiations with Cable & Wireless re: charges for use of Internet, 231
- 18: List of insecticides used to spray mosquitoes, 234
- 19: Government initiatives to widen the revenue base, 259
- 20: Government policy re: annual contributions to general reserves, 262
- 21: Water Authority—plans for expansion, 265
- 22: Cause of cloudy water in North Sound on 26th October 1998, 296
- 23: List of inland mining approvals 1996 to date, 307
- 24: Hurricane shelters—number of, built to specification, how equipped, 311
- 25: Port Authority, capital development programme, 313
- 26: Government policy on testing of private roads constructed in sub-divisions, 315
- 27: Explosives used in excavations and quarries, 316
- 28: Update on ongoing financial reforms, 329
- 29: Duty concessions for C&W and CUC, 334
- 30: Procedure for importing heavy equipment, 349 (*deferred*), 377
- 31: Executive Council's permission to local company to import aggregate, 349 (*deferred*)

- 32: Procedures regarding importation of explosives for quarrying, 403 (*withdrawn*)
- 33: Reasons for injunction against the *Caymanian Compass* to stop the publication of the contract between Cable & Wireless Ltd. and the Cayman Islands Government, 349, 380 (*deferred*), 829
- 34: Civil Aviation Authority—capital development plan, 403
- 35: Outstanding debts of CAL; hush kit installation; Government subsidy required for breakeven position, 452
- 36: Procedures for ensuring that explosives for quarrying purposes are stored, handled and used safely and responsibly, 587
- 37: Completion of playing field in Bodden Town, 589
- 38: Status report on the National Roads Plan, 591
- 39: Total recurrent costs for operating government schools during the 1998 school year, 593
- 39A: Terms of employment of the Court Administrator, 605
- 40: Requirements for admission into accredited universities in the United States as required by the Education Council, 596
- 40A: Understanding of women at risk from domestic abuse, 605
- 41: Type of sports programmes or camps organised by the Government for the summer holidays, 607 (*deferred*), 654
- 42: Training opportunities available to single mothers to equip them for the world of work, 607
- 43: Proposed completion date for the Bodden Town Post Office, 608
- 44: Recent cases of where a person/company was found guilty of an offence by the Courts but no conviction was recorded, 609
- 45: Veterans' increase, 674
- 46: The proper disposal of animal carcasses at the public dump, 610
- 47: The number of complaints received against the Police Force, 629 (*deferred*), 634
- 48: The total number of Caymanians versus non-Caymanians in the civil service, 629
- 49: The type of system which exists at the Northward Prison to alert those in the immediate vicinity that there is an escape, 632
- 50: Type of training available to a newly recruited prison officer, 633
- 51: Does Cable and Wireless provide any complimentary cellular telephones to any Government employee or elected official, 656
- 52: The policy of the Government regarding importation of pets such as cats and dogs, into the country, 657
- 53: Completion of playing field in Old Man Bay, 658
- 54: State if there were any objections raised against the Government's Hepatitis B vaccination programme, 660
- 55: The amount of cases of untoward reaction to the Hepatitis B Vaccines since the inception of the vaccination programme in the Cayman Islands, 660
- 56: The present functions of the Forensic Laboratory at the George Town Hospital, 663
- 57: State the Government's cash reserve ratio for banks with "A" and "B" class licences; and the approved code of conduct under which banks operate, 665
- 58: Increase in the number of revenue collection officers assigned to each arriving international flight at Owen Roberts International Airport, 669
- 59: Establishment of permanent moorings in the George Town and Spotts Harbour, 669
- 60: Problems encountered by the Law Enforcement Agencies as Caymanians do not need to complete embarkation/disembarkation cards, 672
- 61: Ruling given by the Legal Department on the elimination of discrimination against women and the elimination of violence against women in the Cayman Islands if the United Kingdom is a signatory to these conventions, 674
- 62: Projected enrolment of Government's primary and secondary schools on Grand Cayman for the school year beginning in September 1999, 679
- 63: Government's policy regarding provision of subsidies and grants to private schools, 686
- 64: The improvements made to the customer service of the Planning Department that earned the Governor Owen's Award, 688
- 65: Provide a breakdown by district, of the number of persons referred to overseas centres for substance abuse treatment since January 1998, 699
- 66: Designating Northwest Point to the Turtle Farm area a "No Dive Zone", 702
- 67: Control of illegal fish pots in the Cayman Islands, 705
- 68: List of equipment in the Physiotherapy Department at the Faith Hospital and the employment of a physiotherapist there, 706
- 69: Provision of adequate health care benefits for those persons categorised as "uninsurable" and "partially uninsurable", 723
- 70: To provide details of any staff and personnel changes at Pedro St. James Castle since January 1999, 724
- 71: Accounts for the Pedro St. James Project, 729
- 72: Provide a list of capital projects approved by Executive Council since 1995, 729
- 73: Proper markings of channels around the Cayman Islands, 730
- 74: Staff turnover in the Health Services Department over the past three years, 732
- 75: Type of policy in place to allow the suspended manager of Pedro St. James Castle to hold another job, 745
- 76: What is being done to educate or advise the general public with regards to the boundaries of Replenishment Zones and Marine Parks, 777
- 77: Procedures in place to avoid damage to corals by the anchors of boats and ships, 778
- 78: List of personnel hired and those that left during the past six months, 821
- 79: Interpretation of statement made by Baroness Symons on "formidable checklist" during her report on the overseas' territories, 823
- 80: Interpretation of statement made by Baroness Symons on "...the composition of legislatures and Executive Councils and their operation" during her report on the overseas territories, 827
- 81: The steps taken to eliminate or control the discharge of effluent from "live aboards" in the areas of the Yacht Club, the Marina Club and Rackley Canal, 842
- 82: List of major promotions undertaken by the Tourism Department from June 1997 - June 1999, 864
- 83: Type of materials purchased locally for road works, since January 1997, 867
- 84: Accounts for the overseas' offices of the Department of Tourism, including any travel expenses from January 1998 to May 1999, 871
- 85: Procedures for monitoring the impact or stress of dives on dive sites or reefs, 874
- 86: Amount expended on 1998 Capital Expenditure, 879
- 87: Total public debt to date, 883 (*deferred*), 1413
- 88: Surplus/deficit position for year end 1998, 884
- 89: Dredging applications decided by ExCo, 886
- 90: Pension benefits for long serving employees of CAL, 891
- 91: *Withdrawn*, 892

- 92: Latest available figures on government accounts, 899
- 93: Government's disposition re: PMM 8/94 (Compulsory photo identification), 902
- 94: Breakdown of public debt, 904
- 95: Contingent liabilities from December 1995 to date, 906
- 96: Completion of park in Hutland, 908
- 97: Percentage of digitized phones in Cayman Islands, 910
- 98: Terms of reference for Medium Term Financial Plan, 923
- 99: Major implications of national curriculum, 925
- 100: Status of guaranteed housing programme, 927
- 101: Policy re: C&W "rebalancing" proposals, 928
- 102: Total cost of Pedro St. James project to date; and, amount drawn down from CDB to date, 929
- 103: Plans to construct civic centre/hurricane shelter in Savannah/Newlands, 933
- 104: Number of permits issued to minibus drivers since DOT licensing came on line, 947
- 105: Details of income and expenditure of Pedro St. James since its opening, 950
- 106: Breakdown of Pedro St. James enterprise since January 1999, *withdrawn*, 952
- 107: Stage of proposed Government lease extension—Block 12C Parcels 11 and 215 WB, 953
- 108: Method used to verify CUC's need to increase the cost of electricity to meet the guaranteed 15% on investment, 953 (*deferred*)
- 109: Update on Bodden Town District Library, 954
- 110: Plans to computerise Quantity Surveying Unit of PWD, 971
- 111: Policy adopted by PWD for tenders on capital projects, 974
- 112: PWD restructuring, 978
- 113: Who authorises PWD to do road repairs or maintenance, 980
- 114: Economic Council's recommendations re: maintaining the Caymanian economy, 983
- 115: Authorisation of travel, food, and entertainment for DOT US marketing staff, 997

- 116: Pedro St. James operational, ongoing promotion and advertising, 1000
- 117: If Spotts beach jetty was insured and if there are plans to rebuild, 1002
- 118: Personnel changes in UK DOT within past 12 months, 1002
- 119: Progress report on Bodden Town playfield, 1003
- 120: Steps taken to arrest downturn in North American stay-over visitors and the negative effects to business, 1006 (*deferred*), 1126
- 121: Handling of personnel problems within Health Services Department, 1019
- 122: Air-conditioning problems at new hospital, 1023
- 123: Y2K compliance of hospital equipment, 1025
- 124: Criteria for sports grants, 1026
- 125: Breakdown of maintenance cost on major playing fields in Grand Cayman and Cayman Brac from September 1998 to August 1999, 1041 (*deferred*), 1069
- 126: PWD policy for negotiating bulk purchase price, 1042 (*deferred*), 1254
- 127: Breakdown, by district, of persons receiving housing assistance for the years 1997 to May 1999, 1041
- 129: Department of Vehicles and Equipment maintaining all government vehicles and equipment, 1069 (*deferred*), 1123
- 130: Number and category of offences committed by persons between the age of 17 and 25 since January 1999, 1105
- 131: Update on Multidisciplinary Environmental Impact Study, 1107
- 132: What is being done to ensure the cruise ships do not discharge effluent while in GT Harbour, 1108

- 133: Accomplishments in technical and vocational training over last 12 months, 1109
- 134: Increase in students diagnosed with Attention Deficit Hyperactive Disorder, 1112
- 135: Policy for parents who cannot afford to pay increased school and book rental fees, 1116
- 136: Steps taken to control number of persons visiting the Sandbar daily, and protect the stingrays, 1163
- 137: Update on implementation phases of 1995-1999 Strategic Education Plan, 1164
- 138: Government's policy on granting full autonomy to Monetary Authority, 1166
- 139: Provisions in place to protect investors from fraudulent practices in mutual fund management, 1170
- 140: Arrangements at Monetary Authority for recourse in the event of allegations of fraud, abuse or misappropriation of funds, 1171
- 141: Update on amendment to Marine Parks Law to allow handline fishing in Northwest Point Marine Park, 1185
- 142: List of officers and departments with hand-held radios and cellular phones, 1228
- 143: Construction of launching ramp at the Spotts Tourist Landing, 1229
- 144: Legislation in place to prevent insider trading at Cayman Islands Stock Exchange, 1230
- 145: Which entity is paying for the second phase of Harquail Bypass, 1249
- 146: Full-time gynecologist/obstetrician at Faith Hospital, Cayman Brac, 1251
- 147: Administrative differences between Head of Public Health Services and department staff, 1252
- 148: Consideration for establishment of organ donor programme, 1252
- 149: Update on juvenile secure remand and rehabilitation facility, 1253
- 150: Undertaking of clinical assessment of Health Services in last four years, 1283

- 151: Reason for not extending government pathologist's contract, 1284
- 152: Additional costs to hospital resulting from resignation of pathologist, 1285
- 153: Progress report on new canteen facilities, GHHS, 1305
- 154: Detailed list of unfilled teachers' positions in all government schools, 1306
- 155: Illegal taking of lobster in Little Cayman, 1309
- 156: How National Curriculum will enhance school inspectorate, 1309
- 157: Cost of parts replaced on crane at Port Authority, 1311
- 158: Roads scheduled for West Bay, list and cost (*deferred*, 1314, 1401), 1414
- 159: Update on construction of Dalmain Ebanks Civic Centre (*deferred*, 1314, 1401), 1415
- 160: Update on Gun Bay Community Hall, 1314
- 161: Remaining roadworks for Bodden Town, 1316
- 162: Percentage of health insurance claims honoured, 1329
- 163: Breakdown of projected operating cost for all government health facilities for 1999, 1330
- 164: List of government departments that are Y2K compliant and those that are not (*Withdrawn*, 1362)
- 165: Working relationship between Tourism Association of Cayman Brac and Little Cayman and DOT, 1357
- 166: Budget for Miss Cayman Islands' pageant, 1358
- 167: Policy on materials taken from reconstructed roads, 1358
- 168: Replacement for Cayman Islands UK Representative (*Withdrawn*, 1359)

- 169: Remuneration received by DOT rep. In North America, 1359
- 170: CAL ID cards for UK and US DOT staff (*Withdrawn, 1361*)
- 171: Terms of contract with O'Leary-Clarke (*Withdrawn, 1361*)
- 172: Placement of required number of teacher's aides at GT and RB Primary Schools, 1377
- 173: Reports of violence at GHHS & JGHS, 1379
- 174: Recognition of College of Preceptors certification, 1382
- 175: Strategies to effect communication between government schools, PTAs, Home School Association and Education Department, 1383
- 176: Advice/support received in development of National Curriculum, 1384
- 177: Breakdown of number of students and teachers per class in all government primary schools (*see appendix*), 1385
- 178: If Civil Aviation Authority and CAL are Y2K compliant, 1386
- 179: Government's official travel policy, 1397
- 180: Amounts owed by Government not included in current accounts payable and public debt, 1398
- 181: Money collected from real estate companies since 1997, 1400
- 182: Contributions made by Civil Aviation Authority, Water Authority and the Port Authority for the year 1998, (*deferred 1417*) 1453
- 183: Staff complement of Computer Services Department by post and nationality, 1418
- 184: Meetings held by Education Department with Education Committee since November 1996, 1418
- 185: Consideration for change of policy re: preschool assistance, 1420
- 186: Internship/residency arrangements for Caymanians, 1456
- 187: Plans for adequate public health facility at GT Hospital, 1457
- 188: Number of Government Scholarships awarded this year, 1459
- 189: Update on new primary school for West Bay, 1461
- 190: John A. Cumber Primary School new hall, *1461 (withdrawn)*

Pierson, Mr. Linford A.,

- 10 Year National Strategic Plan (1999-2008) (GM 4/99), 760, 763
- Banks and Trust Companies (A) (Waiver of Penalty Fees) Bill, 1999, 558
- Civic Centre/Hurricane Shelter in GT (PMM 4/99), 364, 365, 372
- Debate on the Throne Speech, 282, 298
- Euro Conversion Bill, 1998, 390
- Increase of Financial Grant to Voluntary Ex-servicemen and their Widows (GM 1/99), 20, 23, 24, 27, 73
- Introduction of Electronic Transactions Law (PMM 27/99), 1287, 1322
- Multidisciplinary Environmental Impact Study (PMM 6/99), 494, 495, 515, 518, 530
- Referendum Law—(PMM No. 11/99), 958, 1101
- Renaming of Harquail Bypass to "Esterley Tibbetts Highway" (PMM 10/99), 426
- Setting up of emergency funds to assist in repairing homes damaged in recent rains (Raising of Matters (SO 11(6))), 1266
- Stamp Duty (A)(Insurance Policies) Bill, 1999, 1392

Presentation of Papers and Reports

- ◆ Accounts of the AIDB for the year ending 31st December 1997 (*Hon. John McLean*), 1089
- ◆ Audited Accounts of the Cayman Islands Government for the year ended 31 December 1997 (*Hon. Anthony Eden*), 543
- ◆ Cayman Airways Limited Financial Statements 31st December 1997 (*Hon. Truman Bodden*), 451

- ◆ Cayman Islands Central Planning Authority and Development Control Board Annual Report (*Hon. Truman M. Bodden*) (*deferred, 515*), 863
- ◆ Cayman Islands Monetary Authority Annual Report 1997 (*Hon. Truman Bodden*), 541
- ◆ Cayman Islands' National Strategic Plan and Key to the Future—A Guide to the National Strategic Plan (1999-2008), (*Hon. Truman Bodden*), 555
- ◆ Cayman Turtle Farm 1983 Limited Financial Statements Ending 31st March 1998 (*Hon. John McLean*), 555
- ◆ Community College of the Cayman Islands Annual Report 1998 (*Hon. Truman Bodden*), 1227
- ◆ Dissenting Statement to the Report of the Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown lands (*Miss Heather Bodden*), 1204 (*Also see appendix*)
- ◆ Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year 2000 (*Hon. George McCarthy*), 1269
- ◆ Financial Statements of the Civil Aviation Authority of the Cayman Islands 31st December 1996 & 1997 (*Hon. Truman Bodden*), 451
- ◆ Financial Statements of the Community College of the Cayman Islands as at 231 December 1998 and 1997 (*Hon. Truman Bodden*), 1227
- ◆ Financial Statements of the Port Authority of the Cayman Islands 31st December 1996 & 1997 (*Hon. Thomas Jefferson*), 450
- ◆ Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997 (*Hon. Joel Walton*), 1072
- ◆ Government Minute on the Report of the Standing Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown Land (*Hon. George McCarthy*), 1453, 1456
- ◆ National Drug Council Financial Statements ended 30 June, 1998 (*Hon. Anthony Eden*), 841
- ◆ National Drug Council of the Cayman Islands Annual Report 1998 (*Hon. Anthony Eden*), 841
- ◆ National Trust for the Cayman Islands Annual Report (YE 31 August 1998) (*Hon. John McLean*), 1377
- ◆ Port Authority of the Cayman Islands Annual (*Hon. Thomas Jefferson*), 475
- ◆ Public Assistance Programme Audit Report (*Hon. Anthony Eden*), 861
- ◆ Public Passenger Vehicles (A) (Taxi Drivers) Regulations 1999 (*Hon. Thomas Jefferson*), 555
- ◆ Report of the Auditor General on the audited accounts of the Cayman Islands for the year ended 31 December 1997 (*Hon. Anthony Eden*), 543
- ◆ Report of the Public Accounts Committee on the report of the Auditor General on the audited accounts of the Cayman Islands Government for the year ended 31 December 1997 (*Mr. John D. Jefferson, Jr., Chairman*), 541 (*Also see appendix*)
- ◆ Report of the Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown lands (*Mr. John D. Jefferson, Jr., Chairman*), 1203 (*Also see appendix*)
- ◆ Report on Northward Prison by Sir Stephen Tumin (*Hon. James M. Ryan*), 1339
- ◆ Report on Transportation/Traffic on Grand Cayman prepared by Peter Partington, PE, September 1998 (*Hon. Thomas Jefferson*), 449
- ◆ Royal Cayman Islands Police Service Annual Report 1998 (*Hon. James M. Ryan*), 1123

- ◆ Second Interim Report of the Select Committee of the Whole House on the Elections Law (1998 Revision), (*Hon. James M. Ryan*), 653
- ◆ Third Interim Report of the Select Committee of the whole House dealing with the Immigration Law, the Local Companies (Control) Law and the Trade and Business Licensing Law (*Hon. David Ballantyne*), 1437
- ◆ Veteran's and Seaman's Society of Cayman Brac and Little Cayman—Lease of a Portion of Crown Land Situated on the Bluff at Cayman Brac B-104A, P-9 (*Hon. John McLean*), 555
- ◆ Water Authority of the Cayman Islands Annual Report 1997 (*Hon. John McLean*), 541

Private Members' Motions

- No. 1/99—After School Programme for Bodden Town Amendment thereto (*Mr. W. McKeewa Bush*), 363
 Bodden, Miss Heather (*Mover*), 357, 364
 Bodden, Mr. Roy, 359
 Bush, Mr. W. McKeewa (*Seconder*), 357, 362, 363
 Jefferson, Hon. Thomas, 362
 McField, Dr. Frank, 361
 Moyle, Mrs. Edna, 363
- No. 2/99—Training Initiative
 Amendment thereto (*Mr. W. McKeewa Bush*), 477
 Bodden, Hon. Truman M., 435, 477
 Bodden, Mr. Roy, 440, 479
 Bush, Mr. W. McKeewa (*Mover*), 432, 465, 477, 480
 Jefferson, Mr. John D, Jr. (*Seconder*), 432
 McField, Dr. Frank, 456, 478
 Tibbetts, Mr. D. Kurt, 461, 479
- No. 3/99—Housing Initiative for Affordable Housing (*deferred*, 531, 560)
 Amendment thereto (*Mr. W. McKeewa Bush*), 573, 613
 Bodden, Hon. Truman M., 581, 614
 Bodden, Mr. Roy, 579, 620,
 Bush, Mr. W. McKeewa (*Mover*), 560, 572, 574, 598, 611, 621, 626
 Jefferson, Mr. John D, Jr. (*Seconder*), 572, 575,
 McField, Dr. Frank, 574, 577, 619
 McLean, Hon. John, 577
 Tibbetts, Mr. Kurt D., 574, 582, 613, 618
- No. 4/99—Civic Centre/Hurricane Shelter in George Town
 Bodden, Hon. Truman M., 367
 Bodden, Mr. Roy, 369
 Bush, Mr. W. McKeewa (*Seconder*), 365
 McField, Dr. Frank, 371
 Pierson, Mr. Linford A. (*Mover*), 364, 365, 372
 Ryan, Hon. James, 370
- No. 5/99—Amendment to the Immigration Law (RE: Domestic Problems)
 Amendment thereto (*Hon. Donovan Ebanks*), 491
 Bodden, Mr. Roy (*Seconder*), 487, 491
 Bush, Mr. W. McKeewa (*Mover*), 487, 493
 Ebanks, Hon. Donovan, 491
 McField, Dr. Frank, 489
 Tibbetts, Mr. D. Kurt, 492
- No. 6/99—Multidisciplinary Environmental Impact Study
 Amendment thereto (*Mr. Linford A. Pierson*), 495
 Bodden, Hon. Truman M., 524
 Ebanks, Mr. D. Dalmain, 528
 Jefferson, Mr. John D., Jr., 528
 McField, Dr. Frank, 526
 McLean, Hon. John B., 519

- Pierson, Mr. Linford A. (*Mover*), 494, 495, 515, 518, 530
 Tibbetts, Mr. D. Kurt (*Seconder*), 495, 519
- No. 7/99—Engineering investigation into the causes and possible effects of flooding in the Savannah area
 Bodden, Miss Heather, 533
 Bodden, Mr. Roy (*Mover*), 531, 532, 535
 Eden, Hon. Anthony, 534
 Tibbetts, Mr. D. Kurt (*Seconder*), 531, 535
- No. 8/99—Prayer of thanksgiving for the Cayman Islands and comfort for victims of other jurisdictions (*Dr. Frank McField, Mover*) (*Withdrawn*), 364
- No. 9/99—Moratorium of further development of the fragile storm belt and ecosystem along the so-called 'West Bay Peninsula' (*Mr. Roy Bodden, Mover*)(*Withdrawn*), 537
- No. 10/99—Renaming of Harquail Bypass to "Esterley Tibbetts Highway"
 Amendment thereto (*Hon. Thomas Jefferson*) (*Withdrawn*, 428), 424
 Ballantyne, Hon. David, 427
 Bodden, Hon. Truman M., 425
 Bodden, Miss Heather, 427
 Bodden, Mr. Roy (*Mover*), 421, 425, 429
 Bush, Mr. W. McKeewa (*Seconder*), 421, 422, 425
 Ebanks, Mr. D. Dalmain, 423
 Jefferson, Hon. Thomas C., 424
 McField, Dr. Frank, 423
 Pierson, Mr. Linford A., 426
 Tibbetts, Mr. D. Kurt, 428
- No. 11/99—Referendum Law (*Deferred*, 537)
 Amendment No. 1 (*Hon. Truman Bodden*)(*Withdrawn*), 934, 1158
 Amendment No. 2 (*Mr. D. Kurt Tibbetts*) (*Withdrawn*) 1078, 1158
 Amendment No. 3 (*Hon. Truman Bodden*), 1159
 Ballantyne, Hon. David, 943
 Bodden, Hon. Truman M., 934, 944, 945, 955, 989, 992, 1008, 1028, 1091, 1159
 Bodden, Mr. Roy (*Seconder*), 916, 940, 956, 1035, 1061, 1120, 1129, 1160
 Bush, Mr. W. McKeewa, 938, 1072, 1147, 1160
 Jefferson, Mr. John D., Jr., 959
 McField, Dr. Frank, 938, 955, 960, 984, 1135, 1145, 1159
 Moyle, Mrs. Edna, M., 1077, 1102
 O'Connor-Connolly, Hon. J., 988
 Pierson, Mr. Linford A., 958, 1101
 Tibbetts, Mr. D. Kurt (*Mover*), 915, 916, 941, 1078, 1089, 1149, 1161
- No. 12/99—Cuban Nationals with Caymanian Connections
 Amendment thereto (*Hon. Donovan Ebanks*), 538
 Ebanks, Hon. Donovan, 538
 Ebanks, Mr. D. Dalmain (*Seconder*), 538
 Jefferson, Mr. John D., Jr. (*Mover*), 538, 554
- No. 13/99—Assistance for Local Potable Water Producers
 Bodden, Hon. Truman M., 562
 Bodden, Miss Heather, 562
 Bodden, Mr. Roy (*Mover*), 561, 563
 Bush, Mr. W. McKeewa (*Seconder*), 561, 562
 Tibbetts, Mr. Kurt D., 562, 563
- No. 14/99—Motion to Restrict the Practice of Tattoo Artists and Other Persons from having School Age Children as their Customers (*deferred*, 564)
 Amendment thereto, 639
 Bodden, Miss Heather D., 647
 Bodden, Mr. Roy (*Mover*), 639, 648
 Bush, Mr. W. McKeewa, 645
 McField, Dr. Frank, 641
 McLean, Hon. John B., 641

- Moyle, Mrs. Edna (*Second*), 639
 Tibbetts, Mr. Kurt D., 647
- No. 15/99—Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd.
 Amendment thereto 734, 736
 Bodden, Hon. Truman M., 750
 Bodden, Mr. Roy (*Second*), 696, 739
 Bush, Mr. W. McKeewa (*Mover*), 696, 734, 751
 Jefferson, Mr. John D. Jr., 741
 McField, Dr. Frank, 749
 Moyle, Mrs. Edna, 734
 Ryan, Hon. James M., 736, 737
 Tibbetts, Mr. Kurt D., 737, 741, 747
- No. 16/99—Caribbean Utilities Company Ltd's Rate Increase
 Bodden, Hon. Truman M., 847
 Bush, Mr. W. McKeewa (*Second*), 833, 845
 Ebanks, Mr. Dalmain D., 849
 Jefferson, Mr. John D. (*Mover*) 833, 851
 McField, Dr. Frank, 836, 844
 McLean, Hon. John B., 836
 Tibbetts, Mr. Kurt D., 849
- No. 17/99—Motion to Establish a Family Unit within the police department
 Bodden, Miss Heather, 694
 Bodden, Mr. Roy, 691
 Bush, Mr. W. McKeewa (*Second*), 689, 693
 Eden, Hon. Anthony S., 694
 McField, Dr. Frank, 692
 Moyle, Mrs. Edna (*Mover*), 689, 690, 695
 Ryan, Hon. James M., 691
 Tibbetts, Mr. Kurt D., 694
- No. 18/99—Consideration for the Protection and Assistance of the Physically Challenged
 Bodden, Hon. Truman M., 818
 Bodden, Miss Heather (*Mover*), 805, 819
 Bodden, Mr. Roy (*Second*), 805, 813
 Bush, Mr. W. McKeewa, 811
 Ebanks, Mr. Dalmain D., 812
 Eden, Hon. Anthony S., 815
 Jefferson, Hon. Thomas C., 811
 Jefferson, Mr. John D. Jr., 812
 McField, Dr. Frank, 813
 O'Connor-Connolly, Hon. Julianna, 817
 Tibbetts, Mr. D. Kurt, 816
- No. 19/99—Electronic Mail Service
 Bodden, Hon. Truman M., 803
 Jefferson, Hon. Thomas C., (*Second*), 802, 803
 McField, Dr. Frank (*Mover*), 802, 804
 Tibbetts, Mr. D. Kurt, 803
- No. 20/99—Development of a Strategic Approach to Crime and Recidivism
 Bodden, Mr. Roy (*Second*), 853
 Bush, Mr. W. McKeewa, 858
 McField, Dr. Frank, (*Mover*), 853,
 Tibbetts, Mr. D. Kurt, 857
- No. 23/99—Vesting of Crown Land
 Bush, Mr. W. McKeewa (*Second*), 636, 638
 Jefferson, Hon. Thomas C., 638
 McLean, Hon. John B., 637
 Tibbetts, Mr. D. Kurt, (*Mover*), 636, 638
- No. 24/99—Review of Measures Imposed under the Finance Law 1998

- Bodden, Mr. Roy (*Second*), 1218, 1236
 McCarthy, Hon. George A, 1241
 Tibbetts, Mr. D. Kurt (*Mover*), 1218, 1231, 1254
- No. 26/99—Request for Government to Consider the Purchase of Properties
 Amendment thereto (*Mr. McKeewa Bush*), 893
 Bodden, Hon. Truman M., 911
 Bodden, Miss Heather, 913
 Bodden, Mr. Roy (*Second*), 893, 895
 Bush, Mr. W. McKeewa (*Mover*), 892, 893, 914
 Ebanks, Mr. D. Dalmain, 912
 Jefferson, Hon. Thomas C., 912
 Jefferson, Mr. John D., Jr., 897
 McField, Dr. Frank, 898
 McLean, Hon. John B., 896
 O'Connor-Connolly, Hon. J, 912
 Ryan, Hon. James, M., 897
 Tibbetts, Mr. D. Kurt, 896
- No. 27/99—Introduction of an Electronic Transactions Law
 Bodden, Hon. Truman, 1322
 Bodden, Mr. Roy, 1297
 Bush, Mr. W. McKeewa, 1294
 Jefferson, Hon. Thomas C., 1291
 McField, Dr. Frank, 1293
 O'Connor-Connolly, Hon. J, 1295
 Pierson, Mr. Linford A. (*Mover*), 1287, 1322
 Tibbetts, Mr. D. Kurt (*Second*), 1287, 1300, 1318
- No. 29/99—Government Action Needed in Taxis, Watersports and Tour Operators
 Bodden, Mr. Roy, 1371
 Bush, Mr. W. McKeewa (*Mover*), 1367, 1430
 Jefferson, Hon. Thomas C., 1373, 1427
 Jefferson, Mr. John D. Jr., 1429
 McField, Dr. Frank, 1368
 Moyle, Mrs. Edna M. (*Second*), 1367
- No. 30/99—Government Assistance for Local Farming Community
 Bodden, Miss Heather D., 1451
 Bodden, Mr. Roy, 1449
 Bush, Mr. W. McKeewa (*Second*), 1439, 1443
 Eden, Hon. Anthony, 1451
 Jefferson, Mr. John D. Jr (*Mover*), 1439, 1452
 McField, Dr. Frank, 1444
 McLean, Hon. John B., 1442
 Tibbetts, Mr. D. Kurt, 1446

- No. 31/99—Removal of Import Duties from Imported Foods
(NOTE: Motion not concluded. SO to be waived to allow motion to be brought back in new Session—see pages 1473-1476)
 Bodden, Hon. Truman M., 1468
 Jefferson, Mr. John D. Jr. (*Second*), 1462
 McCarthy, Hon. George A., 1466
 McField, Dr. Frank (*Mover*), 1462
 Tibbetts, Mr. D. Kurt, 1467

Proclamation No. 2/99, 1
Raising of Matters for which Government has responsibility (SO 11(6))

- Amendments to Development Plan (*Mrs. Edna M. Moyle*) 1121
- Assistance of those in need because of recent flood rains (*Mr. W. McKeewa Bush*), 1303
- Break-in of Police Shed (*Mr. Roy Bodden*), 564

- Impending Closure of Barclays Bank PLC in Cayman Brac (Mr. Roy Bodden), 1279
- Immigration Board Policy on Dependents of Work Permit Holders (Mr. John D. Jefferson, Jr), 995
- Juvenile gang activity, Unrest at Northward Prison, Escapes from the Central Police Station Lock-up Facility (Mr. Roy Bodden), 1434
- Pedro Castle (Mr. W. McKeever Bush), 375
- Quarry Products (Mr. D. Kurt Tibbetts), 373
- Setting up of emergency funds to assist in repairing homes damaged in recent rains (Mr. W. McKeever Bush), 1263, 1267
- Situation at HM Prison Northward (Dr. Frank McField), 1142

Raising of Matter of Grave National Importance

- Existence of a serious situation at HM Prison Northward (Mr. W. McKeever Bush) 1134

Raising of Matter of Privilege (SO 28)

- Absence of Questions on Order Paper (Mr. W. McKeever Bush), 565, 699, 1339
- Government Minute (Mr. John D. Jefferson, Jr) 947
- White Paper (Mr. W. McKeever Bush), 431

Ryan, Hon. James M.,

- Break-in of Police Shed (Response to Raising of Matters SO 11(6)), 564
- Civic Centre/Hurricane Shelter in GT (PMM 4/99), 370
- Elections (A)(No. 2) Bill, 1999, 1007
- Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 736, 737
- Immigration Board Policy on Dependants of Work Permit holders (Response to Raising of Matters, SO 11(6)), 995
- Juvenile gang activity, Unrest at Northward Prison, Escapes from the Central Police Station Lock-up Facility (Response to Raising of Matters, SO 11(6)), 1435
- Motion to establish a family unit (PMM 17/99), 691
- Report on HM Prison Northward by Sir Stephen Tumin, 1339
- Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 897
- Royal Cayman Islands Police Service Annual Report 1998, 1123
- Second Interim Report of the Select Committee of the Whole House on the Elections Law (1998 Revision), 653
- Situation at HM Prison Northward, 1135

Speaker's Announcements and Rulings

- Appreciation and thanks extended to Deputy Speaker, 475, 476
- Comments re: Business Committee, 796
- Comments on point of procedure raised by the Third Elected Member for Bodden Town re: hastening the business of the House, 259
- Commonwealth Day Message, 159
- Delay in preparation of Business Paper, 13

House visitors:

- Ebanks, Mr. Craddock, OBE, JP, 51
- Miss Cayman Islands, 666
- Member advised of SO 32(4), 97
- Member advised of SO 88(1) & (2), 22
- Members asked to observe one minute of silence for lives lost in Colorado school shooting, 497
- Member asked to withdraw statement, 56, 58, 429, 469, 473, 484, 600, 601, 621, 623, 625, 962, 1010

Obituary:

- Bodden, Mrs. Valda Louise, 247
- Eden, Mr. Charles, 879
- Pierson, Mr. Varian O., 791
- Ruddy, Mrs. Ruth, 777

- Walton, Mr. Levi, 219
- Ruling on Amendment to GM 1/99, 24
- Ruling on Point of Order, 23, 24, 28, 29, 35, 44, 45, 53, 54, 55, 56, 58, 600, 617, 621, 623, 625, 642, 796, 820, 877, 962, 967, 984, 1010, 1014, 1119, 1129
- Ruling on Statement made by Elected Member for North Side (Undertakings Given during Finance Committee), 1363
- Statement re: Tabling of Government Minute within specified time period (SO 77(7)), 1204
- Statement re: Tabling of Government Minute within specified time period (SO 77(7)), (Deputy Speaker's response to inquiry by Member), 1258

Statements by Members/Ministers of Government

- Jefferson, Hon. Thomas C
—Caymanian Compass headlines - "Civil Servants call for Parity," 1406
- O'Connor-Connolly, Hon. Julianna
—Commemoration of 40th Anniversary of Women's right to vote, 1043
- Ryan, Hon. James M.
—Situation at HM Prison Northward, 1135

Throne Speech (See also: Debate on Throne Speech), 1

Tibbetts, Mr. D. Kurt,

- 10 Year National Strategic Plan (1999-2008) (GM 4/99), 771, 779
- Absence of Questions on Order Paper, 175
- Amendment to the Immigration Law (RE: Domestic Problems) (PMM 5/99), 492
- Assistance for Local Potable Water Producers (PMM 13/99), 562, 563
- Caribbean Utilities Co. Ltd Rate Increase (PMM 16/99), 849
- Companies Management Bill, 1999, 799
- Consideration for the Protection and Assistance of the Physically Challenged (PMM 18/99), 816
- Debate on the Throne Speech, 119, 126, 143
- Development of a Strategic Approach to Crime and Recidivism (PMM 20/99), 857
- Elections (A) Bill, 1999, 795
- Electricity (A) Bill, 1999, 386
- Electronic Mail Service (PMM 19/99), 803
- Engineering investigation into the causes and possible effects of flooding in the Savannah area (PMM 7/99), 531, 535
- Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. (PMM 15/99), 737, 741, 747
- Finance Committee Procedure, 554
- Government Assistance for Local Farming Community (PMM 30/99), 1446
- Government Minute on the Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1175, 1186
- Health Services (Fees) Bill, 1999, 1045

- Housing Initiative for Affordable Housing (PMM 3/99), 574, 582, 613, 618
- Increase of financial grant to voluntary ex-servicemen and their widows (GM 1/99), 22, 23, 26, 60, 61, 64, 68, 69, 70, 71, 73
- Inquiry re: Outstanding motions, questions and reports, 1258
- Introduction of an Electronic Transactions Law (PMM 27/99), 1287, 1300, 1318
- Labour (A)(Tribunals) Bill, 1998, 500
- Motion to establish a family unit (PMM 17/99), 694
- Motion to Rescind Amendment (No. 1) to PMM No. 11/99
- Referendum Law (GM No. 5/99), 1155

Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers (PMM 14/99), 647
Multidisciplinary Environmental Impact Study (PMM 6/99), 495, 519
National Drug Council (A) (Fund Raising Powers) Bill, 2000, 1388
Quarry Products (*Raising of Matters (SO 11(6))*), 373
Referendum Law—(PMM No. 11/99), 915, 916, 941, 1078, 1089, 1149, 1161
Renaming of Harquail Bypass to “Esterley Tibbetts Highway” (PMM 10/99), 428
Removal of Import Duties from Imported Foods (PMM 31/99), 1467
Request for Government to Consider the Purchase of Properties (PMM No. 26/99), 896
Review of Measures Imposed Under the Finance Law 1998 (PMM No. 24/99), 1218, 1231, 1254
Setting up of emergency funds to assist in repairing homes damaged in recent rains (*Raising of Matters (SO 11(6))*), 1264
Stamp Duty (A)(Insurance Policies) Bill, 1999, 1391
Training Initiative (PMM 2/99), 461, 479
Travel Tax (A) Bill, 1998, 389
Vesting of Crown Land (PMM 23/99), 636, 638

Walton, Hon. Joel

Bills of Sale (A) Bill, 1998, 388
Companies (A) (Euro) Bill, 1999, 392
Companies Management Bill, 1999, 799, 800
Euro Conversion Bill, 1998, 390, 391
Government Minute on the Report of the Public Accounts Committee on the Auditor General’s Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997, 1072
Public Service Pension Bill, 1999, 393, 397
Travel Tax (A) Bill, 1998, 388, 389

MEETING DATES AND PAGES

First Meeting—29 sittings

19 February through 23 April 1999, pp. 1—554

Second Meeting—16 Sittings

9 June through 6 August, 1999, pages 555— 878

Third Meeting—20 Sittings

8 September through 14 October 1999, pp. 879—1258

Fourth Meeting—12 Sittings

19 November 1999 through 11 February 2000—pp. 1259—1476

**STATE OPENING
FRIDAY
19 FEBRUARY 1999
9.41 AM**

[Prayers read by Pastor James Arch, JP]

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

PROCLAMATION NO. 2 OF 1999

The Clerk: Proclamation No. 2 of 1999 by His Excellency John Owen, Companion of the Order of St. Michael and St. George, Member of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

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

“NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, John Owen, Companion of the Order of St. Michael and St. George, Member of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 AM, on Friday, the 19th day of February, One Thousand Nine Hundred and Ninety-nine.

“Given under my hand and the Public Seal of the Cayman Islands at George Town in the island of Grand Cayman, this 15th day of February in the year of our Lord, One Thousand Nine Hundred and Ninety-nine in the Forty-eighth year of the Reign of Her Majesty Queen Elizabeth II. God Save the Queen.”

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

MOTION TO ARISE AND AWAIT HIS EXCELLENCY THE GOVERNOR

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

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

AYES.

The Speaker: The Ayes have it. The House shall suspend to await the arrival of His Excellency.

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

PROCEEDINGS SUSPENDED AT 9.45 AM

PROCEEDINGS RESUMED AT 10.01 AM

**ARRIVAL OF HIS EXCELLENCY
THE GOVERNOR**

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

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

Procession:

Serjeant-at-Arms

The Speaker

His Excellency the Governor

Mrs. Owen

The Aide-de-Camp

The Clerk of the Legislative Assembly

The Deputy Clerk

His Excellency the Governor: Please be seated.

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

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

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

The year 1999 will be a year of challenges. The two key challenges facing us will be the OECD initiative and the implementation of the Vision 2008.

Public interest and support for Vision 2008 has been overwhelming. I am grateful to you all for your support, particularly the 250 people in the Round Tables who have been meeting regularly over the last four months, and the 30 member Planning Team. You have all invested of that most precious of commodities, time. We owe you all a debt of gratitude. I offer my personal thanks to you all.

The public polling exercise set out clearly the concerns of the people and their vision for the future. The

challenge of 1999 will be to address those concerns and meet the people's expectations through prioritising, agreeing and implementing the Vision 2008 ten-year strategic plan.

Vision 2008, reinvention of government, fiscal reform, public sector management reform, and freedom of information initiatives have given the Cayman Islands the opportunity to break out of the straitjacket of a colonial style system of bureaucracy which seeks to control from the centre. The challenge to Cayman is to embrace the reforms which will provide for a better more responsive style of government which focuses responsibility and decision making where it can be the most effective to meet the objective of giving value for money for every dollar voted by this Legislative Assembly. The future is in your hands.

I am grateful to the Members of the Legislative Assembly for their support of Vision 2008. During her visit to Cayman, Baroness Symons also expressed the support and interest of Her Majesty's Government in Vision 2008 and the reform initiatives. One of the tasks of my successor will be to continue to work with all of you in the process of implementation and evaluation.

The other challenge is the OECD initiative on so-called tax havens. The Cayman Islands Government and all the Members of this House are united on the need for Cayman to engage in dialogue with the OECD. But in doing so we need not be defensive. Cayman has a good story to tell. Cayman is putting quality first and continues to be at the forefront of the fight against money laundering. We should therefore take advantage of the OECD initiative and send a clear message to the world, as well as the OECD, that Cayman is committed to maintaining itself as a quality jurisdiction, which also acknowledges its responsibilities to the international community.

Let me now proceed to report on the intentions of the Government.

THE JUDICIARY

The key target for the Judicial Department in 1999 is to improve the listing of cases in the Summary Court. The objective is to dispose of the more than 50 outstanding criminal cases over two years old by 1st July 1999.

A computerised file management system for all criminal and civil cases will be implemented in 1999.

The eligibility of clients for legal aid and alternative ways of recovering legal costs will be reviewed.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

The Portfolio is committed to completing the review of the Public Service Commission Regulations and the General Orders in 1999.

The Support Unit of the Reinvention of Public Services will continue to assist those agencies, which are committed to improving their operations.

It is expected that the review of the Elections Law will be completed and a permanent Register of Voters established this year.

The Royal Cayman Islands Police

During 1999 the R.C.I.P. will focus on:

1. Handling Calls for Assistance from the Public

- ◆ Answering them in less than 10 seconds.
- ◆ In emergencies, to arrive within 15 minutes island-wide.

2. Managing Crime

- ◆ Reducing crime, particularly burglary of people's homes.
- ◆ Increasing the detection rate, particularly for burglary of people's homes.
- ◆ Targeting offenders, particularly those involved in drug related activities.

3. Keeping our Roads Safe

- ◆ Testing drivers for excess alcohol in all road accidents.
- ◆ Enforcing speed restrictions and road laws generally, including bicycles.
- ◆ Educating drivers on their responsibilities.

4. Community Relations and Community Problem Solving

- ◆ Appointing a constable to be specifically responsible for each community in the Cayman Islands.
- ◆ Arranging 24-hour police cover island-wide by returning officers to frontline duties through a civilianisation of backroom jobs that do not require police cover.
- ◆ Introducing specific drug related training in schools by specialist police officers.

The Prison Department

Northward Prison will continue to equip staff adequately to discharge their duties by providing more in-service training.

The overcrowding at Northward will be addressed in 1999.

The partnership formed in 1998 between the private sector and the Prison to improve skills training for offenders will be strengthened and encouraged.

Immigration Department

In 1999, the department will continue its re-invention initiative, which is geared toward positive attitudes and efficiency. The corresponding need for technological upgrades and the introduction of new processes will be addressed.

Government Information Services

Training programmes in media relations for the civil service will be implemented. The unit will investigate the development of a Government Website informing on and showcasing Government services.

Personnel Department

Heads of departments will be given greater accountability for a wider range of day to day human resource management through the introduction of a new resource data system—part of the Integrated Resources Information System project. This will be supplemented by changes in the Public Service Commission Regulations and General Orders, which will provide for greater delegation of responsibilities to operational managers.

Further, clerical and executive officer development courses have been scheduled for 1999, designed to enhance the skills of entry level Caymanians in the civil service.

The Personnel Department will provide an internal Human Resource consultancy service to departments in order to assist them in their preparation for reforms in staff management.

Computer Services

The Computer Services Department will continue to give priority to making computers and other IT equipment and software systems within the Cayman Islands Government Year 2000 compliant. A Year 2000 Project Office has been set up to provide controlling officers with effective tools to meet the millennium commitments. In March there will be a two-day Year 2000 Contingency Planning Workshop presented by the National Computing Centre from Manchester UK. This comprehensive workshop will help controlling officers prepare for any unexpected consequences as well as equip them with key skills and techniques needed to combat the Year 2000 "bug."

Legislative Department

The Select Committees will continue to hold meetings during 1999 with the hope of concluding their studies or reviews and tabling their Reports during the current term of office.

Commonwealth Parliamentary Association

The 24th Conference of the Caribbean, the Americas and the Atlantic Region of the Commonwealth Parliamentary Association will be held in the Cayman Islands from the 26th – 30th July, 1999.

THE PORTFOLIO OF LEGAL ADMINISTRATION

There will be a greater focus on:

- ◆ sound and timely legal advice;
- ◆ international co-operation in criminal matters;
- ◆ confiscation and forfeiture of the proceeds of crime, including drug offenders' assets;
- ◆ law reform;
- ◆ resources will be added at a senior level to augment legislative drafting capabilities to enable a fast track for financial services laws the scheduling of laws on a legislative calendar for enactment.

PORTFOLIO OF FINANCE AND ECONOMIC DEVELOPMENT

The primary areas of focus of the Portfolio for 1999 are:

- ◆ the continuation of the financial reform programme;
- ◆ the provision of support for the continued implementation of the Integrated Resource Information System;
- ◆ the successful resolution of the challenges posed by the EU/OECD initiatives;
- ◆ the development of a health insurance scheme for civil servants; the chairing of various plenaries and training sessions of the Caribbean Financial Action Task Force; and
- ◆ the successful hosting of the October 1999 Commonwealth Finance Ministers' Meeting.

Economics & Statistics Office

The focus of the Economics & Statistics Office in 1999 will be on the 1999 Census of Population and Housing with Census Day being 10th October. The Census was last held in 1989. Nationals and residents are urged to play their part and be counted.

The office will also produce economic and fiscal updates for medium-term analysis and strategy formulation for use in developing the Medium Term Financial Strategy and Public Sector Investment Plan; examine in detail the island's revenue structure; and produce quarterly and annual debt forecasts.

General Registry and Shipping

The General Registry will concentrate on:

- ◆ developing regulations to the Companies Law

to cover fee related matters;

- ◆ researching electronic storage measures for companies files;
- ◆ developing a procedures manual; and
- ◆ introducing and consolidating same day express service.

Building on the success of a record 38% growth in 1998, the shipping registry anticipates a continuing increase in tonnage during 1999. The main sector for growth is expected to be oil, gas and chemical tankers. Amendments to the Merchant Shipping Law and a new Marine Pollution Law are among the legislative goals for 1999.

Internal Audit

In 1999, the Unit will focus on government's revenue collection and regulatory systems. This will involve ensuring that sufficient controls exist for the timely collection of revenue; Year 2000: that departments' revenue and regulatory systems and their control structures are adequate and that regulations are enforced by the departments.

The Monetary Authority

The government is taking the necessary action to give full independence to the Monetary Authority. Legislation to give effect to this will be brought to the House during 1999.

To comply with international supervisory requirements and facilitate cross-border supervision Memoranda of Understanding will be entered into with a number of countries whose banks are operating from Cayman.

The programme of on-site review of banks, trust companies, insurance companies and mutual fund administrators will continue in 1999.

Additional currency note issues by the Cayman Islands Monetary Authority will take place in 1999. The new C series issue will include the \$100 bill and the \$25 bill and, as in the case of the new \$10, \$5, and \$1 issued in 1998, they will carry the existing design but with enhanced security features.

Public Service Pensions Board

The Government contribution to the public service pension fund in 1999 will be \$9.7 million, bringing the balance in the fund to approximately \$50 million by year-end.

The Public Service Pensions Bill is expected to be considered during this meeting of the House.

Other objectives for 1999 include ongoing training for staff and trustees, the development of an educational programme for plan participants, updating the financing plan, an actuarial review as well as other consulting services required to implement the proposed Public Service Pensions Law (1999).

The Stock Exchange

The Cayman Islands Stock Exchange now has 140 listings and hopes to reach the 200 mark by its second anniversary in July 1999.

The Exchange has established its reputation in the international marketplace as a first class listing facility. Combining clear, concise regulation, and a swift, efficient service, the Exchange has attracted business from the world's leading financial institutions. Wider international recognition for the Exchange will be sought in 1999.

Treasury

The Oracle General Ledger and Accounts Payable modules of the new Integrated Resource Information System were implemented on 4 January 1999. Further modules will be implemented during 1999.

Debt recovery continues to play a significant role in the work of the Treasury. As at mid-January 1999, debt recovery by the Debt Collection Unit amounted to \$2.6 million, an increase of \$1.4 million over last year.

MINISTRY OF TOURISM, COMMERCE, TRANSPORT AND WORKS

Tourism Department

This year efforts will focus on the areas of tourism training and development, research activities to produce a detailed profile of the Sister Islands, further improvements to the department's web-site, and more relationship marketing activities particularly with the travel trade.

Pedro St. James and Botanic Park

Pedro St. James National Historic Site is a national treasure, combining restored historical artefacts with state-of-the-art technology. It is an attraction that captures the history of the Cayman Islands.

The Queen Elizabeth II Botanic Park has reached the stage in its development where it can be aggressively marketed as an established land-based attraction. The Botanic Park and Pedro St. James will in many instances be jointly promoted.

Vehicle and Driver Licensing Unit

As part of a decentralisation of services which began in West Bay, a unit will be set up in Bodden Town which will serve as a 'hub' for the districts of Bodden Town, East End, and North Side. A new computer system will be implemented early this year.

Legislation will be introduced this year, which will remove the need to inspect private cars which are under three years old or which have less than 36,000 miles on the odometer. In conjunction with the decentralisation programme this will reduce the congestion at the unit in George Town.

Fire Department

This year a number of middle managers and supervisors will be attending advanced courses in fire fighting and rescue at institutions in the U.S.A. and U.K.

Due to an upgrade in the category of the Owen Roberts International Airport to accommodate larger aircraft such as the Boeing 777, the Fire Service will acquire another Airfield Crash Tender and hire three additional staff members this year.

The department also intends to enhance its fire safety and prevention programmes through additional public educational programmes and the publishing of a fire prevention booklet.

Department of Vehicle and Equipment Services

Initiatives to reform and improve efficiency will commence this year aimed at creating a more modern, customer focused commercial entity. Additionally, the department's computer hardware and software will be upgraded to ensure the efficient processing of bills and that a proper accounting system is in place.

Public Works Department

In January of this year, the department re-activated its agency Reinvention Team, which is working in conjunction with a consultant to produce a reinvention plan by mid-1999. This plan will serve as an agenda for improvements and adjustments to the services currently provided by the department.

Building Section

On new building construction, PWD will continue to provide project management, architectural, quantity surveying and construction supervision services to the various government departments and authorities.

The building maintenance unit will continue to service and implement various improvement programmes related to school buildings, government buildings, staff houses, recreational facilities, and other buildings during the year.

Funds are provided in the 1999 budget for the design and development of the West Bay hurricane shelter and civic centre.

Roads Section

District Roads Programme

The upgrading of various residential roads in the districts will continue.

Main Roads Resurfacing

In 1999 PWD will commence a programme of rehabilitating the hot-mixed asphalt pavements on the existing main road network throughout Grand Cayman.

Traffic Improvement Programme

The signalization of the intersection at Bobby Thompson Way and Smith Road will be completed in March. Other major intersections where upgrades are planned for 1999 are:

- ◆ Crewe Road and Owen Roberts Drive Intersection;
- ◆ Crewe Road and Smith Road Intersection; and
- ◆ North Sound Road and Dorcy Drive Intersection

Capital Construction Programme (New Roads)

PWD will construct Phase One of the Crewe Road Bypass, from near Tropical Gardens Road to Bobby Thompson Way. In addition, the Harquail Bypass will be extended to the Galleria Shopping Centre on West Bay Road, and the roundabout will be constructed at the south end of the Harquail Bypass at the intersection of North Sound Way and Nixon Road.

Major Reconstruction Programme

Dorcy Drive will undergo reconstruction.

Planning and Studies

PWD will continue working to prepare a National Roads Plan with the main focus this year on developing a proposed plan for managing the development of the roads corridors.

Port Authority

In accordance with the Port Master Development Plan, the Authority plans to construct an expanded finger pier this year. The longer pier will accommodate larger ships and allow for the simultaneous working by crane of cargo ships on both the North and South piers. In addition, a two-acre landfill will be developed to the north of the present dock to be used as an additional cargo staging area to support expanded pier operations. The estimated cost of these works is \$12.4M.

In an effort to improve services to its customers and improve the working conditions for its staff, the Authority plans to construct a billing office at the Cargo Distribution Centre.

The Little Cayman dock area is now vested in the Authority. The Port will shortly investigate the feasibility of providing full Port services in Little Cayman.

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

The Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation anticipates the achievement of the following objectives in 1999: The Ministry will continue to place emphasis on the implementation of the

Strategic Plans for Health and for Drug Abuse Prevention and Rehabilitation.

Health

Health Practitioners' Law

A revised Health Practitioners' Law will be presented to the Legislative Assembly for approval.

Health Services Fees Law

Amendments to the Health Services Fees Law relating to the cost of new services will soon be presented to the Legislative Assembly.

Mental Health Law

A revised Mental Health Law will be presented to the Legislative Assembly in the second half of the year.

Public Assistance

The policy for the provision of public assistance to the needy will be reviewed and updated in the first quarter of the year.

Drug Abuse Prevention and Rehabilitation

The main house of the Hawley Estate in Breakers will be renovated and opened as a residential drug rehabilitation centre to serve the needs of addicted persons in the Cayman Islands.

The Ministry will establish a department of Substance Abuse Services to upgrade the provision of substance abuse treatment and rehabilitation in the islands. This will bring the present staff and facilities of the outpatient Cayman Counselling Centre and those of the residential drug rehabilitation centre at Breakers under one department of government.

An inter-agency team building process will be completed and the roles, responsibilities and accountabilities of all the entities concerned with treatment and rehabilitation in the Cayman Islands will be clearly defined. Included in this process will be the Cayman Counselling Centre, the National Drug Council, Canaan Land Home, the Health Services and Social Services departments and Her Majesty's Prison at Northward.

Counselling services in the schools and at other locations will be increased for the adolescent substance abusing population.

The National Drug Council will co-ordinate the implementation of the Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation. Its goals will be to:

- continue to focus on drug abuse prevention with emphasis on the education of young people;
- establish district councils in order to increase the awareness and participation of the public in planned activities;

- further strengthen the Quest drug education programme in schools by co-ordinating the necessary training programmes and providing periodic drug awareness campaigns for students, in co-operation with other local agencies;
- co-ordinate a comprehensive media campaign to further educate the general public on the dangers and ill effects of substance abuse;
- ensure that programmes and initiatives will be extended to the Sister Islands;
- continue to monitor the nature and extent of the existing drug abuse situation in the Cayman Islands by initiating and publishing studies and reports on the substance abuse situation.

Health Services

The new Cayman Islands Health Services Complex will be officially opened in March. With greatly improved facilities and equipment and a renewed emphasis on meeting the needs of patients and their families, the community will receive an enhanced level of health care.

The accident and emergency unit will be physically separated from the outpatient services and the department will be able to provide enhanced general practice service with additional "by appointment" doctors' clinics.

The significant improvement in the dental services achieved in 1998 will be further consolidated by an emphasis on dental health promotion programmes, particularly through the schools' dental service.

An additional ophthalmologist will be employed at the Lion's Eye Clinic to further increase the level of services provided and to reduce the waiting time for eye care appointments.

Health care surveys of prevalent diseases will be conducted in order to assist the department to further improve the level of patient care and types of treatment provided.

Revenue generated by the department should increase significantly this year, partly brought about by health insurance and improved collection of fees.

Additional diagnostic services and increased specialists visits will be provided to the health services in the Sister Islands.

A Health Services Foundation will be established to encourage the donation of charitable gifts and to foster community-wide support of health care services.

The department will implement recommendations arising from the report of a consultancy carried out last year. These relate to value for money issues such as efficiency of staffing and space allocation, as well as quality assurance.

Emphasis on the Caymanianisation of the Health Services department will continue through succession planning and an effective local training programme.

Social Services

A Remand Centre for the care of juveniles will be designed in the early part of the year with construction beginning by the last quarter.

The drafting of regulations for the Children Law 1995 will be completed within the year to enable the implementation of the law.

Once planning approval has been granted, construction of a Boys' Home will commence in the second half of the year.

The Probation and Aftercare Service will expand its key role as the government agency most concerned with the rehabilitation, supervision and integration into society of people convicted of crimes in this jurisdiction and, in particular, of those who are at risk of further offending.

All policies and procedures relating to the Residential Care Programme which are currently in place will be reviewed in accordance with the Children Law 1995, and programmes will be developed to prepare residents who are leaving residential care.

A recruitment drive will be undertaken shortly for at least ten new foster parents by December.

The Social Services department's Adult Special Needs Programme will establish a Day Care programme for seniors at the Kirkconnell Community Centre in Cayman Brac. On Grand Cayman, a suitable vehicle will be acquired to provide transportation for elderly and disabled clients.

The architectural design will commence this year on the Adult Care Centre for the elderly in the district of North Side.

THE MINISTRY OF EDUCATION, AVIATION and PLANNING

Education

The Education Department is continuing with the implementation of the strategic plan that was developed and approved in 1995. The third annual update will take place in April this year, and modifications will be made to the plan so as to ensure that it meets the educational needs and challenges of the Cayman Islands into the new millennium.

The national curriculum continues to be developed. In addition to the work being done in Language Arts, Mathematics, Science and Social Studies, curriculum teams are proceeding with the design of a national curriculum in Art, Music and Physical Education. Work is also continuing in developing the assessment tools that will measure student success in mastering the required learning outcomes. On the secondary level, work is commencing on curriculum revision so as to strengthen vocational opportunities for students, as well as beginning an examination of graduation requirements.

Three Caymanian teachers will commence study leave this September as they undertake advanced studies in their field. Three teachers will also be returning in

September from a year's study overseas and will bring their increased skills into the classrooms.

The Education Department will be providing assistance to those schools that have recently undergone the Schools' Inspection programme. The assistance will take the form of training materials and monitoring of the action plans developed by the schools.

The Ministry will continue to assist private schools by grants.

As a result of the growth of student enrolment in our schools, several new capital projects will be started as well as some being completed. Five primary schools on Grand Cayman have now been completely air-conditioned and work is continuing on fully air-conditioning the other two primary schools on Grand Cayman as well as the Brac primary schools. Work will begin on air-conditioning the remaining classrooms in the high schools. The playing field at Red Bay Primary has been completed and the administration building will be completed in mid-March. Work will commence on the multi-purpose hall for Red Bay Primary School as well as the long awaited hall for John A Cumber Primary School in West Bay. A new primary school will be started in Prospect, which will eliminate the overcrowding in primary schools in the area from George Town to Bodden Town.

Construction will finally begin on the much-needed Lighthouse School this year. The plans are being finalised, and construction should begin by late summer with an occupation date set for September of 2000.

The Education Department has assisted in the creation of a National Parents Teachers Association and Home School Association, so as to improve the communication between parents, schools, the Education Department and the Ministry of Education.

The Schools' Inspectorate will continue to inspect government and private schools and ensure their findings are made available to parents. This year John Gray High School, St Ignatius High School and Triple C will be inspected. In addition, the five schools already inspected will be revisited to assess and report on the progress made.

The training of seven occasional inspectors will be completed. This will substantially increase the level of trained expertise available on the Island and reduce the need for overseas inspectors.

In 1999 the Ministry of Education will amalgamate the Scholarship Office and the Guaranteed Student Loan Scheme Office in order to improve the service to both programmes and to provide a strengthened Careers Advisory Service. Considerable groundwork on a National Training Initiative has been done in collaboration with the Department of Labour, utilising the services of a consultant funded by the Commonwealth Secretariat. This drive to strengthen both vocational education and vocational training will continue.

In the current academic year, registration in the programmes offered at the Community College was greater than anticipated. As a result the number of college graduates in 1999 will be significantly more than in previous years.

During the current calendar year, construction of the third building in the Phase II expansion of the college campus—the Multi-Purpose Hall—will be completed, and the Cayman Islands Law School will be started.

The college is currently investigating the possibility of introducing four-year degree programmes in Business and Accounting. In conjunction with the Ministry of Education, the college intends to introduce a Teacher Education Programme in September 1999.

The Agricultural and Industrial Development Board under the Ministry of Agriculture, Communication, Environment and Natural Resources will continue to serve as administering agent of student loans for the Government Guaranteed Student Loan Scheme in 1999.

Aviation

The Civil Aviation Authority's primary focus for 1999 will be to continue working on and to complete projects initiated in 1998, including the development of the master plan for Owen Roberts International Airport and Gerrard Smith International Airport. In addition to this, the Civil Aviation Authority is continuing its work on navigational aids and other relevant airport equipment in order that they are Year 2000 compliant. Other projects earmarked for 1999 include conducting the necessary works to rehabilitate the runway at Gerrard Smith International Airport and to proceed with the development of the airport in Little Cayman.

Cayman Airways is considering purchasing a third jet to increase capacity.

Planning

The Planning Department will continue to utilize the Reinvention exercise to examine additional ways to improve processing of applications and the provision of greater customer service.

This year the department will continue drafting Development Plans for Grand Cayman, Cayman Brac and Little Cayman. The amendments to the Grand Cayman plan will introduce new zones. The Development Plan process for Cayman Brac and Little Cayman will give residents the opportunity to help shape the future of their islands, as well as providing an overall framework for development.

Vision 2008

Vision 2008 is on target. Last week the 16 Round Tables presented 234 action plans to the Planning Team. Based on the action plans, the Planning Team is now working on drafting a phased National Strategic Plan for presentation to Executive Council by early April. The Plan will then be tabled in the Legislative Assembly.

When the Plan has been approved by this Honourable House, the Strategic Integration Group made up of senior civil servants as well as politicians from both sides of the House, under my chairmanship, will ensure that the National Strategic Plan will be implemented and will

be integrated with other on going and proposed reform initiatives of government.

MINISTRY OF AGRICULTURE, COMMUNICATIONS, ENVIRONMENT AND NATURAL RESOURCES

One of the Ministry's key priorities in 1999 will be the completion of an environmental study called the Provision of Construction and Fill Material for the Cayman Islands. This will be a multi-disciplinary study to address various key issues related to offshore dredging and onshore mining and quarrying. The study will make recommendations related to the supply of these materials based on demand projections over the next ten and 20 years.

The designation of the proposed Ramsar Site in Little Sound, Grand Cayman will be completed in 1999.

A study will be conducted on affordable housing and a full report and recommendations presented by September of this year.

Telecommunications

A high priority for 1999 is the regularisation of all broadcast licences. This will also provide additional revenue to government with royalty collections expected to increase. A regulatory authority that is to be established under the new Telecommunications Law will come into effect and become the primary body that will deal with issues affecting any licensee who operates under the law.

Agriculture

The year 1999 has been designated the "Year of Agriculture" by the Ministry of Agriculture, Communications, Environment and Natural Resources. During the year a review and evaluation of the roll over Agricultural Plan (1996-2000) will be conducted.

Department of Environmental Health

The department of Environmental Health will replace and expand its waste collection vehicle fleet in 1999. New vehicles will also allow the department to implement a regularly scheduled bulk collection service.

New biomedical waste incinerators will begin operation in Grand Cayman and Cayman Brac. These facilities will be utilised for burning waste oil, hospital waste and other special waste.

A new waste management facility for Cayman Brac will be designed and a closure plan prepared for the existing landfill.

The department of Environmental Health will prepare a feasibility study for alternative disposal technologies suitable for use in the Cayman Islands. The department will also explore alternatives for landfill cover material to extend its supply of onsite marl.

The department also plans to upgrade and expand the environmental services on Cayman Brac and Little

Cayman with new offices and a water quality analysis laboratory.

Postal Services

Projects for 1999 include renovation and refurbishment of the East End post office, construction of a new post office at Bodden Town and architectural design work of West Bay and West End post offices.

Lands And Survey

The Lands and Survey Department is currently carrying out aerial photography to allow the preparation of up-to-date topographic mapping, facilitating the publication of the first ever Street Atlas of the Cayman Islands. Steps will also be taken to permit on-line access of the various data sets maintained by the department.

Mosquito Research Control Unit

In 1999 the Mosquito Research & Control Unit will concentrate efforts to protect residents and visitors from the threat of mosquito-borne diseases. Such efforts will endeavour to maintain Cayman's status as the only country in the region recognised as free of the Yellow Fever mosquito.

In addition, MRCU will expand the range of modern mosquito control methods.

Environment

In 1999 the Department of Environment will launch a new project to assess the current status of adult lobster populations, as well as levels of juvenile recruitment, in the north sound. The department will also collaborate with all relevant agencies on the introduction of a code of conduct for the prevention of pollution from small ships in marinas and anchorage.

Water Authority of the Cayman Islands

The Water Authority will continue work on two major infrastructure projects, the extension of the public water supply system through the district of East End, and the expansion of the wastewater treatment works in Grand Cayman, which presently collects and treats wastewater generated in the West Bay Beach resort area. Construction of these two projects will continue through the year 2000 and represent a total capital investment by the Authority of \$9 million over two and a half years.

The Water Authority will implement new procedures in 1999 which are designed to improve customer satisfaction.

Turtle Farm

The Turtle Farm continues to attract visitors. Renovations to it will be carried out this year.

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

Cayman Brac and Little Cayman

Government's initiatives to revive the economy of Cayman Brac will continue in 1999. The existing concessions of import duty and stamp duty on land transfers will be extended and a new package of incentives will be considered.

A civil service working group will be set up to identify back office work that can be transferred from Grand Cayman to Cayman Brac. This work will provide much needed employment for high school graduates as well as other Cayman Brackers.

Efforts to diversify the tourism market will continue and a strategy for the development of the Sister Islands as a Nature Tourism destination will be further developed and implemented.

Work will continue on the development of a football field and plans will be prepared for a hurricane shelter on the bluff. The building will enable the island to provide safe shelter at a higher elevation to a further 350-400 persons.

Accommodations for Public Works employees in Little Cayman will be completed and work will commence on a new workshop adjacent to these living quarters.

Community Affairs

In 1999, the Ministry will continue to promote community participation through financial and logistical support and policy guidance to the Community Development Action Committee and District Beautification Committees.

Monthly financial assistance will continue to be provided to the ex-servicemen in continued recognition of their bravery and dedicated service during the islands time of need.

Culture

The Ministry will continue to liaise with the cultural bodies to ensure that Caymanian heritage is maintained throughout the school system in conjunction with the Ministry of Education.

Art Development

The recipient of the first Art Scholarship will complete a Masters of Arts degree in dance education in May of this year.

Cayman Islands National Museum

During 1999, the Cayman Islands National Museum will be analysing its long range staffing, facility, and programming needs. A five-year strategic plan will be finalised. Plans will also be initiated for a purpose-built museum to complement the support facility with interactive

exhibition galleries focusing on Cayman's maritime heritage and natural history.

Cayman National Cultural Foundation

The Cayman Islands Festival of the Arts will continue in each of the districts. The festival will again celebrate the religious heritage of the islands.

The theatrical season will include four full-length productions: three of them local plays.

The Foundation's youth programmes will offer after-school training in the disciplines of instrumental music, choral singing, acting and dance. Community-based educational programmes, particularly in the area of dance, will be offered regularly.

For the first time, the Foundation will be maintaining an expanded grant fund, to which Caymanian artists may apply. This will enable them to engage in projects, involving research or to upgrade their skills.

Cayman National Archive

In 1999, the Archive will continue to pursue funding for its expansion, which will greatly improve its services to the public and government.

Substantial progress on writing a new history of the Cayman Islands is expected, with a draft text of twenty chapters completed for review by the new history committee at the end of the year.

Public Library

The Public Library in George Town will celebrate its 60th Anniversary in 1999. Renovations to the library will be completed as part of these celebrations.

Work will continue on the conversion of the Bodden Town town hall to a district library this year.

National Gallery of the Cayman Islands

By the end of March the National Gallery will have chosen a conceptual design for its new facility and selected a local architect to carry the project through. Following the recent acceleration in the number and scope of art workshops involving members of the public, the National gallery will rent new workshop space that will be used on a daily basis throughout the year. The number of classes and lectures run by the National Gallery will increase, as will art programmes offered to schools.

Labour and Labour Relations

The Department of Labour will recruit an additional Labour Inspector for Grand Cayman, as well as a professional accountant who will inspect the records of hotels and condominiums in respect of gratuities and the distribution thereof. The amendment to mandate the payment of gratuities twice monthly will also be brought during this meeting.

Project Prepare, a programme intended to facilitate the re-integration of ex-prisoners into society, has begun

to show positive results. The Ministry, through the Labour Department and in conjunction with employers in both the public and private sectors, will continue to develop and if necessary expand this project.

Three labour tribunals were reconstituted and began conducting hearings in July 1998. The number of tribunals will be increased to six this year in order to reduce the backlog of cases.

National Pension Legislation

The Ministry, through the National Pensions Board and the Office of the Superintendent of Pensions, will complete the initial registration process and institute the first renewal procedure, which is due on 20th June 1999.

Sports

Priority will be given to the reorganisation of the Sports Office to promote better management and maintenance of the sporting and recreational facilities.

The Ministry will seek to introduce the concept of user fees for sports facilities to help offset the recurrent expenditure needed to provide and maintain sports and recreational facilities.

Work will continue on sports and recreational facilities for most of the districts and will include the Cayman Brac Football Field, Bodden Town Playing Field, Old Man Bay Playing Field, Airport Park in George Town and the Frank Sound Park in North Side. The playing fields in Bodden Town and Old Man Bay will be completed during 1999.

The Family Sports and Recreation Centre in Spotts is a long-term project which will be phased in, as money is allocated, and it is expected to include a national headquarters for our youth.

Women

"Women of Cayman"

The entire month of March will once again be the focus of "Women of Cayman" with activities focusing on the contribution women continue to make to the development of the Caymanian society.

Cayman Islands Advisory Committee on Women

The Ministry will set in motion the activities of the advisory committee on women, which will be comprised of representatives from various disciplines/agencies working towards the enhancement of women and the family. The role of the committee will be to make recommendations to the Ministry regarding programmes and the improvement of the well being of women.

Youth

The development of a National Youth Policy is to be completed by December 1999. Dr. B. Ivan Henry, former Regional Director of the Commonwealth Youth Programme, has been retained as the technical advisor to the National Youth Policy Task Force.

CONCLUSION

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

I should also like to take this opportunity to thank the Cayman Islands civil service for their hard work and dedication to duty and for the support they have given me. The Cayman Islands can be proud of its civil service.

Sadly, in six weeks time Carol and I leave the Cayman Islands. I want to take this opportunity to tell the Members of this House and the people of Cayman how much we have enjoyed our time with you all. The warmth and friendliness that you showed to us on arrival has continued unabated. We feel close to you all.

Finally, as you embark on the first meeting of the 1999 Session of the Legislative Assembly, I pray that Almighty God will bless and guide your deliberations. May He always direct and prosper the people of these islands.

DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

Serjeant-at-Arms (Mace-bearer)

The Speaker

His Excellency the Governor

Mrs. Owen

The Aide-de-Camp

The Chief Justice

Mrs. Smellie

Mrs. Kirkconnell

Minister

HOUSE RESUMED AT 11:06 AM

The Serjeant-at-Arms: Mr. Speaker

The Speaker: Please be seated. Proceedings are resumed. I call upon the Honourable Minister for Agriculture, Communications, Environment, and Natural Resources.

MOTION FOR THE DEFERRAL OF DEBATE ON THE THRONE SPEECH

Hon. John B. McLean: Thank you, Mr. Speaker. I am pleased to move the following motion:

“BE IT RESOLVED that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting;

“BE IT FURTHER RESOLVED that the debate on the Address delivered by His Excellency the Governor be deferred until 24 February 1999.”

The Speaker: The question before the House is that the House do record its gratitude to His Excellency the Governor, and that the debate on the Throne Speech be deferred until Thursday, 24 February 1999.

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

AYES.

The Speaker: The Ayes have it. The motion is passed.

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

AND BE IT FURTHER RESOLVED THAT THE DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY, 24 FEBRUARY 1999.

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

SUSPENSION OF STANDING ORDER 24(5)

Hon. Truman Boddan: Thank you, Mr. Speaker. Before moving the motion for adjournment I would like to move a motion to bring forward the business of the last session to this session, sir. And to do so I would ask that there be a waiver of the notice under [Standing Order] 24(5) so that I can put the following motion. I would just read it thereafter.

The Speaker: The question is that we suspend Standing Order 24(5). Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 24(5) SUSPENDED.

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

Hon. Truman Boddan: Mr. Speaker, I move that it be resolved that this Honourable House hereby waive all relevant Standing Orders, including Standing Orders 21(1) for questions; [Standing Order] 24 (5) for motions; and Standing Order 46(1) for all bills, motions, and questions from the previous meeting (which were not com-

pleted thereat) to be placed on the Business Paper of this meeting of this House.

The Speaker: The question is that all relevant Standing Orders, including Standing Orders 21(1) for questions; [Standing Order] 24 (5) for motions; and Standing Order 46(1) for all bills, motions, and questions from the previous meeting (which were not completed thereat) to be placed on the Business Paper of this meeting of this House. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Motion is passed.

AGREED: ALL RELEVANT STANDING ORDERS, INCLUDING STANDING ORDERS 21(1) FOR QUESTIONS, 24(5) FOR MOTIONS AND 46(1) FOR ALL BILLS, MOTIONS AND QUESTIONS FROM THE PREVIOUS MEETING WHICH WERE NOT COMPLETED THEREAT BE PLACED UPON THE BUSINESS PAPER OF THIS MEETING OF THE HOUSE.

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

ADJOURNMENT

Hon. Truman Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Monday morning, 22 February 1999, at 10 o'clock.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday, 22 February 1999. I shall put the question: Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 am Monday.

**AT 11.09 AM THE HOUSE STOOD ADJOURNED
UNTIL 10.00 AM MONDAY, 22 FEBRUARY 1999.**

**EDITED
MONDAY
22 FEBRUARY 1999
2:30 PM**

[Prayers read by the First Elected Member for West Bay]

Mr. Speaker: Please be seated. Proceedings are resumed.

Item number 2 on today's order paper, Administration of Oaths or Affirmations. Oath of Allegiance to be administered to Mr. A. Joel Walton, JP to be the Honourable Temporary Acting Third Official Member.

Mr. Walton would you come forward to the Clerk's table? Would all members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE
by Mr. A. Joel Walton**

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

Mr. Speaker: Mr. Walton, on behalf of all honourable Members I welcome you to the House for the time of your service here. Please take your seat as the Honourable Temporary Acting Third Official Member.

Please be seated.

Item 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

Mr. Speaker: I have apologies from the Honourable Third Official Member who is performing other official duties at the moment and cannot be present.

Honourable Members, I wish to apologise on behalf of the Legislative Department. The Business Paper covering today's Order Paper is not in your hands with the accompanying bills and motions. I ask for your indulgence while this honourable House is suspended until 2:30 p.m. in order that we would have sufficient time to prepare them and put them in the possession of all members prior to debating them.

Mr. W. McKeeva Bush: Mr. Speaker.

Mr. Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Do we need until 2:30 p.m. sir?

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

Hon. Truman M. Bodden: Mr. Speaker, as the member knows, what we were able to deal with on Friday did not have with it the Business Paper. Apparently, there is other business beyond what we dealt with during the meeting on Friday. I think there are about eleven of the Private Members' Motions. Apparently, there are more of those. I understand there are more questions as well, and bills.

Mr. Roy Bodden: Mr. Speaker.

Mr. Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, those of us on this side certainly appreciate the gesture you have made, and I wish to thank you for the courtesy extended to us. It certainly would help us if we had an idea of what was forthcoming on the Business Paper in view of the fact that we have more than a full agenda. I see this morning that there are no questions, although we have a full encyclopaedia of questions as well.

Might I crave your indulgence, sir, by asking that we set our reconvening time at 11:30 a.m. rather than 2:30 p.m.? That should enable us to probably finish this bill before the House.

Mr. Speaker: My real concern is that I would rather, out of an abundance of caution in respect to the Press and members in the gallery, give a time that we feel confident we will be able to reconvene at. We can probably say 2.15 p.m. if that makes it more comfortable. But I don't want to say we will come back here at 11:00 a.m. and find out that we are not ready, and then just have to wait again. I ask the indulgence of honourable members that we suspend until 2:15 p.m.

Dr. Frank McField: Mr. Speaker.

Mr. Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: With all due respect, we are beginning this year and we have a lot of business to attend to. I am planning my time around what I consider to be the schedule here. I have postponed meetings this morning with members of my constituency to be here at this particular time. We have to have respect for members' time.

I expect that everybody understands that when I come here, I come here to do a particular function. And if

it is not going to happen, I believe that I should have been notified. I have other obligations besides the obligations of meetings in this House.

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

Hon. Truman M. Boddén: Mr. Speaker, if I may just explain the agenda brought over, . . . and whenever the department could have it ready, obviously we will be ready to start, if you so wish, before 2:15 p.m. But maybe I need to explain that the business that is coming over . . . and it took a lot of typing I understand. Staff was in even over the weekend.

There are five papers, 68 parliamentary questions. This is just from last time. I think there are 11 Private Members' Motions; there are ten bills. . . I guess what I am saying, Mr. Speaker, is that this is a lot for the department to get out. I think members need to understand that it is not a matter of. . . as I understand it they did work over the weekend on this. But, whatever you feel is necessary, we could adjourn until then, sir.

Mr. W. McKeeva Bush: Mr. Speaker, please, please.

Mr. Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: You know, if we did not have an Order Paper this morning it would be a different matter. But we do! And that's the difference. The Business Paper can always come along afterwards.

We know—and the Press knows—what was on the Order Paper from months ago being carried over. There was some new business, but so be it. We have an Order Paper, we have Government Motions that we can begin with, and so the Business Paper can always come later on.

As far as I am concerned, it's no big thing. This is not the first time it has happened, and we understand why it has happened. So I would say let us continue and conduct our business this morning.

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

Hon. Truman M. Boddén: If that's the wish of the House, so be it sir. We are ready to move on if that is okay with you.

What I would suggest we do then, Mr. Speaker, is move a Standing Order to waive the relevant section relating to the Business Paper, so at least that is taken care of. I would move whatever relevant motion to waive the necessity for a Business Paper until it can be prepared.

Mr. Speaker: Honourable members, I have listened carefully to what both sides have said. I prefaced my remarks by an apology on behalf of the department. Had we had come here this morning and attempted to proceed, I would have been told we were railroading affairs. I am following standard procedure as set down, and that

is that we shall now suspend. When the paper is ready, we will resume. Proceedings are suspended.

PROCEEDINGS SUSPENDED AT 10.42 AM

PROCEEDINGS RESUMED AT 2.29 PM

The Speaker: Please be seated. Proceedings are resumed. Administration of Oaths or Affirmations. Oath of Allegiance by Mr. Samuel Bulgin to be the Honourable Temporary Acting Second Official Member.

Mr. Bulgin, will you come forward? All members please stand.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE *by Mr. Samuel Bulgin*

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

The Speaker: Mr. Bulgin, on behalf of all Honourable members I welcome you to this Honourable House for the time of your service. Please take your seat as the Honourable Temporary Acting Second Official Member.

Please be seated.

Government Business, Motions, Government Motion number 1/99. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

GOVERNMENT BUSINESS

MOTIONS

SUSPENSION OF STANDING ORDER 24(5)

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Permit me, sir, to now move the Suspension of Standing Order 24(5) with respect to Government Motion No. 1/99 so that the motion can be carried at this time.

The Speaker: I shall put the question that Standing Order 24(5) be suspended as the allotted time has not elapsed. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 24(5) SUSPENDED.

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

GOVERNMENT MOTION NO. 1/99

**INCREASE OF FINANCIAL GRANT TO VOLUNTARY
EX-SERVICEMEN AND THEIR WIDOWS**

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I beg to move Government Motion No. 1/99. Increase of Financial Grant to Voluntary Ex-servicemen and their Widows.

The Speaker: Government Motion number 1/99 has been duly moved. Do you wish to speak to it?

Hon. Julianna O'Connor-Connolly: Yes, Mr. Speaker, thank you. Perhaps I can first start with reading the ambit and the two accompanying resolves of Motion No. 1/99, which state:

“WHEREAS Civil Servants, Pensioners and persons receiving financial assistance have all been granted financial increases in 1999;

“AND WHEREAS Veterans or their widows are only receiving a mere Two Hundred Cayman Islands dollars per month;

“AND WHEREAS the Veterans have placed their lives at risk by defending our freedom around the world;

“AND WHEREAS most of these Veterans and their Widows are now in their senior years with little or no fixed income or dependable means of livelihood;

“AND WHEREAS some of these Ex-Servicemen and their surviving Spouses have expressed a desire for an increased consideration and further that the government is also desirous of granting an increase to Veterans and their Widows;

“BE IT THEREFORE RESOLVED THAT the Veteran’s monthly grant be increased to Two Hundred and Fifty Cayman Islands Dollars in 1999 and to Four Hundred Dollars in the year 2000;

AND BE IT FURTHER RESOLVED THAT the Members of the Legislative Assembly do not accept, at this time, funds previously appropriated under Head 10-07 109 being a grant for MLAs’ Offices, and that this said sum of seventy-five thousand dollars be utilised in 1999, to partially fund the increase to Veterans or their Widows and that Finance Committee be requested to approve the full amount.”

Mr. Speaker, it is the position of the government that Motion No. 1/99 is a very timely and important motion. Nonetheless, sir, I will say on behalf of the government that it is our view that this motion will continue to display the genuine concern for the human element and, in this particular case, the very well deserving veterans and their widows.

Mr. Speaker, the concept of government’s consideration to provide financial grants to the ex-servicemen surfaced by way of Private Member’s Motion No. 15/94, moved by the late Mr. G. Haig Bodden. I would just like to take some time to remind members of that particular motion.

When the late Mr. Haig [Bodden] brought the motion it read, and I quote:

“WHEREAS during the Second World War some Caymanian men volunteered for service in the Trinidad Royal Naval Volunteer Reserve;

“AND WHEREAS the Trinidad Royal Volunteer Reserve was an adjunct of the British Royal Navy;

“AND WHEREAS most of these volunteers gave commendable service and received honourable discharges, service medals and ribbons at the end of their service;

“AND WHEREAS these kinds of servicemen are held in high esteem among many countries;

“AND WHEREAS many of these Caymanian volunteers are now in their senior years;

“AND WHEREAS some of these volunteers have died leaving spouses with no fixed income or dependable means of livelihood;

“AND WHEREAS some of these volunteers and the surviving spouses have expressed a desire for consideration;

“BE IT NOW THEREFORE RESOLVED THAT the Government investigate the possibility of providing some form of financial assistance to the deserving cases of these people.” [1994 Official Hansard Report, page 304]

Mr. Speaker, I am sure that all honourable members vividly recall Mr. Haig’s presentation, as well as the other ancillary contributions that came from honourable members of this Parliament when this motion was duly passed back in 1994. Subsequent to that, the former Minister (now the First Elected Member from West Bay), together with the rest of the National Team Government, with the support of honourable members in this House, put in place the necessary arrangements for this contribution to be made to veterans and their widows.

As of now, the veterans are getting a monthly grant of \$200 Cayman Islands dollars. From the feedback that I have received, they are greatly appreciative for the effort made by the now First Elected Member from West Bay and his colleagues. But in light of the recent increase to the indigent, handicapped and other persons in need (I believe it was with Private Member’s Motion No. 8/98), coupled together with the rising cost of living that has since increased, government has come forward with this important motion as we believe it will go a very long way in assisting persons in the category of veterans and their widows, to live as comfortable a life as possible.

It is also the government’s view, that it is only a fair and equitable gesture in favour of the veterans and their widows that they should see an equal increase as well.

The late Mr. Haig Bodden, when he was making his contribution (together with all the other honourable members) ably set out various justifications and reasons as to why this particular category should be receiving a financial subsidy or assistance from government. I concur with the various justifications as were then clearly set out. I believe, as I am sure all honourable members here today, that these men were indeed valiant men. They placed their lives at risk not only defending the peace,

tranquillity, and liberty of us here in Cayman, but indeed, in a wider perspective, the entire world.

I feel that the proposed increase is in keeping with the recent change, and it is but a small token of our appreciation to the veterans and their widows. Further, I believe that any sacrifice that we may now be called upon to make in their time of need is but one way of putting our money where indeed our mouths are, and showing our genuine concern, love and appreciation for the veterans and their widows.

Mr. Speaker, if I may now briefly deal with the second resolve of Government Motion No. 1/99, which reads as follows:

“AND BE IT FURTHER RESOLVED THAT the Members of the Legislative Assembly do not accept, at this time, funds previously appropriated under Head 10-07 109 being a grant for MLAs’ Offices and that this said sum of seventy-five thousand dollars be utilised, in 1999, to partially fund the increase to Veterans or their Widows and that Finance Committee be requested to approve the full amount.”

Mr. Speaker, when we were in the last Finance Committee, all received a Constituency Assistance Form. I know I did. I am sure other members did as well. And this was basically making the provision for MLA offices in respect of rent, telephone, water, equipment, furniture and a number of other sub-heads. If I recall correctly, the allocation for George Town would have amounted to some \$2,000 per month. West Bay was a different figure, approximately \$1,900, and all other districts I believe were in the region of \$1,850.

So, an average calculation and in accordance with the letter that came out in the very beginning, I believe that this same vote, whether actual or perceived . . . and I will explain the latter, perceived being that if we look at this particular head we will see that there is only some \$75,000, but to be able to properly fund the arrangement and in accordance with the letter we will be looking at some \$360,000 to fund the MLA’s Offices for this year.

When we look at the amount needed to give an increase of \$50 per year for the veterans in an attempt to keep them in line and on an equitable and fair footing with what we just did for the indigent, the handicapped and other persons in need—which, by the way, did not include veterans—government then came to the conclusion that rather than increasing the recurrent expenditure any further we would ask honourable members to use the existing \$75,000 towards this proposal which we believe is a worthy one.

When the need arose for the remaining supplementary under that vote, rather than recreating two more supplementaries to use that potential vote for this year, it would be our small way of showing the veterans and their widows that we were prepared to make a financial sacrifice—some 50 odd years after the war—as a small token of our appreciation for their bravery and courage.

Many of these veterans and persons who went across to fight during the world war, whether it was in the supply or Merchant Marines (whatever category has since been extended them), unfortunately had to do so at a very high cost indeed. Many of our Caymanians lost

their lives and paid the ultimate sacrifice for our freedom. So it is the government’s position that although we would perhaps like to have the money previously allocated as well as the conceptual agreement for the potential rising of the balance in Finance Committee for the benefits of our MLA’s Offices, seeing the situation and the other overriding and extenuating circumstances we are therefore proposing that this vote be stayed, as it were, and used to set off the amounts needed.

From the calculations provided in the Executive Council paper, which was duly passed before bringing this motion to this honourable House, it is estimated that there is going to be some \$356,600. I believe a mere increase of \$50 this year, being 1999, will see a potential and actual combination of some \$360,000 in the MLA constituency grant or allowance vote.

Mr. Speaker, the government respectfully submits that the motive in which this motion was brought is in the interest of honour and respect to these honourable gentlemen and their widows, and not to introduce adversarial or bipartisan politics.

With those few remarks by way of introduction, I now take pleasure on behalf of the government to commend Government Motion No. 1/99. I trust that all honourable members will kindly support the same.

I thank you, sir.

The Speaker: The floor is opened to debate. Does any other member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, first of all I would like to say that I am in support, and I think all members on this side of the House are in support of the motion—at least in the first part. While I am in support of the motion in the first resolution, I am somewhat puzzled by the motion.

I listened to the minister moving the motion as she called for non-adversarial politics. Mr. Speaker, I couldn’t believe my ears listening to her ask for non-adversarial politics when that is exactly what she has done in moving the second resolution. It is nothing but dirty politics! And adversarial politics! I shall not be a hypocrite and say otherwise.

Mr. Speaker, this House accepted a motion in June which was supported by all of us on this side asking the government to keep our campaign promise and to increase the financial assistance to the elderly, handicapped and others. Now, as that minister knows—and I trust she and her colleagues would listen at this point, so that they will understand where we are coming from.

Hon. Julianna O’Connor-Connolly: Mr. Speaker, on a point of order. One does not have to look at a person to be able to listen. I am listening to every word he is saying.

Mr. Linford A. Pierson: Mr. Speaker, that is not a point of order.

The Speaker: First Elected Member for West Bay, please continue.

Mr. W. McKeeva Bush: Mr. Speaker, I love that interjection because it is true. You don't have to look at someone; but if the bunch of them are over there chatting away, I don't see how they can listen—including that minister!

Mr. Speaker, as all of us in this House know—and that minister knows. . . in fact, the whole Executive Council knows that whenever we speak of the elderly it is all encompassing. There was no such thing as leaving anyone out. Now, after the passage of the motion, that is, the motion in June of last year, the same minister moving the resolution came over to my desk and asked whether the motion included veterans as well. My reply to her was it certainly did.

I heard her speak, as she did last week Thursday, about the need of others, and government's genuine attempt, and genuine this, and genuine that. I don't know if it is genuine at all. I think it is downright dirty politics!

Now, Mr. Speaker, as I said, she came to me and asked whether our motion included the veterans, and I replied to her that "it certainly did." That was in June last year. In between that time and now—some eight months!—the government—including that minister moving the motion, the minister responsible—has had time to put together its budget.

Of course, no increase came as they had promised. And in today's paper on the front page, they said it was paid from January. That is not true! They paid nothing! They brought the budget, they agreed for the increase, but they did not do anything about it. They were too busy doing something else. Then they came down here after the presentation of that budget and, lo and behold, another budget was produced!

They said, Mr. Speaker, in the presentation of the first budget that there was nothing, although they agreed. And then they brought their second budget. Still no increase came for January as they had promised. Today's newspaper (as one of my colleagues graciously pointed out) says the increase on Tuesday, 23rd February, government's payday, will be retroactive to January 1999.

I don't know what happened to the first budget, and I don't know what happened to the second budget which the Minister of Tourism brought. But neither of those budgets included any increase for veterans or Social Services!

Mr. Speaker, when we moved the amendment rejecting the salary increase I asked them what they were doing about the promised increase to the elderly and others. That was the query I made. The Honourable Minister for Social Welfare said they were going to put \$50 per month on the grant. Now, Mr. Speaker, I am glad that he found his footing and gave the undertaking at that point because I really don't know what happened with the first two budgets.

[Inaudible comment]

Mr. W. McKeeva Bush: But you agree it was not paid, right?

Good!

Now, Mr. Speaker, they had from June last year to do so, and nothing up to now has been done. January payments have been made to everybody, still no increase.

I want to give the Minister for Community Affairs, Sports, Women, Youth and Culture—the one moving this motion—the benefit of the doubt. And perhaps, Mr. Speaker, she did have some problems at Executive Council level. I have no problem with her bringing the motion to make absolutely sure that the permission is given and she is within legal bounds.

She said in her short address just now that our motion did not include the veterans. Mr. Speaker, while you might look at the motion and say explicitly it did not say "veterans," it did say increase of financial assistance to the elderly, the handicapped and others in need. And while it was not explicit it was implicit, and I told her that was what I meant.

Here is what I had to say in the debate on the motion. I hope she is listening—she said she can talk and hear at the same time.

Mr. Speaker, I asked (on the 17th July 1998) what about those who went to sea? And let us now include the veterans, because that does include veterans who went and faced battle—veteran seamen who travelled in wartime. And I went on and spoke about them, I said, **"Where did we have an income from to keep up the country? The Meskito Banks. Swannie Shipping Company."** And I pointed out, Mr. Speaker **"Your family . . . had a big shipping company and hired a lot of people. But they never had any pension. They travelled during that time. You are a master mariner. I think you are old enough to know something about it. We have at least one other in this House, the Fourth Elected Member for West Bay, who knows about it. These people built this country! Yes, the banks came and the trust companies and the investors came with their money, it was good for us. Then tourism came and it was good for us but those people set the foundation. Let us put it this way, they did the dirty work so that all of us today could be better off."**

And for the court, Mr. Speaker, **"Who went to see starting out at the Meskito Key Banks? Swan Island? These are things that have to do with our history. In wartime, there were those willing to go off and up front, so that this world could be free today. They fought the Axis Powers at the time, the Germans, and others that were united. There is not much question about those who went to Trinidad because everybody recognised that group. But there is some grumbling that they should not get it. I wonder if they know what it was like? I wonder if they ever faced 40-foot seas between here and the Meskito Key Banks, when they had to chop out the vessel's mast to save lives? When lives were taken in the *Majestic* and the *Hustler* do we forget that? There are people still living from that era who have**

nothing, or they call them old drunks. They say, *'They are drunks. You don't need to give them anything.'* But when this country and the world needed saving they were the iron men in wooden ships; men who went down in the sea. Don't forget." [1998 Official Hansard Report, page 728]

I further quote, Mr. Speaker, **"There are veterans who not only went to Trinidad but they were in Bermuda, they were in England. The truth is that England should be giving us something to give them."** [Ibid]

I further quote, **"There were veterans who faced battles, widows today of husbands in foreign prison camps. I had a grand uncle who spent many years in a prison camp in Germany."** [Ibid]

And I believe it was the Fourth Elected Member for West Bay who reminded me of the nickname. They used to call him *'Captain Goshore.'*

To further quote, Mr. Speaker, **"There are other families who are affected by it. Can we as a Legislative Assembly put politics in the way of these kinds of things? No! We should join hands and do anything we can to see that this is increased to a level that makes our people comfortable."** [Ibid]

Now, Mr. Speaker, if that minister over there—who claims that she is a Christian—gets up and pounds down the church door, comes in here making all kinds of prayers asking for peace, she, Truman Bodden, and the rest of them over there come over here and tell us that I didn't ask for the veterans . . . you want to tell me . . .

They are sitting with their backs to me now, Mr. Speaker, against the Standing Orders. I want to point out those who are doing it.

Do they want to come and tell me that I didn't ask for the veterans? What is that, Mr. Speaker? How plainer can it be? And if it was not explicit in the resolution, you can believe it was very, very plain in the motion. Very plain!

Now, Mr. Speaker, I have had the weekend to think about this, and I didn't know what we were going to do. I could see the politics being pushed into it. And they are trying to get at a few others and me. I know that. But we will deal with that in due course. Happily, this morning our colleague, the Third Elected Member from George Town came [up with] a good suggestion and therefore we have an amendment to the resolution that the member is going to move, and I will be seconding that. I know that all of us here will support it.

Mr. Speaker, that woman has the audacity, the temerity to come and ask us not to play adversarial politics? Let me tell you, Mr. Speaker, that is where it breeds. Do you see those three heads together over there? That is where it breeds. Right over there.

Mr. Speaker, I should go on to say further that she had a member of her office call and ask me whether it was included, and I said, "Go and get the *Hansards*. I told your minister that as far as I am concerned it is very plain, and that it does cover it."

Do you think this is about veterans? No, Mr. Speaker, this is not about the veterans—this is about getting back at us! That is what this is all about. And we

should not be hypocrites and say otherwise. This is about getting back at us.

I have no problem whatsoever . . . although they had nearly eight months to do what she just did—which they had agreed from the very beginning. I have no problem with it. We on this side have no problem with it. What I am most disturbed about is the last resolution. Although she got up there and piously called for non-adversarial politics this is a cold, calculated political move!

Mr. Speaker, did the government have to be so vindictive? Did it have to be so spiteful? Couldn't the government have found the \$75,000 from somewhere else? If we peruse the estimates again, we can find several areas where it could have gotten that amount of money—the \$75,000 and more. I found at least three areas for a total of \$1,875,494 in entertainment. They put it there; they put it in the budget for entertainment, official travel, hospitality, and miscellaneous visits. They can get \$75,000 from that if they wanted to. What are they going to do with all of that anyhow? I don't know.

There is also \$670,000 in something called 2000 Project, and Miscellaneous (I don't know what that is), for a grand total of \$2.5 million. They can get the \$75,000 and they wouldn't miss it unless they don't know that it is there. But no, Mr. Speaker, they are not going to look anywhere else. What they planned was that they would take it from our offices.

This motion is intended to punish us for moving the motion rejecting salaries. That's what this motion is all about! We should not be hypocrites!

Mr. Roy Bodden: It's a punitive motion!

Mr. W. McKeeva Bush: I don't know about punitive, but it is dirty!

Do you mean to tell me, Mr. Speaker, that they could find enough money to pay our increases in salary?

They didn't organise the increases to the elderly in time, but they now have to try to take the \$75,000 which is to be shared up amongst us all to pay the whole year's expense for our offices—rent, office help, telephone, water, and electricity.

And you know something—and I trust that she is listening to this—what makes this such a hard pill to swallow is that last year our Finance Committee voted \$20,000 for our offices and we didn't get it! Do you know why we didn't get it? Because that minister—the same minister asking us not to play politics—took it and used it for her office!

[Interjections: "That's right!" Applause]

Mr. W. McKeeva Bush: Can you believe that, Mr. Speaker?

Now she has the audacity to come and tell us not to take the \$75,000, because we are going to use it for our offices. She used that money that was set aside for our offices, for her office last year!

And we got an undertaking from the Chief Secretary when he was called down here that he would bring it back this year—and we still can't find the \$50,000 sup-

plementary that we voted when they couldn't find what she did, because she didn't explain to us what she did with it. As minister, she did not explain to members of the Finance Committee what she did with it!

Now, to talk about being a Christian . . . Christian? Mr. Speaker, do you know something? I am trying very hard to live a better life. But it is very, very hard when we have those kinds of people out there to deal with. Do you hear what I tell you? It is very hard, very difficult.

Now, Mr. Speaker, she can go and get her office—which she didn't tell us she had used money—and we still haven't found the \$50,000 that we voted beside that. We can't find that, and it hasn't been explained to us. Now they don't want us to function better. That is what it is all about. And they don't want us to serve our people better. How can they be so dirty?

Mr. Speaker, last Thursday we all attended the National Prayer Breakfast. And what a wonderful time it was. It was a time of remembering, it was a time of renewing. And she prayed for us to put our differences aside. It was a time to think about our souls and pray for the welfare of each other and the country. I recall that minister's prayer, and I thought to myself, *'Well this is a good beginning of the new session after that long meeting with two budgets.'* And I had hope for something better this year. *'It's going to be a better year, it going to get better.'* . . . going to get a lot of licks, that is what we are going to get! The same kind of attempts. You can't live better with bad people.

This is the same minister who got up at the National Prayer Breakfast and prayed for all of us. She prayed for peace, for sincerity, that we all live better, that we be Christians. How can she come here with such a dirty motion? One so spiteful, so vindictive, so petty. It certainly does not portray any Christian character.

This motion, Mr. Speaker, is not about veterans; it is about hurting people. That is what it is about. This is about hurting us, about keeping us ineffective. This is about getting back at us because we moved the motion to stop the fat pay increase for all of us, which the country couldn't afford—the \$40,000 on her salary, and the rest of them!

Let me say to the five elected ministers, since they are putting their heads together, that they should put them together, for they don't solve the problems of this country.

Mr. Speaker, I want to ask them, Is this what you want? Do you want a situation so untenable that we don't talk to each other, where there is out and out disagreement or war all the time? And you should remember that this is not like picking me off and believing that I would be all alone. No! This affects all of us that are not in Executive Council who do not have an office already paid by Government like you do. They have offices!

Government spends more than \$3 million a year on rent. This \$75,000 that we were promised will not make a difference. And we are trying to be better able to serve our people. That's what we are trying to do.

At this point, Mr. Speaker, let us look at some of the reasons why MLAs who are not on Executive Council need proper running offices. We have an ageing popula-

tion and all of the problems that brings. There is increase in domestic violence. There are more young people in trouble today than ever in our history. There are increases in drug usage. There is an increase in teenage pregnancy. There is an increase in teenage children getting pregnant in schools. There is violence amongst youth, too much of it, Mr. Speaker. There is general increase in crime in these islands. Too much!

Mr. Speaker, I could go on about why we need to have an office to be better able to serve the people that come looking for us. These are just some of the problems we face as representatives. We are all called upon to deal with all of this, and it's negative fallout, Mr. Speaker. Now, do you mean to tell me that as we are entering the new millennium . . . and I should say it should no longer be expected for us to deal with these kinds of problems from our front porches or our living rooms.

Also, Mr. Speaker, the point must be made that there are people who have regard for our private lives and refuse to come to our homes for their needs. And if they don't see us at a funeral or at a wedding or somewhere on the street, their needs are left unattended. It should be imperative to have an office with scheduled times, especially for members not living in their constituencies, to ensure that all people have access to members. That's the purpose of having an office. Some of us don't live in our constituencies but we have an office set up on a set scheduled time, and people know we are there.

From what I can see, Mr. Speaker, this is another instance where the government is playing dirty politics. After voting for the subsidy for our offices last month, after agreeing to the increase in June or July last year, now they see it as giving those in Executive Council an advantage the year before election. And how do they get an advantage? By making it more difficult for our people to reach their representatives who are not on Executive Council. That's how they have an advantage because they have their Glass House offices and they have their secretaries and other support staff. Dirty, dirty politics!

And she has the audacity to come here, the temerity to come here talking about adversarial politics when she went home and slept on it. And Mr. Truman Bodden gave her the idea, and the Minister of Tourism, of course, went along with it. They can say anything to me, they can throw me out this afternoon.

Mr. Speaker, I want the government to know (as it probably does already) this is to hurt. That is what this is all about. I entered a legal agreement for my office. I have contracted my office help who are already on the job, and I have my telephone in place. Now, what do they expect me to do? One of the reasons others and I gave in putting forward the motion to reject the pay increase was that government had already agreed to give the subsidy for our offices. With the problems facing the country, it would be unconscionable to expect more money. We knew it was going to be around \$300,000 if all of us were to be treated fairly.

So, Mr. Speaker, there can be no justified reason for them to be trying to take away the subsidy. They can find it in other areas—except to be dirty.

Now, as I said in opening, I have no problem with the first resolve. That first resolve reads: **“BE IT THEREFORE RESOLVED THAT the Veteran’s monthly grant be increased to Two Hundred and Fifty Cayman Islands Dollars in 1999 and to Four Hundred Dollars in the year 2000.”** But there is an amendment being moved by the Third Elected Member for George Town, our colleague. I am seconding that amendment. I will not get into it because he can ably do so.

Mr. Speaker, there is no justified reason. I do believe that it was understood by one and all that the motion passed in June or July clearly included the veterans. And the minister was told so, when she asked about it. When I talk about the elderly, I make no effort to distinguish between getting for one and not getting for the other. No difference! That has always been my position, so how can they come now and try to say otherwise?

Mr. Speaker, as I said, we wish to give the minister the benefit of the doubt to some extent. Our veterans, as I have always said, deserve the increase; they need it in the high cost of living we are experiencing. We do recall that they were prepared to give up their lives in fighting the Axis Forces and the other forces in and around the world so that we all might be free and have a better life today. Now, we as a country can give them back but a small token of our appreciation.

Our motion will be moved shortly and while we will support that, we can’t support the second resolution.

I will speak directly now to the Honourable Three Official Members. I ask you to bear in mind that having got the go-ahead from government and Finance Committee, some of us have already entered into agreements which are legally binding concerning rent and staff. I ask you to see the last resolution in the motion for what it is—nothing but pure unadulterated, dirty politics. I would go further and ask you not to vote for it, but I don’t know what is done in Executive Council.

I wonder, Mr. Speaker, how this resolution could ever get through Executive Council. And I wonder if it did. I am still wondering whether they now have the Governor’s permission for this resolution. I don’t believe that they had it this morning when were held up here for so long.

That is what the House was being held up for. You might have been told otherwise, but let them prove otherwise. Let them prove me wrong. Let them show us where the Governor approved this before this morning or just now. And I certainly don’t know if all the members of Executive Council or all the Official Members in Executive Council knew what we had said in the debate on the motion.

Mr. Speaker, the minister said that she has to put the veterans on an equitable and fair footing. What nice words. I wonder where the equity and the fairness was from June to now! Where was the equity and fairness in January, when they were supposed to get the increase? When everybody was supposed to get the increase, I

wonder where it was. They were too busy looking out for their own salaries! That is why, Mr. Speaker.

I can say no more. There are many capable members on this side. While I would support the first resolution and the amendment that is going to be put forward by the Third Elected Member from George Town and I (which is supported by other backbench members), I will not support the second resolution. And I ask you, sir, to put those two resolutions separately.

Thank you very much.

The Speaker: The Third Elected Member for George Town.

AMENDMENT NO. 1 TO GOVERNMENT MOTION NO. 1/99

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

In accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for George Town, propose that Government Motion No. 1/99 be amended by deleting the first and second resolves and substituting therefore the following:

“BE IT THEREFORE RESOLVED THAT the monthly grant to the Veterans, indigents, handicapped and those over 60 years of age who qualify for financial assistance be increased to three hundred Cayman Islands’ dollars in 1999 and, funds being available, to four hundred Cayman Islands’ dollars in the year 2000.

“AND BE IT FURTHER RESOLVED THAT the savings realised from the rejection of the increase in MLAs’ salaries estimated at three hundred and fifty thousand Cayman Islands’ dollars be utilised to fund the increase and, in accordance with the provisions of Standing Order 24(2), that these payments be apportioned over a period in 1999 commensurate with the available funds, and that the funds allocated under Head 10-07 109, being a grant for MLAs’ offices, be not used for this purposed and that the Standing Finance Committee be requested to approve the full amount.”

The Speaker: Do we have a seconder?
The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, I am pleased to second the motion.

The Speaker: Thank you. Third Elected Member for George Town, do you wish to continue?

POINT OF ORDER

Hon. Truman Boddin: Mr. Speaker, I would just like to take a point of order on the form of this [amendment].

This [amendment], as it is set out, totally nullifies the motion that we have now put, and attempts to repeat in places what is already in the motion. As I understand the principle of this, sir, it would have been okay to put an

amendment, which amended the \$250, but that part relating the \$400 is already in the substantive motion.

The second point I have, sir, is the second operative part of the government motion, which says that the MLA funds for their offices be rejected, is in effect being put in the negative in this. I submit sir, the proper thing to do would be that votes on that part would have to come first.

If you could just follow (and I will refer you to Erskine May, sir) . . . the second part of the minister's motion, which says that we reject a grant for MLA offices. . . if the answer to that is 'yes,' then that part of the second resolve section of the amendment falls away. Because what that is saying in effect is that the funds for the MLA offices will still be paid to MLAs, notwithstanding.

I submit that that section, sir, which begins **"and that the funds [right at the bottom of the last resolve section] allocated under head 10-07 109 being a grant for MLA offices, be not used for this purpose..."** the proper way of dealing with that is to take a vote on the second part of this motion that was originally put because a motion in itself cannot do what a vote in the House should do. And what a vote can do has to be done on the substantive motion.

In fact, Mr. Speaker, the way this motion is amended it partially confirms the first resolve section and repeats the part relating to the year 2000.

I submit, really, that the first part of the amendment brought by the Third Elected Member for George Town should really have only read *'removal of the words two hundred and fifty, and replace it with three hundred,'* because already in there is everything else with the exception of indigents, handicapped and those over 60 years of age, and that part could be put in with an amendment.

And the second point, sir, is that the last part of this amended motion in effect would be equal to a rejection of the second part of the government motion.

I would like to support this, sir, by referring you to Erskine May's *Parliamentary Practice*, the 22nd Edition. It is only a matter of voting on this, and this is what I want to come to. On page 343, under "Amendments" it says, **"As indicated earlier (p 329), an amendment is a subsidiary motion moved in the course of debate upon another motion which interposes a new cycle of debate and decision between the proposal and decision of the main motion and question. In its turn the debate on an amendment may be similarly intercepted by the proposal of and decision upon a further subsidiary amendment (amendment to an amendment), or it may be superseded by a dilatory motion."** And that's a bit earlier on.

"Amendments may be tabled as soon as the relevant motion has been tabled."

"OBJECT OF AN AMENDMENT AND SUBJECT ON DEBATE: The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.

"Amendments superseding a question: The latter purpose may be effected by moving to omit all or most of the words of the question after the first

word, 'That' and to substitute an alternative proposition which must, however, be relevant to the subject of the question. The debate that follows includes also the content of the motion, both matters being under the consideration of the House as alternative propositions.

"With amendments of this type, the proposal of the question 'That the amendment be made' effectively place before the House two alternative propositions, contained in the motion and in the amendment respectively, between which the House has to make a preliminary choice before deciding finally whether to agree to either of them."

This is the point I have come to, Mr. Speaker. **"Consequently, if the question 'That the amendment be made' is agreed to, this vote does not by itself express a decision against the motion, but only a preference for taking a decision upon the alternative proposition contained in the amendment.**

"Where it is sought to supersede a question, by leaving out the words after 'That' and adding other words, the proposed amendment should not be confined to a mere negation of the terms of the motion, as the proper method of expressing a contrary opinion is by voting against a motion without seeking to amend it."

My submission, Mr. Speaker, is that the second amending part of the amendment motion basically is seeking to get a decision that the MLAs keep in their pockets the money that is to be paid for the MLA offices and that, in effect, is the same as...

Mr. Roy Bodden: Mr. Speaker, on a point of order.

Hon. Truman Bodden: I am on a point of order. Are you rising on that too?

Mr. Roy Bodden: The Minister said the MLAs "keep in their pockets"?

Mr. Roy Bodden: Yes!

Hon. Truman M. Bodden: Well, I am on a point of order and I need to finish before you can rise on another point of order!

Mr. Speaker, in effect, the second part . . . and it is obvious that the First Elected Member for West Bay isn't listening to what I am saying—which was one of the allegations that he made against me—because he is over there talking the whole time.

Mr. W. McKeeva Bush: Mr. Speaker, if he was talking sense I would listen, but he is not!

Hon. Truman Bodden: Well, Mr. Speaker, if that honourable member had 10% of my sense he would be a lot better off. Now, let me go on, please.

Mr. W. McKeeva Bush: If you were advising me?

The Speaker: Please, let me try to understand. It is very difficult for me to listen to four [people] at one time.

Hon. Truman Bodden: Yes, sir. What I am saying in effect, sir, is that where a vote on the last part of the original motion can be taken, another motion that merely negates that cannot be substituted for it.

Now, it has nothing to do with increasing to \$300, there is no problem with putting that amendment, nor is there a problem with putting the amending part with indigents, handicapped and those over 60. But what I am saying, sir, is in the first part there is a repetition (which you may or may not wish to leave in), because the motion itself has in the increase to \$400 in the year 2000. It does nothing to that part.

The amendment, as I see it, to the first part of the resolution is to the \$250 and by extending it to indigents, handicapped. But the latter part of it, and to \$400 in the year 2000 remains. So what I am saying, sir, I think the amendment there should have properly been to make those amendments rather than to totally delete everything.

And, definitely, once a vote is taken on the second part of the motion, if the MLAs feel that the money to be paid for MLA offices should not be used for veterans then, obviously, they will vote against this motion and then there is no need for the second amending resolution which deals with that.

In effect, sir, what has happened today is an attempt to totally replace the motion rather than to amend it. And I submit that as Erskine May's properly says, "**The proper method of expressing a contrary opinion is by voting against a motion without seeking to amend it.**" And the strength of my argument lies in the last part of the amending motion.

I submit, sir, the proper way of taking that vote is on the original motion. In effect that says that we not use the money for MLA offices, but the MLAs keep that money and the veterans' funds be looked for from elsewhere. So, if this part of the motion succeeds the last part of the amendment falls away because it cannot be voted on in relation to that part.

Those are my submissions.

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: Let me deal with this first.

On the first resolve section I agree with what the minister is saying. Amendments could be made to that to achieve what you want. Do you not agree that by adding the indigents and the others and deleting the year 2000 makes that one palatable?

Mr. D. Kurt Tibbetts: Mr. Speaker, I don't wish to confuse you, sir, but if I may just be allowed to say something because it has to do with what you are talking about.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I don't claim expertise here but, surely, on numerous occasions when the government itself has sought to amend private members' motions they have worded it with their choice of language and no one has questioned it. Now, the minister is telling us how we should word an amendment to a motion from the government. And what he is also doing, sir, is challenging the Chair's acceptance of the amendment.

Mr. Roy Bodden: And challenging the Chair!

Mr. D. Kurt Tibbetts: And what he is also doing is challenging the Chair's acceptance of the motion.

Mr. Roy Bodden: Exactly!

Mr. D. Kurt Tibbetts: And the point I wish to make, sir, regardless of his legal expertise, there cannot be anything in Erskine May or anywhere else which tells you specifically the language you have to use to achieve an amendment.

But, do you know something, Mr. Speaker? While you are looking, sir, there is something that needs to be said. And I am not going to cause any trouble here this afternoon. But the Minister for Education needs to understand one thing, and this is a promise: I don't know what he was trying to say, but if he ever even dreams of any accusation which even makes me slightly believe that he is trying to question my honesty . . . I am not threatening him, but I promise him that he is going to regret it.

He must not play with words like that. Don't do it! I mean it!

[Addressing the Honourable Minister for Education]
You might laugh and you might take it as a joke, but I am telling you—and I mean that from the bottom of my heart—do not do it!

The Speaker: I would like to call to the attention of this Honourable House that Standing Order 88(1) says, "**In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.**"

And Standing Order 88(2) says, "**In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction.**"

And simply what I am trying to say is that the amendment to the first resolve section would not in fact alter what you are trying to accomplish. It is my understanding that the desire of the movers of this amendment is to include other people so that they would get from

\$250 to \$300. And you are not achieving anything by saying that they get \$400 in the year 2000 because the substantive motion says that. The substantive motion is very clear.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, but the reason that was included, sir, is because we simply asked for the first resolve section to be replaced by this one which includes what they want to achieve also. Now, I mean this is playing with words, Mr. Speaker. If we all want to achieve the same thing, what is the fight about?

We are limiting it to the first resolve section, sir. All we are asking for is for an increase from \$250 to \$300, and to include the other categories that were not included in the original motion. And the reason why we added the \$400 in the year 2000 is simply to ensure that our amendment achieved what we want it to achieve—which was partially what they wanted to achieve. We have just extended it further, sir. It can only be playing with words.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member from West Bay.

Mr. W. McKeeva Bush: From what I have read in our Standing Orders, and what I read in Erskine May's *Parliamentary Practice*, if we were trying to take away what they asked for in their resolution and replace it with something new, then the Minister for Education—who somehow claims that he has more sense than anybody else—would be right. But that is not the case. This is including what they are trying to do as well. So, we are not taking anything away from them.

I want you to remember, Mr. Speaker, what you did when I moved the Meritorious Award Motion, and what that minister and those same-to-do ministers moving this now—the Minister for Tourism and the Minister for Community Affairs—did. Is this any different, Mr. Speaker?

The Speaker: It is quite a bit different.

Mr. W. McKeeva Bush: I figured you would say that!

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

I have been trying to follow the points raised by the Honourable Minister for Education in his objections to certain sections of this amendment. But I am unable to see where his objections are really making any sense. It seems more like it's confusion in the minds of the members of government.

Mr. Speaker, the amendment is asking to amend the first and second resolves of the substantive motion—not in part, but in whole. And in doing so, it was repeating what had already been put in the resolve section of the substantive motion. So it is not bringing up anything

that is brand new, but really repeating it, so that they too can have their objectives fulfilled.

I think that the main part of this motion, which might appear to be somewhat offensive to the ministers, is that the purpose of rejecting the increase in MLA salaries was to use that for matters such as an increase to veterans, indigents, handicapped and people over 60 years of age who qualify for financial assistance. This is the main crux of the matter. And we were saying, Mr. Speaker, that rather than use the \$75,000 provided in the estimates for MLA offices that these funds that were rejected for the MLA salaries should be used for that purpose.

And, Mr. Speaker, I intend in the presentation of my amendment to deal with these matters in more detail.

Hon. Truman Bodden: Mr. Speaker, if I may just address you very briefly.

The Speaker: The Honourable Minister for Education.

Hon. Truman Bodden: Mr. Speaker, I think that the Third Elected Member for George Town has hit on the exact point I am saying. This is not an amendment to the motion; it is a *deletion* and a substitution of another motion for it. That can't be done, in my submission.

If you look at the amendment it says very clearly, **"In accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for George Town, propose that Government Motion No. 1/99 be amended by deleting the first and second resolves and substituting therefor..."** There can be no doubt that—

POINT OF ORDER

Mr. Linford A. Pierson: Mr. Speaker, on a point of order. Since I was gracious enough to sit for the minister, perhaps he would do the same for me.

He referred to Erskine May. Mr. Speaker, we also know Erskine May. And I would like to refer to page 345. Where it says, **"Rejection both of amendment and original question."** That reads, Mr. Speaker: **"The rejection of an amendment (even an amendment to substitute a complete alternative proposition) does not constitute a final decision upon the original motion . . ."**

Mr. Speaker, I cannot really see the confusion in that honourable minister's mind. To me it is just to throw a red herring across this whole thing.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Some moments ago, I tried to rise on a point of order, sir. I want to say something here this afternoon that I want to make crystal clear.

Mr. Speaker, the Minister for Education, the Leader of Government Business, made a statement that MLAs were going to put this money "in their pockets." Mr.

Speaker, I want you to take note of this, and I want this in the record: That gentleman called me a Communist years ago and he got away with it. He will not get away with insinuating that I am a thief!

Now, Mr. Speaker, on my honour I will not allow him to get away with that. Not only is it my honour, but it is my father's honour, and my grandfather's honour. I want that minister to withdraw [that statement], and clear it up here and now. Or else, Mr. Speaker, he is going to have to deal with me!

The Speaker: Honourable Minister for Education, I think those words were inappropriate. Would you withdraw those please?

Hon. Truman Bodden: Sure, Mr. Speaker, I am quite happy to withdraw saying that it was going into the MLAs' pockets, and I apologise. But it is still going to MLAs!

Mr. Speaker, the point I was making, sir, and I don't want to draw this out much further . . . but what is happening with this motion is that instead of amending the motion it is substituting a totally new motion for the present motion. And I submit that as is clearly stated here, where the effect is to negate the present substantive motion, a vote must be taken on the substantive motion. In other words, you can't with an amendment take and totally wipe out a motion, which is what is being attempted here.

What needs to happen is that an amendment be put. And the difference is very clearly, sir, that this is not just a substitution of an alternative proposition, this is a total negation of the full motion and putting in only . . . I mean, it states specifically, sir, that it will be deleting and substituting the following. In other words, there is no amendment to the first motion. It is totally deleted.

I am submitting that as the member read, an amendment has to be relevant to the motion, taking out and adding in. But if the effect, especially in the second part, is to put a totally opposite proposition, which is that the MLAs Office Fund not be used, I submit that a vote should be taken on the original motion before this part is dealt with.

POINT OF ORDER

Mr. Linford A. Pierson: Mr. Speaker, on a point of order.

Mr. Speaker, I have a lot of respect for the Honourable Minister of Education, but there are others of us over here that understand the Standing Orders and Erskine May and have a degree of sense. I hope, sir, you will take into account our interpretation also, because there is nothing in here that says only the interpretation of the Honourable Minister of Education is valid in this Honourable House.

We too have a position, and our position is that Erskine May applies to this matter as well for us as it does for him. We have shown on page 345 where it states specifically that the amendment we are bringing is in order. There is nothing wrong with that.

The Speaker: I shall suspend proceedings for ten minutes and I will be back with a ruling.

PROCEEDINGS SUSPENDED AT 3:54 PM

PROCEEDINGS RESUMED AT 4:22 PM

SPEAKER'S RULING

The Speaker: Please be seated. Proceedings are resumed.

When we took the break, I said that I would make my ruling upon returning. Having researched to the best of my ability, looking at the situation . . . and I quote Erskine May, page 343, which reads, "**Object of an amendment and effect on debate. The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.**"

In view of this, I have decided to accept the amendment. If the amendment is accepted, the motion as amended will be the question. The question will then be put whichever way it goes.

Third Elected Member for George Town, are you continuing?

Mr. Linford A. Pierson: Thank you most kindly, Mr. Speaker.

I will just make a short presentation on introducing my amendment. I will avoid the temptation to comment on some of what went on before, as I really don't see that as being a productive way forward.

Mr. Speaker, in presenting this amendment I would like to make it quite clear that I agree with the preamble to the substantive motion before us. So that it can have the sort of smooth flow that I would wish to obtain, I will first read the preamble to the motion, the old resolve section, and how my amendment is proposing to make a few changes.

We totally agree with the preamble to the motion, which reads as follows: "**WHEREAS civil servants, pensioners and persons receiving financial assistance have all been granted financial increases in 1999;**

"AND WHEREAS veterans or their widows are only receiving a mere \$200 Cayman Islands dollar per month;

"AND WHEREAS the veterans have placed their lives at risk by defending our freedom around the world;

"AND WHEREAS most of these veterans and their widows are now in their senior years with little or no fixed income or dependable means of livelihood;

"AND WHEREAS some of these ex-servicemen and their surviving spouses have expressed a desire for an increase consideration and further that the government is also desirous of granting an increase to veterans and their widows; . . ."

Mr. Speaker, our amendment proposes to amend the first resolve section as follows, the old motion states, **“BE IT THEREFORE RESOLVED THAT the veterans monthly grant be increased to \$250 Cayman Islands dollars in 1999 and to \$400 in the year 2000.”**

Mr. Speaker, honourable members will recall that in the June sitting of this honourable House, in speaking on a motion before the House I suggested that the amount should be amended so that during 1999 an amount of \$300 per month would be paid, with \$400 in the year 2000. The amendment, in the first resolve section is consistent with that position, in that the new resolve section to replace the first resolve section of the substantive motion reads as follows: **“BE IT THEREFORE RESOLVED THAT the monthly grant to the Veterans [and in addition, Mr. Speaker to veterans we have included], indigents, handicapped and those over 60 years of age who qualify for financial assistance be increased to three hundred Cayman Islands’ dollars in 1999 [That is where the substantive motion said \$250 per month. We are proposing \$300 per month] and, funds being available, to four hundred Cayman Islands’ in the year 2000. . .”** which is the same as that being recommended in Government Motion No. 1/99.

Mr. Speaker, the only difference here in this first resolve section is that rather than just confining the increase to the veterans we have included indigents, handicapped and those other individuals who are 60 years of age who qualify for financial assistance.

Mr. Speaker, I need not suggest or even try to justify the wisdom in our move, because there are a number of individuals out there who are very badly in need of assistance. And in the same way we are now considering the veterans and their widows, we should also seriously consider assisting the indigent amongst us, the handicapped and those of the older people that are 60 years of age or more who qualify for financial assistance.

Also, Mr. Speaker, it is common knowledge that a lot of these people—especially these older and poorer individuals—have a greater strain on them now that the government has recently approved the tax package which they will also have to bear and suffer under. Mr. Speaker, even though we have a very affluent society there are many amongst us that are very poor and should be given every assistance and consideration possible.

Mr. Speaker, the second resolve section of the [amendment] is also proposing to make a slight change to the substantive motion. The substantive motion stated in the second resolve section, and I read: **“BE IT FURTHER RESOLVED THAT the Members of the Legislative Assembly do not accept at this time funds previously appropriated under Head 10-07-109 being a grant for MLAs office. And that this said sum of \$75,000 be utilised in 1999 to partially fund the increase to veterans or their widows and that Finance Committee be requested to approve the full amount.”**

Mr. Speaker, I am not going to attribute any unworthy or ulterior motive to that second resolve. I have to question, though, why the government (through the Honourable Minister for Community Affairs, Sports, Women,

Youth and Culture) chose to take away the funds from the members of the Legislative Assembly that were allocated for them to have an office for their constituent matters.

Mr. Speaker, in the same way that the honourable ministers of government require an office to do their work so that they can provide good representation to the people of these islands, they should show similar respect to the members on the opposite side and realise that we too need a place to meet with our constituents. Not only do we just meet and talk, but many times we are asked to write letters and do other things for our constituents that require an office and office facilities.

Mr. Speaker, I am very, very disappointed that the government is trying so hard to deprive us of this facility knowing full well that we need such a facility. And if it is not a vindictive act, then I would like them to fully justify why they did not attempt to find these funds elsewhere. In the same way that they could find almost \$3 million to fund the salary increases, they could find sufficient funds to pay the increase to the indigents and other people.

Mr. W. McKeeva Bush: Hear, hear!

Mr. Linford A. Pierson: Also, Mr. Speaker, they were very quick, and very happy to come to this honourable House to report that they had found that mysterious \$7 million to add to the budget. Why couldn't some of the funds that they need to give to the veterans have been taken from that \$7 million?

Because we decided not to take the increase in the MLAs' salaries, why, then, if it was not a vindictive act, did they not seek elsewhere to find this money?

Mr. Speaker, they can answer that. I am not here to lay any blame or to accuse them in any way, but I have to wonder.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you just a minute? We have reached the hour of 4:30 p.m. Will you be finishing shortly, or will you be going on for some time?

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may, sir. Obviously, we come back on Wednesday, supposedly to begin debate on the Governor's Throne Speech. I would think it is quite in order this afternoon to get this out of the way so that we can start fresh on Wednesday morning. I think that is the position of the majority of the backbench.

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

Hon. Truman Bodden: Mr. Speaker, I think on Wednesday it would be best to carry this on and then, if it was the will of the House, take the debate on the Throne Speech after. I don't see this finishing this afternoon. I can say that, sir, because members have a right to speak on the amendment as well as on the substantive motion. I would rather move the adjournment

The Speaker: It would be late.

Mr. D. Kurt Tibbetts: Mr. Speaker, I don't think that would be a problem then, providing that we don't break this now and come back to it a week or two weeks later.

The Speaker: Fine, we'll take it then on Wednesday morning. We will accept the motion for the adjournment.

ADJOURNMENT

Hon. Truman Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday morning at 10:00 AM, sir.

The Speaker: The question is that this House will now adjourn until 10:00 AM on Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10:00 AM Wednesday.

**AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 24 FEBRUARY 1999.**

**EDITED
WEDNESDAY
24 FEBRUARY 1999
10.44 AM**

[Prayers by the Elected Member for North Side]

AMENDMENT NO. 1

The Speaker: Proceedings are resumed.

(Continuation of debate thereon)

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

APOLOGIES

The Speaker: I have received apologies from the Second Elected Member for Bodden Town who is sick with the flu.

Item 3 on today's Order Paper is Government Business. The Honourable Minister responsible for Education, Aviation and Planning will move a motion to suspend debate on the Throne Speech.

**MOTION TO SUSPEND DEBATE
ON THE THRONE SPEECH**

Hon. Truman M. Bodden: I move that the debate on the Throne Speech delivered by His Excellency the Governor on Friday, 19th February, be deferred until the conclusion of Government Motion No. 1/99.

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

AYES.

The Speaker: The Ayes have it.

AGREED: DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19th FEBRUARY, DEFERRED UNTIL THE CONCLUSION OF GOVERNMENT MOTION NO. 1/99.

The Speaker: Government Motion No. 1/99, Increase of Financial Grant to Volunteer Ex-servicemen and their Widows. The Third Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/99

**INCREASE OF FINANCIAL GRANT TO VOLUNTEER
EX-SERVICEMEN AND THEIR WIDOWS**

Mr. Linford A. Pierson: Thank you.

On Monday I had commenced my introduction of the amendment I brought, seconded by the First Elected Member for West Bay, in respect of Government Motion No. 1/99, which is a motion to increase the financial grant to volunteer ex-servicemen and their widows. I had stated that while I am able to support part of the motion, I would find it difficult to support the substantive motion in its present form. Thus the reason for bringing the amendment.

I thought long and hard before bringing an amendment to a motion being brought by the government bench because I realise that the honourable minister bringing this motion would have had approval from the full Executive Council. At least that is how it was done when I was a minister (or a "member" as it was called in those days). Therefore, the content of Government Motion No. 1/99 must have received the approval of at least the majority of the members of Executive Council before that motion could come to this Honourable House.

The Speaker: May I just interrupt you one moment?

I would like to advise that before approving this I was assured that Executive Council had given its approval.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: The honourable Third Elected Member for George Town has raised this point, and he is specifically referring to Standing Order 24(2) which says, "(2) Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer, makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands."

That basically repeats the Cayman Islands (Constitution) Order, section 37(2)(b). But to understand (b), I just need to read (a): "Except on the recommendation of the Governor the Assembly shall not (a) proceed upon any Bill (including any amendment to a Bill) which in the opinion of the person presiding in the Assembly, makes provision for imposing or increasing any tax, or imposing or increasing any charge on the revenues or other funds of the Islands, or for al-

tering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands; and (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Assembly, is that a provision would be made for any of the purposes aforesaid."

Mr. Speaker, I can give the assurance as a member of the government, that the Governor has signified that the motion can go on. My question, if I may just—

POINT OF ORDER

Mr. Linford A. Pierson: Mr. Speaker, on a point of order.

My speech has nothing to do with questioning whether the Executive Council received His Excellency's approval on this motion. Stopping me on a fraudulent point of order—which I would say that is—is really incorrect. I was going to go on to state, had I been given the time, why I had mentioned this as a prelude to what I was going to say. So it has nothing to do with what the honourable minister is raising, and, with your permission Mr. Speaker, I would like to clarify what I was really moving to before I was stopped by your good self.

The Speaker: Before going to that point, I interrupted you to inject that I had been assured—because it plainly says that it is the responsibility of the Presiding Officer—I had been assured before I accepted the motion that it had Executive Council's approval, and the honourable minister moved on it.

You may now explain what you were going to say.

Mrs. Edna Moyle: Mr. Speaker, if I may, sir.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: The point just raised by the Honourable Minister responsible for Education, Aviation and Planning has been a concern of mine, sir. Standing Order 24(3) reads, "**The signification of the recommendation of the Governor shall be recorded in the Minutes of the proceedings.**" And I humbly submit that the definition of Governor in these Standing Orders sir, is the definition given in the Interpretation Law of the Cayman Islands. It means the United Kingdom representative as the Cayman Islands Governor.

So, I would request that the signification of the Governor be read into the *Hansard* of the Legislative Assembly under Standing Order 24(2).

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

Hon. Julianna O'Connor-Connolly: Thank you.

If members would cast their minds back to when I made my presentation on the substantive Government Motion (No. 1/99), I said very clearly and explicitly that we had gotten approval from Executive Council. Be that as it may Mr. Speaker, if members have now reached a

stage in our parliamentary relationship whereby they need the explicit expressed writing of His Excellency . . . I took the time this morning—as I am very careful with procedural matters as well—to speak to His Excellency the Governor to confirm yet once again that we received approval last week before the motion was brought.

If members wish, we can take an adjournment and I can get his consent and show them, sir. Thank you kindly.

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

Hon. Truman M. Bodden: The Standing Orders seem clear to me, "*signified* by a member of the government." Now, a very simple point of order for the amendment to the motion to come—would the mover please produce the signification of the Governor in writing?

[Members' laughter]

The Speaker: Let me address that point.

When the amendment was presented to me I looked at the amendment very carefully, fully cognisant of what Standing Order 24(2) and (3) said. I read the last part where it said, . . . let me read it in full. The last resolve section of the amendment said: "**AND BE IT FURTHER RESOLVED THAT the savings realised from the rejection of the increase in MLAs salaries, estimated at three hundred and fifty thousand Cayman Islands' dollars, be utilised to fund the increase and, in accordance with the provisions of Standing Order 24(2), that these payments be apportioned over a period in 1999 commensurate with the available funds, and that the funds allocated under Head 10-07-109, being a grant for MLAs offices, be not used for this purpose and that the *Standing Finance Committee* be requested to approve the full amount."**

I submit that this amendment is asking that Finance Committee make the funds available. That was the reason that I accepted the amendment.

Mr. W McKeeva Bush: That's right.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I would like to continue, with your permission.

The Speaker: The Third Elected Member for George Town, please continue.

Mr. Linford A. Pierson: In continuing I would like to remind any minister of the government bench (and I know that they know) or any others who would like to interrupt me, that the proper procedures are laid down under Standing Orders 34 and 35. And when they are going to interrupt me, I would like if they would state specifically why they are doing that rather than trying to break my train of thought.

When I was unnecessarily interrupted by the Honourable Minister responsible for Education, Aviation and Planning, I was going to explain that the reason I men-

tioned the procedure which should exist in Executive Council prior to a government motion being brought here was really not to do with the question of Standing Order 24(3), which deals with signification of the recommendation of the Governor before the motion should be brought here. But really to point out that each honourable member of Executive Council should have been knowledgeable of the motion coming to the House because it would first have to receive His Excellency's approval. That is basically what I was saying. I was not questioning whether the procedure had been followed.

If that honourable minister had not been so quick to try to interrupt and make other people look bad, he would have heard exactly—

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

Mr. Linford A. Pierson: What is the point of order, Mr. Speaker?

Hon. Truman M. Bodden: Mr. Speaker, on a point of order!

POINT OF ORDER

The Speaker: Please, let me hear your point of order.

Hon. Truman M. Bodden: On a point of order. I did not interrupt the member on that point. You did, sir. And I ask him to please withdraw it.

Mr. Linford A. Pierson: Mr. Speaker, after you stopped me that honourable minister also got up on a point of order . . . and you cannot deny it.

The Speaker: Let's set the record straight. I asked you to give way to me so that I could explain that I was satisfied by the honourable minister moving the motion that she had Executive Council's and the Governor's approval. I then recognised him. So the interruption was actually made by me, and I would ask that you withdraw that he interrupted because I did recognise him after you said that.

Mr. Linford A. Pierson: Mr. Speaker, for a quiet life I think the honourable House knows what happened. The listening public heard what happened. But if you wish for me to withdraw what I said, I will do so.

The Speaker: I thank you.

Mr. Linford A. Pierson: I always bow to your ruling, Mr. Speaker.

The Speaker: I thank you, and I take the responsibility for that interruption.

Mr. Linford A. Pierson: But, Mr. Speaker, let me deal with that honourable minister. It would not have been necessary for me to bring an amendment to this hon-

ourable House on a motion like this had it not been quite obvious that this was a most vindictive act on the part of those bringing this motion, and I will deal with that.

I intended to present the balance of my amendment this morning, but I note that it might be necessary for me to take a slightly different slant and deal with some other issues.

On Monday, when I presented this amendment, it was obvious that an attempt was made to kill it. It's quite obvious from the content of this amendment that the government bench finds it very difficult to not support an increase to indigents, the handicapped, and those over 60 years of age who qualify for financial assistance.

I would like to see what they are going to do with that. They are quick to get up and say that out of the goodness of their hearts, out of their Christian virtues they decided that the veterans needed this assistance because they had done so much for the country. But why did they not also recognise that a similar assistance should have been given to indigents, the handicapped and persons over 60 years of age whom need this assistance?

Where is the Christian virtue? It's insular thinking!

And let's make it quite clear that the honourable members on this side of the House support the recitals to this government motion, and basically most of the first resolve section. Expect that we feel it should be expanded from veterans to cover other people in need and that it should not stop at \$250 per month, but should be extended to \$300 per month. This was on the basis that if honourable ministers could agree to accept an increase in salaries of almost \$40,000 per year, why can the ministers not also accept that the indigent, the handicapped and people over 60 in need of financial help should be increased to \$300 per month?

Even though the minister bringing this motion, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, got up and stated that it was out of the goodness of the ministers' hearts that the motion was brought, she is fooling nobody except he who wants to be fooled. Everybody who has looked at this motion knows that it was brought through vindictiveness because they felt obliged to go along with the members on this side of the House who rejected the increase in MLA salaries. And they cannot deny that! That is why they felt that they would get even with us.

It's not out of the goodness of their hearts, or their Christian virtue. To say that is hypocrisy, and they know it! I don't know how they don't get choked.

That motion was brought to get even with those of us who supported . . . yet they had the numbers! They could have voted the rejection of the increase down. But because they felt that the public was supporting what the backbenchers did, they went along with it.

Now, tell me what the word "hypocrisy" means. I have heard it used in this House. If you do not believe that what you are doing is right, but you still do it for political reasons, then there is no more of an indication of hypocrisy than that.

I saw on the front page of the newspaper this morning that it was through dirty politics. I don't know, but it

seems so to me. I am not going to impute improper motives to anybody. But this is not imputing improper motives this is as clear as day!

It is not fair. They might say, *'Well you know, you prevented me from getting my increase in salary.'* But if they had the strength of character that I would expect them to have, they would have voted against it if they did not agree with it. But they went along with it for political reasons. That is what I am saying is wrong.

The members on this side of the House decided to deprive themselves of that increase. The ministers could have gone against it because they had the numbers to vote against it. They went along with us. We did not ask them to do something that we were not prepared to do ourselves!

Mr. W McKeeva Bush: Hear, hear!

Mr. Linford A. Pierson: We set the example. But what they are doing now is not playing on an even playing field. They are still prepared to sit up in the Ivory Tower of the Glass House, in their beautiful offices with their secretarial help and support staff to help get their work done. Plus, they can bring their constituents into their offices and deal with their constituent matters. But they are depriving—and I want to underscore this point—they are depriving the members on this side of the House of the same privilege.

I just want to remind them, though, that some of us over here will pay for it if we have to because there is at least one member on this side of the House who has been paying for his since he was elected in 1996. So if others have to do so, we will do it. But I want to make this point: The ministers on Executive Council have, in addition to their offices, offices in their constituencies. We would expect that they would pay government for the use of those buildings.

If we have to go to the Governor about this, we will do it! If I have to go to the Foreign and Commonwealth Office on this matter as a matter of principle, Mr. Speaker, I will do it. It is not fair for ministers of government to have their Executive Council offices plus other offices in their constituencies; yet, the backbenchers are deprived. This is wrong! It is shameful! There is no other way that Government Motion No. 1/99 can be described except as shameful! It is an abuse of power because they know that they have the numbers to pass this motion and it is totally, totally wrong.

I never dreamed that I would be in this House long enough to see this sort of thing happen. This is my third term in here and this is the first time that I have seen such abuse of power. It is a blatant abuse of power.

Mr. W McKeeva Bush: Sure it is!

Mr. Linford A. Pierson: It is shameful that we should be wasting the time of the House dealing with issues like this.

We have heard in this House that the backbenchers have spoken "ad nauseum," which means to a ridiculous end. But, Mr. Speaker, this is the kind of ridiculous matter

brought by the government which causes these debates to be protracted—just like we got the two budgets in November, causing us to spend almost three months in this honourable House!

I believe that when that honourable minister is using the phrase "ad nauseum" again he should look up the meaning and he will see that it applies to himself and some of his colleagues more so than to most of us over here.

We totally agree that indigents, the handicapped and those over 60 who qualify for financial assistance should be added to the first resolve section of the government motion, and that the amount should be increased from \$250 to \$300 per month. They deserve it and they should get it. In the same way that ministers and others expected to get a major increase, the poor people out there should also get their just due.

Mr. W McKeeva Bush: Hear, hear!

Mr. Linford A. Pierson: The second resolve section of this motion is a downright disgrace. It should not have been brought to this House. How can the honourable minister bring a motion to reject an allowance for MLA offices when she knows that the allowance is to enable MLAs to meet with their constituents?

Some of us (including me) have had to use our offices at home to deal with constituency matters. I use my computers to do letters and other matters for my constituents. I don't have the same luxury the ministers have with their beautiful offices and staff at the Glass House. Why should they now deprive members of being able to get some secretarial help, or of getting an office?

The First Elected Member for George Town and I were able to get our own furnishings. Government didn't even have to pay for that. We have an office that we have contracted for. But now we are being told that we cannot go and use that because government is going to deprive us by cutting off our allowance. This is totally, totally wrong and I wish it were possible to now bring a motion of no confidence in a government that would agree to such a travesty of justice.

Mr. Speaker, this is wrong. I have never felt this way before toward people in authority who should be showing an example by the very way they live. They get up here and talk about being Christian? The Biblical injunction is to "do unto others as you would have them do unto you." Which one of them out there would appreciate it if we were the ministers of government tomorrow and we treated them that way? It's a downright disgrace and they should be ashamed of themselves!

I want to underscore that the minister . . . and I trust that when the honourable minister is speaking she will give the assurance that in the same way the backbenchers may have to pay for expenses such as telephone, water, electricity, office help, etc., that they will also be subjected to a similar cost for their use of civic centres, town halls, or any other government facility they are using, and that it be assessed. If we are going to have a level playing field, then that should be done. They should not feel that they have any special privilege.

They are privileged, yes; but privileged because we—the House—have put them in that exalted position. And they should not abuse that position. The same way that they were put there, I trust that if this type of situation continues it won't be too long before they are removed.

The total amount to be removed for use by MLAs for their offices is \$75,000. Yet, I understand that the cost could run to several hundred thousand dollars to be able to provide financial assistance to veterans, indigents, the handicapped, etcetera.

Now, Mr. Speaker, I am not saying that literally, it's rhetorical. I would like to know with all the savings that the National Team Government professes to have been able to accrue . . . I have heard the Minister of Education say they have millions of dollars saved—

Mr. D. Kurt Tibbetts: Seventy-six million!

Mr. Linford A. Pierson: Seventy-six million dollars saved. They just found \$7 million at the end of 1998, plus he has been telling people he has \$60 million in recurrent "profit" from quite a ways back. Now, with all of that money, why is it that they need to be so vindictive as to take away the \$75,000 that was allocated by the Finance Committee to provide offices for the MLAs?

I am not going to refer to payments that have been made for other offices, such as what I heard mentioned here on Monday. But when the minister was bringing this motion she should have thought of those things.

What goes around comes around. And I hope that they realise that the people out there are listening. They know the injustice being meted out. They realise that one of the reasons for this is so that the Opposition will not have adequate facilities to meet them and to deal with them.

A similar situation occurred in 1996 with one of my colleagues when his office was taken from him. But I will not go into that because most of us know we don't have to speak for that gentleman. He's quite capable of speaking for himself.

But this has to stop, and that is why I said that if this Government Motion No. 1/99 passes, it wouldn't stop at this level. The Governor will be asked to intervene in this matter. Failing that, it will go as far as the Foreign and Commonwealth Office. It is not a matter of the amount, but the blatant abuse of power and the whole principle involved in this.

Government Motion No. 1/99 has nothing to do with veterans because if they were so interested in the veterans they could have done it during Finance Committee when everybody could have voted on it. This is just a political act, Mr. Speaker. It is pure politics! To go on television and talk about the "goodness of their hearts," and the "interest in the ex-servicemen" is pure hypocrisy because it could have been done in Finance Committee!

Mr. W McKeever Bush: Your heart can't be good.

Mr. Linford A. Pierson: Just like Finance Committee provided \$75,000 for MLAs.

Now, let me move to the other issue. We are saying in the amendment that rather than take the \$75,000 that is put there so that MLAs can meet in a decent atmosphere with their constituents, why not use the savings from the rejection of the increase in MLA salaries—which amounts to something like \$350,000. We are suggesting \$350,000 as against the \$75,000 that they want to take from us. If that is not sufficient, they could utilise some of the \$7 million surplus they found at the end of 1998.

If their motive is pure—like I hope it is—then they will favourably look at the amendment. The amendment is quite straightforward. I want to make the point again that the first resolve includes in addition to veterans, our poor people, and those who cannot help themselves. They need protection. So, we are saying that they should be included, and that the amount for 1999 should be increased to \$300 rather than \$250. Then in the year 2000, funds being available, it should be increased to \$400 per month. That is our recommendation on the first resolve section.

I have made it quite clear in the amendment (where we are talking about an increase) that we are talking about funds being available so that we comply with Standing Order 24(2). This is more particularly defined in the second resolve section to the amendment.

Just in case any of the bright sparks on the other side of the House decide to get up and speak on it, we have stated that our recommendations are in accordance with the provisions of Standing Order 24(2). And for clarity and information, I would just like to read that. It says: **"(2) Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer [and this is the important line], makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands."** It is quite clear that we are talking about funds being available, not imposing any charge on the revenue of the island.

In the second resolve, we are saying that we would wish for these funds to be apportioned over a period in 1999 commensurate with the available funds. If we are talking about \$350,000 being available (just to explain to the Minister for Education) and it costs \$600,000, then it's obvious if it's being apportioned you couldn't spend it from January 1 to December unless you paid lesser amounts. We are talking about the amount of \$350,000 so that we are not accused of wanting to impose any additional costs on government. So it's quite clear that we are complying with Standing Order 24(2).

We are asking that some amount of fairness be reached with government so that we can have a semblance of a level playing field. They cannot say that depriving MLAs of the opportunity to meet with their constituents is a level playing field when in addition to having their ivory offices in the Glass House they also have offices within their constituencies using government property such as civic centres and town halls. When you equate that it is the same as members being given an

allowance where they go out and rent appropriate properties. The only difference is that the ministers (including the minister bringing this motion) have their offices—as she does in Cayman Brac.

Mr. W McKeeva Bush: Yes!

Mr. Linford A. Pierson: And she will have to pay an equivalent amount that will be taken from the members on this side of the House, just like any other minister that is using government property. That is only fair. That is what we are talking about when we say a level playing field. If they don't want to change this, and if they insist on taking away the \$75,000 we cannot stop that because they have the numbers to do it.

I don't think the Official Members should be voting on this because this is a matter that should be dealt with in Finance Committee anyway. So I really don't think the Official Members should vote on this. But that's a matter for you, Mr. Speaker. I feel that if they could get out of it, they would.

Mr. W McKeeva Bush: We can test them anyway! It's a finance matter.

Mr. Linford A. Pierson: I trust that the honourable ministers will re-think their position on this. It has to be abundantly clear that what they are doing is wrong. It is an abuse of power. They cannot get up and say *'But you took my increase away from me.'* We recommended that the increase not be given to MLAs, and they went along with it. So it affected everybody.

We had a level playing field. But when they deprive only a number of people from getting their allowance, then that is not a level playing field—especially when they receive the allowance, and if they do not receive the allowance they utilise government facilities which would be equivalent to providing them with such facilities.

Are office facilities necessary for MLAs to properly represent their constituents? I would just like to point out that the answer to that is yes. The representation has to be at two levels. The only reason why ExCo members are paid more than members on this side is so that they can take on portfolio responsibilities. It does not mean that they provide any better representation to the people than the members on this side of the aisle. We provide a different type of representation.

I have been on both sides, and I can speak from experience. So they should not feel that they are superior to this side of the House that they should be given privileges that we are not given. Fairness is all that we are asking for.

Thank goodness, I have the privilege to wind up on this amendment. I will now wait to hear the response from my honourable colleagues across the floor, if they respond. I trust that they will let their conscience be their guide. It must be quite clear to them that they have gone wrong on Government Motion No. 1/99.

But if it happens that this amendment fails, then I want to make the point that some indication should be given that we can restore some semblance of a level

playing field by indicating whether or not this matter should go to Finance Committee. Or, if it is decided in this honourable House that ministers using government facilities will have to pay an equal amount to the allowance being taken away from the members of this side of the House. I shall await the comments of honourable members.

Thank you for allowing me to make the presentation on this amendment.

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

Hon. Truman M. Bodden: Thank you.

I have never heard such a plea for politicians to get \$24,000 each. When on the one hand—

Mr. Linford A. Pierson: Mr. Speaker, that honourable minister is out of order.

On a point of order!

POINT OF ORDER

Mr. Linford A. Pierson: He is imputing that we are here pleading to get \$24,000 a year for our personal use. That's the implication! And, Mr. Speaker, in the same way that government provides him with an office in the Glass House, I am saying that the members on this side of the House should be given that privilege. That honourable minister is completely out of order, and I would ask him to withdraw the statement.

The Speaker: Honourable Minister, I really don't think you phrased that correctly. Please withdraw it.

Hon. Truman M. Bodden: If the honourable member had let me finish my statement, what I was saying (and then I got stopped) was that I had never heard such a plea for \$24,000 to go to members to be used for offices in accordance with this motion. To take and imply something . . . and every time I refer to the \$24,000 going to members, it is going to members in accordance with the resolution.

I don't understand why they are so upset if they are looking at this from the point of view of conscience and not the monetary part of it, as the last member said. I mean, I hadn't even started when I was stopped, not on a point of order, with all due respect.

If I may now go on, sir.

The Speaker: Please continue.

Hon. Truman M. Bodden: Thank you.

The amendment to the motion that has been brought is nothing less than pure politics. In effect, the amending motion is saying that the Opposition members do not want to give up the \$24,000 a year—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: The minister either by mistake or deliberately is misleading the House. He needs to say who is getting \$24,000 a year. Which member is getting \$24,000 a year?

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

Hon. Truman M. Bodden: Let me read the paper because I don't understand what the member is talking about.

Mr. W McKeeva Bush: On a point of order, Mr. Speaker. Let me clarify what I am talking about. The minister can only have in his possession the form that was sent out by the Chief Secretary's office through the Deputy Chief Secretary. That was an example, if you recall, Mr. Speaker, because I suspect that you would have gotten one of these as well, as a member of this House.

The Speaker: I did.

Mr. W McKeeva Bush: It set out *examples* of what might obtain; examples of what you might be able to get. But it was only an example.

Now, some of us (and I am clarifying what I raised) have already claimed, but nobody has claimed \$24,000 a year. Furthermore, we agreed on it in the budget debate and in Finance Committee. Two paydays have gone for the year and we haven't received one red cent—although the Finance Committee approved it.

All I am saying is that unless he can come up with an application—because applications have been submitted, and applications we thought we'd be getting our funds from—unless he can show those applications and show that members have been approved for \$24,000, he has to withdraw that we are getting \$24,000.

I see what he has in his hand, and I have it here. It is just a letter dated from September of 1998 by Mr. Donovan Ebanks, Acting Chief Secretary, with the examples—"Draft Discussion Paper"—of what could obtain. But nothing says that we were going to get \$24,000, \$36,000 or even \$1,000. It depended upon the area and the cost of a person's office.

I am going to sit down because I am only clarifying, but I wish that they would really stop playing dirty politics because it has gone too far.

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

Hon. Truman M. Bodden: This House knows very clearly that the \$2,000 per month suggested by Mr. Donovan Ebanks—which is \$24,000 per year—was an amount for each of the 15 elected members who have—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

Hon. Truman M. Bodden: May I—

Mr. W McKeeva Bush: No, Mr. Speaker.

Mr. Roy Bodden: Mr Speaker, on a point of order.

Mr. W McKeeva Bush: Standing Order—

The Speaker: I can only talk to one at a time.

POINT OF ORDER

Mr. W McKeeva Bush: There is a Standing Order that talks about misleading the House. I suggest that that is what the minister is doing. I suggest that you stop this House right now, and get the forms that have been submitted, the applications. It is time for this to stop. It cannot be put that members are putting money in their pockets. That is calling members thieves! Now, I didn't interject yesterday—

The Speaker: Just please take it easy now.

Mr. W McKeeva Bush: —and I don't want to get hot under the collar, but I am asking you to intervene this morning, please! Please, Mr. Speaker!

Mr. Roy Bodden: Mr. Speaker, on a point of order. What—

The Speaker: Let me deal with one point of order.

I just heard the Honourable Minister responsible for Education, Aviation and Planning say that \$2000 would be available to each elected member, of which there are 15 elected members of this House.

Mr. W McKeeva Bush: Mr. Speaker, please. Didn't that minister say which members would be getting? Didn't he say that?

The Speaker: He said fifteen.

Mr. W McKeeva Bush: He said fifteen of us would be getting it. And that is not true.

POINT OF ORDER

Mr. Roy Bodden: Mr. Speaker, my point of order, sir, is that that is not true. That is not the case because I, the Third Elected Member for Bodden Town, made no such application. That minister must know that. And I know at least one other member who is in a similar position. Mr. Speaker, this is going to get out of hand. The minister is deliberately misleading the House.

The Speaker: I am not prepared to have any roll call here this morning as to who has, and who has not. It is my understanding that the Deputy Chief Secretary (who was then Acting Chief Secretary) submitted this letter. It was his suggestion that these funds would be available to each member.

Didn't members ask that the amount for rent and other funds be calculated? If we want that letter tabled we can do so. But if the Honourable Minister responsible for Education, Aviation and Planning has that letter, would he read it to clarify the matter?

Hon. Truman M. Bodden: I will.

The letter says, and I guess I had better read it all: It says:

“To Honourable Elected Ministers and Members of the Legislative Assembly.” To everybody in here, first point, with the exception of the Official Members.

“Office accommodation: Members of the Legislative Assembly.” Once again all 15 of us, that's the heading. **“The Clerk of the Legislative Assembly has referred this matter to the Chief Secretary's office. Kindly provide a copy of the proceedings of Finance Committee on 22 April 1998 on the matter as discussed.**

“It is my understanding that there are a number of venues currently being used for this purpose, some provided by the government others by the respective Members.

“It is also my understanding from the record of the discussion of 22 April 1998 that there was consensus that:

- **“all Elected Members of the Assembly should be able to avail themselves of a venue in their constituency which is suitable for meeting with their constituents [all members] and**
- **“a policy decision should be arrived at in respect of the form and level of government supporting the provision of these facilities and thereafter form the basis of an appropriation decisions.**

“As a prelude to presenting a proposal to Executive Council for its consideration I would welcome the views of all Elected Members. Additionally, as a basis for consideration, I have attached a draft paper with a number of issues and corresponding options. This is in no way intended to be exhaustive.

“As the Legislative Assembly has now reconvened, I will be attending as Temporary First Official Member and would kindly ask that we get together on Wednesday 23 September at the afternoon break and discuss the matter and hopefully reach a consensus.

“I look forward to having your input.

“Yours sincerely, Donovan Ebanks, Acting Chief Secretary.”

(Please see attached Appendix)

Hon. Truman M. Bodden: Very simple, Mr. Speaker. This applies to all of us.

The Speaker: I hope that will put this item to rest. That states exactly what—

Mr. W McKeeva Bush: On a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please, First Elected Member for West Bay.

Mr. W McKeeva Bush: Thank you.

I am rising on May's *Parliamentary Practice* where it talks about misleading the House. Yesterday, that minister had to withdraw [his statement] about members putting money in their pockets. Now today he says that we got \$2,000. I am saying to you, Mr. Speaker, nobody has applied for \$2,000. He said we got \$2,000. I am saying to you that that has to be withdrawn because that is not correct. That is misleading the House, and thus the public. It is plain in the Standing Orders about misleading.

The Speaker: I don't have the benefit of the *Hansard* but from where I sit I fully understood what was being said. Now, whether the man actually said “got,” I don't have it in front of me.

Mr. W McKeeva Bush: Yes!

The Speaker: *[addressing the Honourable Minister for Education]* But would you just rephrase that?

Hon. Truman M. Bodden: I am very happy to. What I am saying is that each member—as I just read, every elected member in this House, including the ministers—has a right and is entitled to apply for \$24,000 per annum as set out in this memorandum to be used as is . . .

[Inaudible interjection]

Hon. Truman M. Bodden: What do you mean, no? Everybody has a right to apply for up to \$24,000 a year.

Do you understand this any different from that, Mr. Speaker? Maybe you should tell me what you understand, sir, because I am beginning to think I have been listening . . . anyhow, I better not say that.

The Speaker: I thought the letter was very clear.

Mr. W McKeeva Bush: Mr. Speaker, would you get the *Hansard* where the minister said we were getting \$2,000? That's the part I am complaining about. Either he withdraws it, or you get the *Hansard* and make your ruling, sir. I think that's your job as Speaker.

The Speaker: I know my job. Let's understand that.

Hon. Truman M. Bodden: Mr. Speaker, I don't want to split hairs. If I said what the member says I did, I withdraw it. Let's try to get on with this.

But what is hurting members here, Mr. Speaker, is—

The Speaker: Just one moment. Let me clear this point of order. The minister has now withdrawn that. Is that satisfactory?

Mr. W McKeeva Bush: That we don't get the \$2,000 a month?

Hon. Truman M. Bodden: Right.

Mr. W McKeeva Bush: Right? Thank you, sir.

The Speaker: But the letter said that the money is available to each and every one of us if we make the application. Is that clearly understood by all members?

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the letter says what it does, what the minister will not address . . . and he needs to understand that I know how he does what he does.

I will not get out of order, Mr. Speaker, but please allow me. What the minister is not saying . . . he keeps chiming on this \$2,000 per month. The example that was put in Mr. Ebanks' letter clearly stated "based on square footage in George Town." He was simply saying that when each member had the exact cost he or she should make an application to defray those costs. There is a ceiling of \$2,000 per month because it was assumed that the most expensive would be in George Town. No one has made a claim up to that level.

So the point I make to you, sir, which is what the minister will not address—and he knows what he's doing. He keeps implying about this \$2,000, when all this exercise is about is that whatever one's actual expenses are for an office, up to \$2,000 is what will be paid by the government including for the ministers, sir. But no one has made any application to the ceiling level because in actual fact none of us have incurred expenses up to that level when it comes to operating an office. That's where the matter needs to be cleared up. That's all it's about.

The Speaker: I fully understand that, but I am not going to bring this Chair into the inner workings of this department.

The responsibility to vote the money is in Finance Committee. I think that the ¹letter as read into the records of this House, and which will be tabled, is what is available to members. It's just like having a loan at the bank—you are entitled to draw so much—you don't *have* to draw that amount, you *can* draw what you need.

Let us put that to bed now, please, and let's get on with something else. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

Hon. Truman M. Bodden: Mr. Speaker, I would ask you to please look carefully when members rise on points of order which are points of explanation to get in extra points during my time.

[Inaudible interjections and general uproar]

Hon. Truman M. Bodden: I now wish to lay on the Table of this Honourable House the memo that states very clearly that the 15 of us are entitled to up to \$2,000 per month for rental and other matters set out in this. So this motion affects all 15.

The Speaker: So ordered.

Mr. Linford A. Pierson: Mr. Speaker, I had asked you to ask the minister to clarify that particular point. What I am asking him to clarify—

Hon. Truman M. Bodden: Is this a point of order, or a point of—

POINT OF ORDER

Mr. Linford A. Pierson: It is a point of order. He is stating that all 15 members . . . the impression is that all 15 members are entitled to this. Where a minister, such as the minister moving this motion, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, has an office in the Brac, will that be assessed? And if using a government building, will that be assessed? And if the motion is rejected for MLA allowances, will she, like others, have to pay the rental out of her pocket for the use of that building? He needs to clarify that point.

Hon. Truman M. Bodden: Mr. Speaker, with respect, that is not a point of order. That's what I asked you earlier to be careful with, sir.

Mr. Linford A. Pierson: It is clarifying a matter . . . and he's giving the wrong impression, Mr. Speaker.

Hon. Truman M. Bodden: You cannot clarify a matter unless I chose to sit.

Mr. Linford A. Pierson: He is misleading the House.

Hon. Truman M. Bodden: Mr. Speaker, the misleading of the House is when a member stands up on a point of order to get in his point as elucidation. If I do not give way when I am speaking the member doesn't have a right to get up and speak. If it is a point of order . . . and I would like you to rule. Is that a point of order, sir?

The Speaker: I think everything has been very ably clarified by the tabling of this document. That document laid the policy that has been set down by the honourable Chief Secretary. I want to put that issue to bed.

Please continue, Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: I will give way to the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, to clarify a point that was wrongly raised.

¹ Please see attached appendix

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

Hon. Julianna O'Connor-Connolly: Thank you for your indulgence, Mr. Speaker.

The aspect of the Brac MLA office—which seems to be a very emotive catalyst for discussion this morning—might I inform this honourable House this morning that that office is not completed and that it has never been used. If it means my making a sacrifice in respect of the well-deserving and courageous veterans, I can do what I have continued to do—see people out of my apartment, which I have paid for. I have no problem continuing to pay for my own bills.

[Some Members: Ohhhh!]

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

Hon. Truman M. Bodden: That is speaking from the heart with conscience; not from the monetary point of view. And the public is smart enough to know where the genuine people in this House are and who (and I am going to deal with this in depth) the hypocrites are. You see the difference there, and the public will see the difference between the genuine people speaking with conscience and those who are only speaking from the point of view of the money allowance.

The impression has been attempted to be given is that the loss of this allowance was a loss of an entitlement only for some members. That's why laying the memo from the Acting Chief Secretary on the Table of this House makes it very clear that this is a sacrifice that is being made by all members of the House. It is no different from one's salary. One need not draw one's salary if one doesn't want it.

[Inaudible interjections]

Hon. Truman M. Bodden: I really wish they would leave me alone. I have come here in a very nice, calm mood—

[Some Members: Ohhhh!]

Hon. Truman M. Bodden: —and I have listened to so many interruptions from the first word I said. All I can say is that nothing hurts like the truth. Nothing! When the truth is said, then you find those who are not subscribing to it squirming and trying to find ways of getting out of it. That's the general way of life.

So let's not get this wrong: The \$24,000 per year entitlement—the \$360,000—is an entitlement of all elected members of this House. We have every right to have an office, Mr. Speaker, as does the Opposition. It's not a world where only the Opposition or the backbenchers should have an office. But very little of what was said (and this is the point I am coming to) by the Opposition relates to the poor veterans and ex-servicemen and these people. The whole push, the larger part of what has been said, has come around the money. I submit

that is really what the big objection to this motion is. Instead of dealing with one's conscience and one's sympathy towards these people what is being dealt with, really, is the loss of the entitlement to \$24,000.

The public is smart enough to see where people are heading. And I heard anger, which should not be coming into this House. And I have been subjected constantly—and the public has heard it—to anger in this House. That isn't coming through conscience to do something for the ex-servicemen. I submit that it is coming when we begin to touch on the money entitlement that all of the members of this House are entitled to. All of the members here are entitled to it; it is not as if there are one or two victims out there among the Opposition who would be entitled to this. All members of this honourable House have the same entitlement.

I congratulate the minister who has brought this noble motion . . . and I am speaking here on the amendment, I would like to make that clear.

The amendment itself is really seeking to do two main things. One is to preserve the \$24,000 per year that seems to be what is getting some members of the backbench so upset. So it's all about money. That's what this is all about.

I am amazed. Just a few weeks back, we heard the noble statements about doing for your country rather than self. The \$24,000 is for self! And the ex-servicemen are the ones who defended this country. They are the people who preserved freedom. That is country! Where is all the support for these ex-servicemen's position? Self, Mr. Speaker. It is the \$24,000.

[General uproar]

Hon. Truman M. Bodden: Every time I get on this \$24,000, I seem to get people very itchy to interrupt.

Mr. W McKeeva Bush: No!

Hon. Truman M. Bodden: This is a sacrifice that all members of this House should be prepared to make for the veterans of this country. I would say shame on those who are not prepared to make that sacrifice because many veterans gave the ultimate sacrifice for their country. They died, that is the ultimate sacrifice. And here we are looking at \$24,000 per year times 15—which is \$360,000 that will go towards paying for the veterans.

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. D. Kurt Tibbetts: The minister is again misleading the House. No one has said that the amount is going to be \$24,000 per year for each individual times 15 to come to \$360,000. He just said that that is what is going to happen, and no one knows that that is what is going to happen.

In fact, it cannot happen because no one has claimed up to \$2,000 per month. It is misleading the House! No one here has talked about depriving veterans either. That, too, is misleading! We have provided alternative means of funding for the veterans if our amendment is accepted.

The Speaker: Honourable Minister, I really thought that we had put that to bed. Once again, would you just add "up to" \$24,000?

Hon. Truman M. Bodden: Mr. Speaker, I always mean up to \$24,000.

[General uproar]

Hon. Truman M. Bodden: And I talk about it then as an entitlement, and that gives you "up to" \$24,000.

The Speaker: Not to exceed \$24,000.

Hon. Truman M. Bodden: Yes, sir.

Now I don't mean to say anything other than that. Anything I say that may . . . you know, Mr. Speaker, if I could be just left alone to say what I have to say . . . when my train of thought is broken consistently, confusion at times creeps in. I don't understand why . . . I mean, what I have said, I think is very clear.

Just about one month ago we had a very similar type of motion put forward. And MLAs . . . in fact, if you really want to look at what was bad in some ways, that motion that dealt with not taking the salary increases . . . there were some members in this House who probably didn't even realise that was being done. All what was said about being for country instead of self, and what was being given up for the country. And now, when a sum that is about the same amount, I would think, is . . . the motion is similar except it is saying that this money should go towards paying the veterans of this country an extra amount. And suddenly we find that the attitude has totally changed.

Now, I am going to deal with hypocrisy a bit because the Third Elected Member for George Town and several other members spent time talking about this. Hypocrisy is when you get up on one motion and talk about country and self, and how good it is to be giving up your entitlement (which is was then an extra salary increase), and that this should go towards paying for the increase that has already gone in (which is the \$50 that has already gone to people other than veterans). As we know that was in the estimates, and I will deal with that a bit later. Then a motion that is in my view the same thing . . . it is saying, '*Look, you're entitled up to \$24,000, the same as you were entitled up to, say, \$24,000, \$25,000, \$26,000 for your salary*' and we don't take it.

There is no difference in giving up your entitlement to a salary increase and giving it up to an allowance. So if there is any hypocrisy, that is where it comes in because the country will now see—when the vote is driven by money—who votes for self, who votes for country, and who votes for money. Very simple! And that is really

why I have been stopped so often is because of the inconsistency, saying on the one hand '*We are not going to take our salary increase*'—which is about this amount—

Mr. Roy Bodden: What?

Hon. Truman M. Bodden: Well, Mr. Speaker, what would be happening at this stage is that those backbench members who were prepared to take this entitlement up to \$24,000 would be drawing more salary and allowance (get more money so to speak) than is presently paid to ministers. To go out and justify to the public that you add \$24,000 extra onto an MLA's salary as an allowance . . . you know, Mr. Speaker, money by any other name is still money.

The crux of this is not the veterans; it's not the poor persons. This is all about money and the entitlement to that \$24,000 that some members of this House . . . because we are prepared to give up our right to it. We put this motion and there are some that are not prepared, obviously, to put self before country. Nearly everything that has been said has been about the money part of it. Very little was said about the poor veterans who died and gave their lives for this country.

When we look at what has happened in the past in the districts, the civic centres, the town halls, in George Town it has been government offices or town hall over the years, used by members and ministers throughout. What has really happened now, it seems to me, is that some people probably feel they are too good to go in the humble offices that are provided in town halls or civic centres—

POINT OF ORDER

Mr. Linford A. Pierson: On a point of order!

The honourable minister is misleading the House. He knows that in the case of George Town the town hall is used for court purposes and other purposes and not available to the honourable members of the backbench. He knows that. There are no other offices in government buildings in George Town available to MLAs. If one is available, I would like that honourable minister to say which one and I would be happy to go . . . we have been through it. There are none available. They told us none were available. But if he knows of one, I would like him to tell us now.

The Speaker: The Honourable Minister responsible for Education, Aviation and Planning, as soon as you have answered this I take the point that he is making about the town hall. That is absolutely correct. It is being utilised almost on a continuous basis. But it's getting time for us to take the morning break, so make your reply brief please.

Hon. Truman M. Bodden: Perhaps we should take the break, sir. I see it is nearly 12.00.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.45 AM**PROCEEDINGS RESUMED AT 12.25 PM**

The Speaker: Please be seated. Proceedings are resumed. Debate continues on [the amendment to] Government Motion No. 1/99.

The Honourable Minister responsible for Education, Aviation and Planning, continuing.

Hon. Truman M. Boddén: Mr. Speaker, this amending motion has, in my view, tried to cloud the issue because the issue here is not so much what the veterans, indigents, are going to get but the part of it that relates to the allowance of up to \$24,000 for each member.

It is very important to note that from what I have been led to understand the salary increase that was given up by those MLAs opposing the original motion was considerably less than this \$24,000 allowance potential. So we were looking at considerably less. I believe it would have worked out somewhere a bit over the half mark of the \$24,000 allowance entitlement. We can well see where this aspect of it has come in.

Now I have not seen the Third Elected Member for George Town so heated in a long time. He is very calm now, but he went on to talk about abuse of power. The best example of abuse of power was back in 1990 when the members of the elected government removed the Financial Secretary from the chair of Finance Committee, added on the three Official Members, put the Governor in charge of Finance Committee, and ran the government for two years. Constitutionally it was something that had never been done. That is abuse of power!

Thousands hit the streets petitioning because of [Government] Motion 3/90. All I am doing is giving a clear warning to the Third Elected Member for George Town that when he delves into this that he cast his memory back to Motion 3/90 and the way that nearly wrecked this country at that time.

We are giving up our entitlement the same as everyone else. There is no abuse of power involved. What is involved here is the hard choice between country and self.

[Inaudible interjections]

Hon. Truman M. Boddén: Mr. Speaker, one other thing (and I won't call the honourable member's name), when we were in the informal stage looking at the salary increases there were one or two members who wanted to go up to \$91,000 from the \$84,000. Even at that, what was in there was four extra increments: instead of \$81,000 for MLAs, they would be getting four increments to get \$84,000 (and I am talking in round figures here); whereas (at least with the Executive Council Members) we remained pegged where we were pegged all along. There was no attempt to increase it.

But when that motion came—and this is where the hypocrisy comes in—that member was one of the first to get up and say how wrong it was to take the increase to

\$84,000—when what had been talked about was \$91,000! But when you add this altogether, and you look at the constituent's allowance of \$24,000, really, a member who draws that as a MLA would be drawing about \$92,500 a year. So we are not talking about small money here.

I would like to just look at a few other areas. A lot was also said about things like dirty politics and that sort of thing. I can just point out that when everyone is in the same boat—we all have this entitlement and some of us are prepared to look at country and give it up as did all the members of this House with their salary increase. There is nothing dirty about that, Mr. Speaker. It's good and clean to give up your entitlement and leave it with your country.

A lot was said about what is done for the country and the fact that reference . . . and, by the way, this \$24,000 entitlement will be paid by the poor taxpayer the same as any other amount. Do members really want the entitlement? The salary of \$92,000 a year is a very substantial amount.

The other point I would like to mention Mr. Speaker, up until now, members always were able to somehow sort out where they would have their MLA offices. In fact, many of those members also have their private offices. So it's not as if there is not somewhere available, as I said. And with the exception of the Town Hall, I think the Third Elected Member [for George Town] is quite right. It's very hard to get the George Town Town Hall. But there should be other areas.

I believe that members dealt with their constituents very ably in the past. It is not as if all of a sudden elected members have to have nice private offices and they are not taking up (at least in the districts) the town halls and civic centres. That's what they are there for, and the offices are quite nice in some of them. It is not good enough to plead that you can't serve your constituents unless you have a private office because all along members have been serving their constituents from the offices available.

To be frank, when you stay in the legislature for three months there is very little use in having an office up in the Glass House because we don't get there. Look at it from the practical point of view: We stay in this House day, after day, after day, after day. Unless something is finally done the business of government will also suffer—not because of an office or otherwise, but because we stay in this House these extremely long times.

I know the members who are shouting across would like me to sit down, but I am not quite ready for that yet. When I tell the truth, I get a lot of little insinuations from across the floor of the House. But I don't get upset, because I know tomorrow is another day and life goes on—

Mr. W McKeeva Bush: Oh, you know that?

Hon. Truman M. Boddén: I know that if I let the backbenchers get me upset I may say things that with careful thinking could have been put in different words.

Mr. W McKeeva Bush: That's not true.

Hon. Truman M. Bodden: What is true, since one member said it isn't true, . . . and let's look at this. I hope the public realises this: If this amending motion succeeds, MLAs, together with the cost of living increase of 2.7% in 1998, and the 3.3%, together with the allowance of up to \$24,000, will be drawing about \$92,500. That's a lot of money. We were talking about giving up the salary increase when it was only \$84,000 at the time. That was a bold move to give up the \$13,000, \$14,000 or \$15,000, whatever it was—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order!

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: Yes, Mr. Speaker. It's repetition—tedious repetition.

You know when the minister speaks he is tedious, but this is tedious repetition because he has made that point about five times. I have marked it down. Sir, I would ask you to watch him carefully. He can do that because he's a lawyer.

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

Hon. Truman M. Bodden: Thank you, sir.

You know, Mr. Speaker, it's real interesting. The government ministers sit here for three months at a time and say so little. The vast majority of what is said is by the backbench. And I hear that repetition over, and over, and over, as does the public, to where they are no longer listening to a lot of what goes on, which is unfortunate.

The second part of the amending motion admits, and I would like to read it: "that savings realised for the rejection of the increase in MLA salaries estimated at three hundred and fifty Cayman Islands Dollars be utilised to fund the increase." I may be wrong, but I remember it being stated that it could be used, or would be available for use for quite a number of different things. We can't have a situation where the same amount of \$350,000 is recycled over and over.

But, in any event, \$350,000 is not going to cover the increase in this amending motion. And this is very important. Money has to be raised from elsewhere, by whatever means, because the sum that will be needed . . . and I would just like to get this clear. First of all, already provided under the Minister of Social Services is the increase of \$50 for the indigents and persons receiving financial assistance. I understood that was in the area of \$390,000, that's for \$50.

Is that not now in the budget?

Mr. W McKeeva Bush: On a point of clarification, if the minister would.

Hon. Truman M. Bodden: I am not giving up on clarifications.

Mr. W McKeeva Bush: On a point of order, then, Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: The minister again is misleading the House, whether it's memory or what. If that money was in the budget for \$50, why then was it not paid in January?

The Speaker: I don't really think that's a point of order. We are not dealing with the budget here this morning.

Hon. Truman M. Bodden: Mr. Speaker, the reason why it was not paid in January is because the backbench was in here asking questions on the budget. The budget didn't go through in January, with all due respect. So how could we pay the money? We were all inside here. I don't want to get into this, but that's the reason it wasn't paid.

Mr. W McKeeva Bush: No, the reason why is because you brought two budgets!

Hon. Truman M. Bodden: Mr. Speaker, this thing about two budgets, . . . both were brought at one time. Within a matter of a few days everybody had it. And—

[Inaudible interjections]

Hon. Truman M. Bodden: Mr. Speaker, every year the public knows that the long delays in this House . . . they hear who is asking the questions, and who is causing the delays. That's why the poor indigents and persons who are entitled to financial assistance were not paid—because this House was sitting in Finance Committee and had not approved it.

What should have been done, as happened in years gone by, is that it should have been approved in November. There is no reason why it shouldn't have been dealt with earlier. In any event, it will be retroactive and will go back to the first of January, despite the delay that was caused—which was not our fault. We put the budget forward in November.

[Members' laughter]

Hon. Truman M. Bodden: These people weren't paid.

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. D. Kurt Tibbetts: Just a few minutes ago the minister said that "money will have to be raised from else-

where to fund this increase that is being proposed with the amendment.” Obviously, the minister has not read the amendment properly. And let me make the point, sir. The amendment reads: **“BE IT FURTHER RESOLVED that the savings realised from the rejection of the increase in MLA salaries, estimated at three hundred and fifty Cayman Islands Dollars be utilised to fund the increase; and in accordance with the provisions of Standing Order 24(2) that these payments be apportioned over a period in 1999 commensurate with the available funds.”**

That simply means that whatever those savings were, the payments be given out in proportion to what is available. The amendment clearly states that there is no request for additional funds over and above the savings to be realised by the rejection of the MLA salaries. So, the minister cannot say that we are trying to commit the country to other funds. For the minister to say what he just said is definitely misleading the House, and he should correct the statement.

The Speaker: I am afraid you completely lost me on that one.

Hon. Truman M. Bodden: Mr too. But if the honourable member is—

The Speaker: Would you please repeat it?

Mr. D. Kurt Tibbetts: I will repeat it sir.

The minister said just a few minutes ago that other funds would have to be sought to be able to pay this extra money being sought in the amendment, the impression being that we are asking the country to commit more funds.

The amendment clearly states that all we are asking for is whatever savings are realised from the rejection of the MLA salary increase, that it be paid out in proportion. In other words, if the amount of \$350,000 is being saved on MLA salaries, that is the total amount to be paid out during 1999 to these people. If they have to wait until March to get the extra money, then so be it. That is what this is saying. We are not asking for any increase in funds.

The minister clearly stated a while ago that “extra funds would have to be sought.” That is what he said! I am saying that if you read the motion it says the exact opposite of that. So he is misleading the House.

The Speaker: I would like to inject this part: The final sentence in the amending motion says **“and that the Standing Finance Committee be requested to approve the full amount.”** That is where I am not on all fours with what you are saying.

Mr. D. Kurt Tibbetts: Mr. Speaker, that final statement refers to whatever that full amount of savings realised is. That is what the point is. So, at no time is this amendment seeking to ask for extra funds to be found from elsewhere.

The Speaker: I thank you for that explanation.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: This is a revelation to me because what the member is saying is that the resolution will only be distributing the equivalent of \$350,000 and no further funds will be raised. That is what he is saying. I did not understand it that way, sir.

The Speaker: Me neither.

Hon. Truman M. Bodden: And as you are shaking your hear, sir, you didn't either.

I read it that if the members are saying that they are increasing veterans, indigents, handicapped and those over 60 who qualify for assistance to \$300 in 1999, and to \$400 in the year 2000—and both the motion and this are the same there—then to do that, sir, requires a lot more than \$350,000. I apologise for not understanding it, but I believe the way in which it is worded, and where it says “approve the full amount” if that is the case, then what we have at this stage is a motion that the first part of the resolve—and I can say what that cost will be—cannot then be put into effect. So someone has not gotten their figures together and counted the cost of the—

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, again sir.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. D. Kurt Tibbetts: That minister is a lawyer, and he supposedly understands the Queen's English. I heard what he just said. I am going to read this again.

“BE IT THEREFORE RESOLVED that the monthly grant to the veterans, indigents, handicapped and those over 60 years of age who qualify for financial assistance be increased to three hundred Cayman Islands Dollars in 1999;” That is exactly what is being asked for—that it be increased in 1999. It doesn't say January 1st 1999. It says in 1999. So what he is saying again is a double misinterpretation of the proposed amendment.

Hon. Truman M. Bodden: Mr. Speaker, I would really appreciate it if the honourable member can really explain to me what this motion means. When in 1999 are you going to pay the \$300? The \$350,000 can't cover all of this money to be paid to veterans, indigents and everybody else.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Mr. Speaker, that minister always talks about how people talk, talk, talk and don't listen. If he had taken the time out to understand the full intent of the amendment,

he wouldn't be killing himself giggling now, trying to make it sound like he understands the amendment and we don't understand the amendment that has been proposed.

The minister said a few minutes ago that the additional \$50 to the category of indigents and such was already in the budget for 1999. That amount we know has been approved. We know that we cannot (by way of seeking an amendment) ask for additional funds or to commit the country to additional funds or additional cost from the revenue it has. This amendment is simply saying that with what is available to the indigents and the other categories in the budget, along with whatever savings will be realised—which was a commitment given, that the savings would be realised during the year—be used to pay out (when you add all of that up to come to \$300 a month) whenever it can during 1999. That is what the amendment is saying.

You may look and frown, but we knew what we were saying when we said it.

Mr. W McKeeva Bush: That's right!

Mr. D. Kurt Tibbetts: You may do what you wish, and you may say that we didn't understand. But I want you to understand that we understand the Queen's English too, so you can debate it however you wish. I have now told you the intent of the amendment.

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

Hon. Truman M. Bodden: Now that I understand the intent of the amendment, because on the reading of it I had read it like you, sir, that the motion was to really pay the sum of \$300 in 1999—and when we say that, I assume the whole of 1999. Obviously I was wrong.

Let me just now show you what this will cost per annum. The cost of paying \$100 per month to veterans, indigent, handicapped and those over 60 who qualify for financial assistance is \$780,000. I am sorry, that's without veterans. That's indigents and handicapped and those over 60 for financial assistance. In other words, what the Minister for Social Services would pay under that motion would be \$780,000. What it will cost to increase to \$100 per month per annum for veterans is \$712,000. That totals \$1,492,000. What is in the budget is \$390,000 and \$75,000 which is a part appropriation for the MLA offices allowance, which makes \$465,000. Take it away, it leaves \$1,027,000.

Now, Mr. Speaker, there is no way that a savings of \$350,000 for the MLA salaries can fund \$1,027,000. So the money has to be vired from somewhere, or raised from somewhere if the full amount is to be paid. If the motion says what the First Elected Member for George Town said . . . and in fairness I didn't understand it that way that there will only be the amount paid out that the \$350,000 can pay—then I would say take that \$350,000, which doesn't quite cover \$50 to veterans, because the budget now provides for \$250 per month to go to the indigents and those qualifying for financial assistance.

The people who are not getting the money are the veterans. They are only getting \$200 a month. We say increase that, make it equal, to \$250 per month. So the money that is there is very simple. It cannot pay what is in the first part of this motion to increase everybody up to \$300 per month. Either my bookkeeping is not right, or somebody else's bookkeeping is not right—

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order again.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. D. Kurt Tibbetts: The minister is again trying to say that we have said the money must be paid immediately. He thinks that we are falling into a trap, but I am sorry for him. He can argue that until next week because we know why we worded the amendment the way we did. We are not saying that, and we are not suggesting that any additional funds have to be sought from anywhere else.

The amendment clearly states what we sought. When all the funds that are available from the budget and these savings and however they were apportioned out, then let it be done. That is all we are saying. We were simply setting the stage for the veterans and the other categories mentioned in the amendment to be able to rise to \$300 per month sometime during the course of 1999. That is the purpose!

If he is coming back about his accounting or somebody else's accounting, because he's adding all of it up with all of the categories from January 1st . . . that is not what we said. We know what we can ask for and what we can't ask for, and we couldn't ask for it the way he's suggesting because he would have been the first one to say that the proposed amendment to the motion was ultra vires everything, and all his fancy language.

The Speaker: That's an explanation. The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: What this boils down to is that the motion put by government is seeking to equalise the veterans with the indigents and other people getting financial assistance. We need to understand that there are two different ministers, two different headings involved here. To do that is going to cost \$356,000.

What will therefore have to happen is somebody, during a substantial part of the year, will have to get either considerably less than \$250 (and a few may be for a very short period at the end of the year) . . . and I would have hoped that the backbench would have had this all worked out and could have said for two months of the year or one month or three or four months they could have gotten this.

But if no more money is being raised and the purport of this amendment is just that, what it really boils down to is the only thing that we are talking about is the section that talks about the \$24,000 allowance, up to

that, that can go to MLAs. Because this is not enough money to do any more than fund the veterans their extra \$50.

Are we going to deprive the veterans of their extra \$50? They are getting \$200. The indigents and those over 60 have been increased up to \$250 and we have \$356,000 sitting there, plus \$75,000 that has been appropriated. There is no way that anything else can be dealt with.

As I see it, this cannot be achieved under this motion. If the honourable member is correct, that the intent is not to raise any money, then really this amending motion does nothing more than the motion does because there is \$350,000 or \$360,000 (whatever the go around), it will cost that much to give the veterans what they are entitled to—which is the \$50 per month increase from 1st January.

There is \$75,000 left. And when you are dealing with \$1.4 million a year, \$75,000 can probably pay each one an extra \$50 for a few weeks from what I can see, unless there is something else hidden in this that I cannot see to understand. But then I submit that what we are really down to is what do we do with the \$350,000? We said give \$50 to the veterans, if we are all that charitable, and equal them all up with \$250 for the next whatever it is, eleven months or so.

What I don't understand either (and the First Elected Member for West Bay is waving his hands at me) . . . that motion that was put through on the salary increase didn't appear to me to be a very final resolution. And I am coming to that point. It said, "**BE IT RESOLVED that the proposed increase to all elected members of the Legislative Assembly be not accepted at this time.**" So at which time is it going to remain open until? Maybe in the course . . . since we don't understand what motions are, maybe somebody will explain that one because that too, I don't follow.

As I understand it (let me say what I understand), what the members were doing, the Opposition rather—because this was brought by the First Elected Member for West Bay and seconded by the Third Elected Member for Bodden Town—was an attempt to get the political glory putting it in at this time and leaving it open so that at some time in the future it would possibly come back. "At this time" means at *this* time, and at sometime in the future maybe take the extra amount. But that wasn't necessary because a much larger amount, up to \$24,000, was sitting there—

Mr. W McKeeva Bush: Could we put the hair in place?

Hon. Truman M. Bodden: It did not strike me at the time when—

Mr. W McKeeva Bush: Truman sit down, that won't work. You supported it.

Hon. Truman M. Bodden: That, I understood, was one of the backbencher's—

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

Hon. Truman M. Bodden: I think it would be, sir, thank you.

The Speaker: We shall suspend until 2.30

PROCEEDINGS SUSPENDED AT 1.04 PM

PROCEEDINGS RESUMED AT 2.41 PM

The Speaker: Proceedings are resumed. Administration of Oaths or Affirmations. The Oath of Allegiance to be taken by Mr. Arthur Joel Walton to be the Acting Temporary Third Official Member.

Mr. Walton, will you come forward to the Clerk's table? Will all Members please stand?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

Mr. Arthur Joel Walton

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

The Speaker: Mr. Walton, on behalf of all honourable members of this House I welcome you here for the time of your service. Please take your seat as the Acting Temporary Third Official Member.

Please be seated.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have apologies from the honourable Third Official Member who has been taken ill with the flu and is incapacitated. I have also received apologies from the Fourth Elected Member for West Bay who is also ill.

Continuation of Government Business, Motions, [Amendment to] Government Motion No. 1/99. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

Hon. Truman M. Bodden: Thank you.

The amendment to the motion that has been put forward, I submit, appears to be an effort to get some momentum from the motion moved by the minister responsible for veterans. As I now understand this amendment, the first operative resolve, "**that the monthly grant to the Veterans, indigents, handicapped and those over 60 years of age who qualify for financial assistance be increased to three hundred Cayman Islands' dollars in 1999 . . .**" I under-

stand that means in a part of 1999 which I would assume would be calculated that it is a month, two months, or whatever, **“and, funds being available, to four hundred Cayman Islands’ dollars in the year 2000;”** Well, that latter part repeats what was already done by a motion that was put forward on 17th July 1998.

Private Member’s Motion No. 8/98 said, **“BE IT NOW THEREFORE RESOLVED THAT the Government consider putting in place the necessary funds so that at the year 2000 the financial assistance would be at a figure of \$400 per month, per person.”** So that is a repetition of an earlier motion that was passed. That, in any event, doesn’t arise until next year.

Now, to give \$50 a month extra to veterans, the cost is going to be \$356,000. The funds that are referred to in the amending motion can cover the veterans and no one else, unless the view is that the veterans should continue at \$200. The indigents, handicapped and persons over 60 who qualify for financial assistance would then continue at \$250 a month. Then, somewhere further down the line the \$350,000 would be split up so that in the last one or two months at the most, they would be increasing to \$300 each.

As I see it, the first part of this amendment does not, despite the flowery wording of it, do anything other than say that there should be an increase of \$350,000 per annum utilised for all of this.

But it is well known—and this is what really brought out the intent on this motion—that \$350,000 can’t pay an extra amount to all of these persons except for a very short period of time. Between the motion and the amending motion the only substantial difference is that the motion brought by the Minister for Community Affairs states that the veterans should get the extra \$50 (go from \$200 to \$250) from 1st January for the whole year.

And, Mr. Speaker, by the way, that motion uses the exact same words, “\$250 in 1999.” But what is meant there (and is, I submit, what would be accepted as the meaning) is for the full 1999. And I make that clear: The difference between this motion that says “in 1999” . . . the amendment is for a *part of* 1999. But what the government is putting forward is to pay the extra \$50 a month to veterans for the whole of 1999. So the only difference is that the Government is saying take the extra \$75,000, which is a part of the entitlement up to \$24,000 by all 15 members of the Legislative Assembly, and use that to pay the veterans.

There is just not sufficient money to try to get \$100 per month extra for veterans, indigent, handicapped, and persons over 60 years of age. So the bottom line, as I see it, is that the legislature has to decide where the \$350,000 goes. But, if we are looking at the \$350,000 that is coming from MLA salaries (I think that was where I had reached), when one looks at this motion brought to reject the increase in salaries, can one really say that this motion left money that can be used in the future? Because the motion that rejected the salary increase for MLAs is very clear. It says, **“BE IT RESOLVED that the proposed increase to all elected members of the**

legislature be not accepted at this time.” I don’t think that money is freed up—

Mr. W McKeeva Bush: On a point of order, Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: Repetition.

Now, Mr. Speaker, you know that is in our Standing Orders, and you know that it is in Erskine May, and you have been listening as long as I have been listening to that minister, and he has been on to this several times. That must be tedious repetition. If he had said it once or twice, . . . but this is at least five times I have counted now.

Well, Mr. Speaker, please, please. He is a minister talking about how much business they have up there on their desks. If they have so much business, . . . well, he has said what he had to say.

The Speaker: Please sum it up now.

Hon. Truman M. Boddén: I believe that if you apply that rule, and I hope you will, against all members we wouldn’t be in here, with all due respect, for three months solid.

The Speaker: I am not limiting your time, I would just like you not to dwell on the particular subject for too much longer. Please continue with your debate.

Hon. Truman M. Boddén: This area was a new area that I was touching on when I was stopped, as you appreciate, when we both fully understood what the motion was.

The Speaker: You can continue, the Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Boddén: What I wanted to just go on to, because I think the dilemma that the Opposition is in is that if, . . . and I have heard rumblings about what the intent of this motion is. I would like to refer you to a submission that was made by the Third Elected Member for George Town in his debate on this amendment.

It related to Standing Order 24(2) and section 37(2)(b) of the Constitution. As I understand both the motion and the amending motion specifically say “subject to Finance Committee approval.” In fact, they both say that.

If we look at those sections and we look at the similar section in the United Kingdom we will find an explanation which . . . and, Mr. Speaker, let me just state very clearly that I always abide by your ruling, and I accept it. That’s the one thing I am always careful on. But, I would like to draw your attention, sir, to page 764 of the 22nd Edition of Erskine May. It deals with the money resolutions of the Parliament in the UK. The principle on which

what I am reading here has arisen is that you look at the substance of a motion and not the form. It says this, Mr. Speaker—

Mr. W McKeeva Bush: On a point of order, Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: What the minister is now dealing with is a ruling that you made on Monday, and it is provided for in our Standing Orders. The minister knows that he cannot delve into that ruling unless he brings a substantive motion. That's what the Standing Orders say. Because at that time he made his explanation, we on this side made one, he made another one and you took a break and you ruled. The minister cannot now come back and expect to debate that.

Hon. Truman M. Bodden: Mr. Speaker, this has nothing to do with my motion on Monday. That member is so hyper over there. It has nothing to do with it. What I am replying to, and if necessary we can get the transcript—

Mr. W McKeeva Bush: Let's get it!

Hon. Truman M. Bodden: The Third Elected Member for George Town spoke about these Standing Orders when he was speaking on the amending motion, and I am replying to it. I have a right to reply to it. What went on on Monday was a different aspect—

Mr. W McKeeva Bush: Oh no!

Mr. Linford A. Pierson: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me deal with one point of order at a time.

Mr. Linford A. Pierson: Okay, Standing Order 88.

The Speaker: I am familiar with 88, but I cannot rule that the Honourable Minister of Education is out of order if I don't understand what he is talking about. I think it is only just if we let him explain his position before I can make a ruling. You are jumping to conclusions . . . Just wait a minute.

Honourable Minister responsible for Education, Aviation and Planning, please continue and then I will make my ruling.

Hon. Truman M. Bodden: Thank you, sir. I am not asking—

Mr. W McKeeva Bush: Mr. Speaker on a point of order, sir.

Hon. Truman M. Bodden: How can there be a point of order? I haven't said anything. Mr. Speaker, with due respect.

Mr. W McKeeva Bush: Mr. Speaker, with due respect, the minister has pointed out where he is going and why he is going there in relation to the last resolve—the matter that you have already ruled on. You don't need to hear that point over again.

Now, you might say that I can't tell you what to do. But it's obvious, at least to me, that is what he was doing because that is what he said he was doing.

The Speaker: I have ruled from the Chair, and I asked the Honourable Minister responsible for Education, Aviation and Planning to continue.

Hon. Truman M. Bodden: Mr. Speaker, I am not asking you for any ruling. What I am doing is replying—I made this clear, I have said this before—I am replying to what the Third Elected Member for George Town said. I would like to ensure that when other members speak on this that there is no doubt that the motion cannot be put in there with the intent of going back to Finance Committee for further funds.

That member dealt with it, sir. All I would like to do is just read this part. I am not asking you for any ruling. What it says—

Mr. Linford A. Pierson: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. Linford A. Pierson: My point of order is that Standing Order 88(1) is quite specific on the position the honourable minister can take on this matter. **It states: "88 (1) In any matter not herein provided for [meaning in the Legislative Assembly Standing Orders], resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House."**

My point of order is that the only way that this honourable minister can now resort to Erskine May is if the answer is not in the Standing Orders. The answer is quite specific under Standing Order 24(2) and there is no need to resort to Erskine May.

The Speaker: Would you further elaborate exactly how it is covered under Standing Order 24(2)?

Mr. Linford A. Pierson: Under Standing Order 24(2) it is quite clear that **"Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Offi-**

cer [in the opinion of the Presiding Officer, I repeat], **makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.**"

If reference is had to my amendment, in the second resolve section reference was indeed made to Standing Order 24(2) and that is the order we are dealing with. I know that the identical provision is made in the Constitution. I think it is in section 37. No reference was made to that, but reference was indeed made to Standing Order 24(2), so there is no need to make reference to Erskine May.

The Speaker: I fully understand what you have just submitted. When the motion was placed, when I made my observation to accept the motion, and also when I made my ruling yesterday, I was very cognisant of what Standing Order 24(2) and (3) said. I called attention to the fact that I accepted on the powers of the last part where it says, "and that Standing Finance Committee be requested to approve the full amount" where request for the funds was going to be dealt with by the Finance Committee. Other presentations have been made here today contrary to what I was made to understand on the initial presentation.

Where we are talking now about "commensurate with the available funds," . . . and if you notice in (2) it says "**Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer . . .**"

[Inaudible interjections]

The Speaker: Well, if we are now saying that we are not referring it to the Finance Committee, you have got me completely. That was what was said on debate here earlier before we took the adjournment.

Can you clarify that?

Mr. Linford A. Pierson: Mr. Speaker, I really don't want to prolong this situation, but we are quite cognisant of our position as backbenchers "**Except on the recommendation of the Governor signified by a Member of Government, . . .**" we cannot impose or increase any charge on the revenue. But this also says "**the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer [your opinion] makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, . . .**"

Mr. Speaker, it seems that you are saying that you did not understand the amendment the way the debate has carried it out, and I can understand if that has occurred. But the fact is that the amendment is quite specific. There is no ambiguity about it and it is exactly the way it is written here. I am sure there could be several interpretations to this, but I don't think the member who

spoke said categorically that the matter would not go to Finance Committee.

The Speaker: I don't want to get involved in a debate, but the concern that I have from where I sit is the fact that the funds for the increase in salary for MLAs and Ministers was rejected. Therefore, it went back to the Treasury. Where we have any say in what's done with that now puzzles me. That has gone back to the Treasury. In order to get the funds we have to go to Finance Committee. That was my understanding.

I was not present at the time the motion was voted on, but it did not say that the funds would then be used for veterans. It just said it would not be accepted. Therefore, that has returned to the general revenue.

[Inaudible interjections]

The Speaker: That's not for me to say. But that's where it should be. We are getting more complicated all the time.

Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Boddin: Mr. Speaker, what I find very interesting about this is that there has been debate for twenty minutes on what I am expected to say, and I never even got an opportunity to say it. If I may now just reply to what . . . I am not asking you for a ruling, Mr. Speaker, but if I could at least just make the point I am trying to make. Everyone stopped me long before I reached the point.

It is in the light of this new interpretation, I just want to read from page 764 of the 22nd Edition of May's. It says, under "Money to be provided by Parliament", the middle of that paragraph that begins "**Although the initial money resolution is intended only to authorise the eventual presentation of an estimate, it is nonetheless regarded as a motion for a charge upon the public revenue in the terms of Standing Order 48 and therefore could not be brought before the House of Commons without the recommendation of the Crown.**" That's the only point I wanted to make in light of the interpretation that was given.

From what I can see, Mr. Speaker (and I am not asking for any ruling on this at all), with the new interpretation of what "in 1999" means, and in view of the fact that the motion that rejected (and I am reading from the amendment to the motion "Rejection of the increase of MLA salaries"), this is not money that is available in the budget at this time.

For the life of me, I don't understand with this motion where the money would be coming from. It seems to me that it is either in anticipation of (as May's said) an estimate being brought in Finance Committee, which means you will have to go back and get it; or it is saying that funds are readily available for \$350,000 that can be used to go ahead and pay these people a few months at \$100 per month.

Perhaps members will in their rightful manner explain really what this motion is all about. All I really see in

this is that what the minister is saying in the motion, that we have the Governor's approval and we are looking at about \$356,000 which will give an extra \$50 to each veteran or their widow for the whole year in 1999. That is obviously subject to Finance Committee's approval of the full amount. And we do say the full amount. We mean there the full amount of the \$356,000.

Now, that same money can't, as I see it, just be used and instead of paying, say, veterans (because it hasn't been appropriated yet), be used to increase \$100 for a month or two, or three, or whatever time it is, veterans and indigents and persons over 60 years. This is the point I was making. And I think there is confusion in this area because I know other people interpreted this amending motion differently from what has been put forward by the backbench—by the Opposition rather—who brought it.

I am going to sum up as I see things at this stage. There is a motion that the amendment purports to amend and that motion says *'here is a fund of \$356,000 that is needed for paying veterans and their widows \$50 a month extra for the whole of 1999.'* I have to use the whole of 1999 because the other one only deals with a little part of 1999. And the Government is saying take this by not accepting the allowance that would have come to all 15 MLAs, up to \$24,000 per annum. That seems to be equalising the veterans at \$250 per month with what has already been approved for the indigents, handicapped persons over 60 years of age who qualify for financial assistance who will now be getting \$250 retrospective to the 1st January 1999.

So the veterans and everyone else receiving assistance in that category are equal. And that makes sense.

Now, the Opposition is saying *'Don't take the \$75,000 that's in the budget for the allowance of up to \$24,000 per annum for MLAs, and don't touch the right of MLAs to draw another \$24,000 a year for their offices, but take \$350,000 from the rejection of salaries by MLAs'*, which was only rejected, . . . rather, the resolution says " **BE IT RESOLVED that the proposed increase to all elected members of the Legislative Assembly be not accepted at this time.**" And we are still waiting to understand what that is because my understanding is that there could be acceptance—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: This is the seventh time that minister has talked about that. At least what I counted. Seven times, Mr. Speaker!

He has been told. When that motion was being moved (and I moved the motion, and it was seconded and supported by members on this side) we told them "at this time" means now. We were rejecting it. That's what it means. He can twist the English language—he's a lawyer! That's what he's paid sometimes to do; and that's

what he's doing right now. You're not paid in here to twist the English language.

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

Hon. Truman M. Bodden: Mr. Speaker, when that question was asked by the Minister for Community Affairs, the First Elected Member for West Bay replied, "You're a lawyer, you should know," or words to that effect. I am now giving the lawyer's interpretation—

Mr. W McKeeva Bush: On a point of order, Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: The minister has quoted something that he says I said. Maybe that's what I said, but I know that I also said that we were rejecting it. What does "reject" mean?

The Speaker: Please, let us get on with the debate.

Please continue, honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I have surely every right. I am now being stopped when I put an interpretation on what it appears to me to be. I surely have a right to do that. Everyone in here has been interpreting as they wish. I am saying that what the motion said is "that it be not accepted *at this time.*" I understand that to be what it says—that the salary is not accepted *at this time* . . . but at a *later* time, it might be accepted. That's my interpretation.

Now, whether that is the interpretation of the First Elected Member for West Bay or not, my question is, Why are the words "*at this time*" in this if they have no meaning?

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

Hon. Truman M. Bodden: I hope it's a point of order this time.

Mr. W McKeeva Bush: Yes.

The Speaker: Let me hear your point of order First Elected Member for West Bay.

POINT OF ORDER

Mr. W McKeeva Bush: This is going to be the last time that I interrupt because it is obvious that that minister has nothing more to say and every time we interrupt he brings in some other aspect. That's exactly what he's doing. We told him we were rejecting it. Isn't that plain enough?

That's why they are hot—because that \$40,000 is not there for them now.

The Speaker: What he's talking about is what is in the motion, and I think that's what is being debated.

Mr. W McKeeva Bush: Mr. Speaker, anybody can take the language and twist it around. We rejected it. We all voted against it. What more can I say, Mr. Speaker?

The Speaker: Thank you.

Please continue Honourable Minister responsible for Education, Aviation and Planning.

[Some Members: Ohhhh!]

Hon. Truman M. Bodden: Mr. Speaker, I am going to spend another two minutes on this and I am going to get off.

[Members' laughter]

Hon. Truman M. Bodden: Anyone looking at this with a common sense approach would read it to say, if it is that the salaries are rejected forever and ever, what the motion would have said would be 'increase to all elected members of the Legislative Assembly be not accepted, full stop! Now, we don't have to be a lawyer to know that when something is added after, it has a meaning.

[Some Members: Ohhhh!]

Hon. Truman M. Bodden: I am just saying—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order. Do you know what he said to me Monday evening? If I had 10% of his sense . . . that I didn't have enough sense to take off those two words.

The Speaker: That's not a point of order. Please continue.

Hon. Truman M. Bodden: What I said then was in reply to a remark from across the floor.

Nothing hurts like the truth. This is what is happening now, because I can't finish even a few sentences before I have people on their feet.

Now, I can't even remember where I was! And this is probably the object of these interjections. What I am saying in relation to the motion is that it seems to me that the money from the MLA salaries—which has been rejected—and as you rightly said a bit earlier, Mr. Speaker, obviously must have gone back into the general fund at this stage. How in the world that is now going to be resurrected to support the amendment to the motion I don't understand.

It seems to me that the amendment boils down to the fact that there is \$350,000 needed to pay veterans \$50 more per month. And the \$350,000 for the MLA salaries has gone somewhere else in the general fund . . . but in any event it would have been necessary to go back to Finance Committee to get that money. And this motion, I am told, does not anticipate estimates.

I submit that the amending motion is down to a stage where the only thing I see as an issue has to do with the members of this honourable House giving up an allowance of up to \$24,000 per annum that could be used for funding offices for the MLAs. And, in summary, I also mentioned that for many years the town halls, civic centres, and other public buildings had been used for members to see their constituents. So it seems to me that it is spending a lot of the public's money unnecessarily—in this case up to \$360,000 per annum—and it would be pushing MLA salaries up into \$90,000, together with the allowance. And, really, it's a matter of putting country before self. That's what it boils down to.

I really wonder where all of the courageous words when the MLAs gave up their salary increases earlier on have all disappeared to. We really find that the heat over this motion doesn't come from what the veterans are going to get, but from whether Members of the Legislative Assembly are going to draw their fat salaries as well as the increase of the allowance of \$24,000.

[Inaudible interjections and general uproar]

Hon. Truman M. Bodden: Mr. Speaker, one member is asking me if I am not ashamed of myself. If I were voting to keep the \$24,000 a year allowance, then I would be. But I am not.

I can say to my people and my country that I rejected the increase in salaries. And I am rejecting \$24,000 which could cost the public of this country up to another \$360,000 a year which has to come from the people—including the poor people out there—not just from a specific area.

That is really the thrust of this. It really does not come down to veterans, widows, or indigents, but to that dollar—the money, the allowance that is being given up at this time. It is very simple, Mr. Speaker. It's a choice between country and self. Conscious-wise, does one take this heavy amount when one can go into the civic centres and town halls, or does one reject it and save one's dignity that the Legislative Assembly got from rejecting the salary increase?

Is the government of this country looking after the country? We rejected the up to \$24,000 per annum allowance that. . . .

[Inaudible interjections]

Hon. Truman M. Bodden: Mr. Speaker, I can't even concentrate on what I am saying any more. There are so many rumblings. And you know all of this stuff that was said about letting your conscience be your guide and all these things—

[General uproar]

Hon. Truman M. Bodden: With conscience one doesn't take from the poor people who are paying these different duties in to pay for this allowance.

The last thing I would like to stress . . . well, if you would just leave me alone, I could try to finish, but all in

all I believe that more time has been wasted on interruptions than my speaking. I am certain of that.

I missed what I was even going to say there—

[Some Members: Ohhhh!]

Hon. Truman M. Boddén: I will have to look at my papers to get my train of thought back. Just leave me five minutes, sir, and I can finish. If I can just get five straight minutes without too much rumbling.

I know I must be hitting tender spots when there is that much rumbling on the other side.

[General uproar]

Hon. Truman M. Boddén: So, it's not a question of any allegations that were made. The vote here is a very simple one: Are members of this House prepared to give back to the public up to \$24,000 per annum, a total of \$360,000 per annum, or are they prepared to let the public pay that which, with the increase in salary, will move up to \$92,000 per annum for MLAs.

Thank you.

The Speaker: Would members like to take the afternoon break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 4.06 PM

The Speaker: Please be seated. Debate continues on the amendment to Government Motion No. 1/99. Does any other member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: I had made a decision within myself to try to stay out of this particular debate, the reason being that I had the feeling that there were obvious examples that we were not doing what was in the best interests of our country in terms of the way in which the motion was presented in its original form. Also, I had some reservations in regard to the amendment.

Money is not always the issue. Money is but energy. When we get into the dollar and cents argument so that people will make decisions based upon the amount of money which is being paid as a way of deciding upon the sincerity of individuals, I think we begin to cause the people the opportunity to grasp the whole essence of the reason we are here.

We are here in this Legislative Assembly to do as best we can do to improve the conditions within our country. We do not always improve the conditions within our country by denying ourselves the very tools we need to work to improve the conditions within our country. The issue in regard to the salaries of MLAs is the apparent selfishness, or lack of selfishness on the part of members. I am not going to get up and call anyone selfish. I am not going to tell anybody that they should take money, or that they shouldn't take money in cases where they believe it would assist them in doing their jobs. Al-

though I might want to keep \$10 in my pocket, if I find a need to spend the \$10, that's what the \$10 is there for. So in not spending the \$10 when the need is there, I am an idiot because I missed the real essence of why the money is there.

When our activities, like the activities of civil servants, cause a charge to the Treasury of the Cayman Islands, it is not negative by virtue of the fact that it is a charge on the Treasury of the Cayman Islands. It is only negative when the performance, the result, does not enhance the general good. For a long time I have advocated the whole aspect of Members of the Legislative Assembly being employed with that particular profession on a full time basis. Obviously, if I am advocating that particular concept, I would also have to be in support of Members of the Legislative Assembly having an office in order to practice that profession, in order to carry out those duties to their constituents.

I have had two year's experience in doing just that. And in those two years I believe that my constituency is better off. I believe that I am better off. I believe that I have been empowered as a result of this relationship to carry out my function. So, when I am paid the people get more results from my deliberations and my actions. This is possible as a result of the interaction between my constituents and me, which is made possible by my maintaining an MLA office which is specifically dedicated to the purpose of serving my constituents.

Of course, I need to apologise to my constituents for the fact that I am never there anymore, because I am always here in the Legislative Assembly discussing such issues. But, on the whole, I find it a little bit strange that we have to deal with this particular motion and the amendment to the motion. And I am speaking to the amendment, since the amendment is the only way the MLAs will be able to apply for subsidy for their offices I have to speak to the merits of the amendment. It is in the amendment that the request to continue the subsidy, or to carry out this particular promise made in Finance Committee, is composed.

I am saying that we have to look at the whole concept of MLAs being encouraged to look at their jobs and their responsibilities as full time responsibilities that should be separated from their other business and professional interests. We see from the Register of Interests where we as a group of people over a period have gone about trying to separate our private business professional interests from our interests and responsibilities as Members of the Legislative Assembly. I believe that now encompasses us having a fixed place away from our business or our professions where we can attend to the constituent's business.

The amendment tries to maintain this amount of money for MLA offices because the motion was brought basically by the government ministers that do have access to government premises on a full time basis. Being in the Glass House, the Treasury, the country is spending money on them as well. They are enjoying the air-conditioning that the country pays for; they are enjoying the computers, they are enjoying the telephones; they are enjoying all of these things, and the country pays for it. They do not pay for it by way of their private pockets. So, they have all this, including staff that works there to assist them in serving the public and becoming more professional.

It would be unfair to compare a minister's productivity with the productivity of a member of the backbench simply because the tools that are available to a government minister are so much more superior than the tools that are available to a back-

bench MLA. Yet, the public has great expectation by way of what they believe we should do for them and what they believe we should be capable of doing for them on a day to day basis.

In order to fulfill this public expectation, in order to enhance the quality of debate and deliberations, in order to give government the possibility to have a much more informed basis for policy, it is for the government's good and the good of the country that the government understands that the functioning of individual MLAs in their constituency will enhance the functioning of government overall.

To put any kind of handicap might be okay politically, but in the long run, we will be jeopardising the country's health. If we don't take the right medicine, if we don't eat the right food we may be saving money, but we are jeopardising the body. It's just like if we don't do what's right politically to enhance the way in which our democratic process functions in, we are defeating the very purpose, and we are destroying the body politic.

It is to enhance the body politic that I set up my individual office because there were no offices available for the four elected representatives of the district of George Town in 1996. There was none in 1997, and in 1998 I understand that two other members on the backbench from George Town were able to get some office accommodation going. But the concern is something we should share because if we don't have that common denominator, if we decrease that, how we function will begin to deteriorate. We have to maintain standards by paying a particular cost like any organisation has to maintain standards by incurring a certain cost. We are not being unreasonable.

In regard to the arguments made by certain members of government as to how much it would cost the country, the \$350,000, that is what it could potentially cost the country, but that is not actual, Mr. Speaker. No Member of the Executive Council, the five members, would actually be putting in those claims because they are occupied as full time members of the government and they are provided with offices already that are paid for by the people. So it seems to me that here would be a contradiction. Their offices are already paid for by the people so to say that 15 people would be applying for the subsidy is an unreasonable argument because they already have offices. We are talking about people who don't have any type of office accommodation separate from their individual employment or business.

I think that we need to come to some conclusion regarding this situation that will help to resolve this particular conflict without our accusing one another and seeing the benefits of MLAs being encouraged to have their own offices; and see the disadvantage if this were not supported and encouraged at a time that government itself brags of a surplus.

As I said, it has not been easy for me to take up a position because I certainly do not want to deprive the Opposition of the possibility to be six members. I don't want to deprive the Government of the possibility to have their situation. But as somebody who is looking at this situation from an in between point of view, as somebody who is trying to look at it from a more neutral point of view, I believe that the subsidy to the MLAs who need subsidy should be allowed.

I believe that there should be an increase to the veterans and the disabled and indigent persons, and the handicapped persons, and I think that enough people have spoken about the fact that this should happen because everybody understands that politically it sounds good. And if you are on the side of the underdog in situations like this it will be a good vote attraction.

I am a little bit concerned about the amendment in the sense that the amendment jumps from the \$50 to \$100 in that I am not sure to what extent this might be an attempt by the backbench, or the Opposition, to out-stage the Government in

regard to their proposal in terms of what the increase should be.

That being what it is, let me say that if they are going to reach the amount of \$400 by the year 2000, it might be a rational consideration to think that if it went up \$100 now and \$100 next year it would be better than if it went up \$50 now and then have to go up \$150 next year. Maybe it's best that we begin to bite the bullet at this particular time. The intention of raising this amount of money to \$400 was something that was already in a substantive motion brought by the First Elected Member for West Bay and the Third Elected Member for Bodden Town.

I remember specifically that we all debated that particular motion with enthusiasm because everybody was joyful that we were at one accord in regard to our social responsibilities to persons who were handicapped and indigent, and elderly, who had paid their dues to our society. Let us say that we have some kind of agreement in regard to the fact that all of us are responsible, socially, to these particular groups of people, that nobody wants to short-change them—not the Government, not the members of the Opposition, not me. We would like to see them get whatever it is that the Government can afford to give them. But I would not like to see Members of the Legislative Assembly who have commitments to their constituents be deprived of the opportunity of helping to finance their offices by way of applying for this subsidy.

There is just one point that I would like to mention before I conclude. The decision was made in Finance Committee to pay up to \$75,000. And there was an agreement that if additional money was needed that the Chief Secretary would come back here with a supplementary request and he nodded his head and agreed that this could happen. So what we had was \$75,000, the kick-off amount, to get this thing rolling, and it was supposed to start being paid to MLAs as soon as Finance Committee had concluded. So we were to have been paid already. And we have not been paid the subsidy. At some particular point, I would like to know where the authority came from for somebody not to do what was in Finance Committee's records that should be done. Whether or not the Government was bringing a motion that would possibly negate this, there was no guarantee that the Government's motion would succeed.

The Government also has in its numbers members of the backbench who are using MLA facilities. For instance, the Second Elected Member for Bodden Town is using the civic centre there. And again we get to the discrepancy why should certain district representatives have access to the civic centres rent free when we have to go in George Town in a high rent district and pay.

Would it be fair for another backbencher, who is using a civic centre for instance, to vote along with the Government to deprive me of something that she has? I would assume that it wouldn't be logical. Therefore, I would believe that that honourable member would vote along with me, and that the Government Motion would become weaker and weaker, and would not succeed. When one gets away from the politics and one looks at the rationale behind this, if one looks at the fact that the Second Elected Member for Bodden Town is using a civic centre that is Government's, and it is happening in West Bay, North Side, and in Cayman Brac. The only place where it's not happening is the district of George Town.

We have no civic centre in George Town. We have a town hall that's used as a courthouse. And when it's not used as a courthouse, it's used as a church hall and all other things. But the need of a community where you have over 16,000 people living is great. So, why would the Government bring a motion that would tie these two things together—if I take the subsidy I

am denying an older person? If I take the subsidy I am denying a veteran?

My father was a veteran, and my mother therefore receives money as a widow of a veteran. But, at the same time my office is located in her building. If I don't pay her rent then she is being deprived too. So somebody is being deprived. It is not that I am saying that we should not increase the veterans, I am saying we should. But we should also realise that at this particular time we have enough funds available to us to be able to assist those individual MLAs who need the assistance with their offices. And that number is not 15. It is not \$350,000. If anything, since we have only approved \$75,000 it goes to show that we were thinking below the \$100,000, or at least the \$100,000 or \$150,000; but nowhere in the vicinity of what was being suggested by the Minister for Education.

We need for the people to know that what is being asked for here is just the tools to do the job. That is not unfair and that is not unreasonable. Nobody should politically try to make it seem as if persons who would like to be assisted in serving their constituents are trying to be unreasonable.

Mr. Speaker, I would like to support this amendment because of the fact that the amendment attempts to retain that status quo which was decided upon in Finance Committee. I would like to say that it's an awkward position in regard to this particular amendment because we have three Official Members who sit in offices at the Glass House financed by the people. I am quite sure that if they are allowed to put on their political caps that they would think it was not a good thing at this particular point to eliminate that particular subsidy that was made in a political forum by politicians, by the only people with the power and authority to raise revenue and to allocate money for them to be able to come to another forum where a different interest group is and simply negate what we feel is necessary for the enhancement of our role.

I believe that at this particular point if we find that the denial of this fund will encroach on our ability to do our jobs as representatives of the people and we are the ones the, 15 of us, with the power to raise revenue and allocate money, we might find that this might be an odd Constitutional predicament. Although they are by collective responsibility at liberty to vote along with the Executive Council, whatever decision is made in Executive Council is made under the chairmanship of His Excellency the Governor. And we need to check again.

The Government needs to adopt a slightly different position because this particular motion seems too political because it is cutting off one arm of Government. It is cutting off the backbench arm.

What I am saying is that we don't need to find ourselves in a position where we do not have the ability to function as a collective group. Thank you.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30. I would entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Thursday, 25th February 1999. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.33 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 25 FEBRUARY 1999.

**EDITED
THURSDAY
25 FEBRUARY 1999
10.22 AM**

[Prayers read by the Honourable Minister responsible for Tourism, Commerce, Transport and Works.]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Second Elected Member for Bodden Town, who is ill, and from the Fourth Elected Member for West Bay, who is also ill.

MR. CRADDOCK EBANKS, OBE, JP

The Speaker: On behalf of all honourable members, it gives me much pleasure to welcome Mr. Craddock Ebanks, OBE, JP, a former long-serving member of this House who is here with us this morning. Welcome Mr. Craddock.

Item 3 on today's Order Paper, Government Business. Suspension of Standing Order 14(3) so that the continuation of the debate on Government Motion No. 1/99 may take precedence over Private Members' Motion, this being Thursday.

The Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(3) to allow the continuation of the debate on the amendment to Government Motion No. 1/99.

The Speaker: Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(3) SUSPENDED TO ALLOW GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER OTHER BUSINESS, PRIVATE MEMBERS' MOTIONS.

The Speaker: Government Motion No. 1/99, Increase of Financial Grant to Volunteer Ex-servicemen and their

Widows. Continuation of the debate on the amendment to Government Motion No. 1/99.

The First Elected Member for West Bay.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/99

**INCREASE OF FINANCIAL GRANT TO VOLUNTEER
EX-SERVICEMEN AND THEIR WIDOWS**

AMENDMENT NO. 1

(Continuation of debate thereon)

Mr. W McKeeva Bush: I rise in support of the amendment. This amendment seeks to put all of the financial assistance to the elderly, the indigent, other persons in need, handicapped persons, veterans, under what we had agreed in July of last year. While seconding this amendment, it covers what the motion we passed in July last year covered. I said that while debating the substantive motion.

While I could not be here yesterday afternoon, at least one other member, the Fourth Elected Member for George Town, understood the same thing, and he mentioned it in his debate. If the government was genuine it would have taken the steps necessary from last year and put it in its first budget in November. And, if government were as genuine and concerned as the Minister for Education and the mover of the motion said about caring for these kinds of people and caring for the veterans, recognising what the veterans did, then they would have done that.

I point out again that government was not concerned, for whatever reason. Whether it was a mistake or organised deliberately that way, government did not put in place those funds—funds they all agreed to on a very high note, I should say, in July.

What amazed me most was when I rose on a point of order during the minister's [of Education] debate on the amendment yesterday to point out that they had not put the funds in place. He angrily retorted that they couldn't put them in place because we hadn't voted the budget. Mind you, they had a chance at it twice—two budgets!

I knew that he was confused in his debate. Whether that was also by design I don't know, but he was confused because practically all of the Executive Council rose to their feet to say, 'You guys on the backbench stopped us from getting it done,' that is, putting the old

people's benefit in place for January. And they said that we had asked so many questions on the budget. Therefore, it came over to this side.

But, oh what tangled webs they weave when they first practice to deceive, because the fact is that the recurrent expenditure for this country was passed in November. Can they deny that? Can the Minister for Education deny it?

Yesterday he denied it. And I would like him to apologise to the House for so angrily saying that I was telling the House a lie when I said that they had the funds. He should apologise to this House, to us his colleagues, and he should apologise to the county.

You can fool some of the people some of the time, you can even fool some of the people all of the time; but you can't fool all of the people all of the time. The point is that if they were as genuine, and if they were not playing dirty politics, if they were caring about these people they would have put it in place. They said it was there. I don't know because there are so many funds. But I do take the word of the Minister of Health who said (when I questioned him during the raise) that they would do the increase in February. I do take his word. So, it has happened.

But for them to say that it couldn't be done because we didn't vote the funds is deliberately misleading the House, and in turn the country.

They voted for the Social Services budget on 22 December—check the *Hansards*—when most of the recurrent expenditure was voted on. The only two that were not voted on were the Ministry of Community Affairs and the Ministry of Agriculture as both ministers were not here for whatever reasons. Those were the only two that were not voted on. The rest of them were [voted on] in December. I hope that clears that point up.

While no one is quarrelling with the increase, I hope that they are not quarrelling with our suggestion because our suggestion makes the situation better for the persons whom they say they want to give it to. I would hope that they are not quarrelling about that. The issue at hand can only be one thing, Mr. Speaker, and that is the subsidy and Government's attempt to move us to a position where we cannot be as effective as they are.

Most of the time we can't be because we don't have the kind of support staff they have by the very nature of their being in Executive Council. That would go for any person. But the issue can only be the amount that was proposed to be given to us, which we had voted on in December last year for our offices.

Now, the Minister of Education said that they are giving up their share of the subsidy for the sake of the country. Mr. Speaker, I really have to laugh. I can hear when the Minister of Education is serious and when he is not and just playing politics. That is exactly what he was doing yesterday. He himself was not even convinced by what he was saying. They can afford to give it up because they already have offices—we don't!

At this point in our development when there are so many problems in our country we need to have the wherewithal, as the Fourth Elected Member for George Town said, the basic tools to do the job. As I pointed out,

there are numerous problems facing the country. And you yourself Mr. Speaker, as an elected representative, face them in your constituency.

I suspect that while your constituency is in Cayman Brac when you are here in Cayman you are approached by people of this island with their problems. So, the Speaker is quite aware of what I am talking about.

We need to have a place where we can meet. And it's not a matter of plush offices, as the Minister for Education tried to impute yesterday.

As I said, I have a place already rented (and I will deal with that some other time). It is no plush office. I went out and bought the furniture so that I could operate. I bought used furniture. But with all the problems we are facing entering the year 2000, the so-called new millennium, we can no longer be expected to deal with these problems on our front porches or in our living rooms.

The point must be made in connection with that that there are people who have regard for our private lives who refuse to come to our homes for their needs. And if they don't see us at a funeral, a wedding, or somewhere on the street by the post office, they are left unattended because they refuse to come to our homes.

It is imperative also because some members do not live in their constituencies, and having an office with a set schedule would assure that all the people have access to all members. So, it is imperative that we get offices. They do not need to be plush offices. Certainly not! Just a decent place where our constituents can come and talk to us in private without the whole world knowing their business, without children running up and down, or at our homes with people calling on the telephone and we can't concentrate on what we are dealing with. That is why we need it.

Now, the Minister of Education got on to this thing about the salary as against the subsidy. That was the tenor of his whole debate, trying to justify why one was needed as against the other, and trying to show them as the same sometimes. He said that there is no difference between getting for our offices and the pay increase. Mr. Speaker, it is a bunch of nonsense. There is a difference.

What we would be getting for our offices is less than what our salary would have been if we had gotten the raise. Under the plan for the pay increase members not in Executive Council would have been paid \$84,000, plus the subsidy, which would have put us over \$98,000 per year, or around there.

When I debated the motion to reject the pay increase I said that one of the reasons why we couldn't accept the increase was because we had all agreed on the subsidy already, and that the country could not take any more expense. If we had to tax people, or borrow money to build the roads and schools and everything else that everybody wants, I said we couldn't expect the two because we had already agreed first on the subsidy.

Nobody—not even those on Executive Council—fought against the subsidy at the time. But it seems to me that the government would have been prepared to go with both the subsidy and the pay increase which, if they had taken the pay increase, would have brought their salaries up to \$120,000 per year—plus the subsidy,

which he says is up to \$24,000. That would have given them over \$144,000 per year!

So, he doesn't have to come here and blow hot and cold saying we were not looking out for the country. I contend that we were looking out for the country when we said "no" to one, and had agreed a long time before that on the subsidy for our offices. Nobody is going to put it in his or her pocket. If they believe that, then all they have to do is see that the cost to do things . . . and that part of his debate was the other thing. I trust that he will not get into these accusations of people putting any kind of subsidy or anything else in his or her pocket again because then things will get really rough.

What a roundabout debate this has been. I have to say that there wouldn't be so much to clear up if the Minister of Education hadn't tried to impute so many things. He said that we are making an objection because of the office subsidy. That is true, because we said from June last year that we supported all the people in need—the veterans, the elderly, and the handicapped—everybody in need. We have shown also where the government can get the funds—and more—to fund the financial assistance to the veterans, the elderly and the handicapped. And just let me point out where I think they could find it: For official travel (I guess that's called head 02-018) there is \$1,585,511! That's a lot of money for official travel. A lot! I don't know where they are going to be going or what they are going to be doing, or who they are bringing here or who they are sending somewhere else, but that is a lot of dinero!

Under head 07-019—hospitality, there is \$171,503. That's a lot of money for hospitality. Under head 07-045, miscellaneous visits, and entertainment there is a sum of \$118,480. I know that we are having several conferences, and I don't know if that is where the money is, but still you could easily get \$75,000.

Now, they have this thing called Year 2000 Project (whatever that is), head 07-106, \$595,170. Then they have something here under head 07-899 for \$74,500, miscellaneous it is called.

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: If the honourable member is saying that his motion is one in which it will have to go back, and these funds are expected to fund it, I think he gets caught under the sections of the Constitution and the Standing Orders, the one referred to yesterday, because as I understood it they had put up a specific source of funding.

The Speaker: I listened to what he has said, but I think he is only making suggestions. I don't think he is actually pointing out that this is where it should come from.

Am I not correct, First Elected Member for West Bay? You are making suggestions?

Mr. W McKeeva Bush: I am saying that if government was as caring and as genuine as they say they are, then they could find it in one of those heads because there is a lot of money in those heads.

The Speaker: They are only suggestions, you are not saying that is where it should come from?

Mr. W McKeeva Bush: No, because they are the government. They can find it. They have the right to put it there.

The Speaker: First Elected Member for West Bay, please continue.

Mr. W McKeeva Bush: Thank you, Mr. Speaker.

If we go through this budget and the other budget—the two budgets!—we will find a tremendous amount of money. If they were as caring and as genuine—those are the two words they used "caring" and "genuine"—as they said about the poor veterans and the poor everybody else, then they could have found it from July last year. Why wait until now?

In my opinion, there was no intention to give it or it would have been done in January.

The reason why they have come back is to say '*We're gonna fix you!*' That is their attitude, '*We're gonna fix you! You didn't vote for our salary, now you can't have an office. We're gonna fix you! We're going to get you out because we are going to make you ineffective.*' That's what they are saying.

As I said, funds are all over the place there. And if the government would only prioritise, they would have funds. If this were a priority then they would have the funds; and if they loved the veterans and others as much as they are saying then the money would have gone into the budget.

The other thing they are doing is trying to grab credit after realising how much they have failed. They are trying to grab the credit because we forced them into keeping a campaign promise. I am satisfied that the people of this country—whom I credit as having a lot of common sense—and members of this House are aware at all times of who is genuine and who is not. They know the battle I went through to get benefits for the elderly and the veterans and others.

One person made reference to the motion brought by the late Mr. Haig Bodden. But the Third Elected Member for Bodden Town seconded it. You see, Mr. Speaker, we must always be gracious enough to say when somebody has done something good. No motion, except one brought by government, can come here without a seconder. The late Mr. Haig Bodden brought the motion. But the Third Elected Member for Bodden Town seconded it.

And, Mr. Speaker, being the minister at the time what did I do? I didn't just look at the people who went to Trinidad; I looked at those who served in Bermuda, in the battlefield in Europe and those who served elsewhere

around here in the Homeguard. All of those people were included.

I will say no more than to say that I think I did the right thing. I had other people to support me, of course, but it wasn't easy. And if I weren't the type of person who was strong enough to stand up, a lot of it wouldn't have gone through. But that is for the history books. Perhaps one of these days we will write our autobiographies and it will be for history.

I believe that this amendment is in order. It is seeking to do what we agreed in the National Team campaign in 1996. It reinforces what we did in July with that motion which covered it. And it's in the *Hansards* where I talked about it. That's the last point I will make.

If somehow they say it was not explicitly written down in the motion in July of 1998, then it was included specifically by debating it. And, Mr. Speaker, the first thing a government does is check the debate to see the intention of members. Members intended for veterans to be included.

Thank you, Mr. Speaker.

The Speaker: Does any other member wish to speak? The Elected Member for North Side.

Mrs. Edna Moyle: I rise to offer my support to the amendment to Government Motion No. 1/99, to Increase the monthly grant to the veterans, indigents, handicapped and those over 60 years of age who qualify for financial assistance to three hundred Cayman Islands' dollars in 1999 and, funds being available, to four hundred Cayman Islands' dollars in the year 2000.

Before I get into my very short contribution, I personally stand as a Member of this Parliament to request, that the signification of the Governor under Standing Order 24(2) and (3) be read into the *Hansards* of the Legislative Assembly minutes.

The more I listened to my very good friend yesterday, the Minister of Education—with whom I worked very closely for six years . . . he was totally confused on the amendment. Therefore, I believe that the motion (No. 1) was also a surprise to him. This is my reason for requesting that the Governor's signification be placed into the *Hansards* of Parliament. We do not need to suspend Parliament for such a thing to take place; it can be done prior to the winding up.

I would like to deal with the honourable minister's [of Education] \$24,000 additional pay to members of the Legislative Assembly. I was totally surprised that he would take the attitude that each of us would be receiving \$24,000 additional, when Mr. Donovan Ebanks, the Deputy Chief Secretary, barely prepared an estimate—which the minister read and laid on the Table of this House.

Mr. Ebanks' estimate was based on rent for 400 square feet in George Town. I will deal with the district of North Side. Certainly, as Mr. Ebanks recommended, members using government facilities would work some sort of a deal with government so that government would become the landlord of those members.

I am certain it would not cost \$850 in the district of North Side. The North Side MLA office is already furnished so we can deduct the \$150. In my discussions with Mr. Ebanks, I made it clear that North Side would not need secretarial service, as I am quite capable of typing a letter for my constituents. I do so now. We would delete the \$700 for the MLA office in the district of North Side. Saying that each MLA would be receiving \$2,000 is misleading Parliament and the country.

I was totally shocked that government was not prepared to accept the amendment to leave the \$75,000 to assist four members of the Legislative Assembly. There are only four members who do not have a facility where they can meet their constituents. And on Executive Council sit three ministers with such facilities in their districts who are prepared to take away the offices from the three representatives in George Town and the one in West Bay.

I, for one, do not believe that Government Motion No. 1/99 was brought out of concern for veterans. It was deliberately brought out of spite because the MLA salary was voted down. The Minister for Education—

Hon. Truman M. Boddén: Mr. Speaker, I am going to take a point of order on this, sir.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Boddén: The member is misleading the House. She is saying that this motion was brought out of spite. That's incorrect. And I am asking that either she withdraw it or carry on in another area.

The Speaker: Honourable member, how did you state that? Did you say it was your opinion? Or did you state it as fact?

Mrs. Edna Moyle: Mr. Speaker, it is my belief, as a member of this Parliament that Government Motion No. 1/99 was not brought out of concern for veterans. It was brought out of spite because a motion was brought by the backbench to vote down MLA salary increases.

The Speaker: It's her opinion. That's not a point of order.

Hon. Truman M. Boddén: She didn't say in her opinion, she said her "belief", sir, and that has to be supported by something. With respect, I would ask that either she moves on or takes it back.

[Some Members: "No!"]

The Speaker: Please continue, Member for North Side.

[Some Members: "Good!"]

Mrs. Edna Moyle: Thank you, Mr. Speaker.

Much was said yesterday by that honourable minister concerning the second resolve of the amendment about the savings of CI\$350,000 on the increase to MLAs. If I remember correctly, he stated that those funds would now have gone back to the Treasury. That totally baffles me because those funds were supposed to have been realised by savings in telephones, telexes, and other services in government.

Either telephones and telexes were inflated in the 1999 budget to cover the increases, or they should still be in the budget. So, those funds should still be savings, as this amendment refers to the \$350,000, to assist with the increases.

The Speaker: May I interrupt you for just one minute?

Are you referring to what I said, or to what another member said?

Mrs. Edna Moyle: No, Mr. Speaker, to the honourable Minister of Education.

The Speaker: Okay, please continue, because what I said was that the funds were allocated here for the salary. The savings made would then in turn go back to general revenue to be spent for other purposes.

I realise you are saying that the savings were to be realised, but the allocation for the expenditure of those funds was going in a different direction, not for the purpose . . . That is the way I explained myself, and I want to make that very clear to the listening public and to honourable members here.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, if I may say, I concurred and moved on with your position.

The Speaker: Please continue.

Mrs. Edna Moyle: Mr. Speaker, do you know what really makes me smile in this Parliament? The Honourable Minister of Education gets up to make such remarks when I am speaking, then he looks across and winks his eye at me.

[Members' laughter]

Mrs. Edna Moyle: That honourable minister also mentioned that famous [Government] Motion 3/90. But if we are going to ask the honourable official members of this Parliament to vote on Government Motion No. 1/99 to delete funds approved by the Finance Committee we are no different than Government Motion 3/90!

Mr. W McKeeva Bush: Hear, hear!

Mrs. Edna Moyle: And the Governor must be asked to relieve these three gentlemen from voting on that particular resolution in Government Motion No. 1/99.

There are so many places in the budget, as the First Elected Member for West Bay said earlier, where funds could be found for the veterans' increase, for the in-

crease to the indigents and persons over 60 in need of financial assistance, that it is not funny. With your permission, Mr. Speaker, I am going to follow the line of the First Elected Member for West Bay with similar suggestions.

When we look through the 1999 budget on official travel, we have five ministries that have a total of \$306,312 for official travel alone. The Honourable Minister responsible for Education, Aviation, and Planning has \$94,730 alone. Let it be country before self!

The Honourable Minister for Agriculture, Environment, Communications, and Natural Resources has \$52,270. The lowest of these is the Minister for Health, with \$49,000.

The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, has \$53,597. The Honourable Minister responsible for Tourism, Commerce, Transport, and Works has \$56,000.

Is this motion really out of concern for the veterans? It will have to be proven to me that it is out of concern because the veterans have called and asked me if government would be in a position to give them an increase. My answer has always been—and it hasn't been since the 1999 budget, it was before—"I am certain that when the government is in a financial position to afford it, it will." Now they are calling and saying that they appreciate the government wanting to increase the amount that has been given to them, but they feel it is now being used as a political football to remove the \$75,000 from members—particularly the four members who do not have a facility.

Mr. W McKeeva Bush: Exactly!

Mrs. Edna Moyle: I think that this country has moved beyond playing politics with the future of our people.

When I look at the newspaper and see the number of crimes being committed in these islands, we would be better off in this Parliament today discussing solutions to those crimes, rather than sitting here dealing with a motion which, in my opinion, is political.

This country is no longer the Cayman Islands that we once knew, and if we are not prepared as Members of Parliament to deal with the country rather than dealing with particular issues that affect our re-election, doom will be preached in these islands.

If I recall [Private Member's] Motion No. 8/98 read "Increase of Financial Assistance to the Elderly, Handicapped and Other Persons in Need." Certainly, if we have a motion telling us that veterans are in need because they are in their senior years, to which I agree, and they have little else to live off, which I agree, that motion certainly should have covered them.

The First Elected Member for West Bay covered the veterans in his debate, and had the government really had concern for veterans it would have used Standing Order 67(1) which reads: "**If a Member of the government presents a paper setting out the financial requirements of any proposals—(a) for expenditure incurred or likely to be incurred in the course of the current financial year either in respect of a service or**

of several services for which no provision has been made in the estimates for that year or in respect of further financial provision beyond the total sum already sanctioned for a particular head or sub-head, . . . that paper shall stand referred to the Finance Committee.” There would have been no need to come here and take a measly sum from four members of this Legislative Assembly—the First, Third and Fourth Elected Members for George Town, and the Third Elected Member for Bodden Town.

Therefore, I commend the amendment for \$75,000 to assist Members of Parliament with an office where they can meet their constituents and to increase the financial assistance to veterans, indigents, handicapped and those over 60 years of age when funds are available. I am almost certain that this amendment will fail, so in my debate on the substantive motion I will add a few more things.

Thank you.

The Speaker: The Third Elected Member for West Bay.

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

I rise to offer my contribution to the amendment on Government Motion No. 1/99, calling for increase in financial assistance to our volunteer ex-servicemen and their widows.

Let me start by saying that I have never seen a more ill prepared presentation, as far as government is concerned, in my life. If the Minister of Community Development does not understand how these things are done, maybe she should ask somebody. When you are coming to Parliament to ask for the funding of any particular service or facility, it is very important for you to know where the funds are going to come from.

Based on what she identified (and according to the Minister of Education it costs some \$700,000 to do so) she found \$75,000, which was put in there for our MLA offices in the districts. In my opinion this motion was nothing more than a spiteful act by government to try to get back at the backbench for the motion calling for MLAs not to accept their salary increases at this time.

Mr. Speaker, in my opinion the elected ministers on Executive Council cannot appreciate the value of a district office. They don't! Let me ask how many of them recently made themselves available on a personal basis at the district level at a MLA office? When was the last time? Mr. Speaker, some of them have never been to a MLA office in the district.

What is sad is that they sit in their ivory palaces at the Glass House where people don't have access to them. People are intimidated by the thought of going to the Glass House to talk with anyone. And the comments that I get are that the ministers will tell them to show up at such and such a time and three hours later they are still sitting there because the minister is dodging, or has gone out on some other issue or mission.

Hon. Anthony S. Eden: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Anthony S. Eden: I don't know which of us ministers he is referring to, but everyone knows that my door is open unless I am busy. Anyone can come in there.

The Speaker: [Addressing the Third Elected Member for West Bay] I think you should withdraw “dodging.” That's really not appropriate.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I said that I was aware that some do it.

The Speaker: I don't think that's really an appropriate word. Just say that they have other commitments.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I guess before I'm finished there will be a lot more jumping up.

I had very few comments to make, but if that is the attitude they are going to take, I am going to just take my time and say what I have to say. But I bow to your ruling.

The Speaker: Just say it as “previous commitments.”

Mr. John D. Jefferson, Jr.: In my opinion, Mr. Speaker. But not only in my opinion, it is a fact!

POINT OF ORDER

Hon. Julianna O'Connor-Connolly: Mr. Speaker, on a point of order. He already made an affirmative statement, which was not qualified by conditions subsequent that it was his opinion. I humbly submit that he must withdraw or apologise for the first section and then move on to his opinion. Certainly, this minister does not dodge any responsibility.

The Speaker: [addressing the Third Elected Member for West Bay] I have asked you just to withdraw “dodging.” That's the word I do not feel is appropriate.

Mr. John D. Jefferson, Jr.: Mr. Speaker—

The Speaker: Kindly withdraw that and continue.

Mr. John D. Jefferson, Jr.: I thank you, sir.

[Addressing the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture] I really didn't understand half of what you said. I guess that's a lawyer's training—

The Speaker: I am talking to you, not the . . . Please.

Mr. John D. Jefferson, Jr.: But, Mr. Speaker, the point I am trying to make—

The Speaker: I am not asking you what point you are trying to make. I asked you to withdraw the word “dodging.”

Mr. John D. Jefferson, Jr.: Mr. Speaker, I withdraw the word “dodging” if that makes them comfortable.

The Speaker: I thank you. Please continue.

Mr. John D. Jefferson, Jr.: But the point that I am trying to make is that this motion is not against MLAs; it is against the district constituents having access to their elected representatives. That’s what it is all about!

It doesn’t matter to me whether or not they take the \$75,000 and spend it on ex-servicemen because I have a genuine interest in the welfare of my people. At my own expense, or through grants and favours from constituents, I was able, or we were able to furnish our office in West Bay. And since 1992, I have been paying, like the other members, out of my own pocket to make sure that it was staffed. So, it’s not going to affect me in any way.

But, like I said, in my opinion this motion was nothing more than a spiteful act of retaliation.

Mr. W McKeeva Bush: Hear, hear!

Mr. John D. Jefferson, Jr.: If there was such a genuine concern about our veterans why is it that the increase was not in the two budgets that were presented since November 1998?

Mr. Roy Bodden: True!

Mr. John D. Jefferson, Jr.: Why not?

This is nothing more than an afterthought. That’s all it is. And do you know why? I don’t know whom they got, but they had someone do a poll recently. And the poll is showing that they need something to boost their popularity!

Mr. W McKeeva Bush: Oh-oh.

[General uproar]

Mr. John D. Jefferson, Jr.: Okay? They got the \$26 million in borrowing; they have something like \$35 million in capital works; \$43 million in capital works, . . . now, if they can get a little bit of credit for this motion calling for a \$50 increase to ex-servicemen, maybe it will bring them back. It’s going to take more than this gesture to save that Executive Council!

Mr. W McKeeva Bush: Oh-oh.

Mr. John D. Jefferson, Jr.: I had a look at Standing Order 41, and I tell you what, after listening to the Minister of Education yesterday, if that wasn’t cited I don’t think any one of us has any concern about it being used on us because that gentleman took two and one half hours and all he did was repeat himself over, and over, and over again. And the message that he tried to get across to the listening public was that we, the elected representatives in this House, are a bunch of thieves.

Like I said, it really doesn’t matter to me if government decides to make a subsidy or allowance available. If it wants to have those cheques made payable directly to the landlord, or payable directly to the office personnel or whatever, I don’t have a problem with that. I really don’t. But this whole issue is nothing more than a spiteful act as far as government is concerned.

I believe that the amendment to the motion is very reasonable. It makes sense. It allows the government to achieve what it says it is so genuinely interested in achieving—that is, providing a little increase to the veterans. But I cannot support the idea of the removal of the office allowance for the MLAs at the district level. I cannot support that in all good conscience. What government needs to be very careful about is coming across as being unfair.

Like I said, they sit in their ivory palaces surrounded by staff. They are surrounded with the most modern facilities and equipment. All they have to do is say it and it’s done. And here we are, MLAs in the districts where the people come to have their grievances addressed, and we don’t have anything. Then we have to dip into our own pockets to make sure that somebody is there to staff the office so that when people arrive they have somebody to talk to. It’s not right at all. It’s spiteful; it’s very, very spiteful.

In my opinion, this motion was totally unnecessary. I think the Member for North Side mentioned [Private Member’s] Motion No. 8/98 (moved by the First Elected Member for West Bay and seconded by the Third Elected Member for Bodden Town), entitled “Increase of financial assistance to the elderly, handicapped and other persons in need.” The first “Whereas” in that motion says, “**WHEREAS the government promised in the 1996 Election Campaign to increase the financial assistance to the elderly, the handicapped and others in need;**” who are the “others?” It has to include veterans.

And even in his contribution to the motion the First Elected Member for West Bay mentioned those who had given their time and service in protecting this country, and that they must be included in the proposed increase.

When you don’t have any needs, it is very difficult to appreciate when someone does. Let me tell you that that little \$250 or \$300 per month means a great deal to our elderly, our handicapped, and our veterans. What are we saying? Move it from \$250 per month to \$300, which is fair. Here we were talking about some 38% or 39% increase on some salaries, and here you find it difficult to give someone a \$100 increase on a monthly basis? Especially people who made a contribution.

What I don’t understand is (and I am hoping that it is not by her own doing) that I think in 1997 there was a provision in the budget for renovation of MLA offices. I think it was \$20,000. We said, ‘*Well, not only Cayman Brac needs it, the other districts need it as well,*’ and I think we voted another \$50,000. It is my information—and the minister can correct me if it’s not correct—that the money has been spent on her office in Cayman Brac.

I understand it's a multipurpose office where it's going to be used by the Labour Office, a number of different people.

Mr. W McKeeva Bush: Labour and Sports.

Mr. John D. Jefferson, Jr.: Labour and Sports.

Is she that selfish that she says *'I got mine, now I am going to deprive you of getting yours'*?

The Speaker: Will you give way to the honourable minister?

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

POINT OF CLARIFICATION

Hon. Julianna O'Connor-Connolly: Mr. Speaker, thank you, and thanks to the honourable member for giving way.

I sort of figured that I would have to clear up this matter because it was imputed on Monday, and I let it fly; then it was reported in the newspapers. I intended to answer it in my response to the substantive motion, but perhaps this is the best time to interject.

If one takes the time to refer to the capital development, one would see that under head 09-202 there was a specific amount for refurbishing and refitting the MLA office at the Creek, Cayman Brac. During the course of discussion, as recorded in the Cayman Islands Standing Finance Committee records, one will see that the discussion ensued about my colleagues in George Town not having an office. A motion was put for the sum to be increased by another \$50,000.

Making a long story short, the First Elected Member for West Bay and other members confirmed that the \$20,000 was for Cayman Brac. At no time did I take it. I checked this morning, and on 5th May 1998 warrant 3298 for the sum of \$50,000 was approved under public works for the MLA offices in Grand Cayman. I did not use any of this money, nor did I request any warrants be done because I, like other members in the districts of Grand Cayman who have offices, fully concurred that the four elected members from George Town should also have their offices.

So, please do not mislead the House. I never have taken anything in my life, and at this stage I am not prepared to take anything sir.

The Speaker: The Third Elected Member for West Bay.

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

I want to say thanks to the minister for trying to clear up that situation. But I didn't say that she took the \$50,000. I didn't say that. I don't know how she could come to that conclusion. I didn't say that.

What is strange is that we voted the extra \$50,000 to help our colleagues in George Town and up until now, according to my information, it can't be found. Where did it go? And we have asked, and asked what happened to the money.

Mr. Speaker, that minister has got to stop letting herself be used.

Hon. Julianna O'Connor-Connolly: Mr. Speaker, as hard as one tries to make peace, this minister (sic) has to stop imputing wrong motives.

I have never allowed myself to be used. He cannot speculate. And unless he can put on the Table of this House supplementary and supporting documentation, then I ask him to withdraw it sir.

The Speaker: That's an explanation.

Third Elected Member for West Bay, can you comment on that?

Mr. John D. Jefferson, Jr.: Yes.

Mr. Speaker, she's so confused she called me a minister! Thank you, very much!

Like I said, I feel very strongly about this issue. I really do. I recognise the value of my office in West Bay to my constituents. I am there every Tuesday and Wednesday from 4:00 to 8:00.

The Speaker: Can I just interrupt you for just one moment? What I am really questioning, . . . she said that you made the statement that she was allowing herself to be used. That is what she is asking an explanation of.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I am sorry I didn't address that.

What I said, and I prefaced my comments when I first stood on my feet by saying that I was hoping that she could not be accused on a personal basis for moving these kinds of motions on her own, but that she was influenced by somebody else. Now, if she is saying that she is not being used by somebody else, then I am sorry she has the kind of attitude to take this kind of action in this House which is so spiteful all by herself.

The Speaker: Honourable member, will you then withdraw that she is being used?

Mr. John D. Jefferson, Jr.: Yes, Mr. Speaker. I will be glad to do that, now that she has clarified that it is her personal action.

[Inaudible interjections]

The Speaker: Thank you. Please continue Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The other recommendation, and the amendment to the motion said, **"AND BE IT FURTHER RESOLVED THAT the savings realised from the rejection of the increase in MLAs salaries, estimated at three hundred and fifty thousand Cayman Islands' dollars, be utilised to fund the increase and, in accordance with the provisions of Standing Order 24(2), that these payments be apportioned over a period in 1999 commensurate with the available funds, and that the funds allocated under Head**

10-07-109, being a grant for MLAs offices, be not used for this purpose and that the Standing Finance Committee be requested to approve the full amount."

The Minister of Education tried to make a big deal out of this. How many times have we seen \$100, \$1,000 or even \$100,000 in the budget for a project that would cost \$4 million or \$5 million? How many times?

The whole idea behind it, according to the information that I have, is that we have 594 veterans and their spouses who receive this allowance on a monthly basis. Let me tell you how ridiculous the recommendation put forward by government—or on behalf of government by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth, and Culture—is.

I did some calculations. If you use the \$75,000 to help fund this, it means that each one of the veterans and their spouse would receive \$126 per year. Per year Mr. Speaker! An increase of \$10.50 per month. Do you see how insignificant the MLA office allowance is in regard to funding this very important request?

As I said, all government had to do in accepting this amendment was to say *'At least we have \$350,000, let's see where else we can find the balance.'* It wouldn't be very difficult to find another \$350,000 in a budget of close to \$300 million, and they have the power to do it. They can find the money. I am talking about advance accounts. They do it all the time! If they really wanted to do so, they could do it.

Like I said, they really don't have a genuine interest in the ordinary people of this country. They really don't. And I asked for a copy of the *Hansard* where the minister moved the motion so that I could really see what she had to say. But, like I said, I have never seen such a move on behalf of government in an attempt to confuse people in regard to the correct intention.

Let me close by saying that I am not convinced that government has brought this motion out of a genuine interest in our ex-servicemen. As I said before, they had two attempts in order to include it in the 1999 budget. But, no, after they didn't get their salary increase they said, *'We're going to fix you guys. We are going to spite you by taking away your little MLA office allowance.'* But that's not spiting us, that's depriving the constituents of a very comfortable and private access to their elected representatives.

It's very difficult when people have to come to your home to discuss personal issues. A lot of times you are sitting there with your family having a meal and you have to be interrupted. People don't like that. But if people are aware that you have an office in the district, . . . and it should be in the districts. Why should people from West Bay, North Side, or Bodden Town have to come to George Town to see an elected representative? They shouldn't have to. It shows a lack of a genuine concern for the welfare of the people in this country, and nothing short of that.

Rather than depriving the elected representatives of a place where they can meet with their constituents, I challenge the ministers to start getting out in the district MLA offices themselves and make themselves available. I keep hearing the excuse *'Oh, my portfolio (or ministry)*

is so large.' Mr. Speaker, they don't do any more than we do. They don't! Do you know why? Because they have people around them who support them, making sure that what has to be done is done. If my constituent comes to me and needs a cover letter, I can't run to a secretary and say type this for me. No, I do it myself!

The problem with ExCo is that they are so caught up in their own greatness that they have totally lost touch with what is going on in this country. That's what is wrong with them. That's exactly what the problem is, Mr. Speaker.

I believe that the amendments recommended are sensible and should be accepted. I also believe (and I am going to repeat what a number of members have mentioned) that the official members should have nothing at all to do with this issue. The Minister of Education had an opportunity to remind people of the (should I say?) evilness [Government] Motion 3/90. But what's the difference?

Mr. W McKeeva Bush: That's right.

Mr. John D. Jefferson, Jr.: The only way they can push this through is with the support of the three official members. But you know, they all dodge behind this excuse of collective responsibility. It's just an excuse to do what they feel like doing—their dirty work a lot of times, Mr. Speaker.

I am asking you to consider, and if necessary to get permission from His Excellency the Governor that you do it. I think this issue is important enough that this should only be voted upon and decided upon by the elected representatives of this House. The reason why I am saying that is because this issue was addressed in Finance Committee where the official members don't even have a right to be present unless they are called as a witness.

Mr. D Kurt Tibbetts: Not even the new Attorney General!

Mr. John D. Jefferson, Jr.: And now to bring it back to the House where they can take advantage of the three gentlemen sitting there in order to push through their spiteful acts . . . Mr. Speaker, that's totally unacceptable in my opinion.

I will have more to say on the substantive motion. As I said, I believe that the amendments to the motion are reasonable. I support them and I would urge government to reconsider its position.

Mr. Speaker, you have been here longer than I have, but I saw a previous government take the same kind of attitude. Do you know where they are today? Out in the pasture. They are out in retirement.

Mr. Linford A. Pierson: Except those that repented!

[Members' laughter]

Mr. John D. Jefferson, Jr.: Mr. Speaker, there's one whose still here, and he says he's repented. That's why he's still here!

It's not a laughing matter. It's a serious concern because we are talking about the interests of our people being at stake. Access to their elected representatives is a priority. There is no greater priority. There is no greater calling than for an elected representative to be available to his or her constituents.

How can you . . . \$75,000?

Mr. Speaker, the Minister for Community Development should be ashamed of herself. Thank you.

The Speaker: We shall suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.45 AM

PROCEEDINGS RESUMED AT 12:15 PM

The Chairman: Please be seated. Proceedings are resumed. Does any other member wish to speak? (Pause) The floor is open to debate, does any other honourable member wish to speak to the amendment.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I would just like to make a short contribution in support of the amendment.

I have to begin with expressing regret that what should be a simple solution has taken off with so much acrimony and adversarial politics because of the seeming intransigence on the part of the government. I am not going to be accusatory, Mr. Speaker, but I want to express my dismay at the lack of maturity among honourable members in this Chamber.

I am not excluding myself in these matters when it comes to important issues. I don't believe that we are doing ourselves a service as a fraternity when we cannot adopt a better approach to settle our differences. And I say this especially to the government whose responsibility I consider it to have handled the situation in a more appropriate and mature manner.

I am not convinced that the motives behind the government motion are pure. If one would take time to read between the lines and listen to the contributions of those members of government who spoke, I believe it is retaliatory to the extent that mention was made of the position taken by the Opposition backbench concerning the withdrawal of the salaries as a result of the evaluation exercise recently undertaken by the civil service.

Now, there is an old adage that says alcohol reveals what sobriety conceals. Certainly, it is not the case of being revealed by any consumption of alcohol in this case. But I would change the adage then to be more appropriate to this forum by saying that frustration reveals what normalcy would conceal.

Mr. Speaker, these amendments, as I see them, are well meaning and deserving of support. I believe that the government has a responsibility to view the amendments with sincerity and seriousness. It is incumbent upon the government to accept the amendments because denying members of the backbench an opportunity to have established offices is also, Mr. Speaker, depriving the gov-

ernment of an avenue in which they would have open to address the concerns of the country and constituents.

The government, by its constitutional and legitimate functions, operates out of the Glass House, as we call it, on Mondays to Fridays between the hours of 9 a.m. to 5 p.m. It is impossible for the government, that being the case, to climb down from those towers and be in touch with the majority of the constituents who have daily needs and concerns and who make representation through the members of the Legislative Assembly, the MLAs, the backbenchers we call them.

Although, when I talk of the backbench I many times use it to mean only those supporters of the government, this time I am broadening the definition to mean all of us who do not sit as members of the Executive Council.

So, for the government to deny the backbench members of the Legislative Assembly this avenue of meeting their constituents means that the government is short-sighted. By such a denial the government is also cutting themselves off from what is going on in the highways and the byways of the country, which, under their employment terms, they would not normally be able to know because they are stationary from Monday to Friday in the Glass House from 9 a.m. to 5 p.m.

And while it is true that they have weekends, unless they are different human beings from the rest of us and they don't tire, then they cannot adequately address the needs and concerns. Certainly, they cannot let me believe that the government is only limited to the policies that they craft at the Glass House, for I believe those very policies emanate from the needs, wishes, and aspirations of the constituents and the wider community to which they do not normally have access.

Mr. Speaker, the whole business of whether the veterans and indigent persons should get a raise is also addressed in these amendments. I think that it is reasonable, and is appropriately dealt with so the government need not have any concern that we are outmanoeuvring them. I think the credit is enough to be shared equally among all parties.

I find it regrettable to have to make the observation that the honourable minister moving the motion was a little misguided in taking the approach. I have to express dismay also with the position taken by the Leader of Government Business, the Honourable Minister for Education, Aviation and Planning. Mr. Speaker, that minister made so many slips, and yet we on this side are always so willing to forgive him. He made so many slips.

You know, I sometimes have to wonder . . . Somebody, Mr. Speaker (and it wasn't any of my constituents) . . . one of his constituents called me on Tuesday and said, "Do you know how we see the Minister's [of Education] position? He has the whole country around a table. And instead of him leading them and showing them the rest of the House, he is taking them around the table, and around table, and around table until he confuses them. Then he lets them sit down and he leaves them there, and he has the whole House to himself."

Mr. D. Kurt Tibbetts: While they suffer from dizziness!

Mr. Roy Bodden: While they suffer from dizziness!

So, Mr. Speaker, I know what the government is concerned about. The government is concerned that next year is an election year. And if they allow these amendments to go through, the backbenchers will be able to claim the credit for advocating and recommending this raise and they, the government, will be left out.

I know that they are depending on the little mileage they get out of this, but I am telling them that there is enough mileage to be shared by everybody—all fifteen of us elected members can come out with some semblance of a victory, and can come out smiling. But the nature of Westminster politics being what it is, the government expects to totally one-up the backbench—particularly the Opposition.

Mr. Speaker, we on this side would be ill advised to let that happen. That is why we are prepared to share the credit and that is why we believe these amendments are the best solutions to the problem that confronts us. If the government insists on exercising its power and its authority, I will remind government that its position, while allowing it to be arrogant in this case, does not offer it ultimate safety.

When members of the backbench, members of the Legislative Assembly, cannot properly service their constituents and make necessary and relevant contact with their constituents, when the government is confronted with provoking this denial and with removing this ability, I wonder what the government's excuse is going to be.

Mr. Speaker, it is shortsighted on the part of the government to bring that motion and to stand by it rigidly and inflexibly. The government would be well advised to forget about its motion. Forget about one-upmanship and support the amendments so that all of us can come out of this with a sense of maturity, of achievement, and a sense of well-meaning, and can bask in the fact that the most well-meaning decision has been taken in the interest of all concerned. To do otherwise, Mr. Speaker, will be an injustice on the part of the government, and they will be courting ultimate disaster. If government wants to let us know that they are on a Kamikaze mission, then they can stick by their motion.

Mr. Speaker, I want to conclude with a quotation from that famous Irishman, Edmund Burke, writing in 1770 on a speech entitled "Thoughts on the Present Discontent." Mr. Speaker, Edmond Burke said, "**When bad men combine, the good must associate else they will fall one by one by one an unpitied sacrifice in a contemptible struggle.**"

Mr. Speaker, I am making a final appeal for the government to abandon its selfish motives with its motion and support the amendments supported by all of us on this side. It is the best solution to this seemingly untenable situation.

At the end of the day (I keep coming back to this), we who are in the vocation of politics, who are what I call the "fraternity," have an over-riding ambition to leave the impression that we are worthy of occupying the seats in this hallowed Chamber. That we are worthy of the awesome responsibility placed upon us. And the tenor of the debate, which I lay squarely at the feet of the govern-

ment, has not always left us in a flattering position, and has not always left us in a position where we can say the examples that we are setting are worthy to be examined.

We have to remember, Mr. Speaker, when all is said and done, that we are ambassadors. There comes a time when all of us (except the official members) are going to be judged by our constituents. Let us not through selfishness be found wanting. I hope the government can heed that little altar call and shed their hard-heartedness.

Thank you, sir.

The Speaker: Does any other member wish to speak to the amendment?

The First Elected Member for George Town.

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

Perhaps what has transpired in this House for the last couple of days is, as the lawyers would say, hard evidence that we find ourselves in a position where we all work hard at what we are doing, but in the final analysis, when truth sets in, we achieve nothing. If that analogy is correct, Mr. Speaker, then certainly we need to be examining ourselves because it must mean that while we are working very hard we must be working at the wrong thing.

With that in mind, let me say what I have to say regarding the amendments that are proposed. Mr. Speaker, before I come to any conclusion I think it is only fair that we get a proper perspective of exactly what we are dealing with. The way I would like to do that is to go into some actual situations so that we understand. I think when it's all over, Mr. Speaker, I sincerely hope that it is possible for us to look at each other and be able to come to a decision regarding this whole situation that we all can live with.

Mr. Speaker, let me first of all proceed to where the contention is. I am going to take a minute (it might be a couple of minutes), but I have to refer back to the debate yesterday which came from the Leader of Government Business. I have to let you know, Mr. Speaker, that for the last two days the Leader of Government Business was very successful in getting me to the point where I know you don't like me to be. And I think it was very wise of me not to speak during that time.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: But God is a good God, and after tempers flare, thank God the majority of us are usually able to sit down and let logic prevail and move on. I think that perhaps it is time for us to make that attempt.

With the first resolve section of the original motion—not the amendment, the motion—had there only been the one resolve section where it would have read, "**BE IT THEREFORE RESOLVED THAT the veterans monthly grant be increased to Two Hundred and Fifty Cayman Islands dollars in 1999 and to Four Hundred Dollars in the year 2000. . . .**" Mr. Speaker, perhaps because we know the government has authority in that respect with incurring increased expenditure for the country we would simply have accepted the motion.

Where it came to the second resolve section where it said, **“AND BE IT FURTHER RESOLVED THAT the Members of the Legislative Assembly do not accept, at this time, funds previously appropriated under Head 10-07 109 being a grant for MLA Offices and that this said sum of seventy-five Thousand Dollars be utilised in 1999, to partially fund the increase to Veterans or their Widows and that Finance Committee be requested to approve the full amount.”** That is where the problem arose.

I am going to say it as truthfully . . . and I am tempted to make some snide remarks, especially to the Minister of Education, Aviation and Planning. Because I too can imitate his style, but I am going to fool him completely today and not follow him up.

Mr. Speaker, I truthfully believe at this point in time that it could not have been the intention of the entire government to bring that second resolve section into the motion simply to spite individuals. I am going to say that is entirely possible. But just so it can be understood, and explained without acrimony, if we just take two minutes and look at where some of the individuals on the backbench find themselves when it comes to giving proper representation to their constituents—and it is only some of the backbench—it is almost impossible to think that the members it directly affects would not come to the conclusion that that second resolve section was pointed at them. That is only reasonable.

Now, it is not so important at this point in time whether it was meant that way or not. The fact is that it is reasonable to understand that is how they would take it. Okay?

So, we are working on the assumption now that the entire government may not have meant it in that fashion but that is how it came across to some of us.

Let us go on a little bit further, Mr. Speaker, so that we can really understand. Let us take the 15 elected members of this Legislative Assembly. Let us look at the facilities available to each of them. Let us take the district of East End: The Minister for Agriculture is the one representative for the district of East End. And my understanding is that there is an office in the East End Civic Centre which he can attend whenever he so desires or whenever he finds it necessary to take care of his constituency matters. So, he has a location that he can use at will.

Let us go to the district of North Side. If my understanding is correct, I believe there is an office in the North Side Post Office that the Member for North Side can use to meet her constituents.

Not the Post Office? In the Civic Centre rather, I am sorry. In the North Side Civic Centre. Okay?

Let us come down to the district of Bodden Town. Now, so far we are all into government owned properties. In Bodden Town, at the Bodden Town Civic Centre, there is also an office. Now, we have a peculiar situation in the district of Bodden Town, because there are three representatives there. There is multiple representation. You find that when it comes to what I will loosely term “the factions,” you have two representatives for the district who man the MLA office there. But, because the

third representative finds himself on the opposite side of the fence politically, he doesn't deem it as very conducive to utilise the one office. That is not unreasonable.

We have another government property being accessed by two members for the district of Bodden Town and one makes his own arrangements.

Thus far, Mr. Speaker, that member has made no claim because he finds himself at this point in time being able to utilise other space that is available to him. And at this point in time, he is satisfied. Now, it may well work out in the future that he may deem it necessary, or his constituents may make representation to him, that he needs to have an actual office in the district and that will have to be dealt with whenever that occurs.

Let us now go to the Brac. I am not quite 100 per cent sure of the situation on the Brac, and if I need to be corrected, I can be. But I will give it my best understanding at present.

You, sir, are the Speaker of the House. You are also one of the representatives. You are in Grand Cayman on most occasions. But you are back in the Brac as often as you possibly can make it, and I believe you utilise your own offices whenever you are there to deal with your constituents because you have that available to you.

Because there was a problem with space, the Minister for Community Development, who is the First Elected Representative for Cayman Brac and Little Cayman, . . . and there was a building that government had purchased. What has happened is that there has been a space identified in that building, I think it is in the Creek near the primary school, and there are other offices which are utilised by other government agencies in that building. My understanding is that that office space is not completed yet. Funds are required to complete the partitions and the renovations within that office to allow her to have a specific office whenever she is in the Brac to be able to serve her constituents. That is my understanding at present. Is that correct?

I believe there are funds available to complete that at present, because it is not just her office that will be completed, but the other renovations in that building will also be completed. But at the end of the day once that is finished, she too will have an office.

Now, Mr. Speaker, as we keep going down the line let us bear in mind, sir, as we have continued with government properties, that these MLA offices are not owned by the individuals. I am not saying anyone is saying that. I am saying it is the space available and whoever is a representative has access to use it. Okay?

We come down to the district of George Town, Mr. Speaker. We have four representatives in the district of George Town. The Leader of Government Business (the Minister for Education, Aviation and Planning) is one of the representatives. He has his office in the Government Administration Building. He has his other private office, he also has access to this building when he is here, . . . and I have seen him operate like that. He seems to be content to serve his constituents outside of his other responsibilities via those three avenues. He seems to be satisfied with that because he has not said that he needs

a specific office to serve his constituents as a representative.

Then you have three other representatives. The Third Elected Member for George Town and I have an office that we furnished on our own. But at present, what has transpired with it via the due consideration of the Member for North Side when we were trying to get that office in 1997, we got some funds and the government pays the rent on that space.

Now, the other representative for George Town, Dr. McField, has from the time he was elected made access to his constituents by way of his own office which he has occupied and thus far funded all of the cost himself. Okay?

We go down to West Bay. We have four representatives for the district of West Bay. My understanding is that in the town hall there is an MLA Office. Again, Mr. Speaker, while there is access to that office by all four, it is not a conducive situation for all four to use the said office. The fact is that if all four were using the office it might well be a cramped situation. It probably couldn't physically work. But in any case, the Minister for Tourism at some points in time uses that specific space to meet his constituents outside of the space that he occupies in the Administration Building.

We have the Third Elected Member for West Bay who uses that space quite often on a regular basis. So, that again is the government's space.

But we have one of the representatives for West Bay who understood the need for space to properly serve the constituents of his district. Mr. Speaker, he decided to find his own little space knowing full well that everybody knew about it. This was nothing that was hidden. Everybody knew the whole situation, so he contracted someone to work in the office, and he has his own rent and his utilities and other costs to pay.

Mr. Speaker, I have just gone down that entire list to show that of the fifteen members who have been elected there are literally at present only four members who for all justifiable reasons have had to get space for their offices to serve the constituents in their district outside of government owned buildings.

Mr. Speaker, the \$75,000 in the budget that was approved for MLAs Offices for the entire 15 elected members . . . whatever might have been said prior to this, I can (and will if necessary) prove that that \$75,000 given the circumstances that prevail today is quite sufficient to pay for the needs of the members on an annual basis.

Now, Mr. Speaker, this might be just a tad tedious, but we need to get a clear understanding. Yesterday the Minister for Education said—and it was said that he said it 11 times, but it must have been what I call forty-eleventeen times that he said it—talking about this \$24,000 a year, that members had as an allowance. He used another word, but, anyway, let's call it the allowance.

[Inaudible Interjection]

Mr. D. Kurt Tibbetts: "Entitlement" was the word he used. That's right!

But I will tell you what he said. During the break I said to him, "How far are you going to go on with this thing?" He said, "No, Kurt, I am on to a good thing here and I am going to beat it and flog it as best I can." That's fine. But, Mr. Speaker, while he used his own methods to justify his arguments I am now in the process of using my truth to nullify his arguments.

He kept chiming about this \$2,000 a month, and he even tried to add \$2,000 times 12 which is \$24,000 on to MLAs' salaries to say that the way this thing was done ordinary members who are not elected Executive Council members would be earning more than Executive Council members. And that is not so, Mr. Speaker!

The way the situation has been created for allowances for MLA offices is simply this: If you need it, you use it. And I have gone through the explanation that there are only four members, and two of the four members occupy the same office so that rent is one rent not two different rents. So, it is nothing the way that he has presented it that every month each individual gets this \$2,000 entitlement. Nothing like that!

And he tried to say that the playing field was level because the entitlement was to all 15 members so that meant that if all 15 members gave up the entitlement that would be a level playing field. But he knows full well that it is only four of those members who actually incur expenses that have to be paid. That is why the playing field is not level, Mr. Speaker.

So any argument he used to try to convince the public that this grant was just to increase our salaries was facetious. Okay? I am not going any further with it but it was facetious, and I think I just proved that it was facetious.

Having established that that is the true situation, Mr. Speaker, it might seem to be a political ploy aimed only at the people who have these expenses actually, and that is why it came across in that fashion. After all the arguments, I am not going to spend 15 minutes to prove that that was so. We need to get beyond that now, Mr. Speaker. And we don't need to keep it up about who is going to get the last lick. I like to use that because it really boils down to that sometimes, and I know that, but I hope we can avoid that. We are just trying to clear the situation up so that we understand exactly what is happening.

Now, Mr. Speaker, just to finish off this \$2,000 a month business. The minister tabled a document that was proposed by the then Acting Chief Secretary regarding these MLA allowances. And he went through and he read a pile of stuff on it. I am not going to go through that painful exercise again, but I just want to quickly refer to it.

The Deputy Chief Secretary (who was then acting as the Chief Secretary) simply created a hypothetical situation so that members could understand exactly what was going on. He had itemised the rent, the water, the telephone, electricity, furniture and equipment and support staff cost. He had a formula using what he obviously had checked into the cost of a 400 square foot space in

the district of George Town, \$850, plus the other cost, and he came up to a figure of \$2,000, which could be a monthly cost to a representative. That is how this \$24,000—which stuck in the claw of the Minister of Education all day yesterday—has come about.

But, Mr. Speaker, . . . I don't contend, I don't submit, I *know* that what was on this paper was not saying—and was not meant to say—that each member *must* get \$2,000 a month as an allowance for a MLA office. That was not the exercise.

When we spoke about it amongst ourselves, it was not the exercise. When the Acting Chief Secretary prepared this paper, it was not the exercise. The only time it became the exercise was when the Minister of Education picked it up and tried to tell the public that was what it was. And that is not what it was, and that is not what it is, Mr. Speaker! Okay?

Now, all this is saying is that as a basic formula each member utilising an office could itemise the various amounts. But, Mr. Speaker, what the minister didn't say either—which I know I can safely say—is that the representatives who incur costs that are outside of government owned properties are quite willing to be held accountable because they are only going to claim what the costs are.

Mr. Roy Bodden: True!

Mr. D. Kurt Tibbetts: And without going into the details (because I don't have them available to me) I would be willing to make a bet that if you added up the claims that would be made by the four representatives for each month it would not be four times \$2,000 a month. It would be noticeably less!

So, you see, Mr. Speaker, the minister was trying to say that the arguments that have spewed from the motion are twisted, perverted, self-before-country rather than country-before-self because the representatives wanted access to this \$2,000 a month. Mr. Speaker, nothing could be further from the truth.

I am promising you again, sir, that I am not going to get excited. But I have to clear it up because if it is left alone and the public does not know different, the public might actually believe him. His style of presentation is convincing. That he is. I know.

But I believe that when they listen to the other arguments that have been put forward, and to what I am saying today they will understand the truth.

Mr. Speaker, we can take a break now, sir. I think that is what you are leading up to.

The Speaker: We shall suspend proceedings until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 12:59 PM

PROCEEDINGS RESUMED AT 2:38 PM

The Speaker: Proceedings are resumed. Debate continues on Government Motion No. 1/99, on an amendment thereto.

The First Elected Member for George Town continuing.

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

When we broke for lunch, I was dealing with the \$24,000 issue. I think by now the whole purpose of the exercise is clear, and I believe that it is also crystal clear exactly how this allowance was intended to work.

Mr. Speaker, just to sum up and clarify the issue of this allowance for the MLA district offices, when the Acting Chief Secretary brought the proposal about this entitlement, the hypothetical situation was that each member utilising a premises for their MLA office, whether it be privately owned or government owned, would ask for an assessment for the cost of the use of the premises. For instance, the office that has been created in the Civic Centre for use by the MLAs in Bodden Town, would have to have an assessment done as to what a reasonable cost of rental for that premises would have been, albeit it is government owned. And if that premises were valued at \$1,000 a month then the members who utilised that (if it is two members which is the case now) would each have to claim \$500 for their allowance for the rent.

But it would actually be a situation where it's out of the left pocket into the right pocket because it would be government giving the allowance, but they would be paying the rent back to government.

Now, as far as the discussions went on, Mr. Speaker, and I stand to be corrected, we didn't think it made sense to go that far with the situation. So it only boils down to those members who had to pay rent for premises not owned by the government. This is why when you talk about the entitlement ceiling of \$2,000 a month times 15 people being \$360,000 for the year, in truth and in fact, sir, that amount goes straight through the window. The vast majority of representatives have access to government owned properties, so the majority of their expenses will not be paid, but will be offset because the property is owned by government.

So we are down to four people, and I am sure that was the reasoning behind the fact that there was only \$75,000 put into the budget.

Now, the Chief Secretary gave the undertaking, should more be needed, that supplementary requests would be sought in Finance Committee. But as it stands now, Mr. Speaker, it is obvious that the costs that will be incurred will not exceed the \$75,000.

I say that to make this point: When the original motion was brought, the mover (the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture) alluded to the possibility of this \$360,000 for the entire year being allotted. Therefore, in actual fact, while the motion only referred to the \$75,000 that during the course of the year should the motion be accepted as it was, then \$360,000 could be put towards the payment to the veterans. That was my understanding, as it was put.

But you see, Mr. Speaker, going along the hypothetical argument of \$360,000 . . . you can say that, but in actual fact (now that we have established that it will not exceed the \$75,000) you are not going to be able to

use \$360,000 towards these payments. That is how it will work out in reality.

I am going to balance this equation, Mr. Speaker, so that everyone will understand where we are trying to get. When we moved the amendment (and we referred to the motion unanimously passed where the amount in the budget for MLAs salaries was to be used), since [the salaries] had been refused, we would have access to that amount to be used towards our amendment.

Mr. Speaker, I am going to get to the point now, and I trust that I will be able to create the logic and people will be able to accept the logic so that we will understand what's actually going to happen. And I am prepared because I am going to tell the truth!

If we look at both of these motions, the truth is that neither the substantive motion nor the amended version we have put forward will have either the \$360,000 (which was supposedly the MLAs entitlement for the year) or the \$350,000 (which all MLAs refused to take as increases in salary). And I am going to explain why.

When the figure of the entire increase which included the civil service increase and the increase to MLAs (that is, sir, the ministers, yourself, the Deputy Speaker and the ordinary MLAs), that amount was included into one lump sum. But it was included on the premise that there would be savings realised to that amount in the budget. That means that there was not an actual increase in the amount of the budget to supplement this increase in salaries.

The fact that the private member's motion was unanimously accepted—and there is an approximate difference of \$350,000, because that amount will not needed to pay the MLAs in the year 1999 . . . the position that has been taken is that the savings needed to be found is the amount that was put into the budget for that, minus the \$350,000. So the truth is we don't have that \$350,000.

Now, that, I just discovered sir. But we may as well be open and honest and speak as it is. That is what prevails right now.

In actual fact, neither do we have access to the \$350,000, which was the approximate amount which was rejected as MLA increases in salaries, nor will we have access to the proposed \$360,000 (which would have been the entitlement of \$2,000 a month as a ceiling for 15 MLAs for 12 months which comes up to \$360,000). So, the truth of the matter is that we don't have access to either one of these.

As the original motion said, we have access to \$75,000. No one can deny that. That was approved. But, sir, without acrimony, without any twisting of versions of interpretations or anything like that, I submit . . . I am sorry the Minister of Education is not here because I am really trying his style this afternoon! I submit, sir, that no one, but no one in this Honourable Legislative Assembly, wishes at any point in time to deny any representative proper access to be able to do his or her job for his or her constituents in the right manner. I for one will speak it loud and clear.

Because of the arguments that have ensued, basically what the Minister for Community Development has

said is that if that's the way everybody feels about it she will leave her office unfinished. She doesn't want anybody to think that she wants something for herself that the rest do not get. Of course that is her reaction, because others have said to her, '*Why are you picking on us?*' Okay? That is what has gone on.

Mr. Speaker, let's stop this for a minute. Let's just stop and think. That's the word I was using. Okay?

If we look at the situation that exists now, we have two common denominators. I just named the first one: Members must be able to give proper representation to their constituents. That's the first one. I don't think anyone wishes to deny anybody of that.

The second one is that the arguments that have been laid down about the increase for the elderly, indigents and handicapped, and the veterans, are arguments that everybody here is on all fours with.

Let me just interject a short statement. And this is not something that I know to be a fact, sir. In trying to think about it as objectively as one can, I think it is possible that when the increase was put into the budget for the indigents and the elderly, somehow or the other (or the Minister of Education, Aviation and Planning would say, "*inadvertently*"), because the veterans are in a different category, and because the ministries are spilt up, we found that one set of individuals had been dealt with and the veterans were left out.

Now, I don't *know* this. But in looking at it, it's possible that this is what happened. So let's work along those lines and try to pan this thing out. If that happened, then quite rightly so the government picked up on it and said, '*Oh-oh, we can't let this look like we purposely left these people out. We have to find a way to cover them,*' hence the motion.

But it is also possible, sir, that having gone through a long exhausting Finance Committee, having been cross-questioned about how you tie your shoe laces in Finance Committee—and that is our job, sir. Believe me, the Minister for Education, Aviation and Planning can say what he wants to say, but if they don't come crystal clear to us, we are going to clear the waters from the mud. That is supposed to be our job.

But having gone through all of that, again it is possible that they may have said '*if we bring the motion which means an additional cost we might have some more fire again. So let's see where we can start to show some savings.*' I don't where the idea came up about the \$75,000. I don't want to get into that because conjecture could go on forever and ever. But, Mr. Speaker, I am asking at this point in time for us to not worry about that any more. Okay?

Everybody said how they felt. We all understand why some people felt how they felt. We all understand why people reacted the way they reacted because in their minds that is not the case. '*This one fired so I am going to fire back.*' You know, the real cowboy movie type of thing.

Let us just stop for a second. The Minister for Education, Aviation and Planning was chiming yesterday on this point about country before self. Okay! If we do not wish to deny members to be able to properly represent

their constituents, number one; and if we all have the same goal in mind about including everybody in the increase perhaps it is time for us to all get together to find out where this money is. Let us all agree on a certain position and then we can move on with the business of the country.

I want to give a few more explanations so that it can be clear in our minds exactly where we are. Government took a position and brought a motion. The backbench, looked at it and certain members felt like it was pointed to them. They naturally sat down and tried to come up with a counter that they felt was more palatable. But there is another thought that came through everybody's mind, and I wish to talk about it just for a minute so that we can get that one out in the open too. We are going to talk about it and get it all out in the open, let's get it all crystal clear and let's see if we can't move forward with it.

When the proposed amendment was moved from \$250 to \$300, there was a thought behind that. Mr. Speaker, it was not just arbitrarily done. Here is the logic behind it: If we are going to be moving from \$250 to \$400 we are going to have to find that much more in the year 2000 to bring it up to the \$400. When we included the indigents, the elderly, and the handicapped (who are in a certain category), along with the veterans and moved it up to the \$300, the thought was simply this, sir . . . and I am going to tell you about the politics of it too.

Someone said, *'Give them \$50 this year, because everything is stretched, so to speak, and maybe we kind of slipped up and forgot the veterans. But if we bring all of them up to line with the \$50, since we have the money in the budget to increase all the rest by \$50 to \$250, then let's leave it at that. Then next year—being the year 2000 which is an election year— \$150 is going to come like a big increase. That's big kudos!'* Alright? That is what somebody will think.

I am not saying that's the case, but on the backbench are politically minded individuals amongst us who will say to themselves, *'Perhaps that's what the government thought.'* I am not saying the government thought that, but I am saying the government must understand that some of us are thinking like that.

If the government were on the backbench and we were there . . . it doesn't matter who it is. But I think the point is made clear.

In our minds, the amounts do not differ at the end of the day if you wish to arrive at the \$400 per month for all the categories. We are saying, why not do \$300 this year for everyone. Your move is \$100 this year and next year your move is the same. Okay?

And there is another salient point to that which I really sincerely believe: From 1995 this amount has been in place. This is now 1999, and at this point in time this is not being political, but there have been increases which have been brought about by the government because costings have gone up and recurrent revenue is not able to match recurrent expenditure. So, there have been revenue [enhancement] measures brought which naturally increase the price of the goods that these people have to buy. Basically, the cost of living has increased.

There have been at least two cost of living increases, which have been given to the civil service and which includes pensioners, but you see those amounts are not addressed in these areas. These areas remain fixed; they don't naturally spill over into these areas so you don't get a natural increase coming along with this.

So, for all intent and purposes, if we are going to take a bite at it (which is what it is going to boil down to, sir), let's do \$300 in 1999, and let's go up to the \$400. We will be much better prepared in the year 2000 for the \$400 because we will know that's the plan. From the very beginning when they start to make their move with the budget, the two ministries will know that X amount has to be factored in, regardless of what else they want to cut and shave because this is where they are going. That is something that will easily be done.

So that the government understands clearly our motion, I have brought out where I think the deficiencies are in both amounts that were being talked about. I think we can argue against it, but I think it boils down to the way I have said it.

When the Third Elected Member for George Town and the First Elected Member from West Bay brought the amendments, they were working on the premise that the substantive motion brought with it the authority (by way of it coming from the government) to go to Finance Committee to find whatever needed to be found to be able to get the money. So, when we brought an amendment it was not a new motion but it was based on the premise that the original motion already had the authority going with it, so that authority would continue on if these amendments were accepted. It is still the same substantive motion just with amendments.

Our thoughts are that the authority through Finance Committee will hold up for both versions whichever way they end up.

So, Mr. Speaker, to sum up that aspect of it, we are basically saying let's not fight over it. Knowing that we all agree that this amount needs to be increased for all the categories that have been talked about, let us move to \$300 in 1999, and to \$400 in the year 2000. Rather than have pistols drawn and guns smoking let us sit down and sensibly come to an arrangement as to where we are going to find the money that is actually needed. That is, what I think we need to come to.

I am sure the members of the backbench will agree with this procedure if it is allowed sir. But all has happened to this point is that everyone has spoken in a reactionary fashion. I sincerely hope that we are able to find it within ourselves to say, *'Okay, let us not compare who got in the last word throughout the whole thing. Let us be able to come together since we all want to achieve the same thing and find the method by which we can achieve it.'*

Mr. Speaker, the \$75,000 is \$75,000. I do not believe that it is going to be a plus to force the issue that that \$75,000 is not accessible for members to be able to utilise a proper constituency office. I do not believe that. I do not believe that the advantages will outweigh the disadvantages.

Also, Mr. Speaker, we have a way among us of developing bad blood, and it is staying with us too long. And, like the Third Elected Member for Bodden Town, I am not excluding myself, sir, I know where I fail. But perhaps this is one time where all of us can rise above that and move forward with this. We have much to do, Mr. Speaker. We have a lot of motions to deal with, a lot of government bills, a lot of private members' motions. We have also the Throne Speech where members need to throw out their ideas with regard to the state of affairs of the country and the direction that we should be taking.

Mr. Speaker, there are other things that I could say but some of it may seem counterproductive and I am prepared to bypass those things. There are some things that have been said thus far that, as I stand here this evening I sincerely believe need to be cleared up. But I want to be seen to be fair.

I could stand for at least another hour and a half, Mr. Speaker—at least!—to disengage the points that have been made from the government bench when it comes to certain things. But as far as I am concerned, Mr. Speaker, and I think the other members on this side of the floor will agree with me, it is not going to get us anywhere fast. I hope it is possible that we can do what is right about the motion and get it put to bed the best way possible.

As far as I can understand now we have 594 individuals in the category of the veterans, and of the indigents and elderly, there are 690 recipients. When we work it out based on what is included in the budget at present, and if we really wish to go to \$300 a month this year, I think we are going to be looking to find something like \$1.1 million. That's about what we are looking to find.

Mr. Speaker, we have stood and argued with the budget, with our thoughts, with the principles that we have applied, and we will continue to do so to keep the government on its toes. And we will continue to shoot our policies out in the hope that they will pick up some of our ideas that it might benefit the country. But this one, Mr. Speaker, while we are not suggesting for a second that we want to create a welfare state, we accept that there are individuals in this country who for more reasons than one cannot fend for themselves.

There is a proper means test which calls for certain due diligence and due process to take place for people to be able to receive these amounts of money. If these people are qualified and eligible for these amounts of money I believe we should look to take care of that and then deal with the country's business as we move on. I think it is our inherent responsibility.

I don't think any one of us wishes to waiver from that chain of thought. I don't think any one of us wishes to renege on that responsibility.

I am not quite finished yet. I will crave your indulgence, sir (and it is entirely up to the members here) that if you are prepared to do so . . . and I am not talking about any broiler room talks for us to have any arguments over, . . . but if you and the members are willing, perhaps we can get together to arrive at a way for the entire 15 members of this assembly, along with the official members, to come to an agreement as to how we

move forward with this. We can get it put to bed and we can move on with the important matters of the country.

All I am saying, sir, is that I am prepared to pause at this point in time and if there is an indication that they wish to do that, then perhaps you would be willing to take a suspension so that this can be done. If the government is not prepared to deal with it in this fashion, sir, then I will simply continue.

The Speaker: I am completely in the hands of this Honourable House and maybe the appropriate thing to do is to put a question. If it is the wish of this Honourable House that we suspend for a period of time....

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I was basically going to ask for us to take the afternoon break and let us have a little time to talk among ourselves. The government, I think, would love a little time to talk.

Thank you, sir.

The Speaker: At this particular time, we shall then say for thirty minutes.

PROCEEDINGS SUSPENDED AT 3:08 PM

PROCEEDINGS RESUMED AT 3:50 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 1/99, the amendment to it.

I recognise the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker.

As a result of the government having discussions just a short while ago, we are proposing the following three things: First, that we have identified offices in a government owned building for the MLAs who do not now have access to government owned offices.

Second, we are in support of the increase of \$50 as set out in the original motion for veterans in order to equalise their financial grant with the elderly, handicapped and other persons in need.

And, third, that in return we hope that the back-bench will withdraw their amendments to Motion No. 1/99.

The Speaker: I will now recognise the First Elected Member for George Town to continue his debate.

Mr. D. Kurt Tibbetts: Mr. Speaker, I trust that what I am about to say now is not considered a continuation of my debate on the amendments. I am simply responding to the Minister for Community Affairs, Sports, Women, Youth and Culture. Is that reasonable?

The Speaker: You can, but I have reserved your right because we suspended in the middle of your presentation.

Mr. D. Kurt Tibbetts: Thank you.

If I understand what the minister has said in the very first issue that she addressed, she is saying that premises will be identified for those members who do not now have MLA offices that are in government premises? Is that what is being said?

[Inaudible interjections]

Mr. D. Kurt Tibbetts: Is that what is being said? (pause) I just need a nod of the head or something.

I will continue while they are conferring, Mr. Speaker. The reason why I am saying what I am saying, Mr. Speaker is that, first of all....

[inaudible interjections]

Mr. D. Kurt Tibbetts: Do I need to give way?

What I am asking through you, Mr. Speaker, is if I am understanding what the Minister for Community Affairs has said in addressing the first issue is that premises have been identified in government premises for the members who now utilise MLA offices that are not in government premises. Is that what being said?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Let me just reread it again and perhaps I can go a bit slower.

The discussion that the government just had, the first proposal is as follows, and I will read it so I don't improvise my own thoughts. **"That we have identified offices in a government owned building for the MLAs who do not now have access to a government owned office."**

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. If you will allow it to continue in this vein, sir, perhaps the minister could state where these premises are. The reason why I am asking is because I know for a fact that the Third Elected Member for George Town and I went through the motion with the minister responsible for government buildings. Prior to this, and after an extended period of time—several months—the minister told us that there were *no* government premises in the district of George Town that we could occupy.

In the case of the Fourth Elected Member of George Town, he is utilising a certain premises that is different, and there is also the First Elected Member for West Bay, and the Third Elected Member for Bodden Town.

So, before we get into the other matters, perhaps we could hear the locations that are being proposed for us.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, the government has identified the recently acquired building next to the Government Administration Building, being the Racket Club in central George Town.

[General uproar, Inaudible interjections, and members' laughter]

POINT OF ORDER

Mr. W. McKeeva Bush: On a point of order, if we are in session, sir.

The Speaker: First Elected Member for West Bay, let me hear your point of order.

Mr. W. McKeeva Bush: Mr. Speaker, are they saying that we can use the Racket Club? As I understood it, they were purchasing that to knock it down to clear the way for other construction. That was the purpose.

Now they can't change that—and I hear them grumbling, sir, but that is what they said.

The Speaker: I think that's an explanation but could the Honourable Minister for Tourism, Commerce, Transport and Woks comment?

Hon. Thomas C. Jefferson: Mr. Speaker, I thank you. I realise that the building itself and the reputation of the building of the past is something that none of us really want to be associated with.

The government owns this property, it owns this building, it is something that government has in its plans somewhere down the road to add a government office building to provide more office facilities for civil servants as well as ministers, or statutory authorities, or whoever. But until that day, we feel that the building can be refurbished in order to provide the facilities that would be suitable for MLAs to use.

Whatever refurbishing needs to be done to it, the government is prepared to do it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, we hear what they are saying for the members for George Town. And I am assuming they are saying that all three members can occupy that building. I have no idea what that cost is going to be, I suspect that renovation costs for that purpose will exceed the rental cost for quite some period of time, but that is another point to deal with.

What about the other two representatives? There are two other representatives: one for Bodden Town and

one for West Bay. We need to know where they are talking about for that so that we can understand their answer fully.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I don't know what I am doing in this, but let me just say that my understanding about the Bodden Town area in particular is that there is a civic centre with an MLA office. It is only used Thursday and Tuesday, so Monday and Wednesday is open. That's my understanding.

Well, I know that a majority of people don't want to go to deal with a MLA on a Friday. Nobody wants to do it on a Friday.

The West Bay Town Hall has an MLA office. John Jefferson, Jr uses it on Tuesdays and Wednesdays. I have asked him to allow me to use that on Mondays when I go to the district—and I have not been there in several weeks, but Thursdays are open.

Mr. W. McKeeva Bush: Mr. Speaker, since this is time for explanations . . .

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: You can tell the world this: If I had any intention of sharing an office with one of them I would have done it from the time they kicked me out of the Executive Council. But I ain't going in any office because I have been set up too many times in my political life and I ain't going to take that chance again! Now, they can put that in their pipe and smoke it! And they can tell it to the world.

If they don't want to fund it, I pray to God that I will get some assistance somewhere. They are not going to stop me from serving the people that I was elected to serve. But I am not going to share no office with the Minister of Tourism! None!

The Speaker: The Fourth Elected Member for George Town is next.

Dr. Frank McField: Mr. Speaker, I am not sure where we are at right now. It seems that the format has changed slightly. But I really, really was hoping that somehow my debate yesterday was indicating that we should relate a little different to this particular problem and not politicise it to this extent. And I was hoping that the government—that I supported with regard to getting its budget through and its borrowing through—would have had at least enough sensitivity to my position here to not have placed me in such a predicament at this particular time. I wonder if they seriously realise what they have now done again.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I want to raise the question as to how I will be able to use the MLA office in the Bodden Town Civic Centre when, Mr. Speaker, the *Hansards* of this House will show that it was through my agitation and work that the now Third Elected Member for George Town (when he was the Member responsible for Works under whose development this office fell at that time) started the office there and when the National Team came to power, Mr. Speaker, I had a key to that office until they decided that it was time to exclude me, at which time they had not even the courtesy, Mr. Speaker, to let me know what was going on.

I was assured by my colleague, the Second Elected Member for Bodden Town, that the office was being refurbished. And that when it was refurbished, I would have gotten a key. And she was willing to discuss with me a schedule of use. It was refurbished and I didn't know until one day when I turned up at the civic centre and proceeded to take out my key to enter the main door when the caretaker said in just in these words, "Old boy where are you going? They changed the lock on that the other day."

No one, Mr. Speaker, gave me a key to the front door, let alone the MLA office!

I raised a stink about it subsequently in this very hallowed Chamber. Then, sheepishly and embarrassingly, the Public Works Department chased me down here making all kinds of apologies telling me that it wasn't their fault that the locks were changed and I was excluded from getting a key. When they brought the key at that point I wouldn't take it. Being the conscientious representative I am, I had made alternative arrangements.

Up until that time, Team Cayman still had an office in what we call the Business Park that I utilised. Well, since that we have given up the office and, fortunately for me, I am able to utilise the office space in which I work.

So, Mr. Speaker, all I have to say is that Jews have no dealing with the Samaritans. If they wanted me to share that office I would have gotten a key from the time it was refurbished and the locks were changed.

Now, like I said I am a Jew. I am not dealing with the Samaritans because I don't want to be an afterthought. Absolutely no way! I shall continue to serve my constituents from the office I work from and from my home, as is my custom.

Thank you, sir.

The Speaker: The First Elected Member for George Town.

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

It is obvious that what has been proposed regarding the MLA offices is unsatisfactory. It is obvious that in the short time the government conferred, and in their scramble to try and put forward a counter, a very poor excuse for compromise has been placed in our laps.

I am going to go a little bit further, Mr. Speaker. I am going to make a last ditch effort here. Mr. Speaker, when we suggested if the government were prepared to sit and talk, we were not making any attempt to use any political stance to try and take command of the government's

motion. We were quite prepared, if the government was willing to sit and talk with us, to try to come to an agreement. And the government could then, if necessary, reword any motion to suit all of us. They could bring the motion and we would simply vote on the motion and move on with the country's business.

Mr. Speaker, I am not going to lose it again and talk about slaps in the face and all of that. I am not going to do that this afternoon. I am going to say one last time that the government understands where we are. We all wish to achieve the same thing. Can we forget who gets to say the last word and who has to stick with what they want to stick with? Get things done right!

Everyone shook their heads and said that they did not want any member to be deprived of being able to utilise a proper office to serve his or her constituents.

The government has to realise that it cannot pluck some structure that is dilapidated and totally unsuitable out of a hat.

Mr. Roy Boddén: That was used as a house of ill repute!

Mr. D. Kurt Tibbetts: I am certain they have no idea of the cost to renovate that building to be suitably used. They have no idea!

I know what the place looks like inside. I know how it is divided up. I know what can and cannot be done with that place. Mr. Speaker, it is not an easy situation to be dealt with. I am not going to chime on that to make it sound like that's the end of the world.

Mr. Speaker, surely the government within themselves must have a better way to deal with this situation. If they are forced in their minds to retain the \$250 instead of the \$300 that we have suggested, that is something that we can debate and simply vote on and whoever the majority is will win that part of the vote. To me, that doesn't change the wish. We want to see these people get better.

How it is divided up and when it is apportioned out to them is what we were suggesting to sit and talk about. If they can't find it within them to sit and talk with us about that and come to an agreement, then it will have to be simply on the vote of the majority of the elected members.

When it comes to the MLAs offices, every one of them knows that what they just came to us with, Mr. Speaker, is something like what those old people use to talk about. But do you know how that comes across to us? Like they took slop pail and threw it in our faces. That's how it appears, whether it was intended to be like that or not.

Mr. Speaker, our plea was totally genuine. It had nothing to do with who ends up looking like what. I will say it one more time: It matters not to us if there is any possible way to put what we want and what government wants together and then bring it back, it doesn't matter to us, Mr. Speaker. But, as I said, I am giving it one last chance because I am a man that doesn't give up easily.

Mr. Speaker, I am not going to say that it is obvious that they have come back with something that they knew

we were not going to accept. But if they have no recourse and are not willing to sit down and try to come to a reasonable understanding, I will have to come to that conclusion, Mr. Speaker.

And I just want to make it clear, sir, not being funny but just a general reminder: What I just said has nothing to do with my continuation of the motion. That is in response to the cross talk that has been going on, sir.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, perhaps it is that time in the afternoon when we really should in good conscience just sit down and talk to each other rather than getting up in the House and making all sorts of accusations or innuendoes. Perhaps, now is as good a time as any. And the First Elected Member for George Town did make that suggestion earlier.

I think what we are asking for is a suspension to talk.

Mr. W. McKeeva Bush: Mr. Speaker, I believe that we on this side of the House would agree because that is what the First Elected Member from George Town has put forward. We would certainly like to agree with the Minister of Tourism, Commerce, Transport and Works.

And I would further like to say, Mr. Speaker, if you would allow me (because I did rise earlier on a point of order), I said I wasn't going to share any offices. The Minister of Tourism, Commerce, Transport and Works said there were four days, he did admit that Fridays were out and he said there were four days. He didn't include the Fourth Member from West Bay, nor have they taken into consideration that we are saying that we need to have the office all the time not just one day or two days. It is completely different in that district and he knows that it is difficult.

We don't have the space. And separate and apart from the reason I stated earlier concerning my use of it that place not being conducive sometimes because of the town hall being used at times.

The Speaker: What I would like to suggest is that we have approximately seventeen minutes before the hour of 4:30 p.m. I would suggest that we move the motion for the adjournment of this House and then we can meet informally after we have adjourned and then come back tomorrow morning at 10:00 a.m.

Hon. Thomas C. Jefferson: If that's the wish of the House, Mr. Speaker, I move the adjournment of this Honourable House until 10:00 am tomorrow morning.

The Speaker: The question is that this House do now adjourn until 10:00 a.m. tomorrow morning.

Those in favour....

Mr. D. Kurt Tibbetts: Mr. Speaker, I am sorry, sir, I had to be out of the Chamber. If I may, sir, before you take the vote. . .

The Speaker: Certainly, Go ahead.

Mr. D. Kurt Tibbetts: Mr. Speaker, I hold the view, sir, that if we are serious about this thing, I don't mind suspending to talk about it, but I don't like the thought of closing off this afternoon until tomorrow morning. I would rather us suspend proceedings and meet and come back in here if its even to close off for the day, sir.

The Speaker: That is fine with me. I was just thinking about the Press and anyone else. Well, can anybody give me an idea then as to how long the suspension will be?

Mr. W. McKeeva Bush: Until we are finished!

Mr. D. Kurt Tibbetts: It should take ten minutes, sir. If the government is sincere, it will take ten minutes.

The Speaker: We shall suspend proceedings until things are finished.

**PROCEEDINGS SUSPENDED AT 4:15 PM
PROCEEDINGS RESUMED AT 4:57 PM**

The Speaker: Please be seated. Proceedings are resumed. I would ask that the Honourable Minister for Education, Aviation and Planning if he would suspend Standing Order 10(2) that we can proceed beyond the hour of 4:30 p.m.

Hon. Truman Bodden: Mr. Speaker, what we would like to do is to adjourn until tomorrow morning.

The Speaker: And I still have to suspend because it is almost 5:00 p.m.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman Bodden: Oh, I see. I move the suspension of Standing Order 10(2).

The Speaker: I put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: I will now entertain a motion for the adjournment of this Honourable House.

Mr. D. Kurt Tibbetts: Mr. Speaker before you do that, sir, can we have a division?

The Speaker: What are you calling a division on? The suspension? I have not put the question on the adjournment yet.

Mr. D. Kurt Tibbetts: I am sorry, Mr. Speaker, I was one step ahead of you.

The Speaker: I thought so.

Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10:00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House will now adjourn until 10:00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: The Ayes have it. The House do stand adjourned until 10:00 a.m. tomorrow.

Mr. D. Kurt Tibbetts: Mr. Speaker, can we now have that division?

The Speaker: Certainly. Madam Clerk would you call a division, please?

DIVISION NO. 1/99

AYES: 8

Hon. James M. Ryan
Hon. Samuel Bulgin
Hon. Joel Walton
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John McLean
Hon. Anthony S. Eden
Hon. J. O'Connor-Connolly

NOES: 7

Mr. W. McKeeva Bush
Mr. John D. Jefferson, Jr.
Mr. D. Kurt Tibbetts
Mr. Linford A. Pierson
Dr. Frank McField
Mr. Roy Bodden
Mrs. Edna Moyle

ABSENTEES: 2

Mr. D. Dalmain Ebanks
Miss Heather D. Bodden

The Speaker: Madam Clerk, read the division.

The Clerk: Seven Noes, eight Ayes.

The Speaker: The ayes have it. The House do stand adjourned until 10:00 a.m. tomorrow.

AGREED BY MAJORITY: THE HOUSE STOOD ADJOURNED.

AT 4.57 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 26 FEBRUARY 1999.

**EDITED
FRIDAY
26 FEBRUARY 1999
11.15 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed.

Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Fourth Elected Member for West Bay, who is ill.

I apologise for the late start. We had procedural matters that needed to be taken care of.

Item 3 on today's Order Paper, Government Business, Motions. Government Motion No. 1/99, Increase of Financial Grant to Volunteer Ex-servicemen and their Widows. Continuation of debate thereon.

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

Hon. Julianna O'Connor-Connolly: Thank you. The First Elected Member for George Town has kindly given way so that I could make a few brief remarks on behalf of government.

I am happy to report that after negotiations in a mutual and amicable meeting this morning, the House has reached a favourable agreement which will be put forward formally, subsequent to the amendment on the floor being withdrawn, to amend the last resolve, in a manner suitable to all members present.

The Speaker: Continuation of debate on the amendment to Government Motion No. 1/99. The First Elected Member for George Town.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/99

**INCREASE OF FINANCIAL GRANT TO VOLUNTEER
EX-SERVICEMEN AND THEIR WIDOWS**

**AMENDMENT NO. 1
(Withdrawn)**

(Continuation of debate thereon)

Mr. D Kurt Tibbetts: Thank you.

In light of what the Honourable Minister responsible for Community Affairs has just said, and also in view of the fact that a further amendment being made by the government has just been circulated, I think it would only be fair for me not to continue my debate. I think the reason why I do not have to pursue my comments on the amendments brought by the backbench will come to light.

The Speaker: Does any other member wish to speak to the amendment? If not, I call upon the mover to exercise his right of reply. The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you.

This is a happy day for me, and I believe that I speak for other members of this honourable House, in particular my honourable colleagues. We realise that much was said in the Assembly that, on reflection, we wish had not been said. I personally wish to apologise to anyone whom I may have offended in any manner. As honourable Members know, I try to avoid that adversarial side of politics.

I must congratulate all that were instrumental in bringing us to this point. I think it shows that when we meet behind closed doors, much can be accomplished.

Amendment No. 2 to Government Motion No. 1/99 reads as follows, and I would just like to read this for the record. It states: **"In accordance with the provisions of Standing Order 25(4), I, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, on behalf of the Government of the Cayman Islands, propose that Government Motion No. 1/99 be amended by deleting the last resolve clause and replacing it as follows:**

"AND BE IT FURTHER RESOLVED THAT this Honourable House supports proposals to Finance Committee to approve the full amount of \$356,600 to fund the said increase of \$50 per month to veterans and their widows and, subject to funds being available, by the summer Government will consider increasing the financial assistance up to \$300 for the veterans and their widows, elderly, handicapped and other persons in need."

This covers very well the concerns that were expressed in our amendment to the substantive motion. There were quite a number of things that I noted to

comment on in my winding up, but this position we have reached makes this totally unnecessary. I am pleased to say that my colleagues and I are able to support Amendment No. 2 to Government Motion No. 1/99, and I accordingly withdraw my amendment, which had been put forward and seconded by the First Elected Member for West Bay.

The Speaker: Is there a seconder?

Mr. W McKeeva Bush: I would like to concur with what the Third Elected Member for George Town has said, and I gladly second the motion.

The Speaker: I shall put the question that Amendment No. 1 to Government Motion No. 1/99 be withdrawn. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT NO. 1 TO GOVERNMENT MOTION NO. 1/99 WITHDRAWN.

The Speaker: Government Motion No. 1/99 is open for debate. Does any other member wish to speak? The Honourable Minister responsible for Community Affairs, Sports Women, Youth, and Culture.

AMENDMENT NO. 2

TO GOVERNMENT MOTION NO. 1/99

INCREASE OF FINANCIAL GRANT TO VOLUNTEER EX-SERVICEMEN AND THEIR WIDOWS

Hon. Julianna O'Connor-Connolly: Mr. Speaker, by virtue of the authorisation by the presiding officer, and in accordance with the provisions of Standing Order 25(4), I, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, on behalf of the Government of the Cayman Islands, propose that Government Motion No. 1/99 be amended by deleting the last resolve clause and replacing it as follows:

“AND BE IT FURTHER RESOLVED THAT this Honourable House supports proposals to Finance Committee to approve the full amount of \$356,600 to fund the said increase of \$50 per month to veterans and their widows and, subject to funds being available, by the summer Government will consider increasing the financial assistance up to \$300 for the veterans and their widows, elderly, handicapped and other persons in need.”

The Speaker: The amendment (No. 2) to Government Motion No. 1/99 has been duly moved. Do you wish to speak to it? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Out of an abundance of caution, it should be \$356,600. I would move that the scrivener's error be corrected for the record.

This morning I take great pleasure, with much humility, in thanking all honourable members for their commitment to come to an amicable conclusion in the interest of this country, which I believe is the main motive of each honourable member sitting here in this Parliament this morning. I believe that the [amendment] which has been presented this morning by way of mutual agreement, will seek to increase the amount to veterans by \$50, and, as the motion clearly says, funds being available we will increase it an additional \$50 for all of the categories, being veterans and their widows, the elderly, handicapped and other persons in need.

If I can just take a moment to take us back to [Private Member's] Motion No. 8/98, government fully concurs that the intention was there. But, again out of an abundance of caution, we saw it necessary to clean up by bringing an amendment for the veterans. We would also like to thank the First Elected Member for West Bay for his foresight in this regard.

Without going into a long winding up (because I believe much has been said), and, as the Third Elected Member for George Town, I made several notes to clear up items and various accusations. But in the interest of compromise and for the expeditious running of this House I have no problem in asking members to concur with this amendment and ask that we move on and continue to deal with the issues facing this country.

The Speaker: The amendment (No. 2) is open for debate. Does any other member wish to speak? If not, does the mover wish to wind up?

Hon. Julianna O'Connor-Connolly: They say that a picture is worth more than a thousand words, and the amicable and tranquil ambience which permeates this House this morning says it all. I thank you.

The Speaker: I shall put the question that the amendment do stand part of the motion. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT NO. 2. TO GOVERNMENT MOTION NO. 1/99 PASSED.

The Speaker: The question is that Government Motion No. 1/99 as amended do pass. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 1/99 AS AMENDED PASSED.

The Speaker: Moving on to the commencement of debate on the Throne Speech, delivered by His Excellency Mr. John Owen, CMG, OBE, Governor of the Cayman Islands on 19th February, 1999.

The Fourth Elected Member for George Town.

**COMMENCEMENT OF DEBATE
ON THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY THE GOVERNOR
MR. JOHN OWEN, CMG, OBE
ON FRIDAY, 19 FEBRUARY, 1999**

Dr. Frank McField: I am indeed pleased to be making my contribution to the Throne Speech, 1999, delivered by His Excellency the Governor, Mr. John Owen. I understand that this was the last Throne Speech to be delivered by His Excellency. Sadly, he will be leaving the Cayman Islands with his wife Carol very shortly.

I would like to extend my congratulations to him on his term here in the Cayman Islands, which was well spent I believe. In retrospect, we will see that many of the reforms that His Excellency, Mr. John Owen, brought to the forefront for the civil service and political debates are indeed badly needed.

When we really understand the flaws in our entire governmental structure, we understand that parts of the conflicts we are experiencing today in the Legislative Assembly and in society as a whole are a result of the fact that our concept and understanding of the purpose of the state is almost medieval. We therefore need to have a more reformed approach to matters of government. We need to be led into this new light of reasoning. We need to be encouraged to develop a more mature state, a more mature political machinery that will truly represent the needs and wishes of the people.

This causes me to want to look briefly at the Constitution of the Cayman Islands as it now is. The Cayman Islands (Constitution) Order 1972 gives the Governor very extreme powers. Under the definition it says, **“1. (1) There shall be a Governor of the Cayman Islands who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty’s pleasure.**

“(2) The Governor shall, for the purpose of administering the government of the islands, have such powers and duties as are conferred or imposed on him by this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office according to such Instructions, if any, as Her Majesty may from time to time see fit to give him; but no court shall enquire whether or not he has complied with any such Instructions.”

In other words, the Constitution says that the Governor’s powers are outside the jurisdiction of the courts. We also know that the Governor appoints members to the judiciary, and it is under his umbrella that they seek

refuge and are seen to have the independence that we believe is necessary in our society.

So part of what our Constitution does, is establish the office of Governor. It then establishes the Executive Council. It says, **“5. There shall be an Executive Council in and for the Islands which, subject to section 10 of the Constitution shall consist of— (a) three Official Members, who shall be appointed by the Governor, . . .”**

Again, it is important that we understand the dynamics of our political machinery within the context of talking about reform on the level of the reinvention of government, which the Governor spoke of in his Throne Speech, and as regards public sector reforms and other initiatives like the strategic initiatives or the Vision 2008 exercise.

We see that there is an office of the Governor that appoints three members to Executive Council. The Constitution also says that there shall be **“five elected members, who shall be elected by the elected members of the Assembly from among the elected members of the Assembly, . . .”** The Constitution does not give the people of the Cayman Islands the right to elect those persons who are responsible for policy issues. Our Constitution quite clearly separates the people from the issue of policy. In terms of whether or not people are satisfied with the way in which their government is performing, or satisfied with the situation here in the Legislative Assembly, people need to become a little more acquainted with their Constitution and what their Constitution will afford them by way of the democratic system of representation.

Elected Members of Executive Council are not elected by the people, but by Members of the Legislative Assembly. And in most cases, people don’t know who their ExCo Members will be. In other words, that is held from the people. They don’t know who votes for the Executive Council. That is done by secret ballot. In fact, when people are talking about the failures of government—the inability, the weakness of their government, the fact that their government is not really representing their needs—we need to understand the peculiar type of Colonial governmental structure we have here which His Excellency the Governor, I believe, speaks to.

When His Excellency the Governor talks about Vision 2008, the Reinvention of Government, Fiscal Reform, Public Sector Management Reform, and Freedom of Information Initiatives giving us the opportunity to break out of the straightjacket of a Colonial style bureaucracy which seeks to control from the centre, he has brought some light to the situation. He gives some of us the courage to question our system in such a way that we will be able to help with the reform process.

The most serious problems we have had in this country over the years have been caused by persons in the society with a certain degree of intelligence and authority, causing the Caymanian people to believe that if they look at their Constitution and if they feel the need to mould their Constitution in such a way to cause it to best reflect their present state of existence, that that would mean they are heretics; that it would be going against

something holy and sacred, and that it would be high crime and misdemeanour to question and examine.

We have no political instructions for our young people in the schools so they can understand and digest, and become more enabled and empowered to be a part of a democratic system that needs people to reason and participate based upon their understanding. We have developed a political vacuum in this country, simply because the country is changing in such a way that if the political machinery does not keep up with the changes it itself will be responsible for creating anarchy. Those of us who had this vision twenty years ago were thrown to the lions as the Christians were in Rome.

It is now the 20th anniversary of *Time Longer Dan Rope*, the play I completed 20 years ago. Since this form of debate allows me to wonder, at 50 years of age I want to make my involvement with this country's public life sum up something. I feel that this moment can be a summary of those fifty years that I have spent in this world.

In *Time Longer Dan Rope*, the Caymanian woman "Ella" who is struggling with her children while her husband "Beatman" is at sea is working with "Mr. Wyler" who is supposed to be the first developer, comes home from work tired and says, **"Mr. Wyler, them had a cocktail party for some Caymanians. Boy, were those people ordering drinks. I mixed drinks till I drunk from the smell. Lord knows why rich people drink so much. The way they behave not much better than old Johnny Brandon. But they can talk business though.**

"Mr. Wyler, he smart. He talking about real estate, tourists coming, tax heaven, or something like that. But Miss Catherine different. She nice. She talk to me like a sister. She saying they want to change the place too fast and Caymanians won't keep up, and she don't want to see us end up like Indians, all drunks and broken up families."

That was twenty years ago. This was a concern of a Caymanian woman dramatised to be remembered at this specific time.

The old drunk, "Bam-bam," . . . and these characters are all fictional because I should hope not to be sued by anybody. I chose names because those of us who are familiar with the pleasant parts of our history know that we had characters that dramatised our way of life. We didn't have to go to the theatre to see theatre, because we had people who were so colourful they were able to entertain and to teach.

And Bam-bam says, **"Yeah, I crazy. That what you tink cause as soon as a man say something with sense then he crazy. But let me tell you one ting: I almost live my life out. I soon dead. But I been a lot of places in this world, I even see King George, one of the greatest men who ever lived."**

And the people in the bar said something to him, but he says, **"So I know my life."** Then he tells them he's a philosopher and they go, **"Philosopher? What's that?"**

He says, **"A philosopher is a thinker. He knows in every man there is the ability to know right from wrong, good from evil, weak from strong and so forth and so on. So I know my life because I tink**

about it. There is nothing you can say, or anyone else can tell me about myself I don't already know.

"I might be afraid to admit what you might say is correct, but that does not mean that I don't know it's true. There is some truth to everything, but some things are less true than others. That you all call me crazy has some truth, but it is not all the truth. Y'all mek me crazy 'cause y'all afraid if ya didn't call me crazy you'd have to call me intelligent, and that you wouldn't do."

Believe it or not, that was written 20 years ago. That was my attempt to somehow say that the country was developing too fast, that we would have social problems. *Time Longer Dan Rope* dramatises the conflict between the man and the woman as a result of the man going away to sea and the woman having to work at home, gaining her economic independence by working for the foreign developer. As a result of the fact that she has economic independence and the man believing that he's the boss in the house, we have the classic conflict that we have discussed in regard to the Caymanian family. They talk about it now, but this was written.

Fortunately, we had foresight back then. We had the opportunity to have brought reforms to our country that would at this particular point be useful, but because we were Caymanians we were not accepted. So, when the Governor, Mr. Owen, comes with a reform outlook and talks about the straightjacket of a Colonial style bureaucracy, I know what he means. And I believe that at the end of the day I am as qualified to interpret his meaning as anyone else is. A colonial style bureaucracy.

He is the Governor. He is coming, according to our Constitutional choices, with total power. Yet, rather than using those powers negatively, he comes to encourage us to develop a system that is responsive to the needs of the people and not managed from the centre. We have to become more involved in the whole idea of value for money.

He said, **"The future is in your hands."** That's very encouraging from someone who 20 years ago would have been looked at as being mad. He would have been called crazy, would have been an outsider.

It is hard for us to accept that among our own people are intelligent persons. This is reflected in our debates and in our fights, and in the way we interact politically with one another. I say that we have to locate the sociological basis for the fact that we do not, as Caymanians, come together and work together, that we have allowed other persons to come in and become more empowered in our society than we ourselves are.

I would like to see government reform in such a way where government does not forget the fact that it is the only institution in this country where Caymanians really have absolute control—if we do. Okay? We understand that we are sharing power to a certain extent with the Foreign and Commonwealth Office and with the appointed Governor. Be that as it is, if the person in that position is benevolent we will be in a position to determine our own future. He says that the future is in our hands.

When I visited the Foreign and Commonwealth Office I didn't get a different impression from them than what I got from him in regard to the future being in our own hands and the fact that we are in the position to make decisions in that regard. I know that many people may not consider what I am talking about to be politics because they believe that politics is bickering, that politics is talking about specific policy not developing an overview.

That is part of our problem: the inability of many members to think the overview thought. We wouldn't have to pull back if we saw the end before we start moving forward, if we would follow the carpenter's rule of measuring twice before we cut. Part of the problem with the political machinery of government is that it reacts and does not act. And it does not act because it does not analyse. And it does not analyse because it thinks it is crazy and absurd—that it is *philosophy*.

If we would develop political machinery in this country that would strive to eliminate the basic weakness we have discovered in our society today—which is the inability of Caymanians to cooperate on any level, including the level of government . . . and I am guilty too, because I am a Caymanian. But I want to reform. I want to be reborn. I want to change. I want to see the difference. It's time that we see the difference, not just at the bottom but at the top.

We preach about the reinvention of government, yet the Constitution says that we have no control over the civil service. In other words, the people of the Cayman Islands have no direct control over what the people in the civil service are paid, or who works in the civil service, or who gets trained or how they get disciplined. So there is impotence on the part of the people by way of the Constitution. We must tell them that!

I am not going to tell them to change their Constitution. If they want it to be this way, then let it be that way. I have lived with it, I can continue to live with it. But if we analyse the situation, and if we are truthful about why political government is weak in this country we will see that it has to do with the Constitution. And we will see that the type of Constitution we have is beneficial to a particular class of people who do not want the Caymanian people to be empowered by controlling politics in this country. Because to control politics, to control the State, would be to control the resources of the country.

The Speaker: Could I interrupt you just one moment? Is it the wish of honourable members to suspend now for the morning break? Or should we continue for another hour until lunch?

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Boddan: As you wish, sir. We are flexible. I think whatever. I know that's the question you asked me, sir, but . . .

The Speaker: I am comfortable if everyone wants to continue.

Hon. Truman M. Boddan: Well, that would be good with us, sir. But if you wish to break at any stage, please—

The Speaker: Fourth Elected Member for George Town, please continue.

Dr. Frank McField: Mr. Speaker, I just don't want people to believe that I am a Spanish machete, that I am a person who is inconsistent and doesn't know what side to take.

I am a bit dissatisfied overall with the lack of organisation within our political culture. And this lack of structure also causes us to have choices as individuals which are sometimes positive, but on another level it can cause chaos. It could cause the business of the House to go far beyond the time in which it should simply because everybody wants to be able to express his or her opinion in order to impress the voters, because we cannot do that in an organised fashion.

All of those people who say that they don't want political parties are partly responsible for the chaos that is now developing. I am sorry. I have been here now two years and I can see that on one hand we have all the disadvantages of the party system, but none of the advantages. If we are going to have reforms in the civil service, . . . the civil service can reform itself by way of His Excellency the Governor who will call the politicians in the political system to reform the political system because some of us are so bent on keeping this country in the dark ages politically, that we can't get any reform. Every time the people try to do something they go out and say '*He's a bad guy. He's a bad guy. He's a bad guy. He's a bad guy.*'

Let me say that we all have one thing in common as politicians whether or not we are successful. We all genuinely believe that we are good! We all genuinely believe that we are for the benefit of our country and our society. We all genuinely believe that. Even if I criticise somebody and what they are here for, I am playing politics. I admit that. It's the easiest way to show the person up and to show the constituents that the person is not perhaps doing what is right.

But we shouldn't judge the motives of the person, and I believe that is why we are not supposed to impute improper motives on the part of members.

It is accepted in the fraternity that we are all honourable gentlemen. Why is it coming to this? Why is the Legislative Assembly coming to this particular state of disarray? It is coming to this particular state of disarray in proportion to the way in which the country as a whole is coming to disarray. We are only a reflection of what is happening outside. Believe it or not, we are a reflection of the way in which people are dealing with competition; we are a reflection of the way in which people cannot see how to cooperate any more within this competition.

We reflect the fact that relationships are now individualistic and impersonal, competitive and calculating, and contractual rather than being spontaneous and affectionate the way it used to be. We are reflecting this change in our society.

It is important that we show people that it is not the end. It doesn't mean doom. It's a crisis we are going through, and we reflect that in here. Most of us are out of touch. Even when we have regular meetings with members of our constituencies, we are still out of touch. We have lost the ability to communicate with people on an honest level. We communicate as politicians. And the longer you communicate with politicians, the more you lose touch.

How do you communicate as a politician? *'Yeah, well, I believe that too. Yeah, that's true too. Yeah, yeah, you see that too.'* And you agree with everything the person says. Then, you turn your back, go, and do what you have to do. That becomes a part of the political culture. So you don't really know what people are going to chastise you for at the polls. You don't really know what is politically correct any more. If we did, we wouldn't be so fearful. And if we weren't so fearful, we wouldn't be fighting all the time.

It's fear that is causing us to fight, fight, and fight. Fear! Fear is the biggest enemy of man. People with confidence in what they are doing, and the fact that they will be returned, don't have to fight that way. But if we go outside, people are fighting out there the same way. We have to deal with the fact that if this country is to survive . . . I was watching Issues 27 last night, and somebody was talking about 75 years from now. There was one member on the programme who gave me the impression that somehow it's not necessary to plan for 75 years from now, that it's done by God or whatever. But God gave us intelligence; therefore, we have reason to plan, to have vision.

Now, it says in the Bible that the people without vision shall perish or falter. So when someone asks what about 75 years from now, you have to be able to say, *'Well, 75 years from now this, this, and this will be happening.'* I am 50 years old, all I need is another 25 and I will be 75. So 75 years, as far as I am concerned is a very short time. Well, we have some members here who are older than that, so we know that 75 years is not a long time. A century is no time. We say time passes slowly until it has passed, and then it seems as if it never existed at all. That's the trick. So be careful with time.

I am saying that we have to know where we are going 100 years from now. The British Foreign and Commonwealth Office is encouraging us, thank God, to know and develop this. Otherwise, they would not have given full support to His Excellency the Governor, Mr. Owen, in introducing Vision 2008.

Part of the good governance is that the Foreign Office is saying, **"The Foreign Offices' objective set in 1993 to introduce jointly agreed country policy plans in all five Caribbean Territories to enable development priorities to be established has not yet been fully achieved. Three plans have been negotiated, the British Virgin Islands have not disagreed in principle, but have not set a date for negotiation, while the Cayman Islands are developing a strategic plan based on the Bermuda model."**

This document is from 1997 so we know that the whole strategic exercise referred to here in the Throne Speech is something that we have a lot of support for.

What I am saying is that we, as politicians (at least those of us on the backbench), can't have very much to do with what happens in the Glass House, what happens with the civil service, because the Constitution (as is often said) prevents us from getting directly involved with these particular issues.

But we need to prepare our fraternity because you cannot have a State in a democratic society without the two arms. You have to have the elected arm as well as the other nominated, appointed arm of the State. For us to be looking towards Vision 2008 we have to also understand the difficulties in implementing an exercise like Vision 2008 in a society where you do not have the kind of organisational basis for it.

Part of the reason why I never participated in the Vision 2008 exercise is because I felt that in the final analysis the plan would suffer as a result of the people who created the plan not understanding the anti-organisational tendencies which exist in our society. If they had approached our society from a more sociological point of view, . . . because it is not just important that people can formulate ideologies, or opinions, or principles, because we can all get together and do that. The difficulty really is implementation of those principles. This is where I believe that we get into the catch.

It is important that the political machinery be encouraged to take responsibility and ownership of these plans in such a way so as to be able to convince our constituents that these plans are good for all of us.

This is not going to happen by us printing pages out of the Vision 2008 exercise in our manifestos, or thinking that this is a good marker to know what to sell to the people. We could go and say that we are going to cut down fewer mangroves because we hear that they want to cut fewer mangroves, or we will do this and that in regard to immigration. But if we do that, we will create even more instability at the end of the day.

Instability comes when government cannot deliver to the people what the people feel government has promised to deliver. Every time a government promises and does not deliver, the dissatisfaction with government and with politicians becomes greater. Without trust you cannot get the kind of changes or agreement in regard to policy that is necessary.

I used to be the kind of person who lived my life according to the next election. So from 1980 until 1996 I lived my life according to the next election. It's a really difficult thing when you think that change can only come every four years. So for the people who are expecting change to come every four years, that disappointment increases and intensifies. Nobody can ever say that over the last 20 years or so they have gotten the feeling that the ability of government has improved that the integrity of government has improved. No, rather it has decreased according to the feeling of most people.

That's a real problem that we, as politicians, need to get out there and fix. If we don't get out there as politicians and fix this credibility gap we have the people who

are in the bureaucracy—the permanent secretaries and directors of this, that, and the other, and the good Chief Secretary and his people—are not going to be able to perform, because without us they really have no way of delivering these services to the people. Without us they have no way of collecting the revenue necessary to provide people with these services. Without us they have no way of discriminating in who gets and who does not get these services. We are a necessary part of the democratic process. And if our growth is retarded because of fear and prejudice then whatever is reinvented in the civil service will not help us.

The people come to us to be consoled. The people come to us to make their complaints. The people come to us to pass their judgments. We are a fraternity that needs to mature and go forward. When I see people understanding their political dynamics, that their actions have to be looked at with these particular motives and situations, . . . because if you judge the actions by themselves without analysing the actions within the context in which they have taken place we lose the real substance of our situation.

Our situation is grave at this time. I said 20 years ago that stability is not going to be the result of fear. Stability must be the result of intelligence, of the feeling of security and trust. That is what a State must provide for its citizens, security and trust. Like the family provides the individual member, the State is just an extension, the parent of all the families. We see from the very genesis of democracy that close connection of religion and politics for the same reason—that people must feel that security, that trust in terms of their being a part of a community, a communion being possible between them. They grow together as a result of regular contact. They acquire some feelings that they constitute through uniting together.

We have to become more mature with this particular element. We can do the job playing politics, calling this one names, saying that one is no good. But the country stagnates politically. At the end of the day we have not even been able to deal with the immigration issue.

Now, if we had a political organisation in this country that would complement the civil service bureaucracy we would not put all the stress on the Immigration Department and the Chief Immigration Officer in dealing with this Caymanian dilemma. We inherited the Caymanian dilemma in the creation of what we consider to be Caymanian today.

That dilemma springs from our desire to use labour without giving those persons who labour social and political rights. That was so for the Africans who were brought to these shores in yesteryear, just as it is so today for many of the expats being brought to our shores today. We expect that we can exploit labour without developing a human relationship with those persons who are providing us with these services.

A mature political machinery would grapple with these problems, would analyse these problems and have an overview and a solution at hand and not feel that everything is okay because we are talking about dollars and cents. We were in here for two months arguing about

pennies when we have not been able to tell the people how we are going to solve the real big issues in this country—the real big issues that will bankrupt us.

If we do not understand the role of interrelationships, if we do not understand the dynamics of economics and forging social relationships and preserving stability, certainly we will become bankrupt anyway. A country that is socially and politically bankrupt will certainly be economically bankrupt.

I think we have enough examples of that all around us. It is not the pennies you save that will save your country, but the jobs you go out and do well. It's the courage you give your people; it's the confidence you give them, the feeling of security and belonging to the unit that will cause them not to want to destroy it at the end of the day. We have to reach out to our people. We have to find the political mechanism to allow us not to mislead, but to lead.

There is a difference between misleading and leading. First of all, you mislead people when you make them believe that a piece of paper with words on it is more important than the persons who put the words on the paper. When you tell them that a piece of paper, a Constitution, is more important than the concept of good governance then you are not leading, but misleading.

The concern must be for good governance, and good governance can only come when people feel satisfied that they are represented in a way that they can err and have justice; that they can have truth and freedom and stability. The State has the obligation to give the people meaning, or part meaning anyway, to their day to day pursuits. But how did Ella feel when she came back from working in somebody's house serving them drinks, hearing them talk about how they are going to develop this "tax heaven or something like that"?

And she's fearful for her children, and she knows that her children will not be a part of this new "tax heaven" unless her children have an education. There is no other way. So she comes back to tell them that they must go to school, they must learn because that will be the only way that Cayman will belong to them. Cayman will belong to those who have the ability to read and write and to develop those skills.

Therefore, we have an increased obligation to see that education in this country becomes a radical approach. I know a lot of people don't like that word "radical." A radical approach to education would mean that there is education for life, that there is education all over, that everything is seen as learning, which it should be. Every experience is a learning experience. It should be cherished.

You don't go to school and say you will get out when you are 15, 16 or 18 and everything is finished. We have to encourage our children that that is not enough. You can never get enough education. You can get enough of money, but certainly not enough learning. This must be the approach. Our ministers can assist us in the churches that are so well organised and so well placed in the society.

We see when we want to teach kids to say no to drugs what teaching is all about, getting people together

so that we can learn to resist those things that would be damaging to our social and political order—drugs! We can organise and we can understand the principle of organising to resist those evils. Then we must know that we can organise to resist other things.

I am so happy that during his time as minister the First Elected Member for West Bay came with the pre-school programme concept. Anybody who hears me praising him might think that I have changed my mind about him again. But, Mr. Speaker, you know I whip and I praise. It's part of my function here. But that pre-school programme, after school programme . . . I was fired from government for writing a letter about pre-school education. Just like I wrote *Time Longer Dan Rope*, I got that letter too. I got the answers on those particular letters.

But what I want to say here is that if parents don't have the resources to empower their children to be a part of the new Cayman, as Ella in *Time Longer Dan Rope* obviously did not have, . . . she sent them to school and entrusted the school to make her children educated—**“to learn them things so that when they learn dem tings dey could be like Mr. Wyler and Miss Catherine and dem.”**

She didn't have the tools, she just heard the conversation. She knew things were going to happen, she had the sensitivity of a mother. She rejected the way of the father. She rejected the barroom stuff and the spending of the money. She rejected that and fought him so that she could concentrate on giving those children an education. She knew that without that education those children couldn't go too far.

Even some parents . . . and it is unfortunate, but this is how it is . . . If the parents are not educated the children most likely won't be educated. Even with a good school system. We have to grasp that. I knew that 20 years ago. So you have to intervene and the earlier the intervention the better off your society will be. The more possibility you have of saving people.

You don't wait until they get to Northward to intervene; you intervene as early as possible and as often as possible. So when they come from school they go to the afternoon centres until 5:00 or 6:00 when the parents pick them up. We need more after school centres. We need after school centres all over George Town, Bodden Town, East End, West Bay, Cayman Brac, all over we need these after school centres. Do you know why? Because when the children are there they achieve a lot.

By being in school already, they have come to a point of concentration that is easier. Even with exercise the brain works the same way: it takes you a while before you get to that point where you settle down and start learning. Even if we start reading. It's hard to get into it, but once you get into it, you get into it.

Children are like that. We need to see all of those things. We need to have this particular awareness and consciousness expressed in our educational policies in this country. We need some young Caymanian education officer. We need someone with enthusiasm, somebody like Marie Martin from George Town Primary who works, works, works, with those kids, and who brings everybody she comes in contact with under discipline

and control. She reminds me how Teacher McField and them used to be in the old days. That's what we need.

I mean, imported philosophies? Imported ideologies? Imported concepts? What are we going to do with them? The people who are imported with them often don't know how to transfer them to us. So we have the philosophy, like they say “they have the talk, but they don't have the walk.” And we need to get the walk.

I see an area that could be improved especially in education. The government says they are spending money and building schools, they are doing this and that, but there is still an element of social interaction that if it were improved could cause the whole learning process to change. People could become more and more receptive. I am saying that if we come into neighbourhoods where we know we have parents who are defective in their ability to read and write and do math, and the children are to be trained by them . . . because we have to understand that a lot of learning still has to be done outside the school.

Although the school is a great socialising agency, the family is very important in the socialisation of the learning process. And I don't necessarily want to go into all of that.

We need to explore this particular aspect. Our society, because we have such a catching up to do, needs to revolutionise its approach to learning. We have to have a learning consciousness. Like they had a Cultural Revolution in China, we need to have an educational revolution in Cayman. In other words, everyone thinks education and learning. Everybody is given access to these things. The country cannot spend too much at that particular point because do you know what the country will do? The country will save itself by creating intelligent people who can make intelligent decisions political and otherwise. The country will not remain stable by continuing to perpetuate fear, and by misleading people rather than leading people.

The country needs to awaken to the 21st Century. The country needs to heed the words of His Excellency the Governor, Mr. Owen. The country needs to understand the benevolence of that good gentleman, the strength of that good man in bringing this before us.

I believe that for government to truly be reinvented the political machinery also has to be reinvented. I believe that the first step in reinventing the political machinery is to get rid of some of the superstition and fear that comes when we look at the Constitution and when we talk about the Constitution. Believe it or not, not just lawyers know how to read Constitutions.

Constitutions weren't basically written as legal documents. They were the documents of men. They were about how men felt. They were about covenants. They were about responsibilities and an obligation to one's self, and one's land, and one's people. They expressed hopes and dreams, and they were not to do with the crossing of T's and the dotting of i's. The Constitution is the body of the politics. We need to get into ours. We need to stop being alienated from ours.

We need to stop being pushed away by someone saying, *“You can't touch that Constitution because if you*

touch that Constitution you know what will happen.' No, sir. It will last as all human documents last, because of the integrity of the persons dealing with them, and not because they are a piece of paper. So, I am asking that we begin to look at where the country is going to be a year from today; where the country is going to be in the year 2000.

I believe also that we are beginning to feel the fever and the spirit of the next election. I believe that somehow people are beginning to mobilise themselves as individuals and in small packs, or groups or bands. People are beginning to band together for this. But what about the people? Who is mobilising the people? Who is talking to the people? Who is asking the people? Who is being suggested by the people? Are the people necessary as a part of the political process? Are they necessary only during elections? Can it really work this way?

Maybe it could work that way when we just had chickens to count as resources and a few cows, and a few little roads. Back in the days when we really didn't have very much to make decisions about. But when you are making decisions about \$300 million, when you are making decisions about the fact that your assets have multiplied over the years; when you are making decisions about assets and aeroplanes; when you are making decisions about nationalities being included or excluded; when you are making decisions about who will be able to own businesses you need to encourage an informed public.

You need to get an informed public involved continuously in the decision-making process in feeding you the opinions on a day-to-day basis almost. That is one reason why the MLA office is so important. It allows that to happen, if you so desire it to happen. It is not the formal political party office, but the MLA has his office there and he can develop tremendous rapport with his constituents that he can bring back and express by way of his contributions in the Legislative Assembly making the government the executive therefore wiser.

But I think it's another important thing when we look at the Constitution. When we look at the fact that Executive Council is elected here by the backbenchers, the Executive Council owes the backbench an obligation that in the final analysis it follows the direction of the backbench. I have already said that in here. In the reform of the political system, the backbench should be leading in the Legislative Assembly.

It is unfair when we come into a situation where three members are normally in place here, and they go along with five members so that the five that we put up can now go against us and ignore our wishes and ignore what we are saying the people want. That's a very dangerous position. Government must always be very calculated in disobeying the backbench, even if they feel that they don't need them to vote along with them because they have three extra votes that they pick up for free, that they didn't have to campaign to get, that the people never gave them in the first place.

The people gave them us, and they should never cut themselves away from us in order to rely on those

three. They should never put those three in that kind of political predicament.

When it really comes to difficult issues and talking about reforms, and talking about the Constitution we see that if the people are supposed to be represented genuinely and if the people believe that when they express their will at periodic elections, and they choose 15 people to represent them, and then we come here and have no power because somebody else is put here to help whichever government it is (be it the government of [Government] Motion 3/90 or whatever) . . . you can't have democracy that way. I'm sorry.

We need to start sharpening our sensitivity in regard to these things and we need to be doing some revising within our political fraternity just like they are doing in the others.

Mr. Speaker, are you ready for the break?

The Speaker: Ten minutes more.

Dr. Frank McField: Ten minutes?

Mr. Speaker, I would like to say that a state of anarchy is personally harmful to the individual. No individual really wants to have anarchy. I am not preaching anarchy. Okay? Anarchy means the state of lawlessness, a state where everybody is doing his or her own thing. That kind of state I do not support.

I believe that the order of the state is to create the environment for the moral life to be conducted in that the moral life has to do with our ideas, our feelings, and our interests. That body politic. The control over that should never be taken away from the people. People should always have the right to make those decisions in regard to the collective way of life and the collective consciousness.

Now, we need to get a little bit more in tune with the belief and sentiments of the people in regard to the real issue we have on our hands at the moment. That issue is immigration. Whether or not I do myself disfavoured, I am going to say some real strange things about immigration.

I happen to sincerely believe that I am a part of a civilisation and a history that is more glorious, more extensive than the limited experience I have made in 50 years. I believe that I am a part of a civilisation and a history that is more glorious than the last 250 years of our beloved Cayman Islands. As persons we therefore have the possibility to fall back for ideas and values (as we do with our Constitution and our political process) on Europe and Great Britain, and we find that the beginning of our consciousness did not begin with anything that was indigenous to the Cayman Islands.

What was indigenous, in fact, was the land. If we had anything that began to make us different, it was the fact that we ended up here some 350 years ago and that we began to work the soil here. We began to have our lifestyles and our feelings and ideas influenced by these particular endeavours and that made us slightly different from our forefathers in Europe and Africa.

In this sense it does not mean because we had this experience that we are not a part of the greater civilisation, the greater collective consciousness, the greater

feelings and ideas that exist. We should claim this just like we claim our Parliamentary Westminster tradition. And this claiming of a relationship that is beyond being Caymanian gives us the potential to accept persons who are not Caymanian in marriage, in friendship, as superiors in the courts, in government, in the churches, spiritual leaders, and other very important areas.

That is an aspect of our lives that makes us almost unique. There are not many geographical places that have been separated enough to be considered a separate identity or separate country with that kind of flexibility in its relationship with outsiders, where outsiders can actually have positions of authority in so many different ways, positions which demand respect, trust and love. That is unique to us. But that happened up until now. What the future holds doesn't look the same.

That happened because we didn't have the kind of competition for resources that we had in other places. As a result, we could get carried away by our so-defined friendliness, and our so-defined stability, and our so-defined religious heritage. We could get carried away to the extent that we do not understand the sociological dynamics that made these things possible and if we don't understand that, we will not be able to evolve the new conditions in order to maintain that as a principle. What we are conscious of now is that these are our standards and we have to maintain these standards. But in order to maintain these as standards we will have to evolve in the future to consciously go out to maintain them and preserve them. So we have that to look at.

I have also spoken about the inability of Caymanians to get together and work together. Some persons have said that this is also a result of the fact that we seem to like foreigners better than we like ourselves. I would like to deal with this at some particular point because the question of immigration, as I am developing this thesis, is that we are a people that started with few numbers.

Our condition was not because of choice. We did not say we establish this democracy, it was very ad hoc. We are at a point today where we can begin to talk about establishing this or that particular State in the sense that we had numbers here that were insufficient from the very beginning for the kind of economic activity we needed to have, so that everybody could have a particular standard of living. We had to do without a lot from the beginning of our settlement. We were very poor and very powerless because we did not have the numbers on our side. So let's remember that.

We came here to this particular landmass with numbers that were insufficient. In addition, we brought Africans here to increase the numbers and the possibility for economic exploitation but that was still not enough because after emancipation in 1834 a lot of them moved to the Bay Islands and our numbers decreased. So, by 1905 we only had 5,000 people or so coming into this century that we will soon be going out of.

How many will we have in the year 2005? The difference is that we didn't have the economic pull factors to pull people here, whereas today we have the pull factors, and we have push factors in other countries which

means poverty and whatever. So we have the pull factors and the push factors at hand. Obviously, we will attract emigrants, just like America attracted emigrants, because of the pull factor as well as the push factor.

So, we are an ideal destination for emigrants when we were not before. As a result, the whole settlement concept, the will to settle this territory and make it a developed society, had to be put on hold for all of these years and now we have the logistics and the situation to make that happen.

The serious question will be, Will we allow it to happen? Or will we digress and go backwards? We feel less powerful if that will happen, that we will have less. This is important if a government is to evolve an immigration policy that is humanistic. If somebody came before and . . . all I am saying is that we need to be more conscious of history. We need to be more conscious of the future.

We can't say that we don't know what will be 75 years from now because I told you in *Time Longer Dan Rope* in 1979 that I knew what today would be. We cannot be caught in that position. We need to know what is going to happen 75 years from today. And the only way we can know that is to know our past.

If we know our past, we have the possibility to predict our future. And if the future we are predicting is not as nice as we think it should be, then we have the possibility today to do things to cause it to be nicer than it would be. We are human beings, we have choices, and therefore we know what we have to do.

If you want to take the break now, I am quite happy to do so.

The Speaker: We will suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Proceedings are resumed. Debate continues on the Throne Speech. The Fourth Elected Member for George Town, continuing.

Dr. Frank McField: When we adjourned for lunch I was dealing with the question of identity, nationality and immigration. I would just like to re-state the position of His Excellency the Governor because my debate is trying to enhance the political side of his presentation. He said, "**Vision 2008, reinvention of government, fiscal reform, public sector management reform and freedom of information initiatives have given the Cayman Islands the opportunity to break out of the strait jacket of a colonial style system of bureaucracy which seeks to control from the centre. The challenge to Cayman is to embrace the reforms which will provide for a better more responsive style of government which focuses responsibility and decision making where it can be the most effective to meet the objective of giving value for money for every dollar voted by this Legislative Assembly. The future is in your hands.**"

If we have no political maturity, if we have no notion of what the specific political reforms will be, it is difficult to imagine what the reforms within the colonial bureaucracy will entail and how this will impact our ability as legislators to better represent the people.

As I am talking about political maturity, I want to talk about the need for a political mechanism that would be able to not only influence a consensus but would be able to take that consensus into account regarding the formulation of policies that would begin to structure our relationships in this society.

I began to talk about the process of the actual development of the Cayman Islands because I felt that in looking at our history we would be more able to decide what social relationships were by way of choice, and what social relationships were by way of accident. It is the social relationships that are by way of choice that we need to preserve not those relationships and conditions that were by way of accident. Therefore, I tried to show how the very settlement of the Cayman Islands in the original period was the result of something that was more of an accident than a planned, human experiment. If it were planned there were flaws to the plans. And what resulted was a society that did not have the capacity to do more than be a subsistent farming society which used a cutlass and hoe to provide food provision for its members, and who later on developed the trade of boat building and fishing.

After the population decline in the 1840s, it was increased to 220.

The general effects of the emigration of British subjects to this particular territory resulted in isolation and poverty. And that that isolation and poverty did not create the pull factors to entice more emigrants to come, but created the very opposite push factors which caused people to emigrate to the Bay Islands in the late 1830s and part of the 1840s. As a result, in 1902 our population was a mere 5,000.

There could be no sophisticated economic development without additional migrants coming to the Cayman Islands to participate in the exchange of goods and services between individuals. In other words, we needed to find an economic pursuit that made it possible to attract more members in order to form the society. So we are different from the other societies in the sense that we have consciousness of how it began here and the numbers that started the colony and where they came from and what types of relationships they had with one another.

Part of the change that we need to be looking at is people that had some particular type of attachment to the Cayman Islands migrated elsewhere as did people who fished, for instance, which is part of the nature of the human being. We follow the success, the food, and the watering hole. So emigration was a very real part of our history so that the numbers who remained and who could even be considered to be faithful to the soil here were very few indeed.

If we were to start to build a society based on those numbers, if we were to begin to define who belonged by way of those numbers, we would have to take the ques-

tion of choice and accident into consideration, if we were being sensible and conscious. Men will always chose to be where there is food and shelter. Therefore, those persons who left the Cayman Islands left because that gave them the opportunity to have improved access to food and shelter. They went to the Bay Islands because land was available there, and they had been led to believe that the British government would protect the Bay Islands as a protectorate of England, and that it would not be an area of Honduras. So, the people left by choice.

People stayed here. But those who stayed within the Cayman Islands at that particular period (1840s onward), might later be considered to be Caymanians. But one thing they shared with those persons who went to the Bay Islands was that they were all British subjects. What they shared on a local domestic level was that they had a common experience in trying to build a new life for themselves in this particular area of the world with all of the swamps and mosquitoes and poverty and hardship.

They had a shared experience in an almost spontaneous resistance to organised and civil government. Part of the experiences they had at that time began to shape what we consider to be the character of this new individual—the Caymanian. The Caymanian is, by way of this isolation, by way of this poverty, by way of this limited number, a unique phenomenon of this particular Colonial effort by British subjects at that particular time.

This is important because if we are going to talk about immigration and integration we have to be able to talk about what it is about our national personality and character that is by way of accident and what is by way of choice. What makes us different from other people? What makes it impossible for us to integrate? What is it about our shared beliefs, values, and norms that prohibit this type of integration? What is it? Is there anything that will prevent it?

I was saying that we were in a unique position simply because of the lack of institutionalisation of ideas and values in the society; the lack of civil government, the lack of an institutional church, the lack of an institutional school system, the lack of formation of a stable, rigid upper class within this community. Because the society was and remained a transit society for so long, there were no values institutionalised to the extent that would make it impossible for others to come in and join us as equals. As a result, since the 1840s (with the coming of the missionaries) we have been able to integrate other persons within our society that was not rigidly structured or institutionalised.

We were able to integrate the missionaries who played a very important role in assisting in the creation of social stratification within our particular society. We begin to see that even the churches became more of an important institution in forming our concept of class and values and beliefs than even the sphere of the private sector economic order. Our entrepreneur spirit is almost put to sleep in that it cannot be as competitive with merchants and other persons in other parts of the Caribbean.

At the end we note that there was an incomplete process that was made dormant by the lack of economic

activities in the society that led to specialisation and differentiation with individual persons. This is part of our history that I believe we need to be conscious of if we are to make history consciously, and not take them for granted as if Caymanians are this or that, or if there is no reason why we are that way as if we are naturally inbred with these genes and attitudes. We are what we are as a result of our socialisation, our social and political history, our economic history.

We are now at the crossroads. We need to become more intent upon being the directors of our destiny. We are now more at the position where we cannot say we don't know what's going to happen in 75 years, where we must say we know what's going to happen in 75 years, why we must make a decision today to effect what will happen in 75 years.

I believe that what I am saying is that Cayman is a mixed community, a community where no group came after 1834 to establish its predominance; where no government actually came to establish any kind of political ideologies; where in 1840 Caymanians were not able to raise more than one-eighth of the cost of missionary activity and government revenue was almost non-existent. Therefore we could not have the beginning of a political process. The political process, like the economic process, like the school process and all those institutions, remained dormant for a very long time.

When we came to 1972 when the island started to emerge, where the island that time forgot came to be recognised by the outside world and the outside forces as a place to invest money, and by that investment we began to attract other persons, it was then that we had our first Constitution Order that was made to suit a country like I have described to suite the personalities and characteristics that were not used to institutionalised behaviour. Since 1972 we have become more and more regimented and more and more accustomed to relationships that are impersonal, contractual, that have to do with efficiency and rationality. We are organised by way of our jobs, in particular. People are organised in schools and so forth and so on. We do have that institutionalisation of the Caymanian personality and Caymanian behaviour to a large extent that is different from the pre-1972 situation.

One of the things that happened in the 1972 Constitution which is important for the concept of nationality and identity and for all of these particular questions, is that the assumption is that this is a British Territory. That the culture the habits and the language of the people is predominately British, and that this Constitution is to allow for the better governance of these persons who have the connection with Britain. Part of our legacy and our heritage is British, and we extend this and begin to develop this by way of the Constitution taking on a political order that assumes and accepts our identity and our nationality as being British.

This does not necessarily mean that we have not developed characteristics and values and other habits that are not uniquely of this particular Caymanian experience. But on the larger level we have an identity and a personality that is British, potentially even more British by

way of laws and politics in particular. We have the Westminster system here, Mr. Speaker. When we come to the question of persons being allowed to settle here, to vote here, they were allowed to do this because we continued to accept our being a part of the British Empire.

So persons coming from Canada back in 1977, 1982, 1984, were allowed to come here and settle. People coming from Jamaica were allowed to come here and take up activities as productive human beings based upon the rights and privileges afforded to them as a result of the convention of being members of the British Commonwealth. Those who were coming from Jamaica which was no longer a British Colony continued to enjoy similar rights and privileges because of the extension of the Commonwealth, the concept of belonging.

Although locally we could consider ourselves belonging to Cayman, internationally we belonged to a political and military concept that was far greater than this territory.

As I said, that meant that other persons came in here and there were no institutional blocks to their taking up certain types of positions. Caymanians, because of the way they were, because of the fact that institutions developed so late and there was no particular group who achieved dominance, and because of the lack of our experience with aggressive competition, were able to absorb the first wave of emigrants in the 1970s and 1980s. Those people were able to integrate themselves to become heads of our newspapers, to become heads of our court system, our churches, and our schools. In all aspects of life, we were able to integrate the other people because the other people were not so significantly different from us that this integration seemed unnatural.

We were going along continuing the experiment that took place in the 17th Century of trying to form a society. A society is more than a few people getting together. And the more we need, the more we want. The more sophisticated we become, the more society must grow in order to provide us with those desires and needs. It was a process of trying to find a better life. It was a process of trying to improve our access to shelter and food that drove us in the beginning and that continue to drive us. Those Caymanians who decided to come back home became almost like returning emigrants because they were coming here to find exactly what drives people.

One philosopher said that a man's nationality is his pocketbook. That is not so far-fetched from the essence. If there is no food in a country, you are going to leave and go to a country where there is food. So, Caymanians who went away started to come back. Those Caymanians who were here, who didn't go away, started to say, *'They went away. They are not as 'Caymanian' as we are.'* From that particular point we find that there are differences even in how individual Caymanians define themselves, or whether or not we accept that somebody is entitled to call himself Caymanian. Even when we come to the whole concept of status, whether or not a person can call himself a Caymanian is not a new situation.

I went away for 11 years or so. When I first came back in 1977, people looked at me with scepticism because I had broken away from my peers for a period. It took quite a while to come back. If there were a question of devotion to the group, I would probably be considered less devoted than the person who never moved. The assumption was that the new emigrant had less loyalty than the one who had been here for a long period of time, because we were all emigrants in the beginning. We all went through the transformation of becoming Caymanian. It took time, but we all became people who called ourselves Caymanian and we began to act like what we believed Caymanians acted like.

In defining the Caymanian, we are at a point where we are Caymanians, but at the same time, we are British. So even those of us born and brought up here still have a duality about us that we need to figure out.

As we attempt to deal with the White Paper and Britain offering us on an individual basis perhaps full British citizenship, we will see that because of our nationality and the way in which we are governed and organised politically and economically, that we are part of a bigger entity that that which we call the Cayman Islands. The identity crisis, which has become more of an issue in our society, is not surprising. It is not surprising when we look at the choices that were available to persons.

For instance, those people who left and went to the Bay Islands in the 1840s who had children and grandchildren who might come to Cayman, look like us and might even behave very similar to us, . . . to say to them that they are not Caymanian presents us with a moral dilemma. Some people had to make the choice way back in 1840 to reverse the immigration process and go to the Bay Islands, Honduras and other places like that. People who lost their British citizenship as the result of being in those places over a period of time are not being allowed to reintegrate themselves to this Caymanian community although genetically we could see their features and would find that a lot of them look like us.

We not only have that problem, but we have the problem in terms of the dualities. We have the problem when we looked at those persons who went to Cuba back in the 1930s and 1950s. My mother was born and raised in Cuba. And, on my father's side, I have many, many relatives in Cuba. When I look at them I can see the similarities in the genes. The problem in trying to decide who belongs is a very, very complicated issue and government must help the normal citizen with this process.

If we do not become involved in the dynamics of breaking this whole system down and looking at it from this particular perspective, what will happen is that society will become bankrupt because of its inability to deal with social relationships that have developed as a result of economic predicaments. We must make sure that we begin to show our people how to integrate these relationships into their consciousness, their beliefs and values. That has to come from the government. It won't just come from itself.

But a political system that accepts itself as being a second class, colonial, system does not get motivated in

empowering its people to make the changes necessary for society to be better off. It thinks that those changes should come from elsewhere, like everything else. This is one of the great difficulties that we have. So the Governor is making statements that are very positive to the government bureaucracy, but we are not making statements as to how we are going to reform the political process in such a way to do all that is necessary for us to do in dealing with the identity crisis and the nationality crisis.

Mr. W McKeeva Bush: That is true!

Mr. Roy Bodden: Talk about the death of colonialism too.

Dr. Frank McField: Now we have to look at what it is when people come and say to you, *'Oh, you're my family. I'm from Cuba (or Honduras, or Banaca, or here or there) and you're my family.'* And you've never met these people before. We realise that we are getting other people whom not from a genetic point of view claim to be related to us, but who were related to us by the mere fact of being Commonwealth citizens. By that fact they had a relationship with us. By the mere fact that they were Christians they had a relationship with us. By the mere fact that they spoke the same language they had a relationship with us.

Now what is it that causes men to conceive of nationality? What is it that causes us to think that he is one of us? What is it that has propelled us to come up with this thing of he belongs but she doesn't belong? And if we go back into the Bible, we see clear examples of how this works out.

We go back to Noah and Moses, and God's promises and how they began to see themselves and set themselves aside as a special, chosen group. We begin to see how the nation is tied to the church, to God, and how the oneness in God makes the possibility for there to be a oneness in the nation.

We begin to understand that although blood is important, the covenant blood is more important. The social bonds and religious bonds are more important. We used to talk about religious bonds. Today we talk about social and political bonds. So, by entering into a Constitution, a covenant, we become more importantly brothers. This is the reason why we can talk about the evolution of a Caymanian identity and we can see that it is possible. We can see that we can benefit at the end of the day from development and we don't have to throw ourselves backwards and say, *'He not Caymanian, and he not Caymanian, and he not Caymanian.'* Then at the end of the day the only ones who can say they are Caymanian number five, six, seven or eight. After we get them, then we say, *'Well, he was away too long. He can't be Caymanian.'*

We don't want to digress to the point where we take away the power. We want to progress to the extent where we empower society to go about its business, to go about caring for its economic relationships in such a way that the moral order can be improved. We have to understand that no political system existed without a phi-

losophical system. No political system can ever exist without ideals and values and beliefs. And we see that very clearly when Moses set up the Ten Commandments. We see it!

We see how in order for a group to work together there is a necessity for the institutionalisation of the values and norms of the society. It is "he who keeps my covenant that I protect." It is he who belongs by way of the covenant partnership. So those of us who are Christian, those of us who understand the Bible can understand how a nation is created and how a nation can grow.

All I am saying is that we have to give the dualities legitimacy. We have to accept the fact that somebody can come from Cuba, who had a grandmother who was Caymanian, and be a Caymanian. Why? Because it is conceivable that this might be the desire of a number of people. And the economic condition does not prevent that from happening. As a matter of fact, it encourages it.

Therefore, there is no reason why the resolve should not be to deal with this problem in this way. There is no reason why somebody who came from Jamaica back in the 1970s who has been here for a whole 30 years, or 15 years, who was born here 20 years ago, should not be encouraged where this duality is put to rest and that person is accepted as a covenant partner in that sense. We can see that not doing that would create a moral dilemma for us. We can see that there are no economic motives to prevent that from happening.

We are not saying that there will be no competition between people because we understand that we have developed a society that is more competitive than it ever was. Because there is more competition, there is more fear. And because there is more fear, there is more hatred. What we need to do as a government is to send out signals to the people that we understand the dilemma, that we understand the situation and that we will empower ourselves politically to be able to manage these things in a way that will be of no detriment to those persons with indigenous connections.

People want to know that at the end of the day they have a place to live that they have food to eat that they have education for their children, that they have all these things. The only fear they have of the foreigner is that these things will be taken away from them. If we as a State can assure them that this will not happen, then they will not have a problem with the integration desirable at this particular time in order to preserve this level of economic activity. This level of economic activity would be impossible with less numbers.

We need to go to the highways and the byways of this island to teach people about how we have become an institutionalised society where contractual relationships and relationships of efficiency and rationality are now more important than spontaneous affectionate relationships. That is what has happened. Although the spontaneous relationships have gone the State has come in to a very large extent and taken over trying to fulfill this role where the social web has broken down.

I explained that in regard to the pre-school programmes, the after school programmes, the support of

the veterans, the elderly, the handicapped, the State is now being empowered by a new source of revenue and resources to come in and do what was done in that society that was at a different stage of development. Although institutionalisation has occurred and things have become less personal, the State (the government) is trying to make the burden of this development as light as possible on the Caymanian people.

All governments of the Cayman Islands have done their job. I am not saying it was a perfect job, but I recognise all those persons who have participated in the development of the Cayman Islands because all that has been collected has gone back to the people. They have not taken it for embassies or armies or all these things. They have spent it on the people. So we still have a good system. It does not have major corruption. But we need to deal with the dangers.

The danger is that if we do not, as a political fraternity, get together and deal with the issues that are pressing to destroy us, then we would have let our country down. We have to talk to the people about the facts. The fact is that tomorrow your son and my son will not look at where they came from. They will not be looking at where the person came from. That is only what we will see. We will remember. But then one day we will cease to exist and they will have to go on and live their lives. We should know what is going to happen 75 years from today.

I tell you that 75 years from today the Cayman Islands will not only be the pearl of the Caribbean, but it will be the pearl of the world!

Mr. W McKeeva Bush: Hear, hear!

Dr. Frank McField: The Cayman Islands will be the New Jerusalem. This is what will happen 75 years from today. The Cayman Islands as they were "founded upon the sea" will be the New Jerusalem, and we can only be that when we understand the whole concept of covenants and partnerships and trust and love and security.

Mr. Roy Boddan: Preach, brother, preach!

Dr. Frank McField: The State is empowered by God to play this role here on earth. So we cannot begin to act like a bunch of feeble, disorganised individuals, blaming everything . . . 'Well, we can't do nothin' about this, that and the other thing.'

With vision—Vision 2008—we can do much. But we are not going to do much if I feel, 'Boy, if I tell them that I believe that them people should get a little rights in this country, that he not voting for me. You know, I want that seat real bad.' Well, at the end of the day I might have my seat, but I am going to have a lot of problems and it will be a disservice to my country. I think the country demands that we be honest, especially with the issue of immigration.

The country demands that the reforms begin to happen. The country demands that we explain a little bit more about how economics is organised. I said that fear causes us not to want the integration. We feel that if we

integrate we would have less than we have now. The interesting thing about it is when people walk down the street . . . to walk the street you must walk in an orderly fashion. You can't just do whatever you want. If you say that you own something, that Cayman belongs to you, . . . if Cayman belongs to you, what belongs to me?

If I go in the Speaker's house, the Speaker will say, 'Sorry, sir, this is my house.' So that doesn't belong to me. If I go to the home of the Minister of Tourism he would say, 'This doesn't belong to you.' I am beginning to feel that if Cayman belongs to me, it's not the whole of the Cayman Islands. Right?

We need to make people understand that what belongs to you, really, is the right to be a part of the group. That's what belongs to you. That is what the State gives and entitles you to—to belong. It doesn't give you anything else. Whatever belongs to you, you must get through your activities as a private individual. And that is very important to teach to people. In order to amass wealth, power, prestige and privilege, you have to work even harder because the state of society is best protected when everybody is working at his or her best. And we are only working at our best when we are competing. As soon as I understand that I don't have to compete against you, that's the day I stop being better.

If the desired state is improvement, the mechanism for that is competition. Now, competition doesn't mean destroying. Competition is ultimately cooperation. Or, cooperation is competition. It's the same with America that believes so much in the individual but also in the collective, because one could not exist without the other. They are interdependent.

The reason why education is so important is that education becomes the only channel by which we can redistribute wealth. We distribute it according to their abilities. We cannot find another way to distribute wealth because if we did we would be very subjective. We would say, 'I think he should have that,' and that wouldn't be right. That would begin to destroy our society.

Our economic system is a capitalist system. And in a capitalist system you have to own what you own by way of your own efforts. You cannot own it because your country has it. You can't own it because the state owns it. You can't be entitled to anything but by your own actions. The State can become involved, and this is one reason why the reforms the Governor mentioned are good. It will free the government bureaucracy to pay more attention to value for money. **"Every dollar voted by the Legislative Assembly will now be able to get more value for money."** So we are talking about reforms that need political explanations.

The Governor came here and explained certain things to us. But the Governor comes to the Legislative Assembly once a year to deliver the Throne Speech. We, as politicians, now have to sell the programme. We have to sell the programme of government reforms and we have to show the people how those government reforms are related to broader political reforms.

Mr. Roy Bodden: You're talking sense!

Dr. Frank McField: Those people who are not going to show how these programmes are related to broader political reforms are going to be cheating the people again, are going to be using fear to cause people to protect the status quo. At the end of the day who will the status quo protect?

There are persons in the country who believe that politicians should not feel that they are special, should not feel that they have power. But that is why we were elected. We are the collective power of the people. Government is the collective power of the people, and if we represent the people collectively we are powerful. We are ultimately the power. So we cannot have it both ways. We cannot vote for people and say we are going to put them in office and then say they shouldn't have power. Once we put them in office, they have to have power.

But some people feel that those of us who get the mandate from the people will abuse our power. I believe that that is one reason why people talk about a Bill of Rights and certain things. They believe that somehow the individual also needs to be protected from the State.

Believe it or not, no matter how benevolent the State is, the State might still get in a situation where it begins to abuse the people's rights 70 years from now as persons were asking last night on the television. Or even 20 years from now the way things change so fast. It might come to a point that this will happen. We don't know. We have the protection of Britain at this particular time, but we never know what might happen. I am saying that we need to have a different development in politics. We need to be honest about that.

Regarding this whole concept of British nationality, I believe that if we are offered British nationality that we have to see this within the wider context. We have to see the pros and cons of this. We have to see this within some of the preaching that I have been talking about, the dualities and how we can come to live with these dualities because that is the way the world is. As Caymanians we are not going to have anything more by virtue of being Caymanians. I think I have demonstrated that by saying that in a capitalist society what you have is what you have to work for. The fact that we might want to become more insular rather than going outwards is not going to help individual Caymanians, especially not the individual poorer Caymanians.

I took great time to look at nationalism in developing countries. I have always seen that nationalism is something that cheats the poorer class of people. When ownership is taken over by the State, when nationalisation does occur, it is not the poorer people who benefit. The rich classes of professionals who are well situated and jealous of their colonial masters are waiting to assume their positions and carry out the same kind of negative social relations.

I am not a nationalist because I believe it is an outdated philosophy of trying to arrive at a good moral state. I believe that what is more positive is if we look according to people's contributions. And that we begin to pay serious attention to them because of that.

If people were assuming that the more we become full British citizens would be the more that we lose, then I am saying that that is incorrect. We are not going to get anything more as individuals than we have unless we work for it. Nothing more will come to us simply because Cayman has it. Wealth is a funny thing; it has a lot to do with activities. And if those activities are destroyed or hampered in any way, that wealth will be destroyed. That is true. I have seen it. It is the truth.

Nobody is preaching servitude. Nobody is preaching inferiority. I am talking about the fact that at this particular time in the Colonial drama that began some 200 or 300 years ago with the offshoot of the settlement in Jamaica, that we have persevered with the British Empire, that we have persevered over those times when they brought in the Nationality Act to deny people in the Colonies full citizenship. . . we persevered and we did not go alone. Today when things are getting better on an international level, where it is hard even for the most super powers to abuse other people, we are talking about it might not be a good thing because we might be losing.

We persevered. We should always have been entitled to full British citizenship. It was only racial politics in Britain that caused this not to be so in the first place and we must tell our people that. We must tell our people that we are going to be offered an entitlement that should have never been a question.

Mr. Roy Bodden: Although I don't want it.

Dr. Frank McField: It should have never been a question.

We have to look at expanding our horizons. We have to look at improving our choices. And that's what I am talking about, improving our choices. We do not have to be reciprocal in terms of those particular relationships, there is no reciprocity. As far as I am concerned, reciprocity would make it ludicrous.

I can see why we should not short-change ourselves to destroy that duality. We must know what happens tomorrow, what happens in 75 years. A place like this is very small. A place like the Caribbean is very troubled. There is a lot of turmoil in places like Central and South America. We don't know what competition will entail from the point of view of types of preparations we have to make.

I say to those persons who think about independence that I am talking about deficiencies in the Constitution that I see could be corrected. But I am not talking about independence. One can hear, by the way I talk about certain things, that I am not talking about independence. So nobody needs to go and say, *'Well, he's talking about independence.'*

If we had to be independent tomorrow and set up embassies, armies, and this and that, we would have to tax the people to the max. I hear everybody grumbling when one little revenue measure goes in. What do you think would happen if those people had taken this to the conclusion of independence? If everybody is upset about a little tobacco tax, and a little alcohol tax, what do you think would happen if you had to maintain missions in all

of these countries, and provide for your own defence and internal security? I mean, come on. Let's be practical.

Let us not encourage our people to think that everything is possible. Let us encourage our people to make the best choices given the situation.

The Speaker: We shall suspend for 15 minutes

PROCEEDINGS SUSPENDED AT 3.32 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Proceedings are resumed. Debate continues on the Throne Speech. The Fourth Elected Member for George Town, continuing.

Dr. Frank McField: Before I continue, I would like to apologise to certain members for the length of my deliberation, but I felt moved to approach this opportunity in this way. It's not often that we have this kind of scope in our deliberations.

When we took the break, I was talking about the cost that might occur if we gave consideration to independence. I said quite clearly that I was not for independence, but that I was for taking a fresh look at the Constitution and at the entire political process. I feel that without political reforms as well as reform on the administrative level that the entire exercise will go aground.

I also spoke in regard to the concept of British nationality, the whole idea that we are British now and it appears as if we might be given the opportunity to have full British citizenship. Some persons seem to be concerned. And the Governor mentioned the challenges that we must deal with.

One of those challenges is the OECD initiative on so-called tax havens. He writes, **"The Cayman Islands government and all the Members of this House are united on the need for Cayman to engage in dialogue with the OECD. But in doing so we need not be defensive."** I would just like to bring this OECD question in with the question of nationality and the question of immigration.

At this particular time it appears that certain persons believe that the motive behind the British government offering full citizenship to the Cayman Islands would mean that it would be seeking to have greater control over our financial industry, and that would result in them levying taxes on us. I am not of that opinion. I can see other reasons why at this particular time their clarifying that issue in regard to other European partners would be of paramount importance.

You cannot have half-citizens. A country cannot have two classes of citizens. There cannot be two British nationalities; there can only be one on an international level. In my travels in Europe between 1970 and 1977, I experienced how people reacted when they were confronted with the idea that I had a British passport, yet I was subject to passport controls within the United Kingdom. Most Europeans do not have that type of experience with this type of duality. So I am saying that I don't believe that the situation to clarify this political contradic-

tion is just one that has to do with us. I believe it has to do with internal politics in Britain and with Britain's potential relationship with its European partners.

Even if we were to assume that taxation would be a result of it, we would also have to look at the possibility if we said we were not going to accept that we were going to go independent, then we would have to look at what it would cost us to go independent by way of taxation anyway. If our entire financial structure were based upon the absence of these particular kinds of taxation, then independence would inhibit our economic well being. I prefer to take the chance with the British government at this particular time. If there were a choice, I would go with the more established situation because at the end of the day we know that a bigger country would be in a much better situation to fend for its members internationally over the next 70 or so years.

It is necessary to think about what kind of developments we are going to have in the world, especially with terrorism and the spite of the Arab countries for Christians and our belief system. We have to look at these very realistically, and those of us who are conscious of not only our history, but that of other countries, know that we must think forward. If our ancestors can be criticised for anything, it is because they were not a historically conscious group of people. They basically kept no records.

We have to begin to see ourselves as permanent. We have to not just see ourselves as functioning for today, but we must think in terms of legacies so that every generation that comes does not have to go through the same kind of struggles and tribulations that we have. We must institutionalise our beliefs and our values to reflect our interests. I think that will be done by our looking at the offer of full British citizenship in an objective rather than an emotive manner; in a manner other than a petty nationalistic manner saying that somebody is offering us something at this particular time because they want to take away what we have.

We must remember that what we have is a result of the process of the migration of persons here in order to work and develop capital that was brought from the outside to the Cayman Islands. We did not have the economic dynamics to develop domestically internally. It was only therefore a result of this fusion between external and internal factors. So we, more than any other Caribbean country, have that kind of duality in terms of our economic being and interests. We have that international interest. We have to be protected on an international level. We have to be able to negotiate as equal partners with Germany, with France, and with Switzerland and the United States. And we cannot do that from our position, therefore we need the United Kingdom in order to accomplish that. We must tell our people that.

We must not let prejudice and bad experiences make the choices for us. We must remember that at one particular time we had very few choices, and now that we have the opportunity to make choices because of the wealth that is being accumulated in the country, we should make choices that will enhance our moral situation. In other words, enhance our standard of living. That

it is not just a material state of being but also a moral state of being.

The fact that we will continue to be British citizens, in my assumption we will maintain that international stature. As Caymanians we don't have the might to get out there and enforce our sovereignty. So the question of power, the question of nationality, the question of belonging continues to remain an issue that is not just something decided domestically. It is not something that can just be decided as a result of naivety and jealousy. It has to be something that is decided upon by the full scope of our predicament. And it must take into account our new-found wealth and the social relationships that have resulted as a result of that new found wealth.

We find within our society today persons who were born here and who went to school here, who have to come to the sad realisation that they are not Caymanian. It reminds me of the problems with race relations in America where little Negro kids played with White kids until one day somebody called them "Niger" and they went home and discovered that somehow they were different. Kids find that very difficult to deal with. Adults can deal with these problems, but kids find it very difficult to deal with.

So we must have in our hearts an idea of that experience when we are dealing with immigrant kids in the Cayman Islands who were born here, went to school with their peers, feel that they are Caymanian, and then when they go to get a job find that they need a work permit and they can't get jobs. This is not a situation that is as a result of economics, Mr. Speaker. This is as a result of our inability to understand and to accept that our country has changed and that our nationality has evolved. The characteristics of our people have evolved. We are in a new error and we must institutionalise and protect the changes so that they will not be eroded and go by the wayside like soil that is not held down by the roots of the trees.

I am saying that we can look at the problem if we have an overview and are committed to preserving the progress. We can convince people that the social relationships that have resulted from economic progress are not detrimental to the well being of the people. We can convince the Caymanian people that the government's access to resources by way of fees and taxes (as a result of foreign corporations being located on our shores, as a result of work permit fees and foreign people carrying out economic activities on our shores), if used constructively for the education and betterment of our children, will add at the end of the day to progress.

But there is no human relationship that does not have to do with exchange. You cannot have your cake and eat it too. You cannot have your progress and not give away something in order to get back something. That is what the dynamics of human relationship is really based upon—the idea of change.

I believe that a strong government is necessary in this country, unlike other countries where people are already talking about governments and core functions, and that government should not have a strong position. We have to go through an experience of a strong political government. If

we do not do that we will not be able to manage and direct the kind of strategic developments that have to take place in this country. How are we going to implement a strategic plan, a Vision 2008, without a strong government?

It is easy to conceive of any plan, but to implement that plan, to get people to accept that plan, and to make that kind of social transition we are going to need a strong political government which does not infringe upon the rights of the individual, does not handicap the entrepreneurial spirit of the Cayman Islands and those persons who have come here to work is also necessary. We need to free the boards of the political responsibilities of being answerable to politicians and make them more answerable because of rationality and the concept of what is efficient and good for the country as a whole.

We need a political institution that will not destroy the progress, meaning that I am not going to play out my individualism against yours. I am going to subordinate my individual political interests to the general political interests of the country. You cannot achieve that without political discipline and organisation. So the whole concept that we have had in this country for a very long time about the lack of a need for any kind of political party system, or the development of that machinery, I believe that we have come to a point where we have to become organised politically if we are going to achieve what we need to achieve.

We cannot do it as Frank McField and Roy Bodden and Linford Pierson. We cannot do it as individuals any more because there is nothing preventing me, if I feel my interests are being infringed upon, from switching my position. The playing field is never level. So we need a discipline.

We know that, historically, if we fall back on our British tradition that not even Britain has been able to go through it's difficult social and political changes successfully without people becoming more disciplined politically where they can act collectively more politically. One of the reasons why debates in the Legislative Assembly take so long is because we all have to discuss from our own perspective. We have not sat down, as happens in a lot of countries, and developed a common perspective regarding many things, for instance the question of the role of the State in regard to the concept of laissez-faire entrepreneurship. If the state represents the broad masses of the Caymanian people, and if at this particular time the wealth is not in the hands of the Caymanian people but in the hands of foreign corporations working here what will the role of the State be? What will the influence be on politics? Will influence be more important in determining political policies and strategies than will the vote?

So the fact that a person is here for 15 years and will take residency, but not Caymanian status because they don't need the right to vote, it might be simpler because they will have the influence without the right to vote. At the end of the day what is important to people is resources and that usually spells money. We need to be asking how we are going to encourage Caymanian people to accept the development to this particular point and to convince them that they still have strategic political power.

So when they come to us and say, *'Hey man, we think that you all should do this, or that,'* and then we say we are powerless because we can't do it and don't even explain that the reason we can't do it is because we have a Constitution that prevents us from doing these things, . . . not say-

ing that we cannot change that Constitution, but as long as we accept that Constitution the way it is we have to accept a particular way of doing things.

I referred to the fact that we have three official members sitting in the Legislative Assembly voting along with the government that has been appointed by all of us, thereby giving that government the majority of votes in the Legislative Assembly. So they can cut and divest themselves of the responsibility they have to us collectively. By way of political experiences we know that can become a problem. If we are going to implement policies like Vision 2008 and if we are going to talk about political will, that will only exist if political discipline exists.

And political discipline will not exist if every time the five people elected to Executive Council go against the manifesto they put together and are doing things the way they want, and are becoming very individualistic about the way in which they govern the country, and they trade off in terms of personal interests and this, that and the other.

People will perceive the weakness in the system as the weakness in the individuals and not the roles in which the individuals are being forced to play in a particular way. And that's unfair to us. That is not right. And it is not fair to the people because the people begin to lose trust in their elected representatives. So, as the Governor has preached and encouraged a maturity in the civil service, we must preach and encourage a maturity in the political system.

Mr. Roy Bodden: True!

Dr. Frank McField: Only then can we guarantee also that the dollars that we vote to government will have the return which we desire to have.

Mr. Speaker, I think you were saying it is 4.30?

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30. I would entertain a motion for the adjournment. The Honourable Minister responsible for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday, 1st March 1999. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 1 MARCH 1999.

**EDITED
MONDAY
1 MARCH 1999
10:19 AM**

[Prayers read by the First Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: We have apologies from the First Elected Member for West Bay who had a death in his family. We have apologies also from the Third Elected Member for George Town who is in United Kingdom on a parliamentary seminar.

Item 3 on today's Order Paper, Questions to Honourable Members and Ministers. Question 1 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 1

No. 1: Mr. Roy Bodden asked the Honourable Minister with responsibility for Education, Aviation and Planning what is being done to procuring adequate facilities for the Sunrise Centre?

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

Hon. Truman Bodden: The Sunrise Working Party, an initiative of the Ministry of Education, Aviation and Planning, was formed in March 1998 to address issues and concerns of the Sunrise Adult Training Centre. The main objective was to assess the needs of the staff and trainees of the Centre and make recommendations to the Ministry on how to improve the effectiveness of the Sunrise Programme.

An examination of recommendations revealed that the most cost-effective measure to implement many of the recommendations would be the provision of an improved or purpose-built facility. To this end, the Ministry is exploring the option of providing such a purpose-built sheltered workshop facility in West Bay with the assistance of the International Labour Organisation. This facility will provide an industrial type of employment and on-the-job training, and will house the pre-vocational and life-skill training programme.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House whether the involvement of the International Labour Office is limited to consulting, or may we expect the International Labour Office also to contribute towards the financial cost of construction, staffing and equipping the facility?

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

Hon. Truman Bodden: Mr. Speaker, the International Labour Office (ILO) will be dealing as a consultant only.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister give the House any information regarding the cost and when this project may come on line? Also can the Minister tell the House whether the ILO was approached for assistance other than the consultancy?

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

Hon. Truman Bodden: Mr. Speaker, I understand that back about ten to 13 years ago, the ILO advised . . . and at that time the first phase, which was the Sunrise Centre, was set up. They recommended a second phase and that is the stage we are moving into now which is a sheltered workshop.

They are not contributing any money. And from what I understand we will not be getting any money from them, but they will continue to assist with advice.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state when this recommendation was made regarding the second phase?

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

Hon. Truman Bodden: Mr. Speaker, it was made in 1986 and the assumption then was that it would come in about ten years down depending on the circumstances.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state if what is being pursued is on the premise of that recommendation made in 1986? Or is there on-going consultation at present with regard to the possibility of upgrading that recommendation to suit current times?

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

Hon. Truman Bodden: Mr. Speaker, we have asked the International Labour Office to come back and up-date that before we actually move fully into the second phase.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In trying to explain the facility the answer says: “**This facility will provide an industrial type of employment and on-the-job training and will house the pre-vocational and life-skill training programme.**” Where it says, “**an industrial type of employment...**” could the Minister expand on that?

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

Hon. Truman Bodden: Mr. Speaker, I understand that this will be skills, such as addressing envelopes or some type of woodwork, or maybe preparation at some of the hotels, for example, assisting in the kitchen area.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, perhaps my question was not very clear. What the Minister just answered me was regarding where some of these participants may be employed and the skills that they need to learn. Maybe I am misunderstanding the answer but where it says, “**an industrial type of employment...**” is it that where the facility is that actual work will be done for other places? This is what I am trying to get to understand.

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

Hon. Truman Bodden: That is correct, sir. It will be a sheltered workshop. Nearly everything would be done within there but there will be those who can go outside.

The basic skills have to be taught to them first—how to cook and how they can care for themselves, that sort of thing. They are now into a stage where the sheltered workshop will come and they will do as much as possible within that sheltered workshop.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, I am not trying to belabour the point but I just wish to get it clear. The sentence reads, “**This facility will provide an industrial type of employment...**” Thus far, the Minister is talking about some of them doing actual work in the facility and then some of them being able to go out into the work force to enter into productivity. But what I am trying to determine is if the actual work that will be done at the facility will be work that the facility takes on for private enterprise or for other government agencies.

I am trying to understand exactly how it will work because I am seeing a connection here between various government agencies and maybe the private sector. So I was trying to determine if the facility itself will be taking on certain task and then training these people to do those tasks?

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

Hon. Truman Bodden: Mr. Speaker that is correct. For example, they would be putting things in envelopes for, say, the government or for my law firm. Yes, a law firm or something in a sheltered area so that there is a supervisor there. And then they will be paid for that.

The Speaker: If there are no further supplementaries, we will move on to question number 2 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 2

No. 2: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation, and Planning when is the work on the new Lighthouse School scheduled to commence?

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

Hon. Truman Bodden: The work on the new Lighthouse School started in October of 1998 when we engaged a consulting architect to assist the Public Works Department with the design of the school. The preliminary drawings have now been done and shared with the Ministry, the Department of Education, and the Lighthouse School staff, PTA and site-based planning team.

The preliminary drawings of the project will be completed and submitted to the Planning Department in February of 1999. Final working drawings should be completed during the months of January – May 1999; the contract will be put to tender by the Central Tenders Committee between May and July; and it is estimated that construction will start on 1 September 1999. It is anticipated that the new school will be ready for occupancy in time for the 2000-2001 academic year.

We hope that the renovation of the Cayman Foods building to provide two multi-purpose halls and canteen as well as music rooms for both schools. This will be dealt with as a separate contract and, if so, we expect

that the hall will be in use by March 2000. The second phase, the clinics and therapy rooms are expected to be completed in 2001.

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

SUPPLEMENTARIES

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House what complement of students the new facility will afford?

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

Hon. Truman Bodden: Mr. Speaker, one Hundred and fifty.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister just said that the facility will be built to accommodate 150 students. I cannot remember right now the name of the programme but there is a programme where some of the staff go out—is it the Early Intervention Programme?

[Inaudible Interjection]

Mr. D. Kurt Tibbetts: Yes. But I think it is the Early Intervention Programme.

Hon. Truman Bodden: It's a home-based Early Intervention Programme.

Mr. D. Kurt Tibbetts: Thank you. My understanding is that at present staff are pressed to be able to deal with the numbers of requests that are there. Now, it is also my understanding that by 1999 the number of children in this programme could exceed 100. It could well be close to 150.

When the facility is completed, will anything be taken into consideration to be able to enhance that programme? Because at present I know that they are in dire straits to be able to do what they know they need to do and it is a bit frustrating for the staff. I know that.

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

Hon. Truman Bodden: Mr. Speaker, the Honourable Member is correct. They are pressed, but in the new facility will be the home-based Early Intervention Programme.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House what arrangements will be made for

those students who need therapy, who will have to undergo individual clinics when they are moved into the new facility up until the time that the second phase is being completed? Are arrangements being made for them to remain on the compound or on campus or will they have to be transported elsewhere for these clinics and the therapy?

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

Hon. Truman Bodden: Mr. Speaker, there will be sufficient rooms there for 150. At present, we have 69 at the Lighthouse School. That will increase but not to the extent of the full 150. The extra rooms will be used for therapy rooms while we are waiting on that extra phase to be done.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you. Mr. Speaker, this question is not strictly related but the Minister may choose to answer it anyway.

Will the current mode of transportation being used to transport some of the more serious of these cases be sufficient when the new facilities come on line with the anticipated expansion and enrolment? Or will it be necessary for us to have to consider upgrading the transport to something which has a higher complement?

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

Hon. Truman Bodden: Mr. Speaker, that is a good question. I will go back to the principal and find out whether it is necessary to have a further bus or a larger bus, and we will address that because with the increase in students, will be an increase for facilities such as transport.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The very last part of the substantive answer says, "**The second phase, the clinics and therapy rooms are expected to be completed in 2001.**" Just for clarity, can the Minister state if the clinics and therapy rooms will be part of the Cayman Foods Building or is this another structure?

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

Hon. Truman Bodden: Mr. Speaker, it will be a new building over on the north side of the building.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. So when the facility is completed, you will have a main building, which is the school, and you will have a part.... The Minister wants to explain? Okay, I will give way.

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

Hon. Truman Bodden: Mr. Speaker, what I will do is get a copy of the draft plan. I apologise for not showing it to members earlier. It is basically the same as that very early sketch. There will be three pods. Now the draft plan has not come to me as yet. But we should have it shortly.

As I understand it there will be three pods, there will be a little courtyard within the classroom area, and it will be one of those pods that would have the balance of the facilities. It's hard I guess to visualise it because it is not like a regular school. But I will get the draft.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. And just to let the Minister know, we will wait until we see that to go into detail.

Now, the Minister has said that they can expect the hall will be in use by March 2000. If we are talking about the Cayman Foods Building, in the answer it refers to multi-purpose halls and canteen. Can the Minister explain exactly what will be the use of the Cayman Foods Building when the renovations are completed?

We understand it is going to serve two facilities but can the Minister explain exactly what purpose it will serve for one and what purpose it will serve to the other? One of the things that I want him to bear in mind when he is giving this answer is that it says "multi-purpose halls," but it only says canteen. Now, I don't know whether both facilities need a canteen or whether it will be one canteen for both. I don't know if he could explain that.

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

Hon. Truman Bodden: Mr. Speaker, the kitchen area of the canteen will be for the use of both the Lighthouse School and Red Bay Primary. There will be a large hall, then a smaller hall for the Lighthouse and there will be rooms off it. The music rooms can both be used. So there will be two areas, two halls within it so to speak.

[Inaudible comment]

Hon. Truman M. Bodden: Yes, but it is designed so it can serve both sides, you see. And my Permanent Secretary was mentioning if it is needed as one big area, it can serve as one big area. It is quite a sizeable area.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is consideration being given to having a total separation of the use of the facilities or is

there a plan for some type of integration if possible at some points in time? I am just asking, I don't know.

Hon. Truman Bodden: There will be a moveable partition. Perhaps I should also try to get the sketch on this and show members. There will be a moveable partition that could be folded back if there is a very large function to go in there.

[Inaudible comment]

Hon. Truman M. Bodden: Well, that is why the Lighthouse School was put by the Red Bay. Yes, there will be integration. I would assume the majority of that would be within classes. You know, a child may be able to go back for one hour a day or couple hours a day, but they would then be able to go back across to the Lighthouse School to get the extra therapy or the specialist training they need. To the extent that there would be integration within the eating areas, I am really not certain. But I could ask about that.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: I want to request of the Minister an undertaking that while the plans may yet be advanced that he ensures that the draftsmen have adequate facilities such as ramps in place so that students can have easy access when integration time comes. And that the integration and the movement can be done with a minimum of inconvenience or discomfort to the students from the Lighthouse School, and at the same time a minimum of disruption to the class at the Red Bay School that have to share this integration.

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

Hon. Truman Bodden: Mr. Speaker, it is always good when I hear great opposition minds thinking alike and I get one supplementary instead of two.

But the Honourable Member is quite right on this (going to his specific question) in that we have a specialist architect with the main idea that we will get a very good purpose built properly ramped, properly laid-out facility. It has taken a bit of time, sir, but the architect is a specialist. He has done quite a few of these in the past and, you know, so far everyone has been happy with what he has done. It's going to be costly but, you know, I think that those children are entitled to it and it will make quite a difference in their lives. I mean, the present Lighthouse School has . . . but I mean the new one will be state of the art.

The Speaker: If there are no further supplementaries, we will move on to question number 3 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 3

No. 3: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation, and Planning what plans have been implemented in relation to career training since the Ministry of Education assumed responsibility for this area?

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

Hon. Truman Bodden: The Ministry has been re-examining the concept of career training since it assumed that responsibility in late 1997. Assisting the Ministry in developing an effective career and vocational programme, a consultant funded by the Commonwealth Secretariat has been collecting data as per the Secretariat's brief on a range of pertinent topics. Discussions have been held with principals and senior teachers from private and public secondary schools on Grand Cayman and Cayman Brac, as well as with the principal and president of the two tertiary institutions, a careers advisor, human resource managers, personnel officers and a selection of managers from private sector businesses.

These discussions served vital functions of updating the data gathered for the 1996 Manpower Development Advisory Committee Report and developing a consensus on a number of vital issues and perceptions related to the development of the National Training Initiative, for example, the following six factors:

1. The most able students (the top 15%) are quite well catered to in career advice and scholarships and it is the remaining 85% to whom major attention must be given.
2. Vocational courses proposed by the Community College of the Cayman Islands, the International College of the Cayman Islands and other providers are often greeted enthusiastically by parents and potential applicants. Curricula are developed, equipment purchased and instructors hired. Subsequent poor enrolments and retention rates have left providers quite tentative when considering vocational courses. An encouraging sign is that recent enrolment figures have shown resurgence. Retention rates will be monitored carefully and it is recommended that students dropping out should be surveyed to document reasons for leaving.
3. Because Cayman has experienced high employment rates for some years now, there is quite a prevalent attitude among job seekers/school leavers to be less concerned about job stability and tenure.
4. White-collar jobs, e.g. bank tellers, clerks, are seen as more socially desirable by parents and peers than blue-collar outdoor or hospitality jobs.
5. Some employers are anxious to fill vacancies, less demanding about experience and qualifications and offer what are to young people attractive starting rates.

6. Other employers have encouraged employees to give up courses early, believing them well enough prepared to cope with on-site demands and offering fuller pay for full-time work.

The six factors listed above tend to militate against applicants to apply for positions that offer lower pay, e.g. apprenticeships, or require part-time study.

Ongoing discussions are being held to establish how prevalent such conditions are and to develop consensus on possible remedies to them. Some measures discussed include:

1. Consideration of more and improved Careers Advisory services and early inclusion in curricula of
2. Understanding of the "world of work";
3. Closer and more frequent liaison between educators and industry and commerce;
4. Inviting role-model guest speakers to school, especially younger successful Caymanians in promoting occupations in trades, hospitality and other service industries.

Regarding the matter of scholarships and student loans, these two separate areas are being examined for possible consolidation into one section as a reinvention initiative in order to provide comprehensive support and encouragement to students.

The Ministry is continuing in its efforts to gather information, analyse data, recommend and work towards implementation of an effective vocational programme for Caymanians.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Regarding point number 2, can the Minister tell the House if some of the facilities that offer employment on a more technical or vocation scale have been approached as to whether they would be interested or prepared in entering into some kind of partnership with the Government training programme? For example, during the training these students or enrolees would do classroom work for the first part of the day and then on-the-job training or apprenticeship for the second part of the day for a significant period of the training programme.

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

Hon. Truman Bodden: Mr. Speaker, I know that at the Community College, the work experience is one day a week. But I know both colleges also offer part-time courses so that people can work in the day and go to school in the evenings.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I have to say that the Government seems to have delved into this matter with great effort and I recognise that this is not necessarily a fault of the Ministry of the Government so much as it is a failing of our society. Has any kind of educational or awareness programme been promoted on a large scale so as to promote an understanding of the importance between the necessity to have technically and vocationally qualified persons within the society as much as we have white-collar people?

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

Hon. Truman Bodden: Mr. Speaker, the point raised by the Honourable Member is a very good one. At present, we are endeavouring to get the project itself together and once that is well developed an intensive promotional programme will be undertaken. Because the project has to be sold to—and accepted by the public if we can expect this to succeed . . . and it is not an easy programme, Mr. Speaker, because I am afraid that Caymanians can move up the ladder without having to get qualifications they would maybe have to get in other countries. But the promotion side is very important and it will be taken care of in due course.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Moving on item number 4 on today's Order Paper, Government Business, continuation of debate on the Throne Speech delivered by his Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands, on Friday, 19 February 1999. The Fourth Elected Member for George Town, continuing—

Honourable Minister for Education, Aviation and Planning?

Hon. Truman Bodden: Mr. Speaker, I know I had spoken to you, sir, in relation to 11:30 a.m. But today members felt that it would be better if we could adjourn at 11:00 a.m. It may well be that if the member agrees on this, he would agree to begin on Wednesday and we could adjourn now.

Dr. Frank McField: Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I wouldn't mind if I could at least speak for fifteen minutes because I would not like to deny the possibility to get the front paper tomorrow as well.

[Members' laughter]

Hon. Truman Bodden: I understand the Honourable Member's reasoning, sir. That's good, but I am sure I cannot speak for everybody.

The Speaker: Are we now then going to agree that we will adjourn in fifteen minutes?

Hon. Truman Bodden: Yes sir.

The Speaker: The Fourth Elected Member for George Town.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19TH FEBRUARY 1999

(Continuation of debate thereon)

Dr. Frank McField: Mr. Speaker, thank you very much. I am suffering at this particular time from the flu, so my voice might not be as clear as usual.

I would like to begin by saying that I have but a small amount of time remaining. Some may be pleased that this is so. Some may in fact wish I did have more than four hours. My intention was to make this debate as long as possible because I need to demonstrate what Albert Einstein observed. And that is that the significant problems we face cannot be solved at the level of thinking we were at when we created them.

This country has been fairly well managed over the last twenty years but efficient management without effective leadership is, as one individual phrased it, like straightening deck chairs on the Titanic! No management success can compensate for failure in leadership, therefore, this is the third Throne Speech I have debated in order to assist our country in wrestling with direction issues, culture building issues, to deep analysis of problems, to seizing of new opportunities. These are the issues that challenge leadership, and that our leadership must wrestle with.

Again, let me separate the two concepts by saying that management is doing things right while leadership is doing the right things. Leadership is the first creation; management is the second. Leadership helps us begin with the end in mind knowing that we must clearly define what we wish to accomplish, and that we need to clarify our values before we set new goals. In other words, we must begin to follow the carpenter's rule, which is measure twice, cut once. We have to make sure that the blue print, the first creation is really what we want, that we have thought everything through. Then we put in the bricks and mortar.

Each day we must go to the construction shed and pull out the blue print to get marching orders for the day. Leaders begin with the end in mind.

In my opinion, I have already demonstrated the grave lack of deep-rooted thinking and how our leaders are concerned with efficiency, rules, and control rather than with direction, purpose, and national meaning. We must now begin to use our religious heritage to assist with the creation of an enduring social philosophy and

ethical system that is self-evident and can easily be validated by any individual.

The conflicts and contradictions which have resulted from our British colonial tradition of exploiting non-belongers without having in mind the social and ethical consequences, the moral and social result of this type of societal planning, has created what I have termed the Caymanian dilemma which must be faced by the present and future generation. This does not mean our society cannot overcome these contradictions, but to do so we must move towards survival and stability rather than disintegration and destruction.

Disintegration and destruction will not happen if we create the conditions where we can live out our imagination instead of our memories—if we elect leaders that will tie us to our limitless potential instead of our limited past. We must now become more our own first creators. We must begin with those values firmly in our minds to create a new island state. Only then will we be able to face the challenges of the present with integrity. Only then will we become more active rather than re-active to our present circumstances.

Will we be able to fight the present sense of meaningless or emptiness which now prevails in our society?

Throne Speech 1999 may well be remembered, at least by me, as the most serious signal from the mother country that it too recognises that life is by nature highly inter-dependent and that for us or even them to try to achieve maximum effectiveness through independence is like trying to play tennis with a golf club—the tool is not suited to the reality. Inter-dependence is a far more mature, more advanced state. Emphasis on independence in the past has been a reaction to the dependence of having others control, define, and manipulate.

I very much welcome this call for us to no longer ignore the highly inter-dependent reality of our situation. I also acknowledge that our new island state must accept its responsibilities to the international community of which it is well integrated and an inter-dependent part.

Political awareness must now be developed as to enable us to stand apart and examine the values enshrined in our Constitution. We need a Bill of Rights as a part of our Constitution to show each individual our collective objective values with regard to rights and entitlements of the individual. To allow fear to prevent us from creating this map which even the new state must follow will be a great error.

We the leaders of this island state must begin to provide the people with a political culture that is value-driven because our values are clear. I hope it is clear that I welcome constructive, well thought out reform in both the colonial style system of bureaucracy, which seeks to control from the centre and....

The Speaker: Could I just interrupt the Honourable Member for one moment, please.

In accordance with Standing Order 32(4), you are not allowed to read your speech. I have been watching you very carefully, so if you could inject some additional words besides what you have written, please.

Dr. Frank McField: Mr. Speaker, I don't want to get into an argument with you about whether or not I am reading my speech. But I understand that also by reading the Standing Orders and reading what that interpretation means if you ask if I am reading my speech and I say, no, then I am allowed to go on. I said I am not reading my speech.

The Speaker: Well, I have listened very carefully so I am asking you to inject some additional wording in what you have on the paper.

Please continue.

Dr. Frank McField: Mr. Speaker, I have been injecting other words but....

The Speaker: For the benefit of the listening public and honourable members that Standing Order 32(4) reads, "**A Member shall not read his speech but may refresh his memory by reference to notes and may read extracts of reasonable length from books or papers in support of his argument.**"

The Fourth Elected Member for George Town, you may continue.

Dr. Frank McField: Mr. Speaker, I am saying that we need to develop a political awareness that makes people conscious of their rights as individuals as well as their obligations. I believe, as I have said before, that anarchy is personally harmful to the individual as well as the state. Therefore, the state should make clear not just what the rights, the obligations of an individual are, but also what the rights are as well.

I believe that what we need now to concentrate on is the development of a political culture which will evolve a political philosophy, a social ethical philosophy that will give people a framework by which they can then make decisions. I have emphasised that the old political standard and the old political culture—where we are talking about dimes and pennies, when we are not talking about values, when we are not talking about principles, when we are not talking about setting goals—is obsolete, it is archaic.

I believe the Governor expressed that in his Throne Speech, and that I am correct in signalling that same death of the political culture in this country that has been led not by what is rational and what is reasonable but what is personal to one's particular interests. And I have been saying that we must come to a political culture whereby individuals can understand and accept that they must subordinate their personal individual interest to the interest of the group because only then can their personal individual interest be protected and become fruitful and multiply.

I have tried to say that the evolution of the Caymanian society, in fact, and the evolution of the Caymanian political system has brought us to this particular point today where we see that there is a lot of disagreement and there seems to be disarray in the Legislative Assembly. And I believe that this is a reflection of the disarray, disorganisation, and inability to compromise and to

accept that the subjection or the subordination of the personal is necessary if we are going to develop a national concept.

I believe that we reflect this. I believe that we should stop and analyse this and begin to change this particular way of doing politics and way of doing things just like the government bureaucracy. It will change things by way of the re-invention of government and fiscal reforms. They will be changing the way they do things. Why is it that we are not beginning to talk about the fact that we need now to change the way that we do things in the political culture? People need to be led by ideas rather than personalities. People need to criticise the ideas for being incomplete or ineffective and not the individuals. We must put the values and the ideas forward. We must have the end in mind; we must use the carpenter's rule of measuring twice.

Before I finish, Mr. Speaker, I would like to say that I have a plan that maybe the library should be in the Courthouse and then the Courthouse should go to Frank Sound. And we should develop roads in Frank Sound and Government should invest in creating a new little city there so that we begin to decentralise. Government has the resources to do these things but they do not have the end in mind. They don't have the plan, they do not have the map, they do not have the blue print. And the blue print has to first of all be produced by way of ideas.

There is no reason why George Town cannot become a duty free port that would rival any in the Caribbean or in the world. But we are not going to have that as long as we have one merchant class controlling it and refusing other people to come in and participate in it. We are not going to have that if our whole concept of ownership and nationality doesn't begin to evolve and change.

We have to understand that in any business, we have the employer, we have the employees, and we have the customer. And the way the employer treats the employee is the way that that employee will treat the customer. But business should be ruled by the customer and not necessarily by the employee or the employer. That brings us to a more eclectic concept of business whereas we saw business as something that is oppressed and controlled, we see now business as something that allows us to be able to realise a better, more improved standard of living where goods and services are improved.

If this is going to be the concept that the Government bureaucracy is going to follow, according to the Government, why should this not be the concept that business in the society follow as well? And what kind of evolution will we have to have in terms of the way in which we think and understand and accept things? The kind of partnership that we have talked about before in regard to foreign capital, foreign expertise and local Caymanian entrepreneurship and so forth. We must begin now to truly integrate this in a kind of social, political philosophy that expresses the usefulness of interdependencies.

There is nothing that I read, Mr. Speaker, that I don't know. I might sit down sometimes and actually feel that because of the flu and everything I would like to make

things as short as possible and get to the point, but I have a PhD. And those people who don't believe that I have a PhD know that nobody else has been evolving these ideas on this particular level. A lot of people might say it is not politics. But, like I said, you need the map, the ideals, the values, the political ideas and the political values will be the map for us to follow. We need deep-rooted thinkers, we need people who analyse the situation and not just react to it but become pro-active in terms of setting the direction in which we are going to in this country.

Now, obviously the fifteen minutes is up and I thank you for your indulgence.

The Speaker: I will now entertain a motion for the adjournment of this Honourable House.

The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I beg to move the adjournment of this Honourable House until 10:00 a.m. on Wednesday.

The Speaker: The question is that this House do now adjourn until 10:00 a.m. Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10:00 am on Wednesday.

AT 11:15 AM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 3 MARCH 1999.

**EDITED
WEDNESDAY
3 MARCH 1999
10:20 AM**

[Prayers read by the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oaths or Affirmations. Oath of Allegiance to be taken by Mr. Donovan W.F. Ebanks, MBE to be the Honourable Temporary Acting First Official Member.

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

Would all members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

By Mr. Donovan W.F. Ebanks, MBE

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

The Speaker: Mr. Ebanks, on behalf of all Honourable Members we welcome you to the Assembly for the time of your service. Please take your seat as the Honourable Temporary Acting First Official Member.

Oath of Allegiance to be taken by Mr. Samuel Bulgin. Mr. Bulgin, would you come forward to the Clerk's table?

OATH OF ALLEGIANCE

By Mr. Samuel Bulgin

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

The Speaker: Mr. Bulgin, on behalf of all Honourable Members we welcome you to the Legislative Assembly for the time of your service to be the Honourable Temporary Acting Second Official Member.

Please take your seat. Please be seated.

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

APOLOGIES

The Speaker: Item number 3 on today's Order Paper. We have apologies for the late arrival of the Honourable

Minister for Community Affairs, Sports, Women, Youth and Culture. And the Third Elected Member for George Town is off the island attending a seminar.

Item number 4 on today's Order Paper, Questions to Honourable Members and Ministers. Question number 4 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 4

No. 4: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport to state when the Tourism Development Plan commissioned by the Ministry will be tabled.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the Tourism Development Plan was laid on the Table of the Legislative Assembly on 17 September 1992, and the Tourism Management Policy was laid on 5 December 1994.

SUPPLEMENTARIES

The Speaker: Supplementaries.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House what progress has been made thus far in implementing the recommendations of the two documents in question?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I can think of a number of items within the Tourism Management Policy as well as the Tourism Development Plan that have been accomplished.

I do not have an exhaustive list this morning, Mr. Speaker, but just to give the House some indication, both policies or plans speak to giving priority to Pedro St. James as a project, and I think all members are aware that this has been completed. It also speaks to the Botanic Park, which will continue to develop as we move on. But I think I would say that 80% - 85% of it is completed. It will be done in phases as was initiated in the early days of 1995 or 1994.

A number of other areas would be the marketing recommendations in both policies as well as the area of research. All of that is in progress, because I do not believe that marketing is an area that you can finish. You have to stay in step with the trend, needs, and aspirations of the visitor to ensure that in marketing your facility they travel to the Cayman Islands.

Other areas would be in the training. We have begun a process, firstly, of dealing with customer relations training. We have carried out a series of training events, functions, short courses, where we have brought in members of the police, members of customs, members of immigration, members from the duty free stores, members from the hotels, members from other areas of government as well. So, those are some of the items that come to mind very quickly, Mr. Speaker.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the minister say what the disposition of his ministry is in seeking an optimum number of tourists per year and trying to maintain that number, as per the documents tabled? I am trying to reach some sense of what we would call sustainable tourism numbers rather than flooding the market to the point where our environment is tasked with permanent population of the country.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I think we should divide this visitor population into two groups. One would be the stay-over passenger who arrives by air and the other would be the passenger who arrives in the morning on a cruise ship. Six years ago we set down the policy of dealing with the cruise ship visitor and initially set a maximum per day of 5,500. After reconsideration, we moved it to 6,000. That policy has been in place ever since that day in 1993.

We monitor it by approving cruise ship calls. We are obviously dealing with a maximum capacity of ships as regards the passengers so we are guided by that number. And in order to monitor the approvals that were done for example in 1998, we would run the actual figures computerised in the Port Authority system to just evaluate and review the approvals so that they stay within the policy.

I think generally, Mr. Speaker, there may be a half dozen events where we go a little bit above the 6,000 or it may be a day that we go maybe a dozen more than the 6,000. But some of that is based on the fact that this is not a perfect world and neither is the weather always perfect. Sometimes there is bad weather in the eastern Caribbean and the ships ask to call here rather than going to some other destination.

And operating in this area, we are business minded so we are flexible. In some cases we do go over the 6,000 but then again, when we track it, it may be a half dozen times in 365 days that we go over.

On the stay-over visitor, I believe we have a system that is two points, Mr. Speaker. One is that the limitation of the number of visitors is cut up by the availability of accommodation during their period of stay. They are also caught up by the number of seats available as a lift out of the United States or out of Jamaica, or the United Kingdom. And on the other hand, we have to be mindful that if we continue to say that the maximum would be 450,000 or 500,000, when we look at that realistically, Bermuda has over 400,000 stay-over visitors and they are probably one-third our size.

Additionally, if we were to say 450,000 or 500,000, we have to be mindful that the visitors who are coming to our shores and the amount of money they are spending each year moves on the value of that dollar becoming a little bit less in terms of what it can purchase. Therefore, there is a need to stick to our marketing policy which tries to attract households earning \$75,000 or more, and we are at that number because we realise that the income in the northern portion of the United States is generally higher than the southern portion. And it doesn't matter that the person in the south cannot afford it because he is earning \$75,000.

The only other item to add is, given the fact that inflation erodes the value of the dollar being spent, there is a need to have an increased yield as we go along year by year and that's what we are trying to focus on. So, the reason for creating additional attractions on the island is to cause the visitor to spend more money on the island, and simultaneously to receive a much more educational and rewarding experience during his or her holiday period.

I think that is about as far as I will go for now, Mr. Speaker.

The Speaker: If there are no further supplementaries, we will move on to question number 5 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 5

No. 5: Mr. Roy Bodden asked the Honourable Minister for Tourism, Commerce, Transport and Works if there were any discussions between the Ritz Carlton head office and representatives of the Cayman Islands' government held recently and, if so, what were the nature of these discussions.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there have been no discussions between Ritz Carlton's head office and the Cayman Islands' government.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. For purposes of clarity, would the Minister then state if there have been any discussions in recent times with any recognised representatives of the Ritz Carlton group?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I would answer that by saying that they do have a local person on site, I think where the old Holiday Inn Hotel was standing, and we do talk to her from time to time. But apart from that, I don't think there was any other discussion that I am aware of.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if at this point in time the proposed development, which at the end of the day will house Ritz Carlton Hotel, is on target and moving along as per plan?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I wouldn't undertake to say it's on target as planned. I really couldn't say that to members because I am not in the business of trying to mislead people.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and the attempt was not to ask the Minister to mislead anyone, but perhaps playing it safe sometimes is the best way and I appreciate that. Does it appear to the Government that the impetus is still there? Or does it seem like there may be snags giving rise to concern?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I think it is necessary for me to clarify the point that the lady who is working for the Ritz Carlton and the developer is, shall I say, not in a position to hold discussions with us. We basically talk to her from time to time and she is trying to make some arrangements here and there with people coming on the island that she wants us to be aware of. That's about all there is, Mr. Speaker.

I do see a piece of heavy equipment on the beach, and on the swamp side. They have built what I call a dike road leading into it. There are two different dike roads, so some activity is going on.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Perhaps, then, so that the Minister will understand the line of questioning, can the Minister simply give an undertaking then, bearing in mind the volatility of the situation in the past, to get an update as to where the project is now (having gone through the hurdles that existed)? Bear in mind perception becomes reality. Perhaps with knowledge, it would be much easier to deal with.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I am happy to pass that information to members of the Legislative Assembly as well as perhaps issue some sort of a Press Release so that the public is aware of where the development is, where it is heading, and what can they expect about it in the near future. I am happy to undertake to do that, Mr. Speaker.

The Speaker: Are there any further supplementaries? If not, moving on to question number 6 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 6

No. 6: Mr. Roy Bodden asked the Honourable Minister with responsibility for Agriculture, Communication, Environment and Natural Resources what are Government's plans regarding the development of an alternative landfill site for Grand Cayman.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Department of Environmental Health is researching available technologies to present to the Honourable Minister for consideration as viable options to manage waste in the Cayman Islands in the future.

The need for development and siting of a landfill must be considered in context of a general integrated waste management system that addresses all of the waste stream components. It is the intent of the Department of Environment to provide the Government with information for making sound policy decisions in the selection of appropriate disposal methods.

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

Mr. Roy Bodden: Can the honourable minister tell the House whether this research of available technologies will include the feasibility of some form of incinerator, as well as other such technology that may be applicable in our case?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that all aspects of what would be best for the Cayman Islands will be looked at, and I think I am correct in saying that definitely it will include what the member just asked.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I have a final supplementary. Is the minister in a position to say when this information may be available? And can he tell the House which body will have the final decision in choosing the avenue to be entered into?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I am hoping that I will be able to report to the House shortly with regard to what we come up with, and naturally the body that will have to decide on it will be the Finance Committee when we bring the figures of what it will cost us to do whatever we need to do. So I would like to have the opportunity to report back to the House and then at a later stage once we have all of the figures in place no doubt we will come back to Finance Committee for funding.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. In the answer, it states that, "**The need for development and siting of a landfill must be considered in the context of a general integrated waste management system that addresses all of the waste stream components.**" Can the minister state if within the past three or four years, his ministry has received any type of report or study along these lines from outside sources with any specific recommendations?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. Some time ago we had a similar discussion here. I don't remember if it was Question Time or in Finance Committee. It was definitely told that we had about two people who actually came forward and made proposals to us.

However, one of those, as I understand it, was not really a company that we could depend upon because he was involved in some problems in the United States. The other company has actually had many hours of talks with the department and this continues to be debated because we are trying to look for what is best for our waste system here in the Cayman Islands.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state if such studies or proposals are available to members of the Legislative Assembly to peruse?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I don't have a problem with members of the Legislative Assembly looking at whatever has been submitted there.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps, then my final supplementary will be—and I am asking this personally—will the minister give me a commitment to provide me with copies of whatever those documents are at his earliest possible convenience?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I would endeavour to get whatever the member would like to see and, of course, he and I can sit and go through it. I don't have a problem with that.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. In the substantive answer, the minister says, "**The need for development and siting of a landfill must be considered in the context of general integrated waste management system.**" Is he saying that they still have in mind to develop property for a dump, a landfill for a better word?

The Speaker: The Honourable Minister for Agriculture, Communication, Environment and Natural Resources.

Hon. John B. McLean: I think that there is no other way but to try to develop another landfill for the future. And definitely it will have to be looked at, and looked at seriously. I think it was during Finance Committee that it was actually debated here a long time by the members along with the department head. There is a shortage of space, so, definitely, we have to look after the future and look into a new landfill.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. It seems by the minister's answer that the government will consider development of more land, but I am wondering with the increased amount of refuse, whether the minister or the department will not consider other means. I note, Mr. Speaker, that the minister has said a "landfill." I am wondering what area will take another landfill, and whether we have the kind of acreage in the country to do so?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the first part of the answer pointed out that we will be researching all available technologies and this is from the department to the minister and then back here for the final. It would be impossible for me to say that it would not be recommended that we look at another such site as we have.

But the fact remains that nobody wants a garbage dump in his backyard. And the other technologies that are available I think the research will show, and we will have to come back to the Legislative Assembly and have them presented to the members and we will then have to take a decision from there.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

Moving on to item number 5 on today's Order Paper, Government Business, the continuation of the debate on the Throne Speech delivered by His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on Friday, 19 February 1999.

Debate continues with the Fourth Elected Member for George Town.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19 FEBRUARY 1999

(Continuation of debate thereon)

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

I have tried in my debate to give the public and the Legislative Assembly an overview which I believe would make it easier for us to develop certain strategies which would prevent the future development from contradictions that will cause malfunctions in individuals and in the society as a whole.

I started to say also that it is good to have an overview in that one has a picture of the present, the past, and the future. One has a plan. One has a map in mind.

The question of the way in which we are organised politically, the way in which our Constitution functions, is that the public does not have any real control over persons elected to make policy decisions in this country. They only have an opportunity to elect members to the Legislative Assembly.

I believe that there is a democratic deficit in our Constitution, in our political culture, in that the people themselves cannot determine those individuals that will be responsible for policy decisions over a period of four years.

I believe also that adding to this the fact that we have three nominated members that can vote along with the five elected members of Executive Council creates even more of a deficit in our democratic system. And I believe it is time that we begin to examine this in order to

eliminate what I believe is now more or less appearing to be a malfunction in our situation.

I have concerns about the use of foreign labour, foreign expertise, foreign capital, and the fact that certain persons in planning for the country have not taken into account the unique type of social relationships which result from this inter-dependency. I believe we need to examine these unique situations and some of the unique contradictions that come about. But I also continue to stress that inter-dependency is a much more mature state of being than independence.

However, if we look at not who owns wealth or not who owns what produces wealth but the social, the political, economic conditions that wealth creates, we are better off. My concern, therefore, is not so much who owns, but who benefits.

Now, a real-life situation of this is the fact that we need to make our immigration laws evolve—or to make the evolution of an emerging island state possible. But in liberalising our immigration policies we must begin to pay more strict attention to what is going on in the work place with regard to Caymanian employees and foreign employees as well.

I believe that the whole concept of the protection of Caymanians by using immigration as a way of controlling labour is outmoded to a very large extent. And the Caymanian person that sells his skills or his labour must now come to realise that a person who is forced to remain in a particular employment (by way of a work permit) for a period of twenty or thirty years without having the flexibility to negotiate for better working conditions will not benefit the Caymanian working person, but will hamper the social progress of the Caymanian working person.

I believe that better working conditions are needed in this country today. A case in point is the hotels. I had people coming to me complaining like usual about the problems of gratuity. The Labour Law does not really allow the government to examine the relevant documents that would make it possible for the government to bring a case against these hotels for withholding or distributing gratuities in a way that is in contradiction to the law.

We see that we have very little control over the day-to-day operations in the working environment, and we need to understand that it is that which begins to trigger many of the problems that we have in the country today. Women in particular, who are very much employed in the hotel industry and the banking industry, are not regarded as mothers and are not regarded so much as sisters and aunts.

They are not regarded as citizens of the country, and that their behaviour in these particular capacities is very important for the maintenance of order and stability.

If women are being exploited in the work place in such a way as to aggravate their possibilities to be mothers, then we are going to have social problems with their children. We need to pay particular attention to the way in which our people are carrying out their functions as workers within the workplace, especially workplaces that are part of multinational concerns where profit is the most important motive.

Whether or not it be the Hyatt, or the Westin, or the Marriott, international chains, we have to understand that this very rational, very efficient concept of running a business organisation will impact strongly and sometimes very negatively upon our social fabric. At the moment, we need to have a much more proactive approach to the social conditions that these institutions create in our midst.

Now, a situation that is happening also in town is that the town is becoming more and more congested because of traffic. Yet, business people—the private sector—continue to build in this area with almost with no concern about the traffic problems and the congestion. Government is spending more money to try to open this bottleneck situation up.

And the private sector is putting up more three and five storey buildings to house many different companies that at the same time must provide parking facilities not only for their customers but also for all of the clients of these buildings.

As a result, what we have happening now is that the private sector—which is very critical of government in certain ways—is really not acting responsibly in a lot of ways. And this is a case in point of their lack of responsibility and lack of understanding of the need to maintain a stable social fabric in the society in order that wealth will continue to be productive and to be protected.

We had a situation during Christmas where a cousin of mine was suspended from work for two weeks because she refused to not park someplace else and she had gotten orders from management that she could no longer park in the parking lot.

Yesterday someone came to my office to complain about a situation at Barclays Bank. I was shown a letter with a threat against an employee that the bank will [discipline] him for misconduct if he parks today in the Barclays Bank parking lot.

I heard about a similar situation about CIBC Bank. Now we understand, of course, that they do have a problem in regard to parking. But when they were building these establishments . . . some of them not only have their banks operating in these buildings, they are also renting to other firms that need parking spaces. So the competition for parking spaces within George Town has resulted in the suffering of the lower grade employee who is being denied certain rights and privileges that he has come to expect and has had over a long period of time.

I believe, Mr. Speaker, that when we suggest that government gets involved in trying to develop a planned city out in the Frank Sound area, and that private companies be encouraged to build in these areas, it makes sense. We are not going to be able to house everybody in this little small pocket of George Town. I am saying that it is time that we considered how to really develop central George Town into a beautiful duty free area where we have a little park, little benches, and toilet facilities for people; where people feel comfortable walking around the town sightseeing and shopping and so forth and so on.

I am talking about moving the Courthouse to Frank Sound as one thing that could be done, and having the library opened there.

We bought the Racket Club property and we want to put a building there. Somebody is putting a building now on hospital road. Have you any idea what kind of traffic congestion that is going to cause? This is the result of no foresight, no map, no vision, no end in mind. This, therefore, leads to confusion and contradiction. Knowing that we are going to grow rather than to go backward, that we are going to continue to construct (because we are on that particular road at the moment and this is what will happen until we can get things under control) we have to plan for more cars. We have to plan for more people.

Those people know it is going to happen anyway because nobody really wants to get in there and be selective about what kind of development we have. Until we have that, we are going to have more of this.

Now, specifically with the case of Caymanian women, mothers who have greater responsibilities in this society than in many societies because they cannot depend very much upon the Maintenance Law to help support their children because the payments are very irregular.

In a lot of cases mothers have come to me, the same mothers who are working in these banks and are being to a very large extent underpaid. Nothing is done to encourage people to become more collective in their approach to solving their problems, to become more conscious of the fact that when you work for one of the banks and a problem exists that it is not a problem of one individual but it is something that applies to a very large number.

We are talking about the need to improve the working conditions for the working Caymanian people, for the working women in the Cayman Islands in particular. We need to see and we need to understand the role that women play in creating a stable society, being the nucleus, the centre, the core of the family unit which we all brag about, that society could not exist without.

I go back again to *Time Longer Dan Rope*, and my portrayal of *Ella*, that strong materialistic Caymanian woman fending for her family, defending her family, and wishing her kids a good education. How are they going to prepare their children for tomorrow with the wages they are being paid today? Without Government's subsidy for education, without Government's subsidy for pre-school, without Government's subsidy for after-school, the country would really be in a terrible problem.

The private sector must take up more responsibility in this country and stop having this transient type of attitude like they are going to be here today and gone tomorrow. We understand that the future is limitless, but for it to be so we all have to accept this whole concept of inter-dependency as being a more mature form of existence. Thereby, if we are inter-dependent, if we as the local indigenous early settlers accepted that, then the new arrivals must come to accept this as well.

The banks must continue to play a more positive role in the society, getting involved and trying to solve the real social contradictions which might be more of a

threat to our stability than anything else. When the teacher's training begins here on the island I want to see that we begin to recruit some of these women from some of these banks that have spent years there knowing that they are not going anywhere; where their lives begin to feel empty and meaningless.

We want to recruit them and if possible pay them what they are being paid in the bank while they go back to train as teachers so that we can have the teachers to train.

That was the concept I had when I was elected in 1996. And I am glad to hear that we are going towards creating on our shores and within our territory an education training centre. Because if we do that we can pull people who already have family commitments and pay them while they go back to school. Do we realise what kind of impact that would have in re-establishing real values and re-establishing discipline, and authority in our society?

The day when we can get teachers that are truly of the soil—Caymanian teachers, that truly understand the emotions and sentiments of our children . . . Do we realise what kind of day that will be when that happens? And it can happen if government accepts its responsibility, if government understands that it has been empowered by the people to act for the people.

If we begin to make it known to the employers here that they are quite welcome to come here and bring their capital and to make profits with their capital, but not to the extent where it creates malfunctions in individuals and in society to the extent that we must be there to clean up the mess . . . Perhaps one day they will get so tired of the mess that they leave and go someplace else, and leave it for us to clean up. I believe that with vision one can prevent a lot of the pitfalls that have happened in other countries.

We must prevent the pitfall of petty nationalism. But, at the same time we must come to speak for those of our people who have not had the experience in collective actions and collective behaviour.

The Cayman Islands more than any Caribbean island lacks the ability for its people to get together and function as unit for a common cause. We understand that this not only happens in government but it is also phenomenon in the workplace. It takes away the power from the working Caymanian person. They need, Mr. Speaker, to understand that Caymanian people find it difficult to get together, but there are sociological and historical reasons why this is so. Once we understand that we know how to get together, we starting talking about the problems that we have in common.

The women and men at Barclays Bank and the men at CIBC Bank need to start talking about their specific problems and grievances. We as politicians have no business to go there and interfere. But we can advise them as to how problems of this nature are solved. Problems of this nature are not solved by government. They are solved by the people that are affected by these problems. They must begin therefore to look at the solutions together.

They must say '*traditionally we have been able to park there.*' It has been accepted by the Planning Board and by custom in this country that employers provide parking facilities for their employees. It has happened all the time. If the banks want to change it at this particular time, they should only change it if the working people in those banks are in agreement with the change. Or they should give them some kind of compensation for the change.

Why don't the banks get together, the Banking Association, and pay for a piece of land outside George Town or a few pieces of land outside George Town? Let people drive and park their cars and operate a shuttle system. This would help government develop the whole concept of getting rid of all these cars in George Town.

Why can't the private sector also become more involved and more dynamic in solving some of the contradictions in our society? Why is it that they just sit there and when it comes to revenue measures always find criticism of government? But how will government operate without collecting some of the resources, the profits that these people have made to re-distribute among the people?

Our real problem in this country is that we are too nice. But that has also been our asset and we do not want to destroy that. What we want now to understand is that the people can become empowered by a feeling of being more together. And being together doesn't mean excluding other people, as I believe this is the basis to include others.

I believe that the stronger the earlier settlers who came here felt, that the stronger the so-called indigenous Caymanian feels, the less threatened he will feel by the person who came from Jamaica thirty or fifteen years ago, or the person who came from England twenty or fifteen years ago and how he benefits. And how he benefits depends very much upon the conditions in which he works.

Sometimes when people say they are dissatisfied with pay, the money doesn't go very far. But we are suppose to collect revenue here from these same people by way of indirect taxation in order to provide pre-schools and after-school programmes for their children. And which bank, which trust company, which institution on this island has provided a pre-school for the children or cared for all these women that have three to five kids? What is the private sector doing in this country to improve the living conditions of the Caymanian people? Why are they continuing to say because they came here they bettered our lives?

It is like saying that Columbus discovered us and so as a result, everybody's life was improved. That is nonsense! The fact that Columbus discovered the New World did not improve the life of the native Caribbean Arawak and Carib. As a matter of fact, they all became extinct as a result.

The fact that people come here in order to do business does not necessarily mean that our society will be automatically enriched. Wealth has to do with the moral character of a country, not just with the physical conditions that exist. And if the particular type of economic

relationships that are taking place between foreign capital and local labour and expertise actually impoverishes morally the local situation, at the end of the day we are not being helped because we have to pay too much. We have to pay too much to repair the roads, we have to pay too much for the prison, we have to pay too much for the juridical system that is increasing because people are getting in more and more trouble. Everything is broken down.

I said twenty years ago in *Time Longer Dan Rope* that this would happen. And I am saying now that unless we come to grips with the reality, unless we come to the fact that things can be studied, that things can be analysed and things can be changed, the problems will even get worse.

The fact that people felt that it was necessary to silence me for years and years so that my cries about what was happening in this country could not be heard by the foreign investors they thought would run away as a result of seeing my ugly face and hearing my horrible voice has not prevented the problems from developing. It has not prevented the fact that we need to vote more money for Northward Prison, it has not stopped any of these things from developing. I might not have been able to stop these things from developing either. But I think there comes a time when we realise that reason can do much to prevent chaos and anarchy. And if we use our reason and we intervene, if we try to improve before there is a crisis, before there is a problem, will we be better off.

I believe there comes a time when we just can't have business organised and labour not organised. I believe if business insists upon being organised and if business insists at times on being a threat against government when it seeks to raise revenue in order to redistribute it and balance the situation in order to maintain social order, then I believe it is necessary to organise labour. The time has come in this country for working people to become organised. And it is not a crime because sometime organisation is really better than the damage that is being done to individual persons in the workplace.

People who feel that they are not being trained when government is saying that we should train and use the Protection Board to do what individual working people on their jobs should be encouraged to do. The Protection Board has no concerns, no rights in that type of situation. They don't help—they hinder. The fact that on a work permit an employer has to declare how many people he has that are Caymanians, how many people he has who are foreigners . . . Government that controls from the centre in this straightjacket colonial style, as the Governor has said, that is all a symptom of this whole out-dated mechanism.

Government feels if it doesn't control, nobody else should control. So if government's Immigration Board can't control, nobody else should control. If government's Labour Board can't control, nobody else should control. If government's tribunals can't control, nobody else should control. In other words, the power should never be with

the people; the power should always be with this bureaucracy that attempts to control from the centre.

Why not encourage all of the thousands of Caymanian women and men working in the banks and the hotels to organise themselves? Why not? Because of fear? Fear of what? Fear that things will get worse? Well, for a lot of people out there things are not necessarily so good. It is not so good when people think about the prices they have to pay, the fact that they have no rights when they rent an apartment.

People called me up until yesterday to say the landlord had kicked them out. They have children. They have no place to go. We have no power to do anything about these things. There should be some consideration for the kind of social disruption that such untoward things can do and the kind of social disruption.

What kind of effect does it have on a family when they are just kicked out? They have been paying their rent, but because they are complaining about having the roof fixed or having the water done right, the landlord says, 'Hey, look. Supply and demand. If you don't like it, go. You don't want to go? I will let you go. You think you are bad? Don't talk to me.' We need to understand that these things are having dramatic effects upon the social relationships between individuals and between groups in our society.

We have to accept that hate and jealousy which will result from people feeling they are unable to accomplish in what they set out to do, and then other individuals have been able to come into the country and do, will create more chaos than what Frank McField is preaching. I am saying encourage people to talk for themselves, to agitate for themselves, to become empowered for themselves, to accomplish for themselves. And government should get out of it and stay out of it. Government should stay out of the labour relations in that sense. Government shouldn't use the Immigration Board to always come down on companies and talk about training.

There should be Caymanians already encouraged to organise these situations and to discuss with management and to make sure that management is doing what they on the job believe that management should be doing, accepting it when it is fair and rejecting it when it is unfair. And government should stay out of it. If it does anything, it should encourage them.

I believe that the whole evolution with people being trusted enough to express their interest has to take place. I believe we have to stop fearing that if people are educated that they are going to destroy their situation for themselves. And this has been a prevalent concept in this country for so long. 'Give them an education and they are going to mash up the place,' I said this in *Time Longer Dan Rope*, that particular kind of fear—if you teach them about politics, about the constitution, they are going to mash up the constitution, they are going to mash up the country. Teach about their rights as working people and how they contribute and they are going to mash up the country because they did it in other countries. Come on!

Once they become educated, they understand the concept of inter-dependency. They understand that there

is inter-dependency or an inter-dependent relationship between the employer and the employee, between the customer. They understand when they are selling the goods or when they are providing the services that they represent management, and that management is only as good as those persons who represent it. And the customers will only buy what is good because in a free market economy they have choices.

So, we cannot treat working people the way we use to treat working people, as if they were a curse to a society. Working people are a very important part of what complements a fuller society. And the more we develop, the more we will have this differentiation between what he does, what I do, and what the other does. And the more people we will need, the more differences we will have in pay scale and prestige, and in rewards. And we have to come to accept this because we know that there is mobility that is possible.

Although I might not be able to use an opportunity now, as long as the opportunity exists I might be able to use it tomorrow. So, we do not try to destroy the opportunities in the country because as long as the opportunity is there, Mr. Speaker, Caymanians will have the possibility to take advantage of those opportunities.

In other words, if we can come back to a situation of encouraging our people to discuss their problems, to discuss like how we are even doing with the youth at the moment having youth forums . . . You have a problem with drugs, but you are having problems in the work place, nobody is sitting down and discussing with them. They are so frustrated that they go home and take it out on their children by talking negative things in front of their children about one day this is going to happen and the next day this is going to happen, and you wait until this happens. . . Everybody is just bringing doom and meditating doom rather than meditating optimism.

They see no light at the end of the tunnel. They see no solution. They seem to think that they have no leadership. They have nobody that is working with them for them, nobody that cares. When you think about what is happening in the hotels today . . . and those of us who went to the Prayer Breakfast saw not one single Caymanian serve us.

I wonder if anybody ever thought about that. If we go to the Hyatt we will have a similar experience. Nobody is going there. Why? Because we are not in there encouraging them to see that that is not servitude, but that is exchange. They are exchanging their services for money that will allow them to exchange for other people's services. Everybody in this world is involved in this. We are no freer than others in that sense from the obligation to behave in an inter-dependent manner.

That is the human condition that I am talking about. And that is good. I believe God intended it that way because nobody could go off really and boast about being a master. Nobody could boast about being a master because we are all in this together. And even those persons that make a lot of money, at the end of the day they can only consume so much. So they have to use the rest of it for social improvements. They create jobs and they create other things as a result of it.

I don't get into this argument with people about who is the boss and where the boss comes from. Whether or not the boss is Caymanian, English, American, or whatever, I think it is important for us especially poorer people to understand it is the relationships that are important, not who owns. Because what he owns he can't consume himself, you don't own something and take it away. You own it. You have to put in play, it has to be part of the game; you can't pull it away. In that sense, every person rich or poor is disciplined by nature to carry out his activities in a social manner and if we, therefore, look at it that way we find that we don't have to go around being jealous of people. We can say we are all workers in this world. We all work and even people who have a lot of money would go to waste if they sat around and didn't do anything.

There is a concern in the society that those of us who think don't do anything. That is the reason why a lot of people have accused me of having had a wasted life. But what I am saying does not really seem to be the result of somebody having wasted his life. It seems that I have been doing quite a lot of work. I have been thinking because it wouldn't flow the way it flows if I wasn't mature. My thoughts would not flow the way they flow if those thoughts were not mature. If those thoughts had not been encouraged to grow just like seeds they wouldn't flow.

But we have to begin to stop looking down on intellectual activities and intellectual endeavours and at the same time be caught in the hypocritical contradiction where we are talking about holding up our culture—bringing the national gallery into the picture, paintings, and this and that. And yet the little things that we have here still we look down upon. *Time Longer Dan Rope* will be re-staged this year in July. And I hope to have it coincide with the Regional Parliamentary Conference that we are having here so that we can have an activity for the persons that come here to be involved with because theatre is a part of what people expect.

It's the 20th Anniversary of *Time Longer Dan Rope* Mr. Speaker. I am saying if we are going to go to the point of encouraging people to spend millions of dollars to build an art gallery where paintings from France or England or any of those places might come, we have to deal with the real reality that we will have a terrible deficit and a terribly one-sided situation. We will probably develop more of an inferiority complex now because we don't have anything to balance it out with. You don't go and bring people's things to put in your house unless you have something yourself. After a while you are going to want those people's things and you are not going to want anything that is in your house. I mean, we find it with our foods. We don't want to plant anymore in our backyards. We talk about how high the prices are at Foster's, but who is growing tomatoes like how my daddy used to do and my grandfather used to do in their backyards? Who is using the chicken coop to fertilise those tomatoes? Who is growing the cabbage that we used to grow in our backyards? Who is growing the cucumbers and the other vegetables that we were growing? Who has the goats?

Where is the 4-H Club that encourages people to do a little farming?

We have this desire to turn our backs on our Caribbean past. And it has been so great, that the first chance we get, we disassociate ourselves entirely with the soil to the extent that we don't see land anymore as being meaningless. The only thing a land is worth is if you can get a few dollars for it so we sell our land. Then our land is sold and we turn around and we say we must build on our land so that in departing we shall leave behind soil that has not washed away. When our sons assume the mortgage on this land that we toiled over, they should not have to ask where is the soil. Don't give away the most important part of our legacy—the land.

We have to understand that at this particular time we should not shoot people down. We should not bring them down for questioning, examining, and critiquing. The Third Elected Member from Bodden Town has been known to have ideas about the importance of land and the need for people to understand the economics of land and the management of land. If we don't teach the people those things, we are going to be in a lot of situations.

I hear people say that they would like to have Caymanian status be only for indigenous Caymanians, people with at least one Caymanian parent. But how many people get a title to a piece of land because they have a parent that was Caymanian? I haven't gotten mine as yet. I had to go out and buy my piece of land, and I am still not going to pay for that until the next twenty years if I manage to get it done with all the interest the bank charges me. One wonders with all the interest they make why they can't re-invest a little bit more in this society. I think they are arrogant.

So we don't get land for hereditary reasons. So, what do we inherit? You take your land and you sell it off so that your children can't get a piece of land, and then you turn around and tell the government it should not give status to anybody. Now, which has the most power? The status? Or the land. I say the land has more power and I have said that in here before. What we should be guarding we haven't been guarding because nobody has been teaching us how important land is. We have no land politics in this country. We have no land management concept. When people go to the bank and talk about value, the first thing they ask you is: Where is your piece? How much value does your land have?

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

PROCEEDINGS SUSPENDED AT 11:36 AM

PROCEEDINGS RESUMED AT 12:09 AM

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

Dr. Frank McField: Thank you, Mr. Speaker. In regard to the question of Caymanian status and the importance in the fact that getting rid of your land is to divest yourself of

any kind of real economic value and power, too much emphasis is put on what the political machinery can achieve for the general population. In a lot of countries this has been very negative because we expect that once the people capture the political machinery that they will then use it to interfere with the economic activities that are going on.

I believe that a government must continue to monitor the social relationships, but it must be very careful not to get directly involved. We must begin to decentralise that power or that concern which the government has. Move it away from the Immigration Board and vest it with the very people that are in the workplace that are exchanging their labour for goods. The government does not have to be paternalistic in that old plantation sense, getting involved in everything and controlling from the centre.

We have to show people that whatever power and influence you have, has to be power and influence as a result of economics. You cannot waste your land, throw it away. You cannot waste your wages, your salary, throw it away and expect at the end of the day that you are going to have things in your society that are worthwhile from an economic point of view. We need to encourage people, therefore, to not just complain about prices but also begin to do things to subsidise their existence like planting in their gardens and growing different things in a very tropical island like this that has very good weather all year around.

This total dependence that we have led our people to accept has in a way crippled their initiative and their creativity. And to a certain extent has caused them to be weakened as a collective community, that particular kind of collectivism which we had before, that sharing, caring sense of the family system and the importance of the family for self-prestige and self-esteem and pride and everything. We didn't have the emergence of civil government so nationality, which has to do with civil government. It was not considered to be important. What was important was what my last name was, who my family was and so forth and so on.

I am saying that we need to show people what the real values are, that they should participate in those instances. While we are bickering about who gets permanent residency, the government is saying that in order to get permanent residency (and a lot of these cases get status), you have to have land. You have to have an economic worth. So we can see how even the new arrivals are encouraged to exercise the discipline that our own native indigenous Caymanians have not been encouraged to do, which is to achieve or maintain property.

Those people who are given permanent residency have houses and land, and the actual native Caymanians of a particular class do not have these things simply because the government encourages this on one part and discourages it on another part by bragging about how much revenue they collect with regard to stamp duties on land. So the government's revenue process also helps to cause Caymanians to eventually be alienated from their land. Because without people selling land the

government would be short in revenue. We have to look at these contradictions by looking at the system overall.

Now, I have tried to talk about the need to improve working conditions, and I have tried to talk about the need for government to begin to encourage a decentralised approach to labour or resource management in the private sector. I believe that people should be encouraged on their individual jobs to organise themselves in such a way as to be able to negotiate with management with regard to better working conditions.

I have also accepted that there are social blocks in this, and that Caymanians have come to believe that Caymanians can't get together and that Caymanians can't really have this type of behaviour in the workplace. There are no reasons at the present time preventing us from doing that because similar experiences in the workplace where some people have worked together for fifteen years in the same bank, they have worked in the same hotel, that particular common ground, that particular common denominator should act as a very important factor in causing them to be able to get together periodically to discuss their problems and their grievances, and to solve them rather than to going home as individuals and having that kind of frustration heaped upon their children.

The whole idea that we in Cayman as politicians should not be concerned with labour, that we should be more responsive to the employer, to the so-called private sector, is something that comes from our pre-occupation when civil government started with the whole idea of the merchant elite in this country. I am certain not a representative of that particular class of people, although I believe that if I am to serve well I have to be objective and I have to understand the role in which they play in the establishment of business or economic activity in the society.

But I am saying at the same time that we cannot just see it from their perspective. We have to see it from the perspective of the working person also. The perspective of the working person today in Cayman . . . and many of us are working people although we might tend to employ people ourselves but basically we could not exist without working. That is where I make the distinction between the working person and the employer. Because a lot of us think because we hire a domestic or we have a little construction company or something, that somehow puts us in the category of having the same interest as the bigger and larger corporations like the banks and the big hotels. There is a difference and I think that we have to approach this situation differently.

What can be done with regard to improving working conditions at the Hyatt or the Westin has to be done in an organised fashion. There must be an intention to improve the wages of the people there. The gratuity system as it is working is not helping unless we amend the Labour Law in such a way as to have periodical examination of their books. I am not an advocate of minimum wage. I am not saying that I can't be changed and persuaded, but I have found no rational reason to believe that by government intervening and legislating a minimum wage that it would actually prevent the problem. If

there are people who are set on abusing the system, regardless of what system that you create it is very difficult to get your desired result. And the desired results are not just the results of law, it has to be also the result of the supervision of the law. We have to have people who become more involved in what is happening in the hotels in particular, on a day-to-day or a week-to-week basis in terms of the general interactions between Caymanians there and the foreign people that are acting as the responsible persons for these particular corporations.

Now, I understand that when a corporation says it is going to invest in a Westin, or a Hyatt, or a Marriott in the Cayman Islands, it has invested a few million dollars, and it expects a certain rate of return. They are going to try to pinch pennies, but when being a Caymanian mother conflicts with being a worker—yet it is necessary for the woman to work in order for the child to have some kind of maintenance or otherwise it will become a warden of the State—then the State has a direct interest in that labour relationship, I believe. The State has to intervene in such a way or show its intention to intervene in such a way as to cause these individuals to improve.

I have had so many women come to me complaining about the situation in the hotels, in particular the Westin hotel. I know, Mr. Speaker, that there is nobody to talk to. They go to the Labour Board and then they say, *'We are not going back to the Labour Board because we didn't get any results with them.'* They do not understand that the people at the Labour Department or the Human Resource Department can only what the law says. And, of course, the way in which the law was framed, it limits the interest of the government in the labour situation. It was interested in mechanical things, not in the day-to-day on-going relationship between the employer and the employees. This is very important, these on-going relationships, if you are going to have a healthy environment that is productive.

So the lack of productivity that the employer complains about sometimes with regard to Caymanians is a result of the Caymanians being frustrated by the working conditions, by the wages, by the way in which they are treated by people that they don't believe should have the authority over them because they are Caymanians when these people are foreigners. We need to understand the sociology of labour in the Cayman Islands today. The kind of conflicts and contradictions it is producing, the kind of effects it is having upon our children and the criminal behaviour which resulting from it which is causing a contradiction and a predicament for the state in particular.

We find that we have to incarcerate people at a very high cost, and at the end of day, we are building an army that might perhaps attack us if we don't find ways to integrate them and stop their numbers from increasing at the same time. Stop their numbers from increasing by having more counselling in the workplace. Understanding that we cannot stand back and not have people that working people in the hotels and other places can go to for advice, care and comfort, who can give them suggestions as to how to deal with the work situation. That is

their life. They perceive their entire reality through this. We have to understand also how important this is.

Now, I have called people at the hotels to intervene on behalf of Caymanian working people and I have been treated like a dog, just like they are treated. So I just imagine how they must be treated if people in these positions in these hotels take such a dim view of my asking questions. When I said, I am representative of these people . . . *'Well, what gives you the right? Blah, blah, blah.'* If they are treating me this way how are they treating the Caymanian person who cannot sometimes articulate the problem, and who as a result gets frustrated and walks off the job? That is exactly what is wanted.

Government has to ask more than how many Caymanians a particular organisation employs. They need to get involved reports as to what the working relationships are. They have to have a bureau to sit down and evaluate these reports from both management and the workers and decide what they believe the objective realities are.

Mr. Speaker, I have now come to the end of my debate on Throne Speech 1999. Again, I would like to thank His Excellency the Governor, Mr. John Owen, for the courage he has had in showing us how we need the reforms within the Civil Service. I have taken it that if we need the reforms of the Civil Service it would also mean that we need reforms in the political machinery. And when these reforms come we would want to have a political government also that is not jealous of people being empowered, that encourages people to become empowered rather than feeling paternalistic and having to control all of these things.

I would like to thank you Mr. Speaker for your patience and your indulgence in listening to this very long rambling debate. And I also would like to thank you for calling to my attention the other day that I was reading and that helped me really to get away from that kind of paper and to stick to my particular style, which is to talk without those type of substitutes. My wife hates when I talk with paper, but it was just because I spent so much time trying to develop what I considered at that particular point some very interesting phraseology. I wanted to be able to get that across.

I would like to thank members also for their patience in listening. I hope that I have created a framework by which others might be able to develop as we go along because we need as a collective body to have a collective approach to solving problems in the Cayman Islands. Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I am happy to get up and speak after the Fourth Elected Member for George Town because in many respects some of the things which I will be saying complement ideas mooted by that honourable member. Indeed, as I listened to him, I had to remark to myself of the similarity in approach. I was reminded of

the old adage, great minds think alike. The second part of that adage does not apply to persons like he and I.

Mr. Speaker, once again we have come to that time when we discuss what I would like to call the state of the nation. As usual, I shall be critical. But I always endeavour to be fair. I don't consider it my responsibility to praise the government as much as I don't consider it my responsibility to lambaste. And as I rise this time I have to admit that I am in somewhat of a dilemma because I am in the process of a decision of exigency regarding my future.

I am praying about it because I have reached the point where a certain cynicism has set in with regard to politics. And I have to say that I came here with a lot of open-mindedness and some naivety. But I find the longer I stay, and the older I get, the more cynical I become. And I am wondering if it is not time for me to think about the future and my position. It may be a good time to entertain thoughts of departing.

Mr. Speaker, I have not come to any conclusion but it is a matter that I am giving much thought and much prayer to because I have always been a realist, and one of the things that turn me off is people who gets up here and they say, *'speak from the heart'* and they give out ideas. And year after year, people poke fun. People don't even listen. People don't even read over these speeches. Believe you me, I have been here long enough. I consider that I am not the biggest of fools and I read these things and I listen to all the people. No thought is taken to any ideas that are given. I was remarking to myself as I listened to my colleagues speak, *'What a waste.'*

Mr. Speaker, I can do other things. As much as I love representing my people and doing their work and heaven knows I wouldn't change it. I have been honoured and flattered but, Mr. Speaker, there comes a point where someone of my intellectual level has to begin to wonder. I am tired of being shelved, of being called defunct, of being reminded that I am not a millionaire. And ideas that I give out, Mr. Speaker, people poke fun at them and say I left the classroom so many years ago I couldn't possibly be speaking any sense.

Mr. Speaker, do you know what I would like to do? I would like to challenge my intellect by serving my people in another capacity. And I am not making any pronouncements as to my leaving politics yet. I will have an opportunity to do that and if that time comes, believe you me, out of courtesy and respect I will tell my constituents before anyone else. But I am saying that I have a decision of exigency to make. It has crossed my mind, believe you me. I leave politics to the politicians. I am not a politician and I make no pretension of ever being one.

As we face the new millennium, the Cayman Islands certainly has a handful of challenges. I believe that if we are to arrive at a constructive position, we in this House have to arrive at some position where we can set the tone for the development of the Cayman Islands for the legacy that we leave for the Cayman Islands. I am reminded, Mr. Speaker, of the quotation by Alan Kay, that the only way to predict the future is to invent it. That is one of the interpretations I got from what the Fourth

Elected Member from George Town was saying and has said on so many occasions.

But, Mr. Speaker, we have a problem because some of us are scared to invent. Some of us are scared of the fact that ideas and intellect are property just like automobiles, just like land, just like condominiums, just like fancy houses and just like fortune. Some of us have not come to that realisation yet. So, we in the Cayman Islands are faced with a myriad of what I call intractable problems as we launch.

We have this whole business of immigration, and what are we going to do? Are we going to be selfish and insular? Are we going to recognise the efforts of those who have been labouring here for so many years as law abiding, making their contributions through taxes and otherwise, and who are now, some of them, third generation here? Are we going to recognise them? Or can we sensibly do that without laying at risk the responsibilities we have to establish persons like myself and the other members who sit inside here?

How far are we going to go with this whole concept of freedom of information and freedom of speech and a civil society? And, Mr. Speaker, this is a good point on which to start out because I am bothered by some things I hear

The call-in show today talked about the idea that has been mooted that the format be changed from what it is now. A person calling in will have to first call and give their identity and telephone number before they can make their contribution, and then someone from the radio station or the programme will call them back.

Mr. Speaker, let me say, sir, that if civil society reaches such a point where we cannot trust people to express themselves and to be so responsible as to express themselves in a way which is not libellous, defamatory or insulting but insightful, if we want a kind of big brother society then we have to understand, Mr. Speaker, that is a two-headed sword and we are going to have to go around listening in and snooping at every house, every mind, every bedroom.

Mr. Speaker, I am chagrined. I am appalled by the very idea that someone would suggest that. Believe you me, I am far too responsible to be coming here talking about conjecture, and this idea has been mooted. I would hope, Mr. Speaker, that the powers that be whoever they are may have more sense than to tamper with the elements of freedom and democracy in such a way as to curtail and remove from people what in other countries is a fundamental and democratic right. This leads me very conveniently into this whole notion of the absence of any Bill of Rights.

Mr. Speaker, we cannot go into the 21st Century without a document peculiar to the Cayman Islands saying, '*Bill of Rights of the Cayman Islands*.' It would be the most serious travesty that was ever visited upon this country.

I don't want people telling me we are covered by the European Convention and by the British Bill of Rights. With all due respect, it has no written constitution and therefore it does not need any written Bill of Rights. They have by tradition, precedent and practise established

conventions long before the existence, long before perhaps even the discovery of Cayman Islands by Christopher Columbus. So, we cannot depend on them.

I asked a simple question (being a practical-minded country dude), when someone kicks down my door in the middle of the night, and removes me from my property, what number in England am I to call? What is the name of the gentleman or lady I should call saying that my civil rights have been breached? Who? And then, who is going to allow me to make such a call?

Mr. Speaker, I hope the ridiculousness of the situation can be addressed sooner rather than later.

Mr. Speaker, democracy dictates that we have complete and unequivocal freedom of information and freedom of speech. I hope that we can arrive at that point. I know what the usual objections and the usual excuses have been. I want to say too that I am happy to have been associated with the reforms that His Excellency the Governor talked about in his Throne Speech.

He talked about freedom of information initiatives, the fiscal reform, the public sector management, and the opportunity to break out of the straightjacket of a colonial style system of democracy.

Mr. Speaker, I am happy to have been the pilot, one of the foremost. At that time, there were three persons bold enough to come forward and say that we should have fiscal reform in our system. The former Second Elected Member for Cayman Brac (whom I see in the gallery today), the current First Elected Member for George Town and I—and the *Hansards* of the House will show it—were ridiculed. I don't know how we were not flogged.

I suppose the reason why we were not flogged is that they must have decided that they couldn't take that chance with the First Elected Member for George Town being the size that he is.

I am happy to see that we have arrived at that point now where His Excellency said this show must go on.

It is time to break out of the colonial style of democracy. As one who has been castigated since 1978 for daring to write refreshing new ideas about the way I see this country should be going . . . I believe that colonialism had its merits, Mr. Speaker. Indeed, I said that it had served the Cayman Islands well. And one of these days I hope to be able to take that up in an academic forum and develop it and promote it. But now, Mr. Speaker, it is time for us to break out of our shell because it is an antiquated system.

I am not advocating that we get rid of it or that we change our constitutional status. It is like a suit, Mr. Speaker. Style dictates that the lapels are too narrow now. We need to widen the lapels. The suit is too tight around the chest anyway so we need to do some alterations, and these can be accommodated without any major shift in our status.

I believe that the Caymanian people have made wise decisions. We made a wise decision when we wouldn't go into independence after the Federation broke up in 1959. And we have many other decisions, but I don't believe like some people I hear shouting that there

is a boogiemer every time we talk about reviewing certain instruments.

Mr. Speaker, those people are going to be like the dinosaurs—they are going to become extinct if they don't realise that this is the 21st Century and that we have to be pragmatic and practical. And that these documents and these instruments have been recognised by the United Kingdom, whose instrument our constitution is. If you check it out, Mr. Speaker, technically and legally it does not belong to the Cayman Islands.

And if you engage the people from the FCO in any extended conversation they will be quick to remind you of that, as they reminded my colleague, the former Second Elected Member for Cayman Brac, on the two occasions that we had discussions with them. That is their constitution. That is their instrument.

The Honourable Robin Cook talks about a new relationship with the dependent territories. That is where all these things are leading, Mr. Speaker. So we will be ill-advised if we try to retain the straightjacket and don't buy a suit with a little more stylish lapel and that gives us a little bit more (how do they say it in the fashion world?) breathing room and little more manoeuvrability.

So that is why I am not taken in by those people who believe that once you put it there you cannot touch it. The bureaucracy was never intended to function like that.

Mr. Speaker, we in this country have to arrive at a position where we have to be able to understand what kind of country we want to build. That is why, Mr. Speaker, years ago I said that the Cayman Islands could have been the Singapore of the West. We should have taken off on the model that Lee Kuan Yew laid out in Singapore. We had all of the prerequisites: A small society with a fairly well established economic system; a pool of people who were experienced even if the formal education was at that time not too developed.

We had a small population, a very small landmass, and yet we had a very good standard of living and a good economic system.

But we wasted the opportunity. As a result we find ourselves (putting it mildly) in a challenging position. Why? Because the primary resource we had—the land—is gone from the people who once owned the land. And if we are not careful, Mr. Speaker, this is going to be problematic. And I said that way back in 1978. That is why some of the people in here—who are Ministers now—labelled me and gave me such a warm time. But, Mr. Speaker, the chickens are coming home to roost!

We see it every day, in the arguments over rights to the beach, and it is still not settled. Somebody called me up the other day and asked when this is going to finally be settled? When is a decision going to be made as to our access to the beach and who has access?

So, Mr. Speaker, we have wasted many good opportunities and many good years. And on the threshold of the 21st Century we have no idea of the kind of economic and social situation we are facing because there is no scientific poverty in the indices, no accurate indices of poverty.

We don't know, Mr. Speaker, what the Social Service is doing, who it is catering to because we don't have a measure like they have in the United States which says if you make less than this amount we have to consider you are living below the poverty line. So these are things I have been saying. Check the *Hansards*.

That is why I am saying I am becoming cynical, because these are things that I have been saying from the time I came here but nobody is listening, nobody is reading and they think, *'Oh this guy from Guard House Hill, that little black boy, he is a fool. Nobody is listening to him, he is an educated idiot, he is a radical.'* Years ago they said I was 'pink,' a leftist.

I don't know what is going to take. I don't know what happens to people when they become government ministers and believe they have all the answers and they take on god-like qualities. Mr. Speaker, we need to have an index of poverty.

I see that we are taking a census later this year. It would be a good time to include some questions that will give us an idea of how well our society is doing, or is not doing, by letting us know how many people are living on the edge or below the poverty line. Then we can better spend the resources that we have available to help those who are in need.

I heard the Fourth Elected Member for George Town talk about that it is high time we arrived at a position in this country where the multi-national corporations developed a sense of corporate responsibility beside what they have been doing. You know, they come here, they have a good social climate, they have an ideal economic climate, and yet they are reluctant, Mr. Speaker, to be good corporate citizens.

All these buildings are built up with no nursery facilities for the young Caymanian mothers who work in them. And people got to take their lunch hour if they need to take a sick infant to the hospital or to the clinic, they have to sacrifice their lunch hour.

There are no babysitting facilities, Mr. Speaker. And they can't understand that if you have all these facilities right on the spot they are going to get more and better performance because the young mother who has her child downstairs in the nursery is not going to be breaking her neck to leave at 5:00 p.m. to beat the traffic or to beat some deadline. Her child is in the nursery taken care of by a trained child care worker, so she is going to say, *'My boss asked me to complete this report. I haven't completed the report but my child is safe and secure, I will call my husband to let him know I will be late for dinner and I am going to spend an extra half an hour or so doing this report so that I can give it to my boss so he will have it first thing in the morning.'*

But, Mr. Speaker, under the situation now, do you know what the young mother says? *'Boy, it is 5:00 p.m. my legal time is finished. I am going and I will get the report tomorrow.'* So, Mr. Speaker, we have to develop some sense of corporate responsibility and provide for our workers because it is through this that we are going to get the best production without any coercion. It is going to come naturally and the government itself can learn a lesson from these kinds of things.

I hope the next Government Administration Building has a decent cafeteria, with nursery facilities and exercise rooms, Mr. Speaker. Because the men will come to work early too, do an half a hour in the gym, take a shower and by 7:30 am they will be in their offices performing. And then they will stay at work until 6:00 p.m., go to the gym, work out for half an hour, take a shower and they may even go back to work. So we have to begin to exercise intellectual flexibility and foresight.

But these things are not new. Nor are these ideas peculiar to me. Other people have been saying them and I have been saying them for years. I come back to what makes me believe that as a representative I have been a failure, I have been impotent because I have been saying these kinds of things and people have been laughing.

Mr. Speaker, the media bears some culpability too, because they don't latch on to these kinds of things and promote them. But if you say some nonsense, they are quick to snicker and put it in the headlines to make you look bad.

I like it when I am in this kind of mood. It reminds me of my Dad when he was at his best. Things need to be said. I don't really care because I remain to be convinced that I have any audience at all, let alone anyone who is looking and listening and saying, *'we should do these things because it is not too late.'*

Mr. Speaker, taking about corporate responsibility, we have situations in this country where an employee at one of the hotels requested a raise and her immediate boss lifted his foot and told her that the only raise she was going to get was the raise he was going to give her with his foot. Mr. Speaker, these people ought to thank God because Cayman is the only country in the Caribbean where they could get away with that. I mean my constituent told me that the story is true. This is not an apocryphal story, this is true.

I called the Labour Department. I called the establishment and I said, "You know what? If this gentleman is here by the weekend, believe you me, I am going to make this a national issue."

You have some institutions now, banks telling their employees, *'find somewhere else to park because we need the parking space for these other people who are more important than you are.'* And these people are not even Caymanians! They are not for the customers, you know, Mr. Speaker, because if they were for the customers I could understand. But running them out of space that they have been using some of them for months and years for persons who are not even Caymanians. And then the person giving them this directorate is not himself a Caymanian.

We have it all wrong, Mr. Speaker. These people need to wake up and smell the roses. There should be some corporate responsibility. That is why I like progressive countries like New Zealand. What is being promoted is a sense of corporate responsibility. These multinational corporations must do something for the people.

They talk about better performance. That, Mr. Speaker, would stem the tide of the rapid roll-over in staff, it would give them better production, they would have better long term workers. You look at the institu-

tions, look at those entities which have good relations and good rapport and some sense of corporate responsibility among their employees.

There is little to any turnover, little-to-no rollover. I don't want to pre-empt the motion, however, I don't want this opportunity to pass. I was reading in the papers the other day, it is unfair, it is dishonest, it is not in the best interest of the young Caymanian especially for entities to encourage them to come to work not properly trained. And we need someone to tell Caymanians that when they do that they are putting themselves at a great disadvantage because they are eliminating all possibility of promotion or as we say in sociology "upward mobility."

Don't let them entice people by telling them, *'well, you can come, we can take you, you have entry level qualifications and no opportunities for future training and upward mobility.'* And when I read that I was really astounded, I was saying only in the Cayman Islands would entities be allowed to get away like this.

Mr. Speaker, I do not advocate that the government dips into everything. As a matter of fact, I would describe myself as a civil libertarian. But in some instances, the government has to put its foot down. But you know, in all instances the Government can't put its foot down because it's like the anecdote that I am going to relate that happened in my college.

At the Mico Teachers' College, Mr. Speaker, they didn't like beards. The principal didn't like his students walking around with beards so one day two of my friends decided that they were going to grow a beard.

And Mr. Owen called one of them and he said, "Mr. Reece, I want you to take a message to Mr. Suckoo."

So my friend, Carl Reece said, "Yes, Mr. Owen, and what is the message?"

Mr. Owen said, "I want you to tell him that he should shave his beard."

So Mr. Reece said, "Yes, Mr. Owen, I certainly will deliver the message."

But the principal who was very sharp-witted said, "But, Mr. Reece, before you take that message you have to do something yourself. You have to shave."

Before the government can set certain demands, it has to ensure that it is doing things and complying. Then it can demand and recommend that entities in the private sector so do. So it is a challenge, and we are not going to make it. The system is going to break down, the wheel is going to break down if we do not do that. Labour is problematic and I don't know what the entities are waiting for until they address some of these intractable problems that are crying out for solutions.

Mr. Speaker, the Finance Committee of a year ago heard the problems here. There are numerous problems still waiting to be solved that the Labour Board has a backlog of them. The Leader of Government Business, the Minister of Education, Aviation and Planning, gave an undertaking that they would be solved, that he would ensure . . . Mr. Speaker, nothing has been done.

I made enquiries recently. If anything, the backlog has grown. What are we waiting for? You know, some of these problems have been in litigation for years; people

are waiting on settlements. Money is involved. Someone needs to assume responsibility.

So I am saying that it is no use, it is an empty boast for us to talk about how we are progressive, how we are doing well, we are the fifth largest international financial centre, if we have these kinds of intractable problems and we are not discussing them.

Do you know where the Government has a problem too? In one of its statutory boards, I know now that there were three young Caymanian engineers trained and qualified. What happened? They got frustrated and left. The third young man told me he has just taken up a job with another statutory authority as an engineer. Why? Because someone has failed to put in the right succession plan.

They lack the will to put in the right succession plan and then we are encouraging people to go away and get trained. These are youngsters who are in their twenties, and I mean it is a source of frustration and it is unfair to tell them to go to university, study hard to get engineering degrees. We have no succession plan.

How can one person to whom the country has no obligation be in the way frustrating a whole slew of young Caymanians? Mr. Speaker, I mean I could recite a litany of these kind of experiences that would make even an experienced master mariner like you shed tears, sir. The Government can't do anything to the private sector until they do what Mr. Owen told Karl Reece he had to do. The Government needs to first shave their own beards before they can tell the private sector to shave its beard.

Mr. Speaker, I hope that we can get through the matter of the OECD and the European Union and the G-7 or G-8 and all these countries with regard to the demands that they are making upon us. I think we made a fundamental mistake years ago.

We should have been promoting the fact that we were compliant with the international expectations and international laws rather than that we were growing so fast, so soon. Now, we have changed our emphasis and our focus and I am happy for that. But we have some uphill climbing to do and I have every confidence that we are going to do that.

I just want to say in this regard that it may be timely also to keep an eye on what is happening with the European Union and the development of the Euro. There are those financial pundits and economists who say that the Euro will one day supersede the United States dollar as the currency of international trade and international markets. That may not come about tomorrow, but it is worthwhile keeping an eye on it.

As matter of fact, we may even need to develop some kind of unit to strategically set out the course of action that we should pursue.

I believe that such a move would be compatible with our continuing development as a reputable international financial centre. It certainly wouldn't hurt our flexibility and our ability to adapt if we had such a position well articulated and well set out that in case of the eventuality we would not be caught unaware.

Mr. Speaker, it is not easy to remain the champion that the Cayman Islands has been. Any true champion

will not concede the championship lightly. And in order to maintain the championship, the champion has to spend countless hours training in the gym working out. That is what we have to do.

I prefer to term it after Michael Porter, the Harvard Professor. Our competitive strategy must be perfectly honed, we have to take cognisance that our competition is not only regional but it is international. And it is to this regard that the government has an advantage in that members on both sides of the House have decided that where our economic prosperity and our ability to continue to do well economically is concerned there is no division.

We are together hand-in-hand when it comes to maintaining our image and the integrity of the Cayman Islands.

The government must seek to take greater advantage of this by including members from this side of the House more often when they go to international forums. If only, Mr. Speaker, for the reason that the law of averages says that the government is going to change one of these days.

It would be advantageous for persons who might not be in the government now (but who may be members on this side) to have some idea as to what is going on. And since, Mr. Speaker, we are all of the same opinion when it comes to Cayman Islands position, there is nothing to fear by including members from this side when going to these international forums and meetings.

Mr. Speaker, if there is an indication that this is the lunch hour, I would welcome a break, sir. When I get like this my throat dries out rather quickly.

The Speaker: We shall suspend proceedings until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 1:02 PM

PROCEEDINGS RESUMED AT 2:50 PM

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

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

I really regret that I have to be so abbreviated. But I have to be attending the funeral of one of my grand-aunts. So I have to make the best of the opportunity that I have until 3:30 p.m.

Mr. Speaker, I want to spend most of the time I have left talking about education and training and its relation to preparing the Cayman Islands for the 21st Century. But before I get on to that I want to tidy up a couple of loose ends that I had mentioned before.

The Select Committee on Immigration has a glorious opportunity to once and for all craft for this country a sensible immigration law, and rid us of some of the prejudices that we may be harbouring. I only hope that we grasp these opportunities to the fullest extent and prepare ourselves to really take advantage of the greatest the society can achieve through an amalgamation of

persons who have been here, who have laboured and contributed working in tandem with established Caymanians.

I want to underscore that many years ago I came here echoing Marshall McLuhan, saying that the world was becoming a global village. The statement was laughed at then. But, Mr. Speaker, all of us who have perception can see that. And we don't necessarily have to have the kind of prejudice that I read about in a book by the Frenchman, Jean Raspail, when he talked about *The Camp of the Saints*.

We also have to be aware that this business of people smuggling is a growing phenomenon, which concerns the United Nations and the international authorities. But by the same token we have an overriding responsibility and an obligation to develop the Cayman Islands using the broadest concepts, availing ourselves of as wide a spectrum of human resources as we possibly can.

No country is an island unto itself, and I am reminded every day that the great United States, perhaps all of us who share certain prejudices should go and visit the Statue of Liberty and read the inscription on that statue. We will understand how great countries come about.

I hope that we can shed certain prejudices. But at the same time remain pragmatic and true to ourselves and realise that while we cannot take in everyone who knocks at our door, we have a moral obligation to absorb those who have been long suffering and long serving. And, Mr. Speaker, that is the position I have always espoused. I recognise that there are persons here not with family connections, by blood or even marriage, but who are honest, hard-working, and long suffering and we need to be fair and honest with them.

Mr. Speaker, from the point of view that I labour from, all of us (including me, and I traced my ancestry in these islands down to the 18th Century) are expatriates. As I understand it, the original inhabitants of this country when they permanently settled in the first place were Amerindians—people with different physical features that we have, different life-styles. So, while I would not sell my constituents and countrymen out, I cannot lead them into insularity and prejudice on the eve of the 21st Century. I have always stood for fairness.

So we have a challenge and I hope that we can arrive at crafting a policy that is fair and reasonable. We have a moral obligation and especially those of us who say that we come from a Christian heritage and that we are Christians. We have a moral obligation to live and uphold that code, Mr. Speaker.

I want to mention one other thing that falls under the rubric of corporate responsibility. Mr. Speaker, I lament what the oil companies are doing in this country. Not only are they in the business of storing and distributing bulk petroleum products, but they are also in the business of becoming merchants. I found out that their licence really does not allow them to do that. And I am throwing the challenge out, because I want to encourage the government to get on their case.

I have received too many complaints about entrepreneurial Caymanian people who are getting squeezed because the oil companies are using their monopoly in storing and distributing the products, and extending it now to owning the stations and getting people to be landlords. And getting persons who should have been allowed to develop and hone their entrepreneurial skills, making them become mere tenants with no possibility of broadening their investments, and their interest and expanding their entrepreneurial skills.

Mr. Speaker, you know as well as I do (being the world traveller that you are), that the capitalist system breaks down when such a pernicious system is allowed to happen. I have every hope and every encouragement that the government is going to take this matter in hand because it affects our people and they are being squeezed.

Mr. Speaker, I want now to move my favourite subjects, education and training. And it is perhaps at this point that I need to preface my comments by saying that I am going to be critical but I am going to be fair.

I have never, ever in my years here seen it as my responsibility to praise the government without providing the balance of saying where I see the shortfalls in the system. I have said from day one that the weakness in our education system is that we have failed to adequately promote technical and vocational education. Too many of our young people labour under the delusion that they are only important if they succeed in the world of white-collar employment. Mr. Speaker, nothing could be further from the truth.

I am reminded of the old adage that I learned many years ago from Mr. G. H. Owen, who was then the principal of the Mico Teachers' College. There is dignity in labour. As long as that labour is honest labour there is no differentiation between the dollar earned by a man who works with his hands, namely a mechanic, or a mason, or an electrician, and the dollar of the man who works with his brains. If there is, Mr. Speaker, I would like to know.

When you go to the bank on Friday afternoon to make your deposit, there is no difference in your dollar. Except, of course, one is a US and one is a Cayman Islands, or whatever. But if we are working for the same currency there is no differentiation and no distinction.

When I was in the school system, I saw it as a weakness. I still see it as a weakness, and we need to give more than lip service. Mr. Speaker, there is a motion having to do with training, and I don't want to pre-empt that motion. But I want to say that many years ago in at least three debates I gave some examples. And, I have to say again these are the reasons why I have become cynical about this whole business of debate and of political dialogue. For too many years I have been poked fun at, laughed at, made fun of, and reminded, Mr. Speaker, that I am defunct.

I have to say why I am cynical. I am standing up here debating and when I look over there, there is nothing but emptiness. The government thinks my contribution is so worthless that none of the elected members are there.

Mr. Speaker, I wish to God that we had television covering this Parliament so that the people who elected them could see what happens in this Chamber. I hate to have to draw that to your attention, but I cannot let these things go unsaid any longer.

Like Ella Wheeler Wilcox said, "To sin by silence when we should protest make cowards out of men." They think that what we have to say is so worthless or so contemptuous that they are not even here. Anyway, it doesn't really matter because you know under the Westminster system I am addressing the Chair anyway. I am speaking to the Speaker anyway. So whether they are here or not, you know, the show will go on as far as I am concerned.

Mr. Speaker, let me get back to the point that I was developing, we have a basic flaw in our system, in that we have not given enough effort to developing a technical and vocational education initiative in this country. It must begin from the primary school. We must let our students know that there is dignity in labour.

I have to say this again because that is where I got my background, that is where I was at a very formative stage. That is one of the things I liked about the society in Jamaica, they promoted the trades, and they promoted these skills. Even today, they have a plethora of trade training centres, vocational skill centres, and all that. And that is one of things that I liked about that. If we would check our workforce, many of the people who do skilled and semi-skilled labour still bear that nationality.

Mr. Speaker, I remain to be convinced that anything other than lip service has been given to this development. We don't have an institution that we could quite literally categorise as offering technical and vocational skills and education. There are numerous models, Mr. Speaker, that we could have adopted. I talked about the SKF Ball Bearing Factory in Sweden. I talked about what they do in Germany with BMW and Mercedes Benz, the kind of programmes they have whereby trainees spend half of the day in a classroom learning the academic subjects and the other half on the shop floor.

Mr. Speaker, I went to Japan on a technical scholarship offered in conjunction with the Ministry of International Trade and Industry and the Nissan Motor Corporation. When I mentioned these things to the Minister of Education, he poked fun at me and said if I wanted to utilise them and get access to them, I must make the effort. Mr. Speaker, I am not a government minister! I am not a member of the government. I can't write to these people. I am an alumni, but it would be more beneficial coming from him if he made the approach.

Mr. Speaker, I stayed with 1,600 persons like myself from all over the world including countries that we would call developed—Mexico, Bulgaria, Yugoslavia, Italy, India. All of these people were in Japan on various forms of training. It is available, Mr. Speaker, all I had to pay was my airfare to and from for six weeks.

But you see it is no wonder we are no better off because the people who should be listening are not here. Yet they are going to come when its their time and say all that they have done and all that they have been doing. Mr. Speaker, as much as is being done—and I am

not saying that nothing is not being done. More could be done. Much more could be done.

It is unfortunate and regrettable that employers would encourage Caymanians to come into their corporations or their business half-trained, or untrained. I find that deeply regrettable on two counts: on the first count some Caymanian is being robbed of the opportunity to rise to his fullest potential; and on the second count, the employer is shorting himself of the opportunity to eventually have in his employ a well-trained and well-developed person.

Caymanians must realise that if they let the opportunities lull them into that sense of false prosperity, they are doing themselves a great disfavoured. At the end of the day, they are going to be displaced by someone who is properly trained, equipped, and educated. And more often than not, according to stories I am hearing, those persons are not Caymanians.

So, it is for the Caymanian employee or prospect to realise that in all cases it doesn't make sense to go for the glory of the moment. It is not always a 100-metre dash, sometimes it is a marathon. It is better to make the sacrifice and be better prepared and better equipped for the long haul. That, Mr. Speaker, is a position that could be well articulated and promoted by the government by ensuring that there is some manpower needs assessment survey so that they can operate scientifically from a position of knowledge.

To the best of my knowledge, there has never been any scientifically conducted manpower needs assessment survey. And we don't have to spend a whole lot of money doing this. There are agencies of the United Nations that will do this. There are agencies in the International Labour Organisation that will give technical and consultative help with these things. This is the kind of foundation we should base any sensible training programme on so that we can make projections. We can know exactly from year to year what we will be doing.

I hear people in the construction business complaining that they are even passing over the traditional people so much so that no longer are the Jamaicans the primary source. But people are coming in from elsewhere particularly Canada. Everything is based on the small wages that people want to pay.

In a manner of speaking, it is a false sense of reality that we are cultivating. People are only trying to be self-ish by promoting their own causes rather than looking at the broader picture and saying, *'You know what? If we make these things available not only are we going to be better off now but we are going to be better off ten years from now, fifty years from now.'*

Someone has to hold the Caymanian by the hand and let him understand that he should go where the opportunities afford him to get training, get education, get discipline to make the sacrifices which will benefit him in the long run.

Mr. Speaker, I was really fortune. You know, I have to say that this has always been my example and I promote it wherever I can. I had a Grandfather who like many Caymanians emigrated. He went to the United States and became a naturalised American citizen. He

returned to this country in 1959 after working for twenty-five years with one of the major oil companies.

And I remember as a youngster of eight or nine, he was a kind of phenomenon because this black man standing 6 feet 5 inches spoke in the flowing accent of his adopted southern civility.

He left New York and went down south to Texas. It took me years to understand and realise the contradictions. This black man speaking like what we call a southern cracker . . . I couldn't really rationalise that until many years later. I can still hear his voice echoing in my ears now when he used to tell me in the afternoons when we met on the veranda, "Son, if you want to do something for yourself get an education."

And he went on to tell me that it is not like money that you put in the bank today and draw it out tomorrow. It is not like a suit of clothes that you will outgrow. It is not even like a house that you may lose through a hurricane. Mr. Speaker, I really am happy that I had such a grandfather. And today, if you were to ask me what advice I would you give a young Caymanian, that is exactly the same advice I would give them.

Mr. Speaker, my grandfather left me with that legacy and told me, "There is nothing, son, that you cannot achieve if you put your mind to it." And that is what I say to my young Caymanian men and women—get that education.

I heard the Fourth Elected Member for George Town mention problems in the bank because some of them are being passed over, pushed out because they came in with entry level qualifications. And, of course, the institution through short-sightedness, or worse, didn't encourage them to improve their qualifications and standing.

So what happens now? Younger, more educated people are coming in sometimes at lower salaries. So, you have a displacement, natural and otherwise.

One of the things we need to promote more fully is that our people take greater advantage of the educational and training opportunities available to them. And, Mr. Speaker, it goes as much for the government, for the public sector, as it does for people in the private sector. Let us not be lulled by the culture of materialism and say, *'I can't bother to go away to university or technical school. I can't take this course because I will be studying for six months. If I say here I will be making \$3,000 a month.'*

We need to prepare ourselves for the 21st Century. And the education ministry and all the other related ministries have to craft a strategy and design their public relations and their information skills that this is the kind of message that they promote. It is not good enough to say we offer the courses at the Community College.

They are going un-taken because the students are not interested, or they are dropping out. Let us find out why they are dropping out. Sometimes we have to lead the horse to the water and help him drink.

We need educational revolution, Mr. Speaker. That's what we need. We don't need the minister in here telling people that they are defunct and that they are unimportant and that they have been out of their profession

for twenty-five years. And, Mr. Speaker, I have something to say about that.

You know, at the beginning of April the First Elected Member for George Town and I will be going on a global conference learning for the 21st Century. It is being put on by Arthur Andersen in Illinois. Mr. Speaker, we are going to be in seminars with some of the most formative thinkers in the world of business, in the world of finance, in the world of education; people of the likes of Peter Drucker and Jane Goodall.

Responsibility and well-meaning doesn't begin and end with some fortuitous combination of circumstances that they were minister for so many years and they think that gives them a licence to remind other people that they are failures or that they are defunct.

And I harp back on it: These are the reasons why I am cynical and I am as contemptuous of them as they are of me. I believe that whatever happens it is my responsibility to ensure that my colleagues avail themselves of the opportunity to gain as much knowledge to develop and hone their leadership skills so that whatever eventualities occur the Caymanian Islands can be better because there are people prepared.

I don't say that Roy Bodden is the only person available to do this. I want to share it and spread it among all of my colleagues. I never had such a selfish bent. I was the eldest of five, so I couldn't be selfish. But we need to have an educational revolution in this country, such that it covers all spectrums of the learning cycle from the most academic down to the most technical. We need to find out why vocational and technical training has failed.

We need to nip it in the bud. We need to promote that and we need to find a way because it is only by so doing that the Cayman Islands is going to go into the 21st century equipped as the country should be equipped.

Mr. Speaker, I continue to lament the fact that the International College of the Cayman Islands is not given the relevant support by government. And why do we have the Community College and the International College—two institutions? While they should be complementary they seem to be competitive. It pains by heart. It is such a waste of human resources, of physical facilities, of student exchanges, a waste of everything. And I question again why we cannot find a way to narrow the distance, to make these institutions mutually beneficial and complementary.

I have raised the question before and it seems that no one has taken it seriously. I believe that, that is the route we should take. I was hoping, with the mention of the development of a teacher training institution . . . because I know Dr. Bernard Fleury [?], the very imminent and distinguished educator, may now be permanently on the staff of the International College.

I hope that the government if it goes through with the mooted idea to develop a teacher's college can utilise the services of this very distinguished and imminent professor of education.

I have always wondered why we should re-invent the wheel when the wheel has already been re-invented.

We should reserve and conserve our efforts on refining the wheel.

There is no reason why we should not be offering complementary assistance, complementary courses, sharing faculty, sharing other resources, Mr. Speaker. And I want to say that I don't think that education can be developed in this country to the extent that it should be developed when we don't yet have a decent national library.

These things go hand in hand. And while I admit that we have made much ground and we have some good achievements in the academic areas we need to concentrate more on technical and vocational skills. There is no reason, Mr. Speaker, why we should not be soon arriving at the point where in our primary schools almost every student leaves computer literate. I said years ago that we could have been the model. We could have been the Singapore in this regard.

And I want to say something else that I said I wasn't going to say, but I have reached the point where I don't have to be selfish with my ideas.

I think it is time that modern teaching methods dictate that the best and most proficient second language skills are had through the development of a language laboratory. We have a community college, we have two high schools, but we have no language laboratory. How can you teach an accent without having someone exposed to a tape recorder where they can hear themselves and play it back until they develop the proper accent?

We also need to complement our educational facilities with the development of a language laboratory and these kinds of ideas.

I can assure the minister that does not come from defunct people but rather comes from people who are experienced and knowledgeable about the cutting edge of education and educational developments.

So while I am quick to give credit, I also have to speak of the shortcomings and of improvements which could be made. And I say that there is no reason why training, technical and vocational education, could not do better.

I was unhappy about the break because the First Elected Member from West Bay had a good programme. I listened intently to his presentation when he talked about the Cayman Islands training initiative and we let it lapse, and we let it atrophy a little bit. It's an idea whose time has come and we should find a way to get that back on line. I know, Mr. Speaker, there are people who are willing and ready to take advantage of such a programme.

I didn't believe from day one that we should have put it at the Community College. And here is the reason: The Community College is doing well but we have to remember that some of the people going to that programme are not necessarily community college material. The whole atmosphere might intimidate some of them.

I am not saying they can't take advantage of community college courses, but I am saying that before they go to the Community College their skills should be re-

freshed and re-honed. Some of them are young mothers, some of them have been out of school for several years.

And I am not in any way putting them down. I am just being practical. I am saying we should have some kind of orientation period just like when one goes on a scholarship offered by the Association of Technical Scholarships in Japan.

There was an orientation period of sometimes three months depending on the area in which you go. When you are plucked into the classroom where you have to learn the technical skills, they know that you are equipped.

They call it screening. They eliminate failure and dropout because this is an investment in resources—much like people put their money in the bank and expect interest on return. It doesn't look good when you take in 50 and 45 dropout. We have to screen the people and we say, *'Alright, we are going to take you at this level for six weeks before we put you to the level for educational and vocational training.'*

And all the time that is going on, Mr. Speaker, they are offered an incentive, a stipend so that they won't have to worry about where they are going to get formula or pampers for the baby. They are content and they can give all their attention to learning and to the classroom. These are things that the minister and the related ministries need to work on and there is no shortage, Mr. Speaker, of persons on this side to do that.

Mr. Speaker, if you read the result of the survey that was done, we have a problem with drugs: 45.7% tried ganja. I heard my colleague, the First Elected Member for West Bay, say when a certain situation flared up that a task force should have been formed. I don't know where it fell. It must be on stones. Or it got choked somehow or maybe it drowned. Nothing has been done. No move has been made to take him up on that.

These are national problems and they need a national approach. There are people on this side—sociologists, educators, experienced people—who would be willing to work anytime with the government on matters that concern the future development of the country and its youth.

The government should avail itself of the offers and get away from this business of putting down and getting personal and only being interested when it thinks it can one-up somebody.

Mr. Speaker, at the threshold of the 21st Century, we have to display greater political maturity than that. This country is greater than any of us individually and just as great as all of us collectively. This is a partnership. This is an exercise in co-operation.

And the law of averages being what it is, Mr. Speaker, one of these days the wheels are going to turn and the persons that are on this side now are going to be the government. And the persons that are on that side, some of them . . . if they don't become like the dinosaurs, they are going to be over here. It does not have to be a Sisyphean exercise where every year we repeat the same thing over, and over, and every year the same people that we are speaking to don't listen.

Mr. Speaker, as we approach the 21st Century we have all these challenges and more. But the Cayman Islands won't continue on its present level of prosperity and social harmony and economic goodwill if the people who make policy are not listening. Not only have we got to deal with this, we have to deal with crime in cyberspace. We have to prepare ourselves for the Y2K problem. There is no shortage, Mr. Speaker. But, if we break down in one area, we are going to break down in all the other areas.

I want to end my contribution by saying that the reason the Caymanian people elected 15 people was (in addition to the Constitution saying that there should be 15 elected members) that it takes 15 elected members in collectively to develop the country. It takes many more, but for purposes of the Parliament, it takes 15.

This, Mr. Speaker, should not be a forum of "us" versus "them." It should be a forum for the betterment of the country. It shouldn't be a forum where I look across and say, *'you are defunct, you are not successful, you are not a millionaire like me.'* It should be a forum where if you have a good idea sir, let's hear it—let us talk about it, let us flesh it out. We are all here under the same hospices, same objective for the betterment of constituency and country.

We can make this a good place if we are serious. But it will never become anything other than a mediocrity if what is given with good intent and sincerity is flouted and not even listened to, and people exercise contempt by not even thinking enough of other members' contributions to give them an ear. Mr. Speaker, I hope that my remarks fall on fertile ground.

I rest my case and hope for the best for my country and its people. I hope that when the government gets up—particularly, I want to challenge the Minister of Education—that the debate will be within the parameters of policies and what they plan to do and how we are going to meet some of the challenges that I have spoken about. I hope they are confined to that, Mr. Speaker, because I am tired of hearing about my pedigree.

Mr. Speaker, in spite of what some people may believe, I am not necessarily singing a swan song. But, trust me, I can do other things besides stand up here and speak to a sometimes empty Chamber.

Thank you, sir.

The Speaker: The floor is opened to debate. Does any other member wish to speak?

Mr. W. McKeeva Bush: Mr. Speaker, may I suggest the break, sir?

The Speaker: Provided someone will speak when we come back. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:30 PM

PROCEEDINGS RESUMED AT 4:06 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continues. Does any other honourable member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. There is an old Latin saying which goes like this, "**Lupus pilum mutat, non mentem.**" What that means, Mr. Speaker, is the wolf changes his coat but not his disposition.

I would have preferred to have heard some of the government's case in putting forward its policies before any more of us from the backbench had spoken. But I gather that the logic put forward by the government is that it has the inherent right to sit and listen to all that is said by the backbench, and then it can reply to everything that is said.

If one remains insular in thought that could seem to have a certain amount of logic to it. But one of the things that the government seems not to be aware of, or pay any attention to, is the fact that when His Excellency delivers a Throne Speech, which encompasses all of the ministries and portfolios and their supposed policies and direction for the ensuing year, he certainly, sir, is not expected to flesh out these policies and directions.

Basically, all that he is able to do is to give a synopsis. Therefore, it becomes incumbent on the government and those individuals responsible for each of the ministries to be able to expound on these policies and to let us and the people of the country know the direction in which the government is heading.

So, Mr. Speaker, I am going to choose this late time in the afternoon to try to explain to the government why it should employ a different tactic if it wants this Parliament to work properly.

If the love of what you do exceeds the labour of doing it, success is inevitable. I wish that the games would stop. We have talked about it before and I am going to say clearly here this afternoon, that I am not going to allow myself to fall in line with that (for want of a better word) perverted way of thinking. We have a responsibility to the people of this country.

Government continues to complain that we criticise and we fantasise and we do all kinds of things but we never offer any alternatives or any solutions. What the government needs to understand is that while we are thinking persons, on many occasions if the government is not prepared to equip us with information. We certainly are not in a position to be able to offer these alternatives or solutions to some of the country's problems.

But you see, Mr. Speaker, some of those who have been here a mighty long time are set in their ways. That is why I gave that little Latin phrase because the wolf does change its coat but not its disposition. I can only hope that by some act of God—because it doesn't seem like any act of man will do it—that others around the wolf will find their own way rather than following suit with the fixation that exists in that area.

This Throne Speech which (the final one given by this Governor) touched on several areas which are very, very important to all of us. I think to follow up what the Third Elected Member for Bodden Town said in his con-

tribution, we need to really perform our duties with a new way of thinking—"we," meaning the representatives of the people of this country.

I have, on occasion with a bit of disgust, spoken about how we do what we do and that many of our efforts are actually wasted because of the one-upmanship that exists between us. And I will admit that on occasion I have allowed myself to fall into the trap—because that is what it is, a trap. Whether it is purposely set or not, it is a trap. I would like to believe that we can begin to look at the whole situation in a different light and, perhaps, we would be able to be more productive in the future.

Now, Mr. Speaker, it is late in the afternoon so I don't intend to go into any detail of any specific topic. But let me say this: God willing, when I continue tomorrow, sir, there are several specific areas that I will be addressing.

To prove what I am talking about, I noticed, Mr. Speaker, in the Governor's Throne Speech under Aviation, Cayman Airways, which to me is a subject that is very, very important to all of us given the circumstances which surround the airline. In that speech, there is one line about Cayman Airways—one single line! **"Cayman Airways is considering purchasing a third jet to increase capacity."** Boom! Finished! No more!

Now, it seems to me government was prepared to just leave it like that. But, perhaps, that is one of the topics which the government—namely, the minister—doesn't wish to talk about. For the punishment he has put me through in the past, I can play a little bit of tit for tat. I don't want him to sleep well tonight. I need him to make sure that he does his homework to have every bit of information on hand because tomorrow he is going to be tested.

He is not going to be tested with acrimony and bitterness or anything like that. I would like to believe that we can get beyond that. I know I can, but there are many issues which need to be addressed. And I just happened to use that one. I could have used any other topic, but it comes down to the way that we do the business of the country.

Mr. Speaker, we have to be able to speak freely about these matters. We have to be willing to listen to the criticism. And, hopefully, it is constructive. Sometimes criticism is levelled in areas where at the end of the day it may not be deserved.

But you see, if the information is not forthcoming so that we have the facts available to us, then naturally we are going to form opinions based on the limited knowledge that we have on the subject.

So when I let the minister know that he must do his homework, while it may be taken slightly in jest and/or perhaps it is possibly also taken as a threat, it is neither of the two.

Mr. Speaker, this time around we expect the government to be willing to take the time out to be prepared, and to expound on their policies, at least to the point where we have a fairly clear indication as to the direction we are heading.

I believe that it is not an unfair comment to say that to this point we have seen no clear, cohesive effort to

show a sense of direction by the government. At best, we see individuals speaking about individual situations. Prior to this, I referred to an octopus without a brain. And that is not meant to criticise anybody and to suggest that the members of the government are not intelligent people. But if an octopus has eight tentacles and doesn't have a brain, I want somebody to tell me which direction it is going to head in?

So, Mr. Speaker, let us see if finally the octopus can acquire a brain. And we are going to see if the government is prepared to come forward and let us know about the direction in which it is heading.

It is not good enough to hear the Minister of Health tell us about the new hospital. Or the Minister for Community Development tell us about a new initiative about youth, or the Minister for Tourism who has taken on Public Works to tell us about road works. Or the Minister for Education, Aviation and Planning to tell us about an update on the curriculum that is being developed in the strategic education exercise that is going on. Or for the Minister of Agriculture to tell us about the Mealy Bug disease and what's being done.

After all of that is finished, Mr. Speaker, the country must have a direction. And if the government fails either to believe or understand, or want to take on the task of putting the country in a direction then, Mr. Speaker, we may as well be government-less.

Because unlike what individuals may believe, in the same way it suits them to tout collective responsibility so too in the same way is it incumbent on them to understand that their role as the executive elected branch of government is to lead the country in a set direction.

When the Fourth Elected Member for George Town spoke about a myriad of issues, which dealt with people, which dealt with problems that exist with people in the country, Mr. Speaker, it was obvious from his tone that frustration has transcended from the people to him. I know how that feeling is. I have lived it—and I am still living it. Mr. Speaker, the reason for all of that is because we have no direction. That is where the problem lies.

So when government makes decisions based on political fall-out that gives a clear indication that we have no direction. . . because if the government were prepared to set a course, then the decisions would not be based on political fall-out but on the course that they have set. I don't know if that is making sense to some people. Let me explain that to the best of my ability.

Everyday we find another problem that has developed. If all we do is spend our life reacting to problems that arise, Mr. Speaker, it is almost a safe bet to say that we will spend our life hearing those problems and never be able to do anything about it because we have no direction. Perhaps, someone should get up and question my tedious repetition of the word, 'direction.'

That little word is going to either make or break this country. There are too many things happening too fast and there are too many things that are happening that no one has the ability to do anything about because—one more time—there is no direction!

Let me use an example: If there was clear direction in the country then we would have a strict and workable

policy based on all information available to us to deal with development. All of us, including me, can get up here and talk about sustainable development, we can talk about a development plan, we can talk about how this is the first government that did the review of the development plan and all of that. But in the final analysis it means nothing.

You have this plan, you have a central planning authority, you amend your regulations, you do this and that to your law . . . but, if you check what is happening with development, nothing has changed. Nothing! It is just getting more and more cumbersome to deal with.

You have developers on the one hand complaining about how the bureaucracy is too over-bearing and they are not of a mind to develop anymore. You have the conservationist on the other hand who says the land is being raped and there is total disregard for ecosystems and the environment and its health. All we are dealing with is who can make the most money.

Mr. Speaker, whichever side of the fence we take no one is satisfied. There is no formula where you are testing the integrity of anything that is being done, and equating it to what will my country be like ten years from now, or even five years from now. So, while not professing that all of this is an exercise in total futility, the truth of the matter is that at best we are skirting the periphery. We are not dealing with what we have to deal with.

All of this talk may seem to be abstract and generic but, Mr. Speaker, let me put it bluntly this afternoon before you close, sir. This country cannot continue to survive and move into the 21st Century with any government operating in the fashion that this government operates today. It cannot! The statement is not made for the individuals who make up the government to take umbrage. If they wish to do so that's up to them. I am just explaining that is not the point.

The point is simply this: If we do not understand and accept that we have to set a direction, we have to set a course, we have to set global aims and objectives to reach for . . . we are lost. Totally lost! We may as well all go home, or go fishing.

[inaudible comment]

Mr. D. Kurt Tibbetts: Someone just mentioned, Mr. Speaker, that's true. Perhaps that is not a good suggestion because some of us might go fishing and all we will do is drift and we still won't have any direction.

So maybe tomorrow when we come back we will get into the meat of things and go into some of the specific areas, sir. I do trust that the government will be prepared to deal with some of the issues at hand and be willing to get up and speak about them.

Mr. Speaker, before we close off this evening, sir, I wish to seriously challenge the government because they have not exhibited one inch of thought about a general direction in which the country is heading. Government—this one, the next one, the other one—must understand that a big part of the responsibility is putting the country in a direction. Perhaps, some of them will find some words to deal with that when they get up.

Mr. Speaker, I see you are looking at your watch, and I would be quite happy to stop until tomorrow.

The Speaker: We have reached the hour of 4:30 p.m. I would entertain a motion for the adjournment of this Honourable House.

Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman Boddén: Mr. Speaker, I move the adjournment of this Honourable House until 10:00 am tomorrow morning.

The Speaker: The question is that this Honourable House do now adjourn until 10:00 a.m. tomorrow.

Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourn until 10:00 am tomorrow.

AT 4:33 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM, THURSDAY, 4 MARCH 1999.

**EDITED
THURSDAY
4 MARCH 1999
10.34 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Questions to Honourable Members/Ministers. Question 7 is standing in the name of the Fourth Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 7

No. 7: Dr. Frank McField asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources if the debris from the Holiday Inn site was dumped at the public land fill site, and to state what amount of debris was dumped.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources

Hon. John B. McLean: Based upon information provided by the project developer, an estimated 2,000 to 4,000 cubic yards of material was disposed at the landfill from the Holiday Inn demolition. Unfortunately, an accurate weight was not recorded because the weigh scales were out of commission due to a lightning strike in August.

SUPPLEMENTARIES

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister tell the House if such debris is usually deposited at the landfill site? If not, can the minister tell the House why a departure from practice was made?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The most I can say is that it is my understanding that sometimes persons who actually demolish places will deposit it at the landfill. Other times it could be that the contractors would actually take the debris and use it elsewhere. But it is my understanding that the amount in this instance is what I have told the House.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister tell the House whether any special permission had to be issued from the department which administers the landfill site for this material to be deposited? If so, upon whose authority was the arrangement made?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I presume that some sort of okay would have been given by the department in order for it to be dumped there. But as the member knows we have caretakers at the landfill site and stuff is deposited there on a daily basis.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Is the minister saying that he is not aware of exactly upon whose authority the decision was taken? Is there any written directive or letter of permission to his knowledge? If he doesn't have it in his possession would he give an undertaking that he could get it so that it could be laid on the Table of the honourable House?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I will not in any way try to withhold any information. If the member is aware of something I will investigate it. I have no problem in laying it on the Table of this honourable House.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister say whether this practice of allowing material from construction sites is going to become a common practice? And if not, how is it going to be explained to other persons clearing sites that they will not be allowed this opportunity?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that when stuff from construction sites is not taken to other areas it has always been accepted at the dump.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say what led to the discontinuation of the debris being dumped at the landfill site?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: If I am understanding the member correctly, he is asking me what caused the discontinuation of it. To the best of my knowledge if somebody clears an area the debris is taken there, if it is not utilised elsewhere. If somebody has other information that I can check on, I would be glad to do that too.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: What I am basically trying to find out is if it is customary to dump debris from construction sites at the landfill. If so, why did they not dump all the debris from the Holiday Inn at the landfill site? Why did they stop at some particular time? Did it have something to do with the persons in charge of administration at the landfill saying that it was too much and they could not absorb that quantity? Was there any kind of policy decision from that department which effected the stopping of the debris there?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Not to my knowledge. I am not aware of anybody saying that they could not dump the material there. Further, it was my understanding that some of the material was going to be utilised for the remainder of the project, and that's as much as I can say at this time on it.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: It would interest me to find out whether or not the people who were responsible for the dumping of the debris wanted to dump the whole amount, and if so would there have been any regulations to prevent them from dumping all of the debris of the Holiday Inn at the landfill site?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would think that whatever is to be dumped at the landfill site, if those in charge on a day to day basis saw fit, they would definitely do so. But the kind of material we are talking about there, I don't know if there was an arrangement with somebody else to utilise it for fill in other areas. I cannot comment any further on it, I really don't know.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: The questions I am asking are not specifically having to do with this particular situation. I

am trying to understand the minister's policy is in regard to construction companies being able to dump the debris at the landfill. Obviously, with all of the construction we have in the islands, if everybody is allowed to dump there the landfill will be filled up even faster than we thought.

Are people allowed to dump whatever quantity of debris they have on the landfill without any restrictions, without any cost, or without any approval from persons at the head of this department—not the people there watching the trucks come in, but the people at the top?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Approval, yes. I don't think there is anything that would say materials such as we are talking about should be rejected. However, I think this is the first time that we have had such a large amount because this is probably the largest building that was ever demolished and the debris has been sitting on the site.

To the best of my knowledge, I believe that those at the top would definitely look after the matter considering that we have a small area that we can actually add some stuff like this. But as far as I know this is probably the first time we have had so much debris and most times those who demolish the buildings will actually take it and fill land elsewhere. I will give an undertaking to speak to the lady in charge and whatever information I get, I will be happy to pass that on to the House.

The Speaker: Third Elected Member for Boddan Town.

Mr. Roy Boddan: Given that we are aware that the landfill site is almost up to its capacity—indeed some authorities suggest five year maximum—what is the policy and disposition of the minister and his government regarding this practice? The minister by his own admission has said this is the first time such a large amount of this type of material has been deposited there. Is the minister in a position to tell the House the government's disposition, and that of his ministry, regarding such large-scale deposits in the future? Bearing in mind the suggested life span of five years of the present landfill site.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I pointed out before, we have persons who will be and who are looking throughout to find out where we can get adequate space for such a thing as a garbage dump. However, I am sure that all members will agree with me that nobody wants a garbage dump in their backyard. I am not referring to their backyards totally. I am referring to their districts. We are definitely looking at the long-term solution. But at this time I don't know what else we can do if the person who demolished the building was not someone who actually wanted to purchase the material and put it somewhere else to fill. I think it is an obligation that government will have to take once we have agreed to construct another

hotel there. I guess we have to actually provide the area where we can put it.

The Speaker: If there are no further supplementaries the next question is number 8, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 8

No. 8: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources what is being done to provide alternative sites to the present cemeteries in Bodden Town and Spotts.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: In preparing its cemetery report to the Ministry, the Department of Environmental Health has researched projection data and the status of existing cemeteries on the three Islands. The Department of Environment Health worked on a committee with the Public Works Department to maximise any remaining capacity, including the Bodden Town cemetery.

Pending a formal land survey of the cemeteries to be performed by the Lands & Survey Department, representatives from the Public Works Department and the Department of Environmental Health will meet with a representative from the Planning Department to make final recommendations on future cemetery capacity for the Cayman Islands. The final report will address the issues of location, ownership and size of future cemeteries.

SUPPLEMENTARIES

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say when the House may expect such a report?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that we should have a report for the next sitting of the House.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noticed in the answer that the minister said "the Public Works Department to maximise any remaining capacity, including the Bodden Town cemetery." I would hope by inference that that also takes into consideration the cemetery at Spotts, and I would like the minister to confirm as much.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The district is Bodden Town and it would entail all cemeteries in that district.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say whether or not there have been any orders from the ministry to stop anyone from building vaults in the cemeteries recently?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that especially in the West Bay cemetery a lot of plots have been purchased over the years, and they are actually owned by individuals for their families. I don't think that anybody has actually said that nothing could be done, but we continue to enforce the areas owned by government.

I would be most grateful, if the member speaking knows something, if he would pass it on to me and I will make sure it is taken care of.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: So, if I am understanding the minister correctly, he is saying that in regard to public space no one can build, and that's the way it should have been. But in regard to private space, anyone owning private space can continue building if need be.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that they can continue because they actually purchased the plots.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if in this report being prepared there is a projection in regard to the intended time span based on historical data that government is trying to prepare adequate space for?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I am sure that the report will give the full extent of what the projections will be for the future, so I would have to say that I am hoping that is what the report will actually say.

I would also like to amend something that I said earlier. I think I referred to the next sitting, I think I should have said next meeting.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Based on what the minister just said, can he inform us as to what term of reference this report is being prepared under and from where did these terms of reference originate?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The actual committee met with me and other members of the ministry, and personnel from the department concerned. After several meetings it was decided that we would have a report sent to us after investigation in the different areas to see exactly what was necessary for the future. This is exactly why I can speak to the different districts and what necessary things will be needed for the future. I think we should not just concentrate on the land space but the different methods also have to be in the report.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Just one final supplementary. Can the honourable minister say if anything is being borne in mind regarding present and future development of cemeteries by private enterprise when it comes to the report? It is my understanding that there may be individuals who are presently in the process of doing such a thing. I just want to make sure that in the study being done that it is borne in mind that this is happening.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that all of this will be taken into consideration.

The Speaker: Second Elected Member for Bodden Town.

Miss Heather Bodden: In regard to what the honourable minister said about getting the information for the next meeting, I would ask him to please make sure that that information is available because I am sure that each of us in this honourable House knows that every weekend almost there is a funeral in Bodden Town—

Mr. D Kurt Tibbetts: All over.

Miss Heather Bodden: The First Elected Member for George Town said "all over," and that's so true. But yesterday evening I was heading to Bodden Town and I noticed that there was a very small gathering and the people were actually placing their loved one in a vault that was almost right next to the road. I guess everyone can see from that that the space is getting very scarce. So I would ask him to please do that undertaking for us.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

As today is Thursday, I would ask the Honourable Minister responsible for Education, Aviation and Planning to move the suspension of Standing Order 14(3) in order for Government Business to take precedence over Private Members' Motions.

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(3) in order for Government Business to take precedence over Private Members' Motions.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(4) SUSPENDED TO ALLOW GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER OTHER BUSINESS.

The Speaker: Item 4 on today's Order Paper, Government Business, continuation of debate on the Throne Speech. The First Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19 FEBRUARY, 1999

(Continuation of debate thereon)

Mr. D Kurt Tibbetts: Before I continue my actual contribution to the debate on the Throne Speech, let me take a few minutes to try to clear the air about a little issue that has developed. It is in regard to what is on the front page of the newspaper this morning where it says "MLA Tired of Being Shelved." The reason I am doing this is because the member in question, the Third Elected Member for Bodden Town, has had his say on the matter and perhaps he will not have the opportunity to clear the air on it, so I should do so. And I will!

I understand the role of the newspaper and I am not going to get into any confrontation with the newspaper about the headlines or its contents, but I think this needs to be cleared up. First of all, while the member in question might have vented certain frustrations given the experiences he has had while being a representative of his people, I don't think that when he referred to people poking fun of him he was making any inference to the public. When he spoke about people not listening to or reading his speeches it was very clear to me (and I was here listening yesterday) that he was referring to some members of this Legislative Assembly.

So, I want to make it absolutely clear that no reference was being made to the public in regard to his frustrations.

Secondly, I believe I can say with some authority that I know that member very well. And while he and others might feel and sometimes voice those frustrations I am totally confident that he has no intention at this point

in time of not serving the people of his constituency and this country. I believe that anyone who interprets what he said yesterday as the end of his political career would be grossly mistaken.

As the newspaper said, **“When the MLA turned to the Throne Speech, however, there was still plenty of political fire there.”** I can assure his constituents and the people of this country that there is still a lot of fire there, and I am certain that the care that member has for this country will not allow him to give up the ghost so easily. Besides that, I am also very sure that that member realises there is a role for him to play in this arena in the future. And I am certain that there are expectations by the people of this country for him to do just that, and I have every confidence that he will.

Mr. Speaker, when I closed yesterday afternoon I was giving a general overview the way I perceive that government should be exercising its leadership role when it comes to directing this country. And before I get into any specifics I think it is worth saying at this point in time that when I talk about the direction the country should be heading, that I talk about leadership.

Leadership comes in many forms and in many places. One thing is necessary. When we look at the membership of this Legislative Assembly, lest people misunderstand our role, I think we need to identify the fact that the leadership required of us does not necessarily mean that one must be the smartest kid on the block. It doesn't necessarily mean that one must be the most educated person. It doesn't necessarily mean that it is the one who talks the most. But it requires vision. It requires a bit of courage and, I daresay, it also requires a bit of fear sometimes.

While some people in this world would like others to believe that they don't know what fear is, I subscribe that once a person recognises that fear is part of the makeup that God put into us, then it is for us to recognise that fear and use it in the right fashion. Lots of times, if you do what is right with fear, you make better decisions. So a little bit of that has to go into it too.

To me, leadership is like travelling the world: No one ever really lives long enough to see all of it. But if leadership is to be handled properly then what is important is that you make sure you see enough of what you are privileged to see, and you don't jump from place to place. I am going to get into certain specifics that I wish to discuss in my debate and let me say that I have taken a different course this time.

Usually I try to touch as many areas as possible, but having been here the length of time I have been, perhaps I can be more effective if I take some areas and delve into them a bit deeper rather than utilising my time to try to cover the whole ambit.

As I said yesterday afternoon, the first topic I am going to be discussing is the topic of Cayman Airways. So that it can also be made very clear, Cayman Airways has been touted as a political football. And it is also known to have been on many occasions a sore topic where people take sides and use Cayman Airways to show up a government or vice versa.

In recent times the minister has said that he is not about to make Cayman Airways a political football, and I hear what he is saying. But I want him to know that my discussing Cayman Airways is not with any intent to make it a political football either. I want to make it very clear that the reason I will be discussing Cayman Airways is because it is apparent to me that the people directly involved are afraid to deal with it publicly. So, with very limited knowledge—and I accept that it is limited—I have decided after much discussion with my colleagues on the backbench, that I am going to try to say enough about Cayman Airways to make sure that certain aspects of the running of the company are dealt with openly.

I believe, as do my colleagues, that there is a fear about dealing with Cayman Airways publicly because it has been this huge political football. We believe that it cannot remain as it is, it cannot continue to be run as it is, and we have some serious decisions to make about the airline. I don't think that having great fears about discussing it will get these decisions made one way or the other.

I am going to delve into it and deal with the facts as I understand them. If we look at the financial position of the airline, . . . let me quickly refer to a statement made in the Legislative Assembly on 11 June 1997 by the Minister of Education, Aviation and Planning. I am not going to read the statement, but I am going to use some extracts from it. The Minister said, “During the period. . .” Let me stop here, Mr. Speaker, so that I can try to make this absolutely clear.

Mr. Speaker, on my word of honour, what I am going to do about Cayman Airways is with the purest of intention. So I don't want the minister to believe that this is a one-off thing with he and I. And I would like him to listen to what I am saying. I am not suggesting he is not listening this time. I just would like him to listen to what I am saying and understand that we wish to do something sensible. We do not have the authority. On more than one occasion we have talked about the subject with the hope that we could get something going because it is going to take decisions at his level to deal with what has to be dealt with. But so far we have heard nothing, thus the reason we are dealing with it in this fashion.

Perhaps when I am through the minister can fill whatever gaps there are, or perhaps he might feel a sense of relief and find himself in a position where he can talk about it. We will see what happens.

Getting back to the statement. The minister said, **“During the period of 1983 to the end of December 1992 the Airline had total accumulated losses of US\$36.9, . . .”** He went on to say, **“It is very important to remind Members that this Government did not simply hand the US\$20 million over to Cayman Airways' previous management for them to further squander, as was done with the previous US\$12.5 million profit from the . . .”** That part is not important. He went on after talking about the \$20 million loan that was taken out in 1993 and he said, **“And that was still not the end of it. After all I have just described** [talking about how in 1992 there was \$36.9 million accumulated loss and in 1993 there was a US\$20 million loan

taken out by government] **there was still US\$19**[.3 million] **of liabilities remaining.**" Now, I don't want to bore people with a lot of figures, but some of this is important if we are going to get the full picture.

This statement was made in 1997 on Wednesday, 11 June. The minister went on to say, **"Since the end of 1992, we have been able to reduce the liabilities from US\$19, to US\$15 [I am rounding these figures off] in 1995, for an overall reduction of \$4. For the first time in five years Cayman Airways reported a small profit of US\$1 in 1994. In 1995 the Airline reported a loss of US\$1, and in 1996 an unaudited report puts the loss at approximately \$1.6 million."**

In the next paragraph the minister says, **"During this time Cayman Airways has worked diligently at improving its overall performance. It has systematically worked at reducing its debt; . . ."**

He then asked the question, Where are we now in 1997? And he went on to say, **"However, by the end of 1996 it was evident the Airline was headed for its second year of consecutive losses [This was after reporting a small profit in 1994. It lost about \$1.6 in 1995 and there was another loss in 1996 of approximately \$1.6 million] and the preliminary Budget Estimates for 1997 had forecast a loss of US\$2.6 million."**

So the minister said, **"I decided to take the situation in hand at once. Unlike the previous Government, I refused to let the problems escalate to the point where the Airline was once again losing as much as \$14 million a year."**

"In February 1997, the Board took the decision to ask the former Managing Director, Mr. Ray Wilson, to return to Cayman Airways Ltd. to lead a quick turnaround exercise. Since his arrival, Mr. Wilson, working closely with the General Manager, Mr. Mike Adam, has been able to reduce costs by \$2.6 million, and the budget now forecasts a small profit at the end of 1997."

"However, what has become clear to the Managing Director, the General Manager, the Board of Directors and the Ministry, is that the financial problems faced by Cayman Airways in 1997 are not of a nature that we can downsize our way out of; . . ."

This is what is important, Mr. Speaker. In his statement of 11 June 1997, the minister accepts that it is very clear that the problems facing Cayman Airways are not problems which can be solved by downsizing—which was what was done when he took over at the end of 1992.

He also said, **". . . neither can we significantly reduce costs any further. The Airline's survival is now critically dependent on its ability to generate revenues."**

Let us now move into the airline's position. When he made that statement in 1997 he said that there was a projected profit for 1997 after this quick turn around exercise was supposed to have been done. So, we heard the statement and we sat and we waited.

Now we have available to us the financial statements of 31 December 1997. When we look at the net loss for the year (and this is after subsidy), we see that in

1996 it was approximately \$1.63 million. And even with the efforts that were made in 1997 what we see resulting at the end of the year, instead of the small profit which was projected, there was a loss of \$2.15 million.

These are the facts as presented to us. So what has happened is that after an operational profit in 1994 we had successive losses in the airline. In 1995 there was a \$1.6 million loss, in 1996 approximately the same thing, and in 1997 there was a \$2.15 million loss. In 1998 the figures as I remember them showed a loss also. A loss that was less than that of 1997, but it was still a loss.

What the airline is facing as it stands right now is that no matter what they do, no matter how tightly the ship is run, given the circumstances that prevail around the airline I contend that after subsidy the airline cannot make an operational profit. I think that what I have just proven historically substantiates that statement.

Having said that, every now and then I will interject (so that everyone will understand) that I am not here trying to paint a picture of gloom and doom for Cayman Airways. I just want to present the facts so that we can sit down and make some serious decisions as to what we have to do because we have to do something. Let us go on further as to where we are.

At the end of 1998, the current liabilities of Cayman Airways were \$22.5 million. The accumulated deficit was just over \$45 million, and we are talking United States Dollars here. The current liabilities (current liabilities, my understanding being what Cayman Airways would need to take care of all of its debts now) is \$22.5 million. And over the years, the accumulated deficit was in excess of US\$45 million.

When the new government took over at the end of 1992 and the Minister for Education. . . well, Mr. Speaker, perhaps it is best to go by the manifesto of 1996. On page 6 of the manifesto there is a picture of one of the aeroplanes of Cayman Airways and it says, "The National Team Government saved Cayman Airways, our national airline." So in 1993 the National Team saved Cayman Airways. No argument. They came and they saved the airline and all of the contingent liabilities were taken care of. No argument there.

But what I believe we must accept at this point in time is that if we look at the figures today, if we look at the net end results as of today, the airline itself is truly no better off than when these contingent liabilities were taken care of. The \$20 million was borrowed and it started to move on. In fact, when it comes to its debt, Mr. Speaker, it is right back where it was.

My saying that is not to prove who did what wrong. The minister knows that I don't like to waste my time talking about that. That is something he in his political posturing has found to be a successful trait, but that's not for me. I don't have a past that long. I am not worried about who did what wrong and all of that because at the end of the day you can blame from before Willie Jerusha was around for Cayman Airways. But right now, whether it is the National Team Government, or whatever, government has the responsibility. It's simple. So I don't want to hear who did what wrong yesterday, all I want us to do is to learn from whatever went wrong that at least if more

mistakes are made it won't be the same mistakes. But we have to do something about Cayman Airways.

Let me go on to paint the picture. Remember, the minister said in 1997 **“that the financial problems faced by Cayman Airways in 1997 are not of a nature that we can downsize . . . ; neither can we significantly reduce costs any further.”** So as the airline exists the options for its survival is not any of the obvious options, but it finds it is in the same shoes. And that is what I consider to be fact.

Let us understand a few more things about the airline. It is said that the government subsidy is CI\$4 million annually (and in the past couple of years there has been another \$600,000 for advertising in the budget). But if the truth is known, the true subsidy whether in direct cash payments out to Cayman Airways or by services rendered or whatever means through government, the true subsidy is more like \$7 million per year. There is no denying that—and the minister knows I can verify it. That is just so that we can establish a true picture.

So as it stands right now, we have an airline that after subsidy of \$7 million in value (even if it's not cash given annually there's a value of \$7 million because if services are rendered but not charged for if they got it elsewhere it would still be \$7 million) and still, after you add that value into its, shall I say operational revenue, it's still experiencing an operational loss. We come to the point, as the minister said in his statement in 1997, where the only answer is for the airline to generate more revenue. And I concur with his statement.

Thus far we have gotten to where we know exactly what the picture is in general terms, and we understand that if the airline is to move forward with any more positive results it has to generate more revenue.

Mr. Speaker, you will remember, sir, that in the recent past members of the backbench mentioned Cayman Airways. And when we talked about it to the minister our sole intention was to give the minister a plain signal that we were willing to sit down and talk about this to see what we can and should do about it, and we are still willing.

Now, let us come up to very recent happenings, having established the position of the airline as we see it from the facts we gathered. If we accept that the only way to get positive dollar results from the airline is to generate more revenue, then we have to look at how we are going to generate that revenue. You can't be simply saying you are going to invest more money to advertise the airline. Even I know better than that. It can't work like that. So let us look at what management has been looking at recently.

If memory serves me right, at a recent informal meeting (and without quoting verbatim), my understanding is that the new managing director clearly stated that with the way the airline is now, to generate more revenue it was accepted across the board that they needed a third aircraft. Hence, the reason behind the request for the guarantee for a third aircraft, which was given by Finance Committee.

We are at this juncture with Finance Committee agreeing on a government guarantee for a leasing com-

pany to purchase a third aircraft with the same reasons for purchasing the other two (which I will talk about). But after we okayed this guarantee they went to do what they had to do to acquire this third aircraft.

The minister is going to be shocked, but I am going to be as fair as possible. Let us look at the situation that has obtained in the past few years when it comes to the aircraft. Within the last five years, Finance Committee has approved guarantees for the purchase of three aircraft. The reason behind it (and I accepted it because I said “Aye” when you asked the question, sir) is that if Cayman Airways is simply leasing an aircraft it means the same thing as you and I renting a house. While we have the use of the house, the owner of the house is earning the money. At the end of the day all we can say is that we stayed in that house for X amount of time, but we can't carry anything from the house with us. That's just explaining it in layman's terms.

The government thought that if planes were purchased the government could charge a lease payment to Cayman Airways through the leasing companies, and in the meantime Cayman Airways could pay off the loans for the planes and eventually the leasing company which is owned by government would own the plane. So the leasing company would own the plane and government owns the leasing company, but the government owns Cayman Airways too.

There are two separate entities. The one common factor is that they are both owned by government. So this is what has been going on with the two aircraft and I am sure it was the intention with the third aircraft. At the end of the day, with all of the C-checks and D-checks and hush-kitting and those costly exercises (which are not things that you do as you please) all of that type of investment continues to go into the planes while they are being used by Cayman Airways. But in the meantime, I accept that government is actually building up equity in the ownership of these aircraft. Even if you don't get full value for the planes if you wish to dispose of them, once you own them you are still several times better off than if you lease the planes. So that makes all the sense in the world.

What I cannot subscribe to at this point in time is to say that that equity that is being built up by government in the planes leased by Cayman Airways is equity of Cayman Airways. It is not! As I used the example of renting the house before, you and I can be good buddies, sir, and you can rent the house from me and you pay me the rent. But when you leave the house, it is mine. You can't tell me it's yours. You could be my brother, but you can't tell me the house is yours. It doesn't work that way. To try to paint the picture in that fashion is to try to put the airline in a position it truly is not in. All that is going to do is make it look good for a little while and at the end of the day it will be back in the same trouble.

Let us look to bring about viable solutions that are long lasting. That is not one of them. Let us understand that for what that really is. It is a sensible good business decision, but it ends there. Okay? That's my view.

After the managing director said that they needed a third aircraft . . . and there are several reasons for that.

With two aircraft and the usual situations that occur with the airline, there is a lot of downtime between those two aircraft during the course of a year. That downtime is caused by natural circumstances, a bird can get up in an engine, or you have to take one of the aircraft out for service or for a C-check or some other type of check. Whatever the reason, with just two aircraft running the schedule that Cayman Airways runs, it is a fact that the average cost (on top of all of that) to lease other aircraft while one or both of these aircraft is down is approximately \$1.5 million per year. That is my understanding.

Because of all of the circumstances surrounding, and to keep the schedule, you have to incur an additional \$1.5 million per year. That is part of the reason for a third aircraft. When we were told about this third aircraft two other factors came into it, which I consider to be very important. And there may be other factors that I don't know about but I am going to say what I know.

The Speaker: May I interrupt you for just one moment?

Is it the wish of honourable members to continue until 12.45 and then take the luncheon break? Or do you need to take a break at this time?

Mr. D Kurt Tibbetts: Mr. Speaker, we can take a very short break if you wish, but if you don't mind I would like to finish this point, sir.

The Speaker: Well, if you and the Clerk agree, we can continue.

Mr. D Kurt Tibbetts: I don't have a problem, sir. Madam Clerk, I would just like to finish my point. It's all right with her.

The Speaker: I am in the hands of members. We can continue until 12.45 and that would save time.

Mr. D Kurt Tibbetts: Mr. Speaker, my throat is getting a little bit dry, but I would just like to finish my point.

The Speaker: When you have reached the point, tell me. Please continue.

Mr. D Kurt Tibbetts: Thank you.

As I was saying, I was trying to give a few reasons to justify the need for this third aircraft. With a third one on line that could be used whenever the other two are down, we could be saving \$1.5 million a year.

The other two factors that came into play were freight and charters. And as I said, there may be other points which could give rise to the argument why we need a third aircraft, but I am just going to talk about those three. And let me just state a few more facts here, Mr. Speaker.

Perhaps we best break now because when I go into these other things it will be a while. So if we can take a short break, I wouldn't mind.

The Speaker: We shall suspend for 15 minutes. But I ask members to please reconvene in 15 minutes.

PROCEEDINGS SUSPENDED AT 11.48 AM

PROCEEDINGS RESUMED AT 12.20 PM

The Speaker: Debate on the Throne Speech continues. The First Elected Member for George Town, continuing.

Mr. D Kurt Tibbetts: Thank you.

When we took the short break I was in the middle of dealing with the three factors which, to me, justify the need for a third aircraft for Cayman Airways. As I said before, I certainly don't profess to know all the facts, but I am dealing with the facts as I know them.

I have already dealt with the first factor, which is the downtime of the other two aircraft and the chartering or leasing of aircraft to keep up the schedule. I was getting into the freight factor.

The way this country runs, while there is regular ocean transport of freight, there is a tremendous market for air freight into the Cayman Islands. In fact, all of the airlines that ply between the locations where the majority of people import goods from operate freight. Cayman Airways is by no means the exception.

While Cayman Airways only operates one freight flight per week, sometimes two, I also believe that it is fair comment to say that if Cayman Airways were in a position it could operate at least four freight flights per week out of Miami. At least four. But let us look at the way Cayman Airways has to operate a freight flight now.

Cayman Airways has to charter a freighter and the majority of times Cayman Airways can only get a 727-100 aircraft. Without going into all the details, when we look at that type of aircraft being used for freight, the average load when you compare volume with weight (because sometimes you have big packages that don't weigh much, but still take up space), the average load is about 28,000 pounds. When you average out the cost per pound, it's about forty cents. You have different levels of costing, but the average is about forty cents. That can tell you what you gross from a freight flight, just over \$11,000.

The lease on the aircraft alone can cost up to US\$10,000 depending upon the demand and supply factor. On top of that you also have to pay fuel, landing fees, etc. Plus you have the staff permanently employed at Cayman Airways in the cargo office. When Cayman Airways does a freighter into Cayman out of Miami, for instance, the truth of the matter as it now is, if it makes any money it is a paltry sum. It is just a couple of hundred dollars if you take out all of the cost. So to run a freight flight as it is, Cayman Airways is no further ahead.

The whole idea behind looking for a third aircraft was to get an aircraft that is what they call a "quick-change" aircraft which could be used as a freighter also, which means that you could strip it down for a freight flight outside of any schedule it may be operating. And I have to immediately say that this is where we talk about charters. It is my understanding that on a very regular basis Cayman Airways has to refuse charters because it only has two aircraft and does not have the ability to take

either one out of the schedule to operate a charter. Not on any regular basis anyway.

The charter business is a lucrative business. It also must be a plus for the tourism industry. Cayman Airways is listed with AIOTA [?], a myriad of the foreign ad agencies as an airline that can offer aircraft for charter. You also have local travel agencies and persons who operate seasonal charters who I am confident would be quite willing to use Cayman Airways if Cayman Airways had the ability to deal with these charters. So when we talk about a quick-change aircraft we are talking about an aircraft that can be used to operate freight flights and also be used for charter flights, and also be in service to fill any gaps in downtime with the other aircraft. That is the summary of those three reasoning.

If Cayman Airways had a plane to operate an efficient, well-run air freight service the analogy is this: If they could do four flights per week and fill their freight flight (now they have to pay US\$10,000 to charter one) and they operated four flights per week, they could \$40,000 per week, \$160,000 per month, and \$1.9 million per year which they could be paying towards a plane. Not counting the charters, looking at an efficient freight service and looking at having an aircraft that could stem the cost of hiring other aircraft to fill the schedules when either of the other two is down, we are now looking at nearly \$3.5 million right there if the charter business is lucrative.

I have not been able to get a figure of what a charter would make, so I don't want to venture a guess. But if you had that plane and you ran one charter a week, which is 50 for the year, you must be making money. I don't want to try to paint the picture out of proportion, but it is not impossible to assume that you could take that plane and your increased revenue for the year, that is your gross revenue, not necessarily your net, but your gross revenue could exceed \$5 million. And that is rounded figures without all of the details, and I am sure that's a conservative figure.

Now, someone might say, '*But you haven't taken the cost into consideration.*' Well, let me explain that. Cayman Airways, as I understand it, will have in a very short time from now enough pilots so that with this third aircraft they could still operate without adding any pilots. They might have to add some flight attendants, depending upon how lucrative the charter business is. But all of the other recurrent costs to run the airline are fixed—whether you have two aircraft or three. So you are not increasing your costs to run the airline by any huge amount. In fact, your proportions in cost will lessen if in the majority of areas you are paying out the same money but instead of using just two planes you are using three and generating more cash flow.

So it does spell good sense. And I am not inventing it, that is what management has said and what the minister has said.

Mr. Roy Bodden: I hope he's listening.

Mr. D Kurt Tibbetts: We have established the need and we have also said , based on what they have told us,

that the quick-change aircraft is the best bet to be efficient, effective and lucrative.

Now, here is what recently transpired. We were talked to about some options for this third aircraft and there was a 1974 and a 1984 model which were being looked at. There was a difference in cost between the two aircraft. Regardless of what is said, I am going to contend that the 1984 was the best one to get. This is based on the technical knowledge of both aircraft. That was the best one to get.

The guarantee that was given by Finance Committee was CI\$8.5 million. When all the factors were considered, it is my understanding that to get that aircraft Cayman Airways was going to be about \$4 million short. Here is what has transpired since then. Cayman Airways has advised the people who were selling the aircraft that they could no longer pursue the purchase because the government has decided that it is not prepared to provide the company with the necessary guarantee to cover the required \$14 million financing for the Inter-air fully funded reserves. That is the terminology.

What that means is that the government would have to come back to get the guarantee extended but it is not prepared to do that. Instead, they are now looking to lease another aircraft. And let me tell you that over the past months Cayman Airways has inspected 37 aircraft. This is how hard they have been looking to find the right aircraft.

When Cayman Airways sends out its technical team . . . this can be in Russia, the places are far away. I will bet you that all in all, whether they use their own staff to inspect these aircraft or if they hired people from abroad to do so, I will bet you that they have spent \$.5 million trying to find a plane.

Mr. Roy Bodden: *Alice in Wonderland* management.

Mr. D Kurt Tibbetts: They found one that would suit. But here we are with a \$4 million question sign, and the government caves in. I will tell you why I believe the government caved in. I firmly believe that government did not want to come to Finance Committee to extend the guarantee because it figured that the backbench would have a field day because we had made much ado about the country's finances.

But if I am correct in my assumption, because it is an assumption (but I can see no other logic to it) we cannot deal with it like that. Government has to be prepared to make decisions. While it takes the entire Finance Committee to make a decision of that nature, government has to have the courage to bring it and be able to justify that they wish to support it. If we don't know anything about it, and this whole thing transpires and everything goes and nothing is done, where are we going?

I have just taken time out here . . . and I know there are other issues, but this is real. The arguments being thrown at the whole situation is that Cayman Airways cannot afford this thing. Which, if you want to just leave it at that because the airline is not making money, fine. We have to decide whether we are going to have an airline

or not have one. If we have suffered with it this long, and if it is taking \$7 million out of the Treasury every year and it is still losing money, if this is an opportunity to generate a positive cash flow, what is the great fear about talking it over? I am not trying to make light of \$4 million, but if your option, simply because you are afraid to deal with it, is to lease an aircraft, that cannot make sense.

On top of that, the aircraft they are going to get now can forget about the freight. If they looked at 37 planes before they could find the right one, chances are they will look at another 37 before they find another one that can do both, even if they can get it leased. Obviously, if they want to get one pretty fast, they are going to take a chance on one that cannot deal with freight. While this business of freight is not as glorified compared to a charter, let me tell you that properly run airfreight into the Cayman Islands is lucrative. And the other airlines that do it is just what the Jamaican man calls a "broughter."

The market is there. Cayman Airways just has to do it properly and offer an efficient service that is well run and dependable. That is what it needs.

Mr. Speaker, when we speak the truth as we know it about the airline—and about the \$22.5 million current liability, the \$45 million accumulated deficit and the \$7 million that government has to pump in directly or indirectly every year—we are not saying all of that because we want something bad to happen. We are saying that we understand where it is. But now there's a chance to move it forward. To me it boils down to a lack of courage to deal with it and to come forward.

Let's get it crystal clear. If I have to pray from now until the Minister for Education speaks, I am going to beg him to please not come back with old bent out arguments because that is not the exercise today. We are saying that if there is any merit to the arguments put forward let us sit down and talk about it and find out how we can arrive at a sensible solution rather than not hearing anything about it, where nothing gets done, and next year we will talk about the same thing. That's what we are saying.

The other members of the backbench and I have talked about this. While they might think what they do about us, this is one time that not one of us said '*How can we make somebody look bad?*' I am telling you. It's simply because everybody cares about the airline. We know what the airline can cost the country. We recognise what it has cost the country. We also recognise the number of Caymanian staff there. But we cannot continue saying, yes, yes, yes to everything if in our minds certain decisions that need to be made are not being made.

While what has just been said is certainly not the entire picture of the airline, to me the future of the airline is going to depend upon that decision. People in the know in the airline business say that we need to change our equipment. Of course we'd like to change our equipment. I understand that. But you cannot even begin to think about changing the equipment unless you can get the airline into a position where, even with the subsidy, it is turning a profit. This is an opportunity, I contend, to turn that operational profit.

There is no risk in this because if you are going to get a third plane, and you are simply paying a lease on it, and you go the other route and pay into ownership, at the end of the day you have built up equity. Even if it is not the perfect situation you thought it was, the risk is not high.

There is another little issue, Mr. Speaker. This said plane, the 1984 that they have suddenly decided not to get because of the \$4 million, has what you call a 17-A engine which is what the people in the know in the technical field of the airline want to see us with. We have one plane with a 15-A engine and one with a 17-A which has to do with how much it can take off with, etc. If it is going to Houston it has less limitations on baggage and fuel and those calculations. So everything is positive about that aircraft. The reason I keep saying "that aircraft" is because obviously one like it is not around as you please because they looked at 37 before they found this one.

When we talk about changing equipment I am not sure that I am versed in the correct terminology, but I believe that when I am through it will be understood. The people who make these planes, for instance Boeing, . . . from time to time we may hear on the news that American Airlines is going to take delivery of ten of these certain types of aircraft in the year 2003 from Boeing. Obviously they have made arrangements with them and because these things don't take a day to build you book your plane and they will tell you when they can deliver.

The way that works is that the people who make these planes have slots. So if you, sir, wanted to buy an aircraft you would call Boeing and say that you want to get a plane and you want to take delivery of that plane in the year 2002. They would give you a slot. You pay them \$100,000 down on the plane and they will give you your delivery slot for October 2002. Then I call them because I want a similar plane, but I want mine in October 2004. I go through the same procedure. Bearing in mind that countries all over the world make these arrangements because there are not that many companies building these aircraft.

What might well happen to you is that by the year 2002 you are not quite ready for your plane. So you call them up and say you are not quite sure you can handle delivery right now. They are not going to tell you that your money is dead. They will look at the slots they have because perhaps I who had indicated that I could take delivery earlier if it were available would want your slot and then trade my slot for yours, and yours for mine. That gives you until 2004 and you still have your slot, and I will get my plane earlier. That's how it works.

And it's not a fortune, Mr. Speaker. We spent \$5 million trying to find a plane. We should be trying to get the airline into a position and then, if it's 2006 or 2008, aim towards something, look toward getting a change in aircraft. I am giving hypothetical figures because I don't know that much about it. I am not professing a vast knowledge of it. But it certainly makes sense to book slots if you want to try to get one aircraft or two. If you can only manage one at a time, that's fine. Space them out. At least you will have a goal.

And during the interim you can try your very best, without just talking and throwing your hands up in the air, but looking at it sensibly and letting everybody be aware of what is happening and saying to your country and the people who make the decisions, *'Listen, let us get this thing moving forward, and here are some opportunities that we now have.'*

All has not been wasted on the airline. I am not trying to say that. But while they continue to incur losses, the losses are what we know about. And what I just talked about gives us a chance to turn that into some operational profit. I don't mean the airline actually makes money, but for years we have continued to give the subsidy. So it's kind of a given now. But if we can give the subsidy and actually turn an operational profit, then it makes sense. And by that time, while it's not a pile of money we're talking about, if this thing is working sensibly and we put our heads to the grindstone and work it out right, by then we will have equity in three aircraft that the country will own.

I don't know exactly what the re-sale value will be on these things. I know it doesn't work like a car. I know the different things you do to it causes it to bring more money. The picture here is that we have an opportunity, in our view, . . . and if there are things that we don't know about it that negates our position, we can accept that. But we don't know. What we are putting forward here is the way we know it, the way we understand it the way the facts have been told to us.

If it is because of fear of political fallout we have just disbanded that thought. We are saying that if what we are saying has any merit to it, let us find a way to deal with the airline properly to get it on a half-decent footing. With its current liabilities of \$22.5 million, if we closed the airline tomorrow and looked at what we owe for the planes, the government will still have to find the money. Let us not kid ourselves.

We cannot look at the argument from the point of view of, *'If in two or three years from now it goes up to \$30 million it's no big thing because I won't be handling it.'* It's still the country! Every Jack-man and his brother are going to be responsible for it in one way or another. So we cannot look at it like that.

Now, if we give that extra effort and we find that there are factors involved that just don't make any sense at all, that's a whole different matter. What we are faced with now is the considered view of the people who are supposed to know the business—that this can turn the airline around. It is up to government to either disprove that view or have the courage to deal with it. That's where we are.

And far be it from me to try to stand up here today and say that I know all the ins and outs of the airline. I don't. But we on the backbench are conscientious. We are not going around in a covert fashion trying to get information to show anybody up. No! We are much more responsible than that. That is why we are taking the position we are taking now. Let me say that what happens from here on in doesn't depend upon us, sir. From where we sit this is all we can do. We are not the decision-makers or the movers to get the decision made. I should

qualify that. We are part of the decision-making process when it comes to the money. But we are reasonable and understanding.

I will tell you something else about it: When we were arguing about the second budget and the capital works and we spoke about Cayman Airways while we didn't go into this detail, this is what we were talking about. And everybody was saying we were arguing for the sake of argument. But we knew what was going down like they had to know it. We got it second hand, so they must have known it. That was a big part of our argument and we spoke to them about Cayman Airways because we knew what was happening. We did that. And we are doing it once more.

Mr. Roy Bodden: And they better not dodge it this time.

Mr. D Kurt Tibbetts: But we are not doing it to look for an argument; we are trying to find a solution.

Mr. Speaker, surely, if there is any merit to the line of argument that we have put together and presented, somebody will find it in them to do something. As I said, we are not professing to have all of the facts in front of us. But with what we have, this is the position we have come up with and it makes all the sense in the world to us unless somebody can provide us with sensible and salient points to counter it.

I believe that management takes the same position. I also believe that the minister could find himself taking the same position. I spoke about direction yesterday afternoon. I spoke about leadership this morning. Let us see what direction we will head in with Cayman Airways. Let us see if leadership can make decisions.

The Speaker: It is my understanding that it is the wish of this honourable House that we adjourn at 3.00 PM. I ask Members to take the luncheon break and be back here at 2.15 PM. We will adjourn for the funeral at 3.00 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.20 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continues. The First Elected Member for George Town, continuing.

Mr. D Kurt Tibbetts: Thank you.

When we took the break I had just about completed my contribution regarding Cayman Airways and perhaps it would be appropriate to gloss over the arguments by way of a summary.

Simply put, we know that since 1994 Cayman Airways has continued to incur operational losses. We also know that at present it is fair to say that either directly or indirectly government subsidy to Cayman Airways on an annual basis is approaching \$7 million. We accept that equity is being built up in ownership of the equipment, that is, the aircraft. And we also accept the minister's position that the problems Cayman Airways faces today cannot be solved by any further downsizing. In fact, what

Cayman Airways needs to do is find the means by which it can generate more revenue with additional costs being as minimal as possible.

Having established that, it is our position that the aircraft that was discussed with us—the 1984 aircraft out of Malaysia—should be seriously considered by the airline and by government who will have to make a variation to the guarantee which has already been given. We trust that this situation will not be left alone, and if the position we have taken lacks facts we expect to be given those facts and we expect to be told what direction the appropriate people involved will be taking the airline.

We contend that to simply lease a third aircraft, and that being not the most suitable aircraft to carry freight in a dependable, efficient and profitable way, and also to be able to cover the downtime on the other two aircraft plus engaging in charters, which is another lucrative market, is not the way to go.

Before I move on let me say that we on the back-bench have thought about this and the position is based on the facts that we have in front of us. Let me make something else clear. If I seem to have more facts than I should have, let me make it clear that there is no need for anyone to try to find out where I get my information from because any attempt at that will prove to me that the individuals who hold responsibility for the airline are not really concerned about the airline, but at pointing blame at people. It doesn't matter where the information came from, the whole purpose is to let us talk and arrive at a solution. As it is now, it seems that no one is prepared to go the extra mile to try to come up with a solution.

We talk about making it a political football. If the decision-makers are afraid to make the right decisions because of politics then they are the ones who make it a political football, sir. To close off the discussion about Cayman Airways, we are quite prepared to sit down once the facts are laid before us and wherever we can play a sensible role in the decision making process, we are quite happy to do so. We have put this position forward because we are very concerned about the state of the airline and about the future of its very existence.

Let me move on. I wish to talk a little bit about the state of the economy. In the Throne Speech the Governor gave the position of things that were going to be done this year through the various ministries and portfolios. Although I spoke about lack of direction yesterday afternoon, even if we are not satisfied with the way things are being done we still have to examine what is being done, and how it is being done. In looking at the economy we have recently seen that budgets on an annual basis have been increasing by fairly large percentages.

While I don't have the actual figures in front of me, let me say that one of the things we have a concern about at this point in time is where we see from 1996 to 1997 (and these are my rounded off calculations) the increase in the budget was about 18%. From 1997 to 1998 the actual expenditure was only about a 6% increase, but there is a reason for that. It is because the budget was not forthcoming until March. And also from

1997 to 1998 (because of the way our debates developed with the budget) we found where capital expenditure did not begin to take place until probably the second quarter of the year. The reason for that 6% was because the money did not have time to be spent. But what was approved and what was actually appropriated by supplementary funding would have given it a similar increase to what it actually was at the end of the year. The time just didn't allow for it to be spent. Then again, from 1998 actual expenditure to what is projected for 1999 there is a 27% increase according to my calculations.

While this may not be exact, my concern is that I don't believe for one second that we will find ourselves in a position to sustain this rate of growth.

Mr. Roy Bodden: True!

Mr. D Kurt Tibbetts: We can blindfold ourselves and say, 'Look how good things are. Look at how many things we are providing for the country. Look at how much money we have to spend.' But let us stop and make proper assessments.

We find that we have not planned, and all of a sudden we are trying to play catch-up. People may say there is no merit to the thought of elections coming up, but I am not even going to address it from that point of view. The reasons do not change the facts. I am just going to say what is, not why.

When we look at it and we see the rate at which we are trying to do what we want to do, we find that government is literally paving the way for an economy that is going to overheat. It will happen if we continue. And that trickles down into the private sector. The more you see things like that happening on the government side everybody speeds up the same way. And when you marry the two that is exactly what happens. But it doesn't end there, and this is the point I wish to address on the rate of growth on the budgets of the past few years.

Within two years we have had to bring to this honourable House the revenue measures that are required to fill the gap between the sudden increase in recurrent expenditure for the country and the recurrent revenue which is not increasing proportionately. So when government finds itself in a position with services that it wants to provide for the people it then suddenly realises within a few days that no matter how much it shaves it can't balance the budget, it has to employ revenue measures. Of course government will counter that by saying that the people are not paying what they should be paying for the services anyhow. I know that. I am not arguing that.

But what government must not employ as a principle—which I contend is what it is doing—is after-the-fact thought-out revenue measures.

Mr. Roy Bodden: Ad hococracy!

Mr. D Kurt Tibbetts: If I have \$100 to spare every month of my life, I plan around the fact that my "disposable income" is \$100. If you don't tell me that I have to pay anything out of that \$100 for four or five years and I

keep doing what I am doing with that \$100 it means that my lifestyle has developed around the fact that that is my disposable income.

When you suddenly come to me and say that you need \$90 out of that to pay for something, I am in a mess because I have continually made my life in such a way that that \$100 of disposable income is taking care of a specific cost. This is where the revenue enhancement measures—the tax measures—cause a problem for the people in the country.

The question is not whether they *should* be paying or not, it is *how* you let them pay. It should be done on a timely basis where people can prepare their lives and know in advance exactly what their fixed expenses are going to be. I have contended that for a while. So I am not going to accept this argument that they are not paying for the services that are provided. I understand that they are not. The fact of the matter is, government doesn't have the correct cost in many instances. I understand that government is in the process of attempting to do that in various areas.

Because of the way in which we deploy these revenue measures everyone who has the ability to do so is going to pass these costs on to someone else. And this goes on, and on, and on, and on until it reaches the last line of defence—which is the ordinary, poor consumer whose disposable income is the least of all. And that is where the buck stops, and that is who gets into problems.

It is not intentional, and I don't contend that it's intentional, but I believe that what I just said is the case. And I believe that government should recognise by now that that is the case and be willing to do it differently.

We have said for several years now that our revenue base is very narrow. That means that the areas from which government gets revenue are almost fixed. So whenever government wants more revenue it has to go to the same areas and increase the percentage charged in those areas. There is no denying the fact that that is what has been done. Who likes it or does not like it matters not to me. That is the truth.

And do you know what else? It shows a lack of direction; it shows a lack of leadership. That is not the way to run a country!

Mr. Roy Bodden: It is defunct. That's what it is—defunct!

Mr. D Kurt Tibbetts: I contend that what we should be doing—because government always accuses us of quarrelling about the problems that exist but providing no alternate solutions . . . let me tell you what government has not done. I have taken the time out to go into the private sector to seek suggestions, as have a few others.

Mr. Roy Bodden: Don't give them too many ideas now. Don't do that!

Mr. D Kurt Tibbetts: In the private sector of this country is a large number of corporations and individuals who wish to continue to do business in this country because

the atmosphere that we have been privileged to create in this country is conducive for them to do business. So it is not like they are seeking to move somewhere else. Nothing like that!

So when people from the government bench get up and accuse us of preaching gloom and doom and doing the country harm, they are full of "IT!" That is only a cover up for their lack of dealing with the problem in the right fashion. That's what it is. I contend that.

Mr. Roy Bodden: Hear, hear!

Mr. D Kurt Tibbetts: The first thing these people in the private sector need to understand is that we all have a responsibility to maintain and retain the social harmony that we have in the country—the ambience, the correct atmosphere conducive for them to do business. While they seek to continue to operate very profitable businesses they are not averse to playing their part once approached in the right way. And there are many, many avenues this country can widen its revenue base in without continuing to affect the lower level of this society. For the love of me I cannot understand why they cannot grip this. Because if they understand it, they do nothing about it!

We keep talking about the huge disparity of the wealth distribution in this country. Mr. Speaker, let me say something bluntly here: If 10% of our population makes 90% of the money, and the other 90% only make 10% of the money, we must have trouble in the country soon!

[Applause by a member]

Mr. D Kurt Tibbetts: They can say it as fancy as they wish. And I am not professing that we are at that stage today, but I am here to say that if we continue the way we are, that is what is going to happen.

Mr. Roy Bodden: That's the way some people want it!

Mr. D Kurt Tibbetts: That is when you will have the flight of capital, Mr. Speaker.

I am saying that a huge part of the reshaping of our thinking needs to be where we broaden the revenue base where individuals at the lower end of the society—which is the majority of the society, . . .and I don't care who says different, I know it! We cannot continue to offload the debt on them, and that's what we are doing—knowingly or not—that is the end result.

I am not accountant, and far be it that I even think I am very smart, but I can understand that as crystal clear as I can see you, sir. And we wonder why we hear certain things happening in the country, certain rumblings.

The required revenue for this country has to be looked at and derived from a wider perspective, a whole different thought process. It doesn't mean that it is going to adversely affect any one person. I want the government to know that just by sheer legwork we know of many areas.

Mr. Roy Bodden: Tell them!

Mr. D Kurt Tibbetts: And it is nothing we can do that they can't do. But there is this fear, *'These are the big boys. Perhaps if we try to say anything to them about trying to get more money it's going to run them.'* Baloney! The big boys like it here too! They are quite prepared, once you deal with them sensibly, to offer suggestions as to how we can raise money on an annual basis. And there are ways and means, Mr. Speaker. I know that now, and I have barely scratched the surface.

It doesn't end there because we should be proactive in the ways in which we earn revenue. But the other thing too is that we should never fool ourselves into believing that whatever we project we will earn is what we must spend. It seems to be politically expedient to find the ways and means that you think you are making the public glorify in your stewardship. But let me say that the responsibility we have not only as representatives of the people of this country but as we are looked upon to lead this country in a certain direction goes beyond political expedience.

You keep hearing us say there is no forward planning. I grant you, sir, that in recent times I have seen a glimmer of light at the end of the tunnel, but it comes and goes. I'm still not satisfied. I have to see the light shine brighter. So I'm going to preach until I see that, at least.

When we look at how we do what we do with national issues, . . . later on I am going to get into some specific details of this to show the direction that we on the backbench believe we should be going; to show the things that we should be doing to reshape not only the way we do things but the way in which we think about doing things. But I am not going to do that right now because I think we are pretty close to where we are going to be closing off. And I would prefer to have a fresh start with that part of it, sir.

However, there are a couple of other things that I can address. It is not that I am completely finished speaking about the economy, but I just looked at that area to show that because we have been doing things in a certain way for so long doesn't mean that we have to continue, especially when we know better or are shown better by others. And whose mouth it comes out of should not mean you won't look to see if what the person is saying makes any sense. That's what the Third Elected Member for Bodden Town was talking about yesterday when he was venting some of his frustrations. It wasn't about the people outside.

I haven't been here as long as he has, and I just used the little word that flicks everyone's switch—Medium Term Financial Strategy and the Public Sector Investment Programme. For close to six years, little old me (who don't know nothin' about nothin') got to understand that and tried to tell the government that it should be using that exercise to create the discipline needed for forward planning for this country. To this day we haven't seen the first one laid on the Table yet!

[Applause by a member]

Mr. D Kurt Tibbetts: But, as I said, I see a little light at the end of the tunnel. It flickers up every now and then. So perhaps all is not lost.

Let me make it very clear that it is not the civil service arm of government I am talking about, it is the elected arm of government. And I am going to tell you why in my opinion they didn't do it. Make them answer me and tell me I am wrong, Mr. Speaker. If that's what it takes to draw them out to say something sensible, then we'll do it.

For instance, I believe the reason it has not been done is that government could not for one minute foresee instilling that discipline in themselves. They couldn't wake up every morning and do what they feel like doing when it comes to the services and the capital works this country needs. Once you have prioritised listings you have that discipline where you can't change things mid-stream as you may like, because you are looking at the big picture. There is where the purchased loyalty comes from, Mr. Speaker, the parochial politics that goes to the extent where you have all kinds of structures in your country to satisfy individual circumstances and you are still fighting the most needed situations that would benefit the entire population. Yes. That is where it comes from.

That is why we have to look at \$50 million of capital expenditure for education alone, because from 1993 until now, 6% . . . No, not even that. Only 4% of what has been spent on capital projects in this country has gone to education! Four percent, one twenty-fifth in other words!

Mr. Roy Bodden: Preach. Tell it like it is!

Mr. D Kurt Tibbetts: But education is so important. They have all the statistics, Mr. Speaker. That is no excuse! They have all the projections. That is no excuse! They know the population trends. They know how many children to expect every year.

Mr. Roy Bodden: Purchased loyalty prevents them from doing things.

Mr. D Kurt Tibbetts: What is going to happen to us now? We are going to get boxed in and because we know that we have to deal with educational facilities, we are going to have to be building them all at one time within two or three years and a lot of other things are going to suffer because there were no priorities and no Medium Term Financial Strategy or Public Sector Investment Programme which would have identified the priorities and caused sensible capital development in our country in order of priority so that the most important things could have been done first.

But, Mr. Speaker, who am I to continue to preach for so many things? I will tell you who I am, and I will tell you something else: I am not giving up! Oh no! And if I have to come back next year, God willing, and do the same thing, I will do it! Something is going to give some time, one way or the other. Government is either going to take it on its own to begin to do what is right when it comes to their stewardship or someone else will have to do it.

Mr. Speaker, if you don't mind, sir, I would be going on to another topic now and given the time it is, perhaps if you don't mind, I can start fresh in the morning.

The Speaker: I will entertain a motion for the adjournment of this honourable House. The Honourable Minister responsible for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow, 5 March. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 2.55 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 5 MARCH 1999.

**EDITED
FRIDAY
5 MARCH 1999
10.24 AM**

[Prayers read by the Honourable Temporary Acting Second Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oath of Allegiance to Mr. Kearney Gomez, MBE to be the Temporary Acting First Official Member. Mr. Gomez, please come forward to the Clerk's table.

Would all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

By Mr. Kearney Gomez, MBE

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

The Speaker: Mr. Gomez, on behalf of all honourable members, I welcome you to this House. Please take your seat.

Item 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Minister responsible for Community Affairs, Women, Sports Youth and Culture, who is in Cayman Brac on official business. The Third Elected Member for George Town is in the United Kingdom on a Parliamentary seminar. And the Honourable Minister responsible for Tourism, Commerce, Transport and Works is also off the island.

Item 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 9 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 9

No. 9: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications, Environment and Natu-

ral Resources what are Government's plans regarding the provision of low income housing in the Cayman Islands.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Ministry requested funds in the 1999 Budget to facilitate a study on affordable housing in the Cayman Islands. It is the intention of the ministry to use the study to document factual information on the existing conditions and barriers that persons in the low-income bracket face in their search of affordable housing.

The study would be overseen by a committee made up of public and private sector members. But, in addition to overseeing the study, the committee would also be responsible for producing a report on affordable housing for low-income persons, and recommending options for addressing the situation. This report would then be forwarded to Executive Council for a more conclusive decision on what action government may want to take.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W McKeever Bush: I have a motion to deal with it and I suspect that what I am hearing in this question is what I will hear in the answer to the motion. Can the honourable minister say what happened to the study that was done by Planning some time ago?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I wonder if the member could elaborate a little bit more on that for me. Was it something that was done by Planning?

The Speaker: The First Elected Member for West Bay.

Mr. W McKeever Bush: Some time ago while the present permanent secretary in the Ministry of Community Affairs was director of Planning a study was carried out to ascertain just what the situation was in regard to low-income housing and other matters. And I suspect that all ministries had a copy of that. In fact, when I was the minister responsible for housing I took my cue from that, meaning that I knew of the situation but I found out the dire need through that study. I am not going to poke any fun at a committee, but I do believe that what we need is not a committee but concrete action by government.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As far as I am concerned, I will give any commitment to try to help persons in need of homes. I think for a long time in these islands we never really attempted to help what we called low-income housing, we have always been dealing with affordable housing which are for persons who can actually afford. But we are talking about those who actually need assistance with homes, persons who are not in higher salary brackets.

I will give the commitment that I will investigate what the member just said and I will find out exactly what he is talking about in regard to this report. We will definitely do what we can through my ministry to try to make this a reality.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say when this committee will be appointed? As I said, I am not going to poke any fun at it, but it is well over 16 months since I left the ministry and this matter is dragging behind.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: We are hoping that we will have something going within a month. I would also like to say to the backbench that we are hoping to have one or two members from the backbench to assist us in this because it is a serious matter and we need to address it once and for all. The country has progressed in other areas but this is an area we have never really addressed properly.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say whether he had any information in regard to the matter when he received the files from the Ministry of Community Development at the time?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: We did receive some information but if the member is speaking about the project we were talking about a while ago I don't recall seeing anything on that. That's why I am giving the undertaking. We did see some information but not exactly what we were just discussing.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: One of the problems we have is something I mentioned in my contribution to the debate on the Throne Speech. We have no scientifically based

indices of poverty therefore we cannot speak accurately about low-income housing.

Can the honourable minister tell the House the terms of reference the committee will have? And how are we going to scientifically define what low-income housing is so that we can determine what kind of need and what demands exist?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The terms of reference will be to investigate the type of individuals who are in dire need of housing within the Cayman Islands. As I pointed out earlier, we have been assisting individuals with affordable homes, but we are looking at those in dire need and they are definitely the ones in the lower salary bracket who cannot go to a commercial bank and be assisted.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I request an undertaking from the minister that this committee be required to make use of the family study as a resource document? And also, perhaps deal with some people who are in the contracting business, particularly persons like Mr. David Arch who I know constructs houses for individuals so that they may be able to get an idea of the various income brackets.

I am requesting that the minister give the House that undertaking because in the absence of any scientifically based income studies this will be the most accurate method we have of really arriving at the various income categories so that we can have some workable idea of what we are talking about when we say low income.

I appreciate what the minister has said, and I have given a commitment that this is an issue of national importance so I am not trying to play politics with it.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I give that commitment. I will endeavor to do exactly what The Third Elected Member for Bodden Town has said. At this time I would also like to say that we must all say thanks to the First Elected Member for West Bay who has put a lot of time into this. He has done a lot of research into it and through my ministry I will endeavor to make sure that we continue from there trying to help.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Since we know the need exists we could become a little more scientific in regard to the exact need and we could also define that need, but what seems to be the obstacle or barrier to government's do-

ing something is money. Would this study entail attempts to research how government might be able to locate a lending institution that would provide us with money at a much more favourable and affordable interest rate since that seems to be the key to the solution to the problem?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I think the member has actually hit it on the head. I think this is indeed the key. Government has to make sure it has the funds in place. It either has to find a lending institution, or it has to bite the bullet and actually appropriate the funds for us to get this project off the ground the way it should be so that we can actually facilitate those in our community who are in dire need.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Let me preface my question with a comment. I think we have the impression in this country that unless you can find a two or three bedroom home built out of concrete it's not housing. Can the honourable minister say whether or not any consideration would be given to allowing prefab type buildings and mobile homes? In the United States, for example, you can get a beautiful two or three bedroom mobile home for \$12,000 \$13,000 or \$15,000. And here we are talking of an average house in this country costing \$125,000. We need to look at other practical alternatives to housing.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, to comment on what the last speaker said, as far as I can recall prefab homes have been on our books for quite some time as not being allowed. Also the trailer homes are only allowed for storage. However, I think the committee will need to look at all aspects to bring down the costs and assist our people. So I will not pre-empt what they say because I am hoping that the report we get from them would entail all aspects of us trying to make it more accommodating to those in need.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The very first sentence in the answer says, "The Ministry requested funds in the 1999 Budget to facilitate a study on affordable housing in the Cayman Islands." Can the honourable minister state if these funds were approved?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I can see from the smile on the member's face that he knows exactly what I am going to

say. The figure we requested was not approved. At least not in total like we asked for.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state what was asked for and what was approved?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I do not have those figures, but I would undertake to get them for the member.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The minister knows that I would never attempt to be rude to him, but certainly he has available to him his permanent secretary and one of his senior assistant secretaries and I do believe that they would have some idea. I don't need an exact figure. I need a ballpark figure.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I don't have a PS with me, I do have an assistant. I think the figure that was requested was in the region of \$50,000 so that we could get a start.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The reason why I asked the question is because this situation proves to prevail throughout the system. We get an answer which gives us all of the wonderful plans, but when we ask a question later on down the line and we find out that the study is not completed, the simple answer to that question is that funds did not become available. Certainly, sir, this cannot work.

I would like to ask the minister how the ministry can expect to achieve the answer that is given to us if the funds are not available?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I pointed out in the last paragraph, the report would then be forwarded to Executive Council for more conclusive decision. I trust that if it is a favourable report—which I am hoping it will be—that government will take the action for us to get the necessary funds.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Again, with the greatest of respect to the minister, I don't think the minister is lining the ducks up properly. The way the answer is presented the

study is what requires the funds and it is when the study is completed that it is passed on to Council. So the only time Council will have anything to do with it is when the study is completed. If there's no money to do the study, the Council won't have anything to do with it.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, with regard to the study, the ministry would be taking care of the study under professional fees. I thought we were talking about the actual housing development. Maybe I misunderstood what the member was asking.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Certainly, Mr. Speaker, if that is the case, if the minister will recall I spoke about the first sentence in the answer where it says, the *ministry* requested funds in the 1999 Budget to facilitate a study. Let me rephrase the question. Does the ministry have the funds available to facilitate the study?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes, Mr. Speaker. Professional fees is what we are hoping to use.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: When the answer was given it said that there was a specific request for these funds. Was this request under professional fees or was this a specific request which stood on its own?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Under professional fees.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister categorically state that under professional fees, with funds that were approved for that ministry, there are funds that will allow for this study to be completed in a timely fashion?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: That is my understanding that definitely we will.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say how much funds he has, and how long does he expect this study to take before it is completed?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I did say that it would take us a month, and I would make a report back here. I do not have the figures here that the member is asking, but I will supply them through you.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: By its very nature the vote for professional fees connotes that it is dealing with somebody hired to do a particular job. Is this the case with this matter or will these fees he is talking about incorporate the work of the committee? Which one?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I am hoping that the funds we have there will definitely do the complete study so that I can make a report back to the House.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The answer says, "The study would be overseen by a committee." I think what The First Elected Member for West Bay was asking (and what I was going to ask in a supplementary question) is, Is the committee going to conduct the study or is the committee simply going to oversee a professional unit or body which will conduct the study? I think that is what we are trying to find out.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would say that the committee would work in conjunction. But we will definitely have to get some other input.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state what type of group of professionals will be used to have the study conducted?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The committee will be made of a cross-section of individuals involved in construction, for example. I am sure we will have to get someone from the financial area and persons who would be directly involved to assist us in the best way possible to be able to give the best to the people.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Le me try to make myself clear. Can the honourable minister state who is going to conduct the study?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would not be able to say at this time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what entity would be responsible for drawing up the terms of reference under which the study will be undertaken?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It would have to be the ministry along with the person in charge of the Housing Development Co-op.

The Speaker: If there are no further supplementaries that ends Question Time for this morning.

Item 5 on today's Order Paper, Government Business. Continuation of debate on the Throne Speech. The First Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19 FEBRUARY, 1999

(Continuation of debate thereon)

Mr. D Kurt Tibbetts: Thank you.

When we closed off yesterday I was trying to deal a little bit with the state of the economy. Besides all that I spoke about before, I just wish to take a couple of minutes to deal with the reserves of the country. The purpose is to try to do the best I can to let the public fully understand exactly where we are with the reserves.

In previous debates the government has put forward the position that there was \$76 million in reserves. When it was pointed out that the additional funds which were to be put into the public service pension fund in 1999 but hadn't actually been added into that, the position changed to some \$66 million. Of course \$50 million of that is exactly what is now in the public service pension fund.

The government's position has been that had they done what previous government's had done (which was have little or no regard for that fund), they could have left

the contingent liability to continue to increase, and they could have had much more money in general reserves. Just to make the situation very clear, while this government has acted sensibly and prudent in putting money every year as best able into this fund, let it be made very clear that it is something that *had* to be done.

Also, let us not cloud the situation, and let it be very clear to the public that the money in this fund is not money that any government can touch. By law, sir, pension benefits cannot be paid out of this fund until an outside actuarial assessment certifies that the fund is self-sustaining. What that means (and I am using approximate figures) is that the fund is probably approximately one-third of the level it should be. So it is not an exercise that will reach its conclusion in the very near future. It will take several more years of doing the same thing we are doing now to get the fund self-sustaining whereby the money that is paid out to pensioners can come out of that fund rather than coming out of general revenue as it is now. So that is not money that we can consider to be in reserve that we have access to as we please.

In truth and in fact (and I have to give the government a little bit of credit—not much, just a little) government seems to be making some attempt to boost the general reserves. That something many of us have complained about for a long time. I see where \$3 million should be going into general reserves this year. I do not believe this is sufficient on an annual basis, but nevertheless, given the circumstances and the fact that they are doing a little bit better I won't complain too much because they might go back to what they used to do. So I better be happy for what is happening now.

Many people don't pay much credence to this Public Service Pension Fund. It is very important that we continue to do what we are doing with this fund otherwise we could be in real trouble down the line. I wish to remind government that as of 1st January 1999 a current actuarial assessment was due so that government's current liability in this area could be established. I trust this has not been forgotten, and I hope that government will be prepared to inform us in short order as to exactly what the liability is. We have to keep abreast of this on a continual basis so that we know where we are and do what we can to ensure that the underfunding can be brought up to where it should be as quickly as possible.

My time is getting short, and before I move off of the finances I want to speak a little bit about the statutory authorities. I know that my position is not going to be one government will agree with, but I want to justify why I am stating my position. I hope that it will mean something in regard to the way these authorities are dealt with when it comes to financial matters in the future.

First of all let me use the Annual Report of the Water Authority of the Cayman Islands 1997 to make one of my points. On page 6 of this report, under the subheading of "Government Dividend," it reads, "**The authority voluntarily paid a dividend of \$250,000 to the Cayman Islands Government in July of 1997. In late December 1997 the Government ordered the Water Authority to pay an additional \$1.25 million from its cash reserves into the Treasury. This action is al-**

lowed under section [so and so] of the Water Authority Law . . . the payment was made under protest of the Water Authority management. This action caused the Authority to go into overdraft on 31st December 1997. This overdraft was cancelled when a cash certificate of deposit matured in early January 1998."

"Loans: The Authority did not draw down any loan funds during 1997, however an overdraft amount of \$774,568 was carried forward into 1998 as disclosed in the above section. Repayment of long-term debt in 1997 amounted to approximately \$1.47 million. It is expected that the Authority will require a capital loan of approximately \$1.6 million in 1998 in order to make up the shortfall in cash reserves resulting from government's action in December 1997."

What this means, Mr. Speaker, is that for the Authority to continue its projects planned for 1998 it had to engage in borrowing of \$1.6 million—because government took the money from the Authority in December 1997. I understand that in December 1997 money was taken from all three of the Authorities. It is clear to me that government took money from these authorities in December of 1997 under protest—as it did from the Water Authority—to ensure that there was no deficit at the end of the year. It had to be that; there is no other reason.

Government took money from these authorities to make sure there was no deficit, but at the same time, it caused these authorities to have to borrow money. What that means to me is that government is taking money out of one pocket and putting it into the other causing someone else to borrow. The only difference is that the money is not being borrowed in the name of the government. What that really means is that there is an obvious attempt to ensure that the direct public debt of the country does not rise any higher so there will be no more argument about it.

They can address this issue if the thought is any different. What I have just mentioned are the facts that occurred at that time. I don't know what has changed since then. But that cannot be the correct way. I know that government vests property into the Port Authority. I know that government guarantees loans for these authorities. I know that government borrowed money for them to get going and all of that. I understand all of that. I know that government has vested the property, the airport and everything into the Civil Aviation Authority. And I know that if the government is the investor it must get back some money for its investment. Nobody is questioning that.

But they haven't sat down and worked out a formula that allows these authorities to function properly. It is almost like government is saying *'Because we live day-to-day and we don't plan our future, we don't want you to plan yours either.'*

And by the way, Mr. Speaker, I remember very clearly when the same argument came up the Minister of Tourism gave an undertaking that he would address the matter at Council level and come up with some formula. I do not believe that has occurred yet. If they are in the

process of doing it, then God bless us all. But I am going to continue to talk about these things, as I said before, until I see direct results. It has to be wrong for government to be doing this business.

In the Throne Speech the Governor mentioned that these authorities will be engaging in millions of dollars worth of capital works in 1999, including the Port Authority, and the Water Authority, and the Civil Aviation Authority. If they cannot put money aside for their capital projects, and the vast majority will have to be borrowed, all that means is that while these are called "self-financing loans" and are not part of the direct public debt, government is still responsible for it. It cannot be right to deal with it in that fashion.

They must develop some type of formula for the authorities to function properly and be responsible for their performance to government. Then whatever is received over and above what is expected, government can receive that. But government should expect no more than that.

On top of that, the Civil Aviation Authority, for instance, while government has vested the land, it is actually a sale to itself because the Civil Aviation Authority is paying a long-term loan back to government for this land. I mean, it's confusing at best!

It's no wonder these authorities are frustrated because they cannot function properly. They are expected to perform to a certain level but at the same point in time they are getting spanked on the behind morning, noon and night, with government saying *'Gimme this, gimme this, gimme this.'* It cannot work like that.

Do you know the real big joke, Mr. Speaker? We talked about seeing something positive done with Cayman Airways. I am sure the minister will reply to the situation about Cayman Airways, and he will probably bring in some facts that we didn't know, but at least we will get the situation moving to where something sensible will happen. The question has come up in this House (and I am sure you will remember it, sir) about landing fees being owed by Cayman Airways to the Civil Aviation Authority. Let me tell you what nearly happened this time around.

The plan was that the \$3 million Cayman Airways owed the Civil Aviation was going to be put into the budget to be given to the Civil Aviation Authority. But the deal was that the Civil Aviation Authority was going to have to give a commitment to give that back to government. But it would have wiped the slate clean for Cayman Airways. We can't operate our country like that. That was simply so that we would hear no more about these landing fees. But it doesn't show the true picture.

I really don't wish to laugh as serious as it is, but it is really a joke! Now I really don't know why it didn't happen and perhaps (giving the benefit of the doubt) after they thought about it they said, *'Well, this probably is not the best thing to do.'* I could venture other opinions on it at this point in time, but I won't. But the fact is that this is what almost happened. We have to move forward and deal with the country's finances so that our left-hand costs are justified by our right-hand results. That's the

best way I can put it right now so that we can understand.

I trust that they will sit down and take a reasonable look to devise a sensible plan so that these authorities can function and be money-makers for the government. But they need to be allowed to operate in such a fashion that as the demands come upon them they are able to grow with those demands in a prudent fashion. Then when you look at their balance sheet it will look sensible. The government should never depend upon these authorities to balance its budget. In the back of their minds they know it is there and they say, *'All rights, if we get into a little bit of trouble at the end of the day we know what to fall back on.'* That should not be the thought.

It should be clear-cut and agreed upon. And I do not believe that they can agree on a dollar value that the contribution should be every year from these authorities to government. It has to be based on a percentage. While projections can be made, no one really knows at the beginning of the year what their end of year results will be. Hopefully we won't have to talk about that again for another year.

Strangely enough for me, I would like to talk about the environment. From time to time we have had various discussions and arguments to and fro about what should and should not be done. In recent times we have had lots of questions back and forth regarding the landfill site and what is going to be done and all of this. Some of our major environmental concerns include our particular vulnerability to the degradation of coastal habitats, marine pollution, and over exploitation of these marine resources. We have problems with the quality and availability of our freshwater resources and one of the major ones is the management and disposal of waste.

Let me just point out a few of the things that are obvious to me. I have argued it at different levels before. We do not have at this point in time adequate port reception facilities to deal with waste from vessels, that is, sewage, effluent, garbage, and that type of thing. I have mentioned before about the amount of boat traffic in the North Sound—not just the people like me who go on a little fishing trip in the Sound, I am talking about the commercial ventures plying the North Sound over and over.

There is no adequate space for them to offload their effluent and sewage. And they are dumping it into the North Sound because they have nowhere else to dump it. Certainly, as that continues to happen, it must have a negative effect on the quality of the water in the North Sound which has, as we all know without my going into a lot of detail, all the other negative effects on the marine life and everything else. It has to.

What amazes me is that year after year we talk about these things. Year after year! We made a suggestion a while back about the property that government owns at the SafeHaven site which is being used by some of these commercial people because they don't have anywhere else to dock. The Port Authority had plans for having an offloading station there for sewage and effluent. I saw them!

I know that there may have been some problems with the owners of SafeHaven because I also talked to them. But it was nothing that could not be worked out. But the moment there's a problem or an obstacle they forget about it and nothing is done. You have individual enterprises that wanted at one point (and I don't know what has happened since then) to put a marina type base station that could accommodate these vessels and have that same type of facility. It took nearly a year to get the approval just for one seawall.

Mr. Speaker, do I stop now and sit down and say, "Well, let's forget the whole deal?" No! I can't do that. But when are we going to learn to sit down and try to do things properly and not . . . I mean, can we sometimes forget about who it is involved in these things? It's no wonder the Third Elected Member for Bodden Town gets cynical sometimes. Anyway, we plod along, sir.

I know it's very difficult to tackle the proper disposing of garbage and sewage. I only mention this about the North Sound in the hopes that someone in the right place with the authority will do something about that. But when we go on land we have the same problem. We have the population increasing. We have a lot of subdivisions being built. We have a lot of homes being built, we have increasing numbers of families, which automatically means increasing amounts of waste and garbage and sewage. We also need to recognise that in the long term what is said to be an option to continually increase the size of the landfill site or look for a second site is not really an option.

Within the past week I heard the minister responsible talk about people not wanting garbage dumps in their backyards. I must have heard him say that six or eight times. We understand that. We know that's a problem. But if we are going to look for solutions, we have to look for long-term solutions. I don't stand here to suggest to you that I have the solution in my coat pocket, but that is where we have to head. All we continue to do year in, year out, day in and day out is try to get through today. Sometimes when people are sick and tired and stressed out you hear them say, *'Lord, if I can only get through today.'* That seems to be the way the country is being run. We have to get out of that way of thinking. If we live like that we will be saying *'Let's try to get through today'* every day! What kind of life is that?

With your permission, Mr. Speaker, I would just like to read a few excerpts which tie in with tourism and relate to all of this, from the 40th Commonwealth Parliamentary Conference in Canada, 1994. This is the data papers. On page 46, under the subheading of Tourism, it reads: **"The problem: Tourism is a main source of revenue for many small islands; one of the few development options they have. But its impact on island environments and indigenous cultures threatens to ruin the very beauty and diversity that draws tourists. As an industry, tourism is both resource intensive, that is, high consumption of water, land and capital, and waste intensive affecting coastal ecosystems."** People complain about this all the time, sir.

That was in 1994 and there were some action proposals. **"It is imperative that small islands carefully plan tourism development. This should include balancing development with other needs for land and coastal resources requiring environmental impact assessments for all projects developing guidelines for design and construction of tourism facilities to minimise environmental impact and adopting measures to protect the cultural integrity of island peoples."**

I am not saying that we have no regard for this, Mr. Speaker. I served some time on the Central Planning Authority, as you did, sir. We were there together. I know a little bit about what happens. But I do not believe that we are paying anywhere near enough attention to the problems looming right ahead of us because of this. Just one more quote from this book on page 49, under "Role of Parliamentarians in Contributing to the Understanding of Environmental Problems." Mr. Speaker, this simply reads, **"While there is a wide variety of national circumstances there is growing recognition worldwide that successful policies to conserve the environment, alleviate poverty, and improve human welfare in an equitable manner will require strong institutions and open participatory systems of government."**

Open participatory systems of government. Someone might ask what the relation is to what I said about the environment. I am going to say that it is self-explanatory—because it is. I am not going to take the time out to dig and stab. . . and they know I can. I will make the statement again: It is self-explanatory.

One thing I can't let pass. It has to do with the environment, with concerns about landfill and where we go in the future, the direction we head to solve that problem. Mention has been made that the lifespan of the present landfill site is expected to expire in five years. In truth and in fact it is four years. Since that statement was made a year ago, in truth and in fact it is three years now. Let me tell you that I hear a lot of people saying a lot of things, and I know that it is only fair when certain things are in motion that you give people time to get results. But I have been hearing for a long time that things are in the works and I haven't seen the results yet.

I issue this warning today: If we sit flat on our you-know-what and wait this thing out because it is difficult to tackle, we are never, ever going to be able to get out of it with a satisfactory answer because it involves sewage also.

Going back to what I was saying about the authorities, I also know that the Water Authority is doing its best when it comes to making plans to deal with sewage in certain areas. But they can't operate the way they wish to because of the way they have to function. Getting back to this thing . . . I can't resist. I want to prove a point today to see if we might somehow start to reshape the way we do things.

On January 14 of this year, a gentleman contacted a place called Recycled Refuse International Limited. He contacted one of the principals of this company who had visited the island before. I won't call names, but when he

contacted the person by way of a fax he simply said, **"Dear Sir: I am aware that you have visited our islands within the past two years for the purpose of discussion with our government on the disposal of garbage by the incineration method. I am interested in what type of response you received from our government representatives and most of all whether your firm's interest in our island is still on their agenda. I would also like to know your availability for further discussions on this subject if the opportunity presents itself. I am simply a concerned citizen. Yours truly [so and so]."**

On the 18th of January the gentleman received a reply. Now this is going to take a few minutes, but I crave your indulgence.

The reply reads: **"Dear Mr. [so and so]: RE: Cayman Islands Waste Disposal."** Mr. Speaker, if necessary, I don't have a problem tabling this because there is nothing to hide. I am just letting you know. And any one who wishes a copy, I am happy to let them have a copy of it.

"Dear Sir: Thank you very much for your letter of 14 January 1998 which has been drawn to my attention upon my return to office. You are correct insofar that we first visited Grand Cayman in December of 1997 during which time we discussed at some length with various concerned local citizens the then current situation with regard to the above matter and generally the deteriorating condition of the environment."

"At entirely our own cost and initiative we put together a detailed report in some depth covering every aspect of the islands waste management practices and how best to address the actual issues to bring about a composite waste management solution which would be viable and effective. This report was produced in two volumes, the first being the full report and the second a digest, and through the good offices of Mr. Michael Godfrey of Arch and Godfrey and Mr. Heber Arch's partner, this report was circulated to Mr. McLean, the Minister of Environment, and his permanent secretary and other potentially concerned ministers."

"As a consequence we returned to the island in the middle of March 1998 at which time meetings had been arranged for us to open dialogue with the minister, Mr. McLean, his permanent secretary, Mr. Gomez, and we were fortunate enough to meet Mrs. Kuczysnski, the head of the department of environmental health. We also had meetings with Mr. Bruce Drake of CUC, who was most helpful, and Mr. Rick McTaggart of the Water Authority along with his colleague Tom Van Zanten."

"During these meetings and under the direction of Mr. McLean we were given access to a substantial amount of information which would assist us in preparing and fine tuning our report in order that we could put the financial cost with a solution. At the same time, and with consent, we took samples from the various dykes and canals that bordered on all sides of the existing municipal landfill. At the same

time according to subsequent press comment the minister of environment also took samples and had them analysed.

"Principally, Mrs. Kuczynski had asserted that no problems existed with regard to leachate [whatever that is] from the landfill which seemed rather incredible as she was most positive despite our worldwide experience which would indicate that leachate is a problem. Cayman Water informed us that due to fracturing of certain clay-foul sewers that they were experiencing a higher than average ingress of salt water into the sewage system and levels had increased to the previously historic highs of the early 1980s.

"Salinity was such a problem that they were obliged to use expensive electrically powered aerator pumps and if quantities were too great then these were diverted directly into the dykes without treatment. Certainly, the water samples we took have been analysed independently and indicate that leachate is a problem and that sewage is evident in some of the samples. Our sample analysis were probably substantially influenced by the limestone which is prevalent in the immediate environs of the landfill as this has a naturally neutralising effect on certain acids."

So, despite their findings what they are saying is that the findings should have actually been worse, but for the nature of the soil surrounding the landfill that has a neutralising effect.

"Due to the cutting of the dykes to enable tidal flushing extensively to eliminate build-up of mosquito infestations the leachate originating from the landfill is flowing into these dykes and canals and in simple terms dilution becomes the problem."

Where do these dykes go to, Mr. Speaker? They go into the North Sound. That's where they go. They are not landlocked. They start at one end and go out to the North Sound. This is where it gets kind of tight to just sit and look at this and do nothing.

"Mrs. Kuczynski promised in March to forward to us a report prepared by American consultants called Post, Buckley, Schu and Jernigan of Winter Park, Florida. This report was a detailed environmental assessment prepared in January of 1992 which would contain analysis taken at that time from bore holes which were strategically drilled on the perimeter of the landfill site.

"Sadly, notwithstanding the fact that the Ministry of the Environment instructed department heads to provide us with the information, the American report referred to had not been cleared through Executive Council or the Legislative Assembly, and, as such, was still a classified document. And so, sadly, we have not received any information notwithstanding frequent reminders to various members of government and their departments."

Mr. Speaker, what that means is that these documents were received and put down and that was the end of it. That's what it means to me. If it wasn't cleared with

Executive Council and if we members didn't have access to it, what else could it mean?

"So frustrated were we with the lack of assistance that we tracked down the American consultants in Florida and asked them if they could provide us only with a site plan and the analysis. Whilst they were very happy to do so, they must have checked either with Mrs. Kuczynski or [her assistant] and no information was forthcoming."

Are you hearing me, sir?

"They did say, however, that they thought dilution was the solution as the situation was critical in 1992 and needed substantial works to be carried out if the matter was to be contained."

So, Mr. Speaker, since 1992—that's almost seven years ago—the situation was critical!

"Whilst talking to her assistant he suggested that either a small landfill at Rum Point or on the East End of the island on a redundant limestone quarry would be the quick fix solution. From our view, this would be an environmental disaster as some of the best quality groundwater exists to the east of the island. And the limestone abstraction licence specifically dictates that rock can only be removed to a certain depth in order to preserve the quality of the groundwater."

It took me a while to understand what that was talking about, but it's talking about the quarry. The same one they said they are having problems with now because they have gone down too deep.

"Even with the use of an impermeable membrane as a liner, this would not be adequate as glass and other sharp items inevitably puncture, and leachate from within the landfill would freely permeate into the quality groundwater aquifers."

We can easily understand that. Whatever you try to contain it with, if it gets punctured it just goes out and contaminates the water. And we know it has been proven that the largest water lens is up on that side of the island.

"Amusingly, in August of 1998 an article appeared in your local newspaper reporting a statement by Mr. McLean on 15th July that government was not controlling seepage of pollutants from the George Town Landfill and that wastes of all types including liquid hazardous waste had been discharged into this landfill." I remember that!

"It was resolved that some of the challenges of the government were to facilitate the establishment of an environmentally sound waste management facility in the future. The article referred to the ground and water surface samples having been taken in 1991, 1996, 1997 and the spring of 1998. None of these analysis which presumably would be regarded as public information has been released." Not one has been released!

"In light of this reluctance to release otherwise regarded public information we wrote to various of the ministers, who were Mr. Truman Bodden, Mr. Anthony Eden, Mrs. Julianna O'Connor-Connolly, Mr. John McLean, and Mr. Thomas Jefferson. These let-

ters were delivered by hand. Notwithstanding that, we have received no reply.

"We are aware that the Water Authority is anxious to devise a solution for the sewage sludge accumulation which will start running at about 50 tonnes per day, and this has to be disposed of if the matter is to be contained. Various technologies are being examined which would deal with the high level of salinity that exists. Needless to say, there is some difficulty in being able to locally fund any expansion due to the fact that the Authority is required to borrow locally on the market and compete for such capital at commercial rates at a maximum term of ten years."

He didn't even know what we were just talking about. But do you see the problems the Authority has? And then the government wants to take away what little money it has!

"Any municipal capital expenditure has to be looked upon with amortisation over 30 years rather than ten years. But such capital is not available locally and is placing budgetary constraints upon the Water Authority. Our composite environmental solution [I am nearly finished, sir, but I know you are interested] provided for the sorting and recovery of viable materials from the existing landfill which would lead to its reduction in size and height. Given its age certain earth-like material could be recovered and enriched with some sewage sludge to provide landscaping material particularly given the current ban on the importation of soil to limit a possible disease."

"I am happy to return to the island to hold meaningful discussions with decision-makers and have indicated to Mr. Godfrey (with whom you are free to speak) that during February or March I would be happy to return to talk through such a programme. That position remains the same. I look forward to hearing from you at your earliest convenience . . ."

Let me make it very clear that I don't know these people. I have never met this man and I am not suggesting that what is in this letter is the answer or that government should just grab them up and say do what you want to do. But I am showing that this has transpired. I don't want to sound like I am trying to point fingers at anybody, but why is it that this information was received and no one is even prepared to allow anyone else to have a look at it?

It must say something that they don't want anyone else to hear. Isn't that a fair assumption? It has to be!

But here is the beauty to prove that I must think the way I am thinking: On the same day, 18th January, a reply was sent back from the Caymanian gentleman who sent the fax on 14th January. He got this letter that I just read. A little while later he got another letter through the fax machine. It says, **"Dear Sir: We have as a courtesy replied to your letter. Prior to doing so we sought the approval of the content of our response of others in the Cayman Islands. Prior to receiving comment on its content the letter was released to you."**

What he is saying is that the gentleman sent the letter on the 14th. When he got back in the office he saw the

letter, he responded to the letter. He also asked for other opinions from people he had been in contact with in the Cayman Islands about his response to the letter. But before those people responded to him he sent the letter back out to the man. So that's how the man got the letter.

But, here's what he says now: **"Prior to receiving comment on its content the letter was released to you, and I am now advised that there was a risk and its content could in some way be made public . . ."** Which I just did, thank God for Jesus. **". . . or used with a political bias that may not necessarily assist in providing a proper government backed solution and resolution to the mounting environmental concerns."**

So I have a political bias, Mr. Speaker. Okay? But from 1992 until 1999 this has been going on. And I must not read this out? Change my name and make me look different—can't happen! I am going on, sir.

"We must expressly request that the information provided to you was in the strictest confidence and private and confidential." They never said anything like that in the letter, you know. It was after they talked to somebody and said, *'Oh-oh, we made a boo-boo.'* That's what happened.

"The law of copyright applies . . . [The press will know all about copyright. He faxed the man a reply and now he's talking about copyrights.] . . .and we would respectfully request that you should understand that this is strictly confidential and intended solely for yourself personally. You are requested not to copy, distribute or in any way take action in respect of its content without our prior written consent."

"We are advised that any unauthorised distribution of this document would prove to be counterproductive and would alienate political support [Hear me now—alienate political support!] and set back any prospect of crystallising a meaningful environmental solution by some huge amount. It is therefore much appreciated if you would read and then destroy this document forthwith."

"I have to extend my apologies for this change of heart, but apparently various elements outside and within the Cayman Islands have already been mischievous and have created a number of upsets which have not assisted in progressing the matter for the common good."

I don't know which various elements he is talking about, because if nobody knew anything about it I don't know what anybody could say.

Let me really try to be as fair as I possibly can. We on the backbench have sat and talked about this kind of stuff. We know that what is facing us is difficult. We also know that it could possibly be a very expensive situation. I didn't read this to say that we should be doing business with this person, or to say that we shouldn't be doing business with this person. The point in all of this is that we have to take action. Every single thing that we do, we do it when our back is up against the wall and there is nothing else we can do but act. It has to cost us more when we do it like that. When are we going to learn? This whole thing has been going on since 1992.

Let me just paint another picture. Let me show you why I totally subscribe that government should just stop what its doing, get down on its knees and beg for mercy, and start all over again. If we are on the backbench here and there is a problem like this that has been pointed out by some people, and government brings it, tables it and says, 'Gentlemen, we have a problem' and we understood the depth of the problem, do you think we are going to sit down and scheme and try to find out how we can blame them for it? No! If they come to us open, transparent, then we will naturally feel the responsibility to assist.

Mr. Roy Bodden: True!

Mr. D Kurt Tibbetts: But when we have to hear of these types of situations in this fashion how can we feel good about it?

At the end of the day it is we who will face the heaviest decision—all of us put together. However the money has to come to do it, we are going to have to approve it and from whence it cometh.

Listen, Mr. Speaker, I don't want to be one of them. That doesn't matter to me! But where is the regard for the country and for the people? How can we sit and make decisions like this—or not make decisions like this?

Mr. Speaker, my throat is dry, sir, if you don't mind.

The Speaker: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.52 AM

PROCEEDINGS RESUMED AT 12.22 PM

The Speaker: Please be seated. Continuation of debate on the Throne Speech. The First Elected Member for George Town, continuing.

Mr. D Kurt Tibbetts: Thank you.

When we took the short break I had just completed reading a bit of correspondence regarding the management of solid waste in the country. I am going to move on now. But let me just make it very clear that our intention from where we sit is to get the best results. And I would expect that government would find it incumbent upon itself to be willing to reply to these issues that have been raised. They have not been brought out for any other purpose than to express our concern. I do believe that the government has a responsibility to deal with these matters. It is possible that it has more information than what we have.

We have to move forward to find solutions. I trust that government is prepared to deal with it in that fashion and the various ministers who are responsible for the issues raised by other members and me will be quite willing to deal with them. That is solely the purpose of why we are airing our views.

With the short remaining time I have left, I would like to speak on the reforms in the public service, specifically

the financial management reforms, the public sector reforms and I do intend to mention the Vision 2008 exercise.

Let me state very clearly that I (and the majority of the backbench) am totally committed to these reforms because I believe that for the country to move forward and for us to be able to leave a legacy for future generations this is the route we must take. I think it is totally obvious to one and all that the way the entire country is run at present does not suffice the demand being made. Clearly, that is the case. And the public sector and financial management reforms, while each in its own right has its own various entities to deal with, it is important that we understand that the goal being sought is the same. It's just that you have to do different things in the different areas specific to the nature of that circumstance in order to achieve the goal.

In the financial management reform the underlying philosophy is to make the civil service more result oriented by distinguishing the roles and responsibilities of the executive, which is setting up output based performance expectations, from those of the administration which is the delivery of the performance expectations. That is not a completely different line from the way it works now, it's just that I believe we are now poised to fine tune these situations to get better results.

It has been accepted by those who have direct dealings with this that we have to adopt output based budgeting rather than the way we are going now, which is input based. And we have to go to the accrual accounting system rather than the cash accounting system that we have now. We also understand clearly that we have to establish processes for effective accountability. And we have to do this by requiring performance expectations to be clearly stated. We also have to be able to delegate the managerial powers necessary to achieve the required performance. We also have to have effective incentives and sanctions to encourage the achievement of the performance required. One also very important aspect that has to be achieved is the reporting of information whether or not the required performance was actually achieved.

Let me say here and now that the civil service is going to be the vehicle to put the way government runs on sound footing. The political arm of government will have its role to play. But I don't want to concentrate on that too much right now because while at the end of the day a lot of everything is going to hinge on the political will, the truth of the matter is that the vehicle and the machinery, which is the service, is what is going to make it happen, or not happen.

I know that there have been some recent workshops, and I believe they have been going well. I want to say that the way the whole situation is envisaged it is important that the civil service understands that this is something that it need not have any fear of whatsoever. I know that individuals are averse to change especially if the change is something completely different from what they are used to. But I hope that the message gets across properly to the people in the service that this is a

golden opportunity to mould the future of this country and to pass on a great legacy to future generations.

If we don't take the time out to set it right, obviously we will be doing a lot of what has been done in the past, which is leave it alone, it's someone else's problem, let them have the worry. And the longer we wait, the more difficult it is going to be to effect these changes.

What it is going to take out of the civil service is a whole reshaping of thinking, not only systems, but reshaping of thinking. Where some of them might have great fear about not being able to fit in and not being able to perform the duties required because of the changes being effected, I want to say clearly that one of the biggest reasons that I give my full commitment and support to these reforms is the fact that we are doing it before we have to be insensitive about it.

I remember when the Financial Secretary and I were in New Zealand attending a seminar, just over a year ago. One of the things we saw when looking into other systems and reforms taking place in other countries was that, very glaring, a lot of countries had waited until they were in major problems. And in order to turn things around they had to be totally insensitive to people and in many occasions jobs were lost and all of that.

But what I want to make very clear is that one of the very positive reasons for dealing with it at this point in time is because we now have the latitude to look at role clarity in job descriptions so that people know exactly what they are responsible for and we will also have the opportunity, when persons identified to perform these tasks are not equipped to perform the tasks, before there are any arguments whatsoever, they will have the opportunity to be trained and given the tools to perform the task.

As we stand right now I am sure that there are people in the service who are not content with the jobs, not sure of themselves, of what they have to do or how to do it. This is a golden opportunity to fix all of that. So, I look forward to the service claiming rightful ownership of this exercise. I look forward to them being able to mould themselves to achieve the goals being set. And certainly it is obvious that the authorities have the will to make sure that each and every person who is part and parcel of this exercise within the service is able to be equipped.

This certainly must enhance their ability to perform, and it is going to go further than that. You will be able to look at role clarity, but you will also be looking at someone being paid for the value of the task that they do. So job performance is going to be very important.

I also believe that there are many civil servants that believe that they are not being paid commensurate to what they are doing. This will strike all of these balances properly. It won't be achieved overnight. But certainly it is the best opportunity this country has ever had to move forward and get its systems right; to get the people who work the systems equipped to do the things the right way, and to feel like they should feel—like a proud productive part of a positive movement which is taking the country forward providing what we should be for future generations.

We have to be looking at what our resources will be down the line. We have to put systems in place that will manage those resources properly and get the best value for money that will get us the best results possible. While that may not have been the order of the day, I believe that the country will be better off. The people will be better off and all of the civil servants will be better off once we are able to move into this system and as we move along get into our new way of thinking and doing things, and we will achieve much more.

I have a little synopsis. When we look at these reforms, which include the financial management reforms, the public sector reforms and the Vision 2008 exercise which all go hand-in hand, I think it is fair comment to say that we have to make sure that we know before we move forward in full swing exactly how we are going to integrate all of these to make sure they work parallel to each other and that one does not outpace the other, and that the efforts are synchronised. It is going to be a continuous exercise because we will never have it perfect. But we have to set certain parameters and we have to achieve certain goals before our systems will be in full swing. I appreciate that it might well take, if we get everyone on board claiming ownership and wanting to see it work, less than three years.

A lot of people with the conviction that this is the right way to go have put a lot of hard work into this. And these convictions are not based on because it looks good, but on experiences and knowledge which have shown that what is being done now and the way it is being done can be vastly improved upon. That is the whole purpose of the exercise.

When we look at effective government management, as I mentioned earlier we have to have role clarity. That means we have to define the roles properly. And we also have to define performance clearly. We have to establish who is responsible for what because if you notice even when we have Question Time down here, or debates, there is always a problem. We are not quite sure who is responsible for what. This will take care of all of that.

So we won't have to wonder who has to do what or who doesn't have to do it, and something doesn't get done. Also, heads of departments, "managers" as we would call them, lots of times are not sure where authority lies. Lots of times there are questions. And when we look at the entire chain of command, from the bottom up or from the top down, either way we always have problems with where the buck stops. This will deal with all of that so that everyone knows for sure what his or her responsibility is and what is expected of him or her. I think that is very important.

We on the backbench have been touting accountability and transparency for quite some time now. If we get all of these systems in place . . . I shouldn't say "if" because I no longer think "if." I am going to say "when." I have no doubts any more because I believe that even the non-believers will come on board quite quickly when they see the light. In fact, I think I see it on a daily basis now.

When we get all these things in place we will find where we legislators are asking tons and tons of questions and things are being left unanswered and we wonder how this was spent, how that was done . . . transparency will be automatic because the system will be such that when you have financial reporting it will be crystal clear exactly what happened. That is how it must be.

The role of the backbench is to keep government on its toes, so to speak. The elected government sets the policy. That is what our time should be spent on. Policy is what we should be dealing with. Now we get into a lot of stuff that is basically administrative because the system is muddled. But when we have all of our changes in place everything will be clear. And lots of things go along with that.

We talk about transparency, which I think will become obvious, and all of those doubts and fears and question marks will fall away once we achieve transparency. We won't be wondering which government minister made a decision because it was in favour of his friend and that kind of thing. All of that will fall away. Whoever is on the government side of the bench won't have to worry about what other people think. And those who think of it won't have to worry that they have to think it. All of that is what we need not waste our time in here thinking about.

A private member's motion was passed in here not so long ago about freedom of information. That is an integral part of this whole reform. Every person in the country must feel that they have a right to know the country's business. With few exceptions the country's business is the people's business and the people have a right to know. As it stands now there are a lot of questions in that area. And under the system we have grown into it becomes natural on many occasions for people to believe that they not only have the right to withhold information, but that it is what they should be doing. All of these things will fall away.

We talk about freedom of information. There was also a private member's motion brought about an ombudsman. That motion wasn't passed, but that too will be proven to be a necessary and integral part of these reforms. But that can come. Rather than get into big fights we will move forward. We are going to play our role to make sure that we do what we have to do with it to the best of our ability and those things will fall in line.

We talk about the Medium Term Financial Strategy and the Public Sector Investment Programme and wonder how the entire reforms will be integrated so that we can see the end results. I would just like to quote (and this is the last one) from a paper prepared by the permanent secretary in the Ministry of Education (and I have been granted permission) who is very involved with the Vision 2008 exercise.

I remember having questions because that exercise was under the Minister of Education. We have known from time to time that when he is ready to put his foot down and put a stop to something he's good at that. We have seen him in action with that when he believes that is what he should do. But this is one time that I have to admit that I have seen no trace of that thus far. And it is

not even grudgingly that I have to congratulate him for the exercise, because while not being directly involved at any great length with the exercise itself, I have been involved with the integration with the other areas of reform and how we are trying to make it work. So far, I have to admit that I haven't seen any trace (and I know the traces) of the impediment I know could exist.

As I was saying, I just want to quickly quote regarding the Public Sector Investment Programme and the Medium Term Financial Strategy. This is under the sub-heading "Relationship between Vision 2008 and Government's Financial Policy and its Reforms."

"The Public Sector Investment Programme is essentially a three year projection of government's capital projects. [That is the way it is now, but that can be subject to change depending on what we find that might be more suitable.] Projects are submitted from departments in a prioritised list complete with capital costs on an annual basis as well as recurrent expenditure that will result. This list of projects is compiled into a sectoral breakdown which is further prioritised by ExCo."

So when you hear a sectoral breakdown you are talking about plans from the various sectors. And what I am getting to here is what we have been preaching all along and this is why I am not so unhappy today because I see some hope. We have been preaching all along about forward planning, about prioritisation and we have met upon many stumbling blocks. I am not going to get personal with it any more. We want to look forward to the future, really.

I say that with all sincerity because I get tired of saying the same thing over and over, hoping that I will see things work one day. And I am not saying that because I believe everything I say is right. But I do know that in this instance with the preaching about the Public Sector Investment Programme and Medium Term Financial Strategy we were right and we will be proven right.

"The compilation of prioritised government projects shows the financial objectives that government has to meet in terms of the levels of expenditure needed to fulfill its sectoral objectives. At present, government's sectoral objectives are only partially identifiable in the D-Plans and the very few strategic plans that exist. True sectoral objectives state not only the long-term goals but the justification of these goals and the steps needed to ensure their success. Vision 2008 provides partial sectoral objectives through its statements on specific objectives although they are incomplete as they do not take into account the present objectives government is pursuing they can be combined with these objectives as stated in departments' D-Plans."

That is where we need to be talking about the integration. We have this document that will be given as a completed document for the exercise that has been completed with Vision 2008 which many, many people have participated in. It really is a document that says what the people of this country want the country to be like in the foreseeable future. I think it deals with ten years. What has to happen is that the sectoral plans that

government has when government is looking at its priorities and what it has to do for the country, you have the opportunity to hear what the people want for the country and you combine them. So when you have your plans then you deal with the Public Sector Investment Programme and the Medium Term Financial Strategy.

“The Medium Term Financial Strategy in its present form encompasses both the sectoral plans of government and the PSIP as well as the financial strategy necessary for government to achieve its stated objectives. It is concerned not only with the trends that are likely to occur in the economy but the financial policies that government should adopt to make efficient use of its resources.” That’s what the reforms are all about, Mr. Speaker.

The Medium Term Financial Strategy cannot be created without a Public Sector Investment Programme, that is to show what is being financed and the sectoral plans as to why it is being financed. Sometimes I am not able to say everything that is easily understood, but I am a bit excited about this because this has been a long time coming.

I have to say before I close that I have the greatest of appreciation for the Financial Secretary and his team who have been dealing with this, moulding this situation, who have spent endless hours. They are the experts. I am not. They have spent hours and hours on putting this thing together based on their experiences in the civil service and based on the vision they have for this country.

I do believe that we have the golden opportunity to make this thing work. I will come down here any morning or afternoon or night if necessary to get into a good scrap with the minister for education if I think it necessary. But, this much I promise when it comes to these reforms and doing what we have to do to make it work. They won’t have any arguments from me. In fact, if they even give me a baton to run the field with, as big as I am and slow as I am, I will get to the end. That’s a promise! That’s the type of commitment I have. I don’t speak only for myself, sir. I think it is safe comment to say that I speak for the vast majority of the backbench, if not all. It is something very needed in this country.

In summary, I have spoken for just about the time allotted me. I have raised some heated issues. I have talked about some positive things. I just wish to say to one and all that my intentions are pure. Even if how I say what I say goes against the grain of some individuals, it is meant to bring about results. That is my job in this honourable Legislative Assembly. Regardless of our political differences, I believe there are some things we all need to be on all fours about, and I think I can give the commitment from the backbench that we are prepared to deal with what is right in the best way that we can.

We are prepared to move forward for the country and that is not only for the sake of the country, but that includes for our sake as well, and for the sake of our children. I think that in times to come we might begin to deal with the important issues of the country in a little bit different fashion. Perhaps this has been one of the times that will set the pace.

But what I do expect is for government to respond to some of these issues raised. They don’t have to agree with everything I said, perhaps they will bring up things we didn’t know about, but we want them out in the open so that we can get clear cut decisions and move forward to bring about some good results.

I trust that you, sir, have not had to bear too much pain in listening, and I think it is time someone else had an opportunity.

The Speaker: Proceedings shall be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.58 PM

The Speaker: Please be seated. Continuation of debate on the Throne Speech. Does any other member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Boddin: Thank you.

I would like to congratulate His Excellency on a very important Throne Speech, and to thank him for his governance and guidance over the past three and one half years. Those three and one half years have seen the Cayman Islands move forward in very important areas. The progress has been steady and I believe that a large amount has to be credited to His Excellency who, with not only his background in the diplomatic core but also his experience in private sector business, has brought good and new approaches to very difficult problems.

This has been a very positive approach for the Cayman Islands and we are all much better off as a result of his wisdom, guidance, and governance over the past three years.

I would like to turn to education and deal with some areas of it. An important part of education development has been the implementation of the strategic plan that was approved by this honourable House in 1995. That plan is one which is comprehensive, one that has been put together by persons both in the teaching profession, the education system, and parents and students of the Cayman Islands. It is one that has stood the test of time.

The third annual update will take place in April of this year and as usual, modifications will be made to the plan to ensure that it meets the educational needs and challenges of the Cayman Islands into the new millennium.

The plan is one that is comprehensive and sound, and most important, it has the ownership and support of the teachers of the staff within the education system and also of parents and students. Probably for the first time we had very young teenagers who participated in that plan.

The national curriculum which came from this plan continues to be developed through the leadership of staff in the Education Department’s curriculum division, the input received from teachers and staff. Work is being done in language arts, mathematics, science and social

studies, and these are well advanced. In addition to that, the curriculum teams are proceeding with the design of a national curriculum in art, music and physical education.

Along with this work is continuing in developing the assessment tools that will measure students' success in mastering the required learning outcomes. This is very important so that the advancement of each student can be looked at in depth. At the secondary stage work is commencing on the curriculum revision to strengthen vocational opportunities for students as well as beginning an examination of graduation requirements. This will also be looked at by the Education Council.

We will also have three Caymanian teachers beginning study leave this September in advanced studies in the field of teaching. Returning from a year of overseas study will be three teachers who will be coming into the classrooms in September this year. The Education Department will be providing assistance to those schools who have recently undergone the school's inspection programme. That assistance will take the form of training increased materials, and monitoring of the actions in those schools through the action plans they have developed. It is important to remember that there was a self-assessment prior to the inspection of each of the schools.

The enrolment in private and government schools has put strains on the schools system and several new areas of increased school facilities are being looked at. In the five primary schools in Grand Cayman we have now completed the air-conditioning, and the remaining two as well as the Brac primary schools will be completed in the near future which means that all of the primary schools will be air-conditioned.

The high schools are partly air-conditioned and work will begin to complete the air-conditioning of those two or three schools. At the Red Bay Primary, the playfield has been completed and the administration building is well underway and should be completed within the next two months. We are also hoping that work will commence shortly on the multipurpose hall for Red Bay as well as the hall at the John A. Cumber Primary. Both are badly needed and will benefit those schools. A new primary school to the extent of about ten rooms will be started in the Prospect/Spotts area and this will ease the overcrowding that now exists in the primary schools from George Town to Bodden Town.

The funds for the Lighthouse School were approved a few weeks ago when the budget was approved and, thank God, that project will begin later on this year. I set out the time limit in a question earlier, and I don't plan to go into it again in depth, only to say as I said then that the two pods that will be completed will be sufficient to carry on together with the parts that will be in the main building and at the end the remaining pod will have the balance of the specialised equipment and teaching. The occupation date is set for September of the year 2000 with the year 2001 for the completion. In that will also be the home-based programme which caters to about 80 or 90 children at present. In fact, some of those will be coming into the mainstream of the Lighthouse School. I would just like to mention the reason for placing this by

the Red Bay School is to ensure that the children can be integrated and can go into the general streams, even if for short periods, at the Red Bay School.

Work is scheduled to begin on the kitchen facility at the George Hicks High School and we hope to begin the design of the new library at that school.

Communication is critical to life generally, but it is critical and important to teachers and parents and I am happy to say that the Education Department has assisted in the creation of the National Parent Teacher Home School Association. This has improved communication between parents, schools, the Education Department and the Ministry. And it is very important that parents attend their school PTAs or Home School Associations as well as the national association, and that they turn out for reporting sessions. That communication between parent and teacher in relation to the student is critical to ensuring that the student reached his/her fullest potential.

We have recently seen the Internet brought into nearly all of the government schools. We thank Cable & Wireless and the computer companies who participated in this. It is carefully controlled, but it provides a very good additional resource for educational research as well.

The thrust of the department and the ministry will be to ensure that the increasing numbers of children coming into the schools will be properly and fully catered for. It is a fact that the government schools continue to provide first class facilities for education, both in staff and equipment. We understand there is not only the need for an educated population, but as the world gets smaller in terms of communication there is a need for the youth of today to fit into the overall global marketplace that basically engulfs the world as well as small islands like ours. The aim has to be to develop students' skills and abilities to the highest potential to ensure their proper placement in the workforce and their potential to the maximum within our society.

The schools' inspectorate is beginning its third year of operation and it will continue its inspection of private and government schools ensuring that the findings are available to parents. This year the John Gray High School, the St. Ignatius High School and Triple C will be inspected. In addition to those, five schools have already been inspected and will be revisited to assess and report on the progress made.

The training of seven occasional inspectors will be completed this year and this will increase the level of trained people within the islands to do these inspections and reduce the need to bring in inspectors from abroad. There was worry when the inspectorate was set up that its role would be more akin to a criticism of the system and no constructive solutions or assistance. The inspectorate headed by our very competent senior inspector, Mr. Greene, along with his staff, has been able to dispel those fears. In fact, schools are now accepting the inspectors quite freely.

The *Handbook of School Inspection* will be revised and reissued to schools and the findings from school inspections will be shared with senior staff at senior man-

agement conferences. The inspectorate will continue to give top priority to ensure that its work continues to contribute towards improved educational standards. There is where it differs from what is known as an inspection in the commercial field where (at least those of us who have worked in banks) for example we feared having inspectors come in in the old days knowing that their role was a critical role and other areas of the institution were left to deal with solutions to the problems found. But here the inspectorate is constructive. It will criticise, but it will provide the solution, or assist with finding the solution to the problems the school has. In fact, the self-assessment for the inspectorate by the schools provides the necessary solution to the problems.

This year we hope to amalgamate the scholarship office and the guaranteed student loan scheme office to improve the service to both programmes and to provide and strengthen the careers advisory service. A lot of groundwork has been done on the national training initiative. And this has been done in collaboration with the department of labour utilising the services of a consultant that has been funded by the Commonwealth Secretariat. This drive to strengthen both the vocational education and training will continue this year. It is very important that when this initiative is fully adopted that it has the ownership of the persons who will be using and taking advantage of these services.

The Community College continues to progress. We have seen the continuation of their goal to become a comprehensive teaching institution with equal emphasis on technical, vocational and professional academic and continuing education to the people of these islands. The Associate Degree programme of the Community College has received international recognition and the first group of graduates has gained acceptance to more than 30 colleges and universities throughout the United States and the United Kingdom. In fact, many of these colleges and universities in the US are in the competitive, some highly competitive, rating of that system.

This year the registration at the college was greater than in past years. This is a very good sign. The certificate programme at the Community College has almost doubled. The Associate Degree registration has increased by 40% and the registration in the professional and continuing education programmes and courses has increased. As a result of these developments, the College expects that the graduates in 1999 will be considerable more than in previous years.

This year we are hoping that the third phase of construction at the College will begin and this will include the addition on the campus of a multipurpose hall as well as the Cayman Islands Law School, which is totally separate. It will be started on the campus but will remain under the honourable Attorney General and will remain separate from the college, as it now is.

The Community College intends to introduce a teacher education programme in September of this year. This was called for by members of this House and an area that government must, quite rightly, give priority to. I gave that undertaking during the budget or in a question to give priority to this area. If we can qualify our own

teachers locally then I believe we will see many more teachers, as we have seen the increase of local lawyers through the Law School. I would like to dispel one worry that did arise. What was said in the Throne Speech in relation to a four year degree programme in business and accounting and put it in a time frame of possibly four to five years that this is being looked at. I would like to clearly state that the Ministry of Education supports the International College of the Cayman Islands (ICCI), we encourage ICCI to continue to achieve the great heights it has over the years. It is a very important part of the educational institutional development of the Cayman Islands and we will continue to support it not only with grants and other assistance but will also ensure that local scholarships we are now gearing up for will be equally applied to ICCI, the Law School and the Community College.

The Education Council continues to meet regularly. One of its main functions is to deal with scholarships and look at the progress of students on scholarships. The awards have now been extended not only to recognised institutions abroad but also to the three local institutions, ICCI, Community College and will be extended to the Law School, because it's in the early stages.

The Agricultural and Development Board will continue to act as the administering agent for the student loans under the guaranteed student loan scheme. This is very important because jointly between the scholarship and the loan scheme we cater to the local students who will be furthering their education and taking their place in society as time goes on. We have increased the counselling facilities for students and this arrangement which now combines the council with the scholarships and the loan scheme will continue to be developed and a series of seminars for prospective students going abroad and in the colleges and school here will be arranged.

The education system and the ministry and I think the people of these islands owe a big thanks to the many people who have assisted with the development of education over the years. Despite criticism that has been levelled at us at the school system from time to time, we have seen the results of the high schools continue to top the Caribbean in the Caribbean Council's exams. I will not go into a lot of detail on this because I answered this in depth in a question before, but for several successive years the high school in Cayman Brac and the high school in Grand Cayman have topped the Caribbean in the CXE. This is not only in academic subjects, but also in vocational and technical subjects.

The variety of subjects offered at the college is extensive. We have also seen students placed at the top in the Commonwealth Essay, something that is a first for the Cayman Islands and was joined along with Bermuda in the Caribbean. We have seen many of our students come back from abroad and take their rightful place in society as good contributing citizens. The only thing that I would ask members of this honourable House, especially the opposition, to think about, . . . many times the press will highlight one or two students who may have a problem and that is sometimes taken to reflect what all students are and to sometimes smear the vast majority

of good students. In schools where you have over 800 students, some will have problems. But we should not let those few who have those problems detract from the many good students that are there.

One of the things I have tried time and again is to get the press to come to a march pass of our schools when they are having their sports. I even say to the television, if you take and put 300, 400 children on the screen, look at the amount of local viewers it will increase because parents will want to see their children. Even that economic inducement hasn't been sufficient. So I call upon the press to try to give good coverage of our students; say some of the good things. I know the press makes its money on news, and sometimes good news (as the saying goes) is no news, but I am really asking for the fair share for future generations of this country to ensure that the 99.9% good that we do get from our young people is reported on by the *Caymanian Compass*, the television and radio. And also that members here would bear in mind that for every one child who has a problem there is probably 100 who are good children who never get the benefit of good publicity needed.

Lastly on education, I would like to thank the members of the Education Council, the members of the Cayman Brac Council and the chairmen for the dedicated work that they put in and their contribution to education in these islands. I would also like to thank our chief education officer and his staff at the department, and especially the principals, teachers and support staff in our schools who really are the people up front who are in daily contact with the children and their parents and who make a contribution that many times, like the good work of the students, goes unheralded. However, I know that their reward is in seeing students who ultimately take their rightful place in society and contribute to the country.

I would like to turn to the Planning—

The Speaker: Since you are going on to another subject, we will suspend for the afternoon break. Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Please be seated. Continuation of debate on the Throne Speech. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

Hon. Truman M. Boddan: Thank you.

Turning to statutory authorities, a statutory authority such as the Water Authority, the Port Authority and the Civil Aviation Authority are statutory corporations owned by the government of the Cayman Islands. Initially what government did was to transfer government assets to them, many times in the form of property. But it also transferred the right to collect revenue that otherwise would come to the government of the Cayman Islands. So, in effect, what government did with the statutory au-

thorities was to set up a different legal entity and gave them the operation of a specific part of government, which prior to that would have been a department. So these authorities are not private corporations. They are government-owned corporations that are collecting revenue from the different heads and are at the end of the day subject to the different laws that created them.

Occasionally the confusion comes in that a statutory authority, while a separate legal entity from government is really now owned by government either. The law that sets up the corporation has specific sections in it. For example, in the Port Authority, if we look at section 4 which creates the Port Authority, it sets out what the Authority should do with its money and then in section 4(8) there is this clause: **"Any balance of account in favour of the Authority up to the amount of \$100,000 may be carried forward to the account of the following year and any balance in excess of that sum shall be paid into the general revenue of the Cayman Islands."** So there's a statutory duty, not a question of whether or not the authority wishes to pay, there is a duty by law that the authority should pay all revenue that it has beyond \$100,000 (as in the case of the Port Authority) to the Cayman Islands Government.

The Civil Aviation Authority, which is also a statutory corporation, at section 7 sets out in fairly similar form what needs to be paid, operations, repayment of loans, that sort of thing, and in 7(4) it states, **"Any balance of account in favour of the Authority up to the amount of \$100,000 may be carried forward to the account of the following year and any balance in excess of that sum shall be paid into the general revenue of the Cayman Islands."** So that is very clear.

It is the same with the Water Authority. In section 11(3) it says, **"Any balance of account in favour of the Authority after provision all expenditure provided by subsection (2) up to the an annual amount to be prescribed in regulations may be transferred forward general reserve fund. Any balance in excess of that sum shall be paid into the general revenue of the Cayman Islands."** So as corporations owned by government, they should be paying all money into the general revenue beyond what they are entitled to spend.

What was read on the Water Authority, paragraph 5 page 33, which said, **"The Government of the Cayman Islands ordered the Authority to pay to the government a contribution of \$1.25 million. At that time the Authority did not have sufficient funds in its current account to cover this payment."** That is true. They didn't have it in their current account. But unfortunately, and what I guess the auditor failed to pick up, is that statement should have been elaborated upon because it had at that time on fixed deposit \$2,811,109 and cash at the bank (in current account or savings) another \$380,000, making a total of \$3.193 million. So in reality I guess there was sufficient cash in the accounts to pay it.

In all fairness the statement made the First Elected Member for George Town, . . . on reading this statement it gave the impression that he mentioned. I am also reminded that the balance of cash left, the \$3.193 million was after paying the \$1.25 million to government. So the

impression given by reading this was that there was no further cash. But it is carefully couched. It is said in its "current accounts." Obviously, you don't keep cash in your current account because you don't get interest on your current account normally. There was obviously a lot of cash there. But, like every company, it is important that the statutory authorities abide by the law and that they understand that they have been created by the government; the government has given them the assets and the ability to earn money. At the end of the day, as the law very clearly sets out, they must account to government for it. I believe that other members, if they go into this, will perhaps look at that and see where the statement made in the accounts is really not totally correct.

From there I would just like to touch on another head which was mentioned, the environment. A lot was said in relation to the problem of having the solid waste, the dump area, in George Town. I know that solutions to that are not simple. But I think the time has come when we should look at improving the recycling and the processing of the solid waste in George Town. Perhaps we could have another area in some of the eastern districts where waste from that area could go.

In Finance Committee it was said that that may not be very economical, but it would seem to me, looking at it as a layman, that it would do two things. It would cut down the wear and tear of the heavy equipment on the roads, and it would also be a lot more convenient and a lot more trips could be made in the districts, better service could be given. But I do agree that it is becoming a problem in George Town and we have to find some solution to dealing with it there.

The environment generally has been talked about and in the upcoming draft development amendments to the plan that will be going out sometime within the next month or so, we will see further proposed (and I use the word proposed) areas which will assist with preserving the environment. We all have to do everything we can to preserve it for the future of our children. I hope that we will also see the introduction of the zoning for Cayman Brac and Little Cayman, and that will go through the process that is required by law.

Turning now to the Planning Department: In 1998 over 1200 applications were processed. There was also a considerable increase in Cayman Brac and Little Cayman, but especially Cayman Brac. I believe that one of the great successes in the Planning Department under the auspices of His Excellency the Governor's reinvention initiative was the substantial reduction in time for houses and certificates of occupancy to be issued. We saw where this went from over 90 days to about 40 days, of which 30 were involved in the process of notifying owners and waiting out the three-week period. But we saw one of the first very extensive delegations of authority from the Central Planning Authority to the Director of Planning, and in some instances the Director of Planning and the Chairman of the Central Planning Authority, on matters that were controversial or that were complex. So we saw a turn around from the 40-day period in many instances, once the notices of objection had been given,

to a few days. I must say that I have had very good feedback on this.

They continue under the Governor's reinvention initiative in several other areas to move on. I guess one of the things we have tried to get the department to appreciate is what in the private sector is called the reward in customer satisfaction because many times government departments are really monopolies in that it is the only place one can get, say, a plan passed. Sometimes that competitive edge does allow the reduction in the service. The reinvention exercise is being used to examine other ways of improving not only the processing of applications but also in areas where we can provide greater customer service to the public.

The department is in the stage of drafting three development plans, the amendment to Grand Cayman and those zoning ones for Cayman Brac and Little Cayman. Very shortly I hope to be able to appoint the development plan tribunals which I hope, if she agrees, will be headed by a prominent local attorney and a panel that will hear and make decisions on the representations and objections that will be made to these plans over the two month period required by law.

The development plan process for Cayman Brac and Little Cayman will give residents the opportunity to help shape the future of their islands and will also provide an overall framework for development in those two islands. I know that the department is very excited at bringing these plans forward because as you know it had been 20 years before that no plan had been amended or introduced. But we expect that it is not an easy task.

The Planning Department is going to continue its apprenticeship programme, which was introduced last year and offers a young Caymanian the opportunity to come to the department and receive very valuable work experience in this area. It is the goal of the department and especially the director and his staff to continue to provide the public with fast, efficient, courteous service throughout 1999. And in the early days complaints actually came directly to the ministry and these were monitored closely. We found areas with a lot of problems. Thank God we have reached the stage where systems are in place that are showing these problems at an early stage. Lastly on this, I get normally on a monthly basis a breakdown showing the time an application has been in. It goes through a series of columns (about 12 to 15 columns) showing every aspect of an application until it is completely processed and the fees are paid. This has been one of the best instruments for monitoring and ensuring that that department remains efficient because the department knows that at any one time the director of planning or the chairman or the central planning authority or the ministry can pick up that return and see when an application was made and follow its history all the way through the different departments and stages until it is finalised.

In ending my contribution in this area I would like to thank the chairman and members of the Central Planning Authority and the chairman and members of the Development Control Board for Cayman Brac and Little Cayman. Also the chairman, and especially the past

chairman of the Appeals Tribunal, Mr. W. S. Walker, who has retired, not resigned, and gone on to greater things. He chairs the OECD initiative for the government and the honourable Financial Secretary.

I would also like to thank the director of planning and his staff, and to also say that I will be revitalising the building code committee because the code itself was something that for about 12 or 15 years nobody managed to get in. This committee, which is a large but very efficient committee because the input is so wide and diverse, will be re-appointed and it will begin to look at the workings of the code in relation to the Development Plan, the Law and the Regulations.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30. I would entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 8 MARCH 1999.

**EDITED
MONDAY
8 MARCH 1999
10.17 AM**

[Prayers read by the Second Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oath of Allegiance to Mr. A Joel Walton, JP, to be temporarily the Acting Third Official Member.

Mr. Walton, please come forward to the Clerk's table. Will all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

By Mr. A Joel Walton, JP

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

The Speaker: Mr. Walton, we welcome you to the House during your term of service. Please take your seat as temporary Acting Third Official Member.

Please be seated. Item 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements. First I will read a message from Her Majesty the Queen on Commonwealth Day.

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

A MESSAGE FOR COMMONWEALTH DAY 1999

The Speaker: A Message for Commonwealth Day 1999, Head of the Commonwealth.

"Music is the theme for the Commonwealth Day this year. Throughout our fifty-four countries people will be celebrating and making music in as many ways as that, or more. Of course, people of different generations and cultures tap their feet to quite different beats. But for all of us young and old music is an essential part of our life for parties and entertainment, for ceremonies and celebrations for music knows no difference of language, no national boundaries and because it has become such an important part of our cultural lives it is a universal means of communicating with each other. A variety of music illustrates our diversity, its common tunes and harmonies bring us together just like the Commonwealth.

"In 1999 we celebrate the fiftieth anniversary of the modern Commonwealth. Fifty years ago in 1949

India became the first republic with its own head of state to be a member of the Commonwealth. That paved the way for members from many other countries, especially from Asia and Africa all sharing links of history, a belief in democracy and a will to work together. Today the Commonwealth includes over a quarter of the world's population spanning differences in race, creed and language, but sharing the same aspirations towards a better future.

"This November, the leaders of the Commonwealth states will gather in South Africa for the Commonwealth Heads of Government meeting. I look forward to joining them there as they discuss the challenges of the new millennium as well as celebrating the Commonwealth achievements in its life so far.

"Let us, then, in this anniversary year look both backwards as well as forward as we mark Commonwealth day. While we continue to enjoy our favourite music, either by making it or listening to it, let us also celebrate the vigour and creativity that the next generation will bring to their music-making. That is just one of the bonds that all of the young people of the Commonwealth will share together on this special day. [signed] Elizabeth R II, 8 March, 1999"

APOLOGIES

The Speaker: I have received apologies for absence from the Third Official Member who is overseas on official business, and the Third Elected Member for George Town who is overseas on a parliamentary seminar.

Item 4 on today's Order Paper, Government Business. Continuation of debate on the Throne Speech. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

GOVERNMENT BUSINESS

**DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR
ON FRIDAY, 19 FEBRUARY, 1999**

(Continuation of debate thereon)

Hon. Truman M. Boddien: Thank you.

The Aviation part of my ministry has been active. The Civil Aviation Authority saw a 1.4% increase in revenue for 1998, as compared to 1997; and an 8.2% increase in expenses before contributing \$1.5 million to government which resulted in a net income of \$2,327,000. The total passenger movement increased by

3.1% to 976,000, while the total aircraft movement increased by 5.2% to 21,900 as compared to 1997.

The Civil Aviation Authority is pleased with the significant achievements accomplished in 1998 which included the addition of turning areas to the runway at the Owen Roberts International Airport, the installation of omni directional approach lighting at the Owen Roberts Airport, and the west end of the runway was also an important addition. There were refresher training courses for all traffic control officers overseas at the Technology Advanced Pan Am Flight Academy in Miami, Florida. This training is important to ensure that the traffic control officers are up to date on all new technology.

The Civil Aviation's primary focus for this year will be to continue working on and to complete projects initiated in 1998 including the development of the Airport Master Plan for the Owen Roberts Airport and the Gerrard Smith Airport. In addition, the Civil Aviation Authority is continuing its work on navigational aids and other relevant airport equipment in order to be compliant with the year 2000.

Other projects earmarked for this year include conducting the necessary works to resurface and rehabilitate the Gerrard Smith International Airport at Cayman Brac and to proceed with the development of the airport in Little Cayman. These two projects are important. The resurfacing of the Brac airport was done nearly 15 years ago with a life expectancy of five to seven years. It is now well overdue.

I am happy to say that the research has been done. The core borings have been carried out and the technical work as far as research has been completed and they are now in the design stage where there would be a move forward to resurface the Brac and the new Little Cayman Airport. I will be coming to this honourable House in Finance Committee for guarantees to the Civil Aviation Authority for them.

Safety is the most important thing. It is uppermost in the mind of the Civil Aviation Authority. Top priority is always given, with cost always secondary. That also is the position with Cayman Airways. I would like to take this opportunity to thank the members of the Civil Aviation Authority and the Air Traffic Licensing Authority for all of their hard and dedicated work. While these authorities do not meet that often, the work is extremely important and sometimes fairly intense.

I would also like to thank the director of the Civil Aviation Authority and his staff for the hard work and a job well done. The Aviation aspect of my ministry is one that works very smoothly and while it is highly technical has been substantially trouble free throughout the time.

Mr. Speaker, it was very heartening yesterday to have seen the students from several schools, both government and private, who participated in the Commonwealth Day Service at the Anglican Church, and also to have heard the message that you read today and to have listened to a sermon by Rev. Bailie. This reminds us that we are just a small part of a very large world and a very large Commonwealth of Nations with over 52 countries and a quarter of the world's population. I would like to thank the children, with their musical instruments

and their other items . . . I guess the only sad part, because we stand in here and spend a lot of time, was that very few took the time out to go to that service.

It was really worth it, Mr. Speaker. We saw the youth of this country. And we saw the Commonwealth through their eyes. I think the theme of music, which Her Majesty chose, was very appropriate. And there were a lot of musical items, both vocal and instrumental.

The position with the Civil Aviation Authority, and I mentioned the contribution of the \$1.5 million, is one which is the same as it is with the Water Authority and the Port Authority. They are statutory corporations owned by government. They have been given specific areas of revenue that government would normally have coming to it, and the law on the Civil Aviation Authority is very clear in that they have a duty to pay all funds beyond what is set out in the law to the general revenue. While I have chaired this, I have tried to get through to members of the Authority that we are not a private enterprise, as such, and that the law very clearly (as I read the different sections of it on Friday) requires the payment of the balance of revenues, in some instance beyond \$100,000, be paid to the general revenue of the government of the Cayman Islands, and this is a duty under the law. The same as it is of a company to pay dividends to its shareholders.

While the statutory corporation is a separate legal entity, as is a company, there is that duty to pay its surplus into government. Indeed, the Civil Aviation Authority did make a payment of \$1.5 million to the government.

I will now deal with the position with Cayman Airways in some detail. The position is and continues to be stable. That is what has been predominant at least in the last four years of Cayman Airways' history. I am not going to spend much time on the past. It was referred to (mainly by the First Elected Member for George Town), so I will touch on that briefly. I think Cayman Airways has to look to the future.

There is an accepted fact that back in 1992 (when Cayman Airways was handed over to this government) it was experiencing extremely serious losses. The 12 months to 30th June 1991 saw losses of \$15,560,000. That was basically the highest in Cayman Airways' history. Those losses have consistently moved down with a slight upswing in 1997 and 1996. But the overall position has remained stable.

The reference to the accumulated deficit that Cayman Airways had on 30th June 1990 was only \$13,520,000. It rose to \$40,951,000 by December 1993 during the year that the injection of \$20 million went in. At that stage the net shareholder deficiency—and this is what is important because the accumulated deficit from that must be subtracted—the bottom line is a net shareholder deficiency. That moved from \$18.9 million net shareholder deficiency in 1992 after the injection of the \$16 million, it has moved down to where at present the end of 1997, the difference between the accumulated deficit and the share capital and obviously the assets, is \$5,968,000. So the difference between what Cayman Airways' accumulated surplus is and its share capital

after taking in the assets and the liabilities is \$5,968,000. It's a net deficit of \$5,968,000.

So the position has improved considerably. At the time, back in 1992, the contingent liability was estimated at \$105 million. That is by any means a very horrendous amount. Within the next two years we were able to reduce that. They took back the 737-400s. The 737-300 went. And that deficit was because Cayman Airways took decisions to lease jets it couldn't afford and perhaps that has been Cayman Airways' problem throughout. Obviously new jets are good, but when you are trying to lease a jet at \$3.7 million per year that is worth thirty-odd million dollars, the figures just don't add up.

In estimating, the lease payments back in 1992 would have been over \$12 million a year compared to just a bit over \$3 million at present. In fact, the two present aircraft are leased for the same amount as one 737-400 would cost. We are buying these two planes so the cost is considerably higher, whereas in those days the leases were pure leases.

I would like to thank the backbench opposition for their words of support for Cayman Airways. I believe that that support is genuine and I believe that it is quite important to Cayman Airways to have that continue. To that effect, I have tried from time to time . . . and we must accept that we have been in this House now continuously for nearly four months. But I have tried to keep all members up to date in many areas. I had meetings with all members of the legislature when we were looking at both the 1974 and the 1984 aircraft which, by the way, I would think is still on the market.

I also discussed the question of the type of aircraft, whether it be a combination of freight and passenger, and I got their feedback and followed along the lines of what that feedback was. I did not, however, discuss when the decision was taken not to pursue the Malaysian aircraft, which was a recent decision of Cayman Airways' Board. At present we are purchasing two aircraft and I believe that the purchase of aircraft rather than pure leasing is the way that we should go. That is something that has been put forward by opposition, by backbench, in fact all members of this House. It has to make sense.

At present we are in a stage where we have a 1979 aircraft that has fairly low cycles (landings, that is), and fairly low flying hours for its age. That was purchased for a bit over \$5.2 million. We didn't take reserves of another \$1.3 [million] which would have been about \$6.5 million for that aircraft. The upgrading of the engines was \$1.3 million, to hush-kit them for noise, which is the same cost on the other one that is being purchased which is a 1984.

The 1984 aircraft was purchased for about \$6.7 million. It was less the reserves which was a bit over \$1 million so it cost under \$8 million without the hush-kit and a bit over \$9 million when it is hush-kitted. It gives you some idea of the range of prices of those aircraft. As we know, we are well on the way to having purchased the first one.

The other one is well down. Obviously, we have only had the second one for about a year. But there is a

difference in paying about \$2.5 million to the bank for a loan to purchase than perhaps paying about \$2 million for pure rent which would go into the pockets of the companies who own them. So I think those decisions were good.

The Board took a decision to purchase a third aircraft, and members of this House agreed to either a quick-change or a combination of passenger and freight. And that is basically the same plane except that there has to be certification where you combine passengers and freight. Several planes were being looked at. There was a feeling that one of them, a 1974, was too old and we should look at the 1984 aircraft, which is what the First Elected Member for George Town referred to. And we did pursue that.

That aircraft is Malaysian owned, out of the Far East. And throughout the periods of negotiation the asking price of \$9 million, normally what happens . . . and I should say that the value of a combination or quick-change is probably \$1 million or \$1.5 million at the most, maybe \$2 million over what a normal 737 of that age would bring.

When an aircraft comes on the market it is a very specialist area. Important aspects of purchasing an aircraft are how it fits into the fleet, the number of cycles (landings) the number of hours, position where the different checks are and especially where the D-Checks are (which are the serious airframe checks), the hours on the engines, the auxiliary power unit. Also, one has to look at the cockpit and what kind of avionics are in there and whether or not they comply with the Civil Aviation Authority and the American FAA standards.

The aircraft that was being sought, and which I would think is still on the market, was a 1984 aircraft and the asking price was \$9 million. Normally one begins to negotiate somewhere in the \$6 plus million and there is normally a meeting somewhere under that amount.

That \$9 million was with the engines without hush-kits. There were extra costs in relation to the galley, overhead bins—and we are not looking at small amounts here. That alone was \$.5 million—and different components, lavatories and matters such as that. The engines had a lot of time on them and bringing the engines back to (not the hush-kitting) zero hours the cycles, would have added another \$1.3 million to the price tag.

And the airframe, the C & D-Checks would have been another \$1,088,000. So at the end of the day, unless the base price on that aircraft could have been moved from the \$9 million, we were looking at an aircraft that to put in the air with what we knew would have been about \$14,795,000.

Now, what also has to be considered is the cost of servicing the debt of purchasing an aircraft, and are we paying too much? To finance that aircraft over ten years at the present interest rates, we must bear in mind that interest rates are now low and from a banking point of view, one has to assume that within that ten year cycle the rates could have gone up considerably. It would have been in the area of \$2.4 million to \$2.6 million per annum for principal and interest, which at the end of the day

would have put the price of the aircraft in the area at the end of ten years of \$24 million.

On each aircraft as we pay down, the price I quoted earlier increases when you pay the principal and the interest. There were a lot of facts involved, it's not a matter of just having one fact. I will summarise those facts: First, there was the cost. The Board felt that this aircraft is \$2 million or \$3 million overpriced. The second point is that if we are going to go for this amount, quite rightly as pointed out by the First Elected Member for George Town, one of the consequences was a further \$4 million, maybe \$5 million that we would have had to go with a guarantee. That was the second factor.

The third factor (and it may seem minor, but it was one that weighed very heavily with the Board) is the fact that Trans-mile refused to negotiate. They said the aircraft is there, we could have it as is. For several months they refused to let us bore scope the engines. And this is absolutely critical that Cayman Airways be given the right to properly check the engines and the aircraft. The bore scope is run of the mill, at least under English and United States Law. In other words, they open the engines, they go in with a bore scope, which allows them to see into the engines and they can tell the position with the hot core and whether there are problems in the engine.

The third aspect that was worrying was the contract was "as is." Normally, if we are purchasing in an English, American, or Canadian jurisdiction the right to do extensive checks is allowed. You are allowed to freely go in. When it came to trying to look at the offer which would have been in the form of a letter and then on to a contract, they wanted an agreement under Malaysian law. Normally contracts of this nature done internationally are done under US or English Law or maybe Canadian Law, but mainly US and English, and made subject to the International Arbitration Clauses that operate in the city of London or the city of New York.

When the debt aspect was looked at and discussions were had with the bankers on this as the fourth aspect, there was uneasiness in that area as well. Now, other factors had to be considered. There is a crunch coming on where aircraft that are not hush-kitted will be phased out at the end of this year. So a lot of aircraft will be coming on the market from jurisdictions such as the Far East that allow the operation of these aircraft, but cannot fly within the United States or Europe.

A second aspect is that the European Council made a recent unilateral decision which restricts stage 2 aircraft from flying in there unless the aircraft are on the European Community register of one of the EEC countries. As I understand it, that restriction states that if the stage 3 upgrade is one that has been manufactured they will look at accepting it, but not if it is hush-kitted by the many firms such as we would now be doing. That is highly controversial, and is being fought by the United States and by the airlines worldwide.

And there is a chance that, similar with the United States, it may either be watered down or a no-go at this stage. But, the important thing is that it has put persons who own the noisy aircraft (such as what have been fly-

ing) will be putting them on the market. So there is a feeling that the prices of 737-200s will reduce in the future.

Having said that, that aircraft is probably still there because it hasn't been possible to negotiate. Perhaps that is the way people in the Far East do business. But when you add these six things together, I believe that the decision taken by the Board to not pursue this specific aircraft at present was a good one. I wanted to just take the time to do is to show the many elements involved in a transaction this complex and with this amount of money.

It was good to hear that there would be support for a loan of \$14 million. But that is a very large sum of money and if we are going to pay that amount out, we must get value for money. I know there was concern by the backbench opposition over the extra million [dollars] borrowed for the budget locally. And I must say, as the First Elected Member for George Town said earlier, there would have been concern on my part to ask for any substantial increase in loans considering we were fighting over one million dollars over the budget, to just come back and throw another \$4 million or \$5 million onto the Legislative Assembly.

At present there are two other aircraft being looked at. One is a 1979 quick-change aircraft that matches fairly well with our own 1979 aircraft. There is also another 1983 aircraft that matches closely with our 1984 aircraft. Those two are being looked at for purchase. However, the Board's second decision . . . by the way, back in 1991 or 1992 something like this would never be discussed on the floor of the House so I think any allegations of no openness or transparency has gone.

I have statements made very clearly where questions were asked by me about Cayman Airways back in 1991 and we were told it was a private company and they would not answer. It does obviously give our competition a lead when information of this sort has to go out. But the Board's decision was first, to purchase. And that still remains. The second next best position will be a lease purchase.

The lease purchase has one significant advantage over a purchase, and one significant disadvantage over a purchase. If we are able to lease purchase an aircraft with a substantial amount of lease payments being ploughed into equity after flying the aircraft for six months or a year we can then exercise the option to purchase. The advantage that gives is that you are able to find out where upgrades may have to be done. I have always found (and I am very conservative) that one has to add \$1 million to \$2 million when purchasing an aircraft for what one doesn't see.

It's like going into . . . in fact this Far East transaction was like going into a shop to buy shoes and the owner of the shop says, *'There's the shoes. They're nice. I own them. If you want to buy them, buy them, but you can't try them on.'* The reluctance to allow the in-depth inspection of that aircraft caused me (and I am sure caused the Board) a lot of worry.

If you can lease for a year and then purchase you get the opportunity to fly it for a year to see if it does make sense to exercise the option. Obviously the worse

position is to lease the aircraft (which is what we inherited many years ago, but were able to convert into a purchase). . . Obviously the person who leases the aircraft is in the best position to purchase it. And we saw that with the two we had. They were originally leased, and then purchased.

I hope that this clears the air in this respect in that the Board is very serious about this, but they also worry about the amount of debt. And when you add a whopping \$25 million on to the debt of Cayman Airways it gets to be worrying. If that aircraft were a much later aircraft where we were getting value for money, then I would not have hesitated to come to this House and set out the facts.

The airline remains committed to purchasing the third aircraft, and that it should get one that can combine freight and passengers. So the long-term strategy remains. We have to be careful that we do not do what was done in the past with Cayman Airways: Something is there, it looks good, and perhaps before the many different aspects are properly weighed we rush in and buy something and suddenly find that it was a bad buy, or in many instances a bad leasing as in the past. We will end up as they did in 1991 with \$105 million of contingent liability.

That is perhaps the difference between my mentality as a banker and a lawyer—I am extremely conservative, Cayman Airways is stabilised. I do not run risks with my own money and I am sure not going to run risks with the public's money. When we move on a transaction of this size we have to be satisfied that it is a proper one and that it is value for money. In this case I am satisfied, as was the Board, and I believe that the opposition, now that they have heard the six bases upon which the decision was made, will also be satisfied.

Cayman Airways is responsible. Its Board is responsible. And to keep the stability, . . . you see, we don't owe a large amount of money now, sir. We are not making a lot of money, but things have improved over 1997, thank God. And we have a good staff. And there are long-term policies in place and sometimes the short-term policies are just not the best way to go. But the long-term policy has to be our ultimate goal.

I would just like to say that the *Caymanian Compass* called for an explanation of that. I hope that they will find, as members of this House, that I have been as detailed and as open as I can be on this and that we know where we are going in Cayman Airways. We never lose sight of that. But I am not going to get into, with God's help, the problems of the past because I must tell you that when I went in to see Governor Gore (at that time) and he said that no one else wants Cayman Airways and someone has to do it, I was given the file and three or four days to give him an alternative. I had to say to him, "Sir, you cannot, even if you wish to, close down Cayman Airways (which was one of the alternatives at that time). This country cannot afford to close it . . ." because of the massive liability that sat there. We must remember it was nearly \$40 million of liability most of which had been accumulated in a very short period.

I said to him "Your alternatives are not there. The country cannot afford to do anything other than try and pull it out and to negotiate it out of debt." Which was some \$105 million at the time.

But the airline business is not easy. And in my life the toughest job I have ever had, and I have been involved with multinational companies . . . I think I understand big business. But the airline business is one of the hardest I have ever seen. It is most predatory and highly competitive. But Cayman Airways is critical to the Cayman Islands and I think we all agree on that.

I would like to once again thank the members of this House for their support. And I can assure them that, God willing, we will get the third aircraft and the decision will be one that I believe they will be happy with. In the long term, the third aircraft is critical to Cayman Airways' reducing the present loss and the subsidy that is paid.

Before I move into another area, I would like to especially thank the Chairman of Cayman Airways, Mr. Leonard Ebanks, who has given us over ten years of dedicated service. He's seen the hard times and he's seen the better times these days. And also the majority of the Board has been with Cayman Airways for eight to ten years. I would also like to thank the new members of the Board, the First Elected Member for West Bay, the Honourable Minister responsible for Community Affairs, Women, Sports Youth and Culture for their support. They know the amount of time spent on these decisions. I would also like to thank our new managing director and our general director, Mr. Mike Adam and Miss Pilar Bush and all the staff at Cayman Airways.

We have good staff, and I believe that as we pull together as a team Cayman Airways does have a future. We are working towards that. I must say that while everything else has gone up, at least the subsidy of Cayman Airways has remained at \$4 million. The First Elected Member for George Town mentioned that we get \$700,000 extra subsidy for the advertising and also Cayman Airways has not paid the Civil Aviation Authority for the past few years. That's nothing new. But I would like to point out that that's not a subsidy. That has come out of Cayman Airways' profit and loss account. I think he quoted maybe \$2 million, but when that is put in as a subsidy the airlines . . . well, that couldn't be put in as a subsidy, let me say that. It would have to be put in as capital and government pays the Civil Aviation Authority.

But when that goes in and this House has actually agreed to this, for example in the years that we had . . . and maybe I should just mention the loss in 1993 was reduced to \$3.98 million. And in 1994 we made a profit, after subsidy, of \$1,568,000. In 1995 there was a further loss of \$1.1 million. In 1996 \$1.6 million loss, and in 1997 \$2.1 million and this has reduced this coming year to where it will be in the areas of a \$1 million loss.

However, if you put the Civil Aviation Authority in as capital then you will find that that \$2 million will offset this loss and in several years Cayman Airways would have shown a profit after subsidy when the Civil Aviation Authority amount is taken out. I just want to point out that it is in here so when we say there's a loss of \$1.1 million it

is after taking account of the \$2.5 million for the Civil Aviation Authority.

For whatever reason we had the raising of Cayman Airways' financial condition, and I would like to deal with that briefly. Firstly, we have seen the reserves of the country increase considerably. A decision was taken to begin funding the pension reserves. I think it will take over ten years to bring that up to the full amount. When this government took over the public service pension reserve in 1992 was \$6.2 million and at the end of this year it will be \$50 million with about \$9.7 million going in this year alone. That has to be left to pay for public pensions. For the next eight or nine years government should do what this government took the initiative and lead in doing and that is to build up that reserve.

The general reserve which when we took over (after taking out the loss) was \$3.5 million. I am reading from the government's audited figures, the financial summary. By the end of this year that will be close to \$14 million. As you know, sir, last year we had a surplus, or profit, of \$7.2 million at the end of the year. When that is added together with the different funds such as the capital development fund and the environmental fund we find that the total up to the end of last year would have been in the area of about \$66 million. And at the end of this year an amount of about \$76 million.

These are very large reserves and this government has not followed governments of the past that did not build up the pension fund. The money put there could have been easily put elsewhere into a general reserve, or we could have reduced the debts of the country. So there have been increases of about \$10 million at the end of 1992 up to the \$76 million where it now stands.

A lot was also said about borrowing. I would like to refer to the public debt and loans summary that was given by the Financial Secretary and the Accountant General. As at the end of December 1993 when the borrowings for Cayman Airways of \$16.6 million went in, and by the way, in 1992-1993, to put it beyond a doubt, all that government drew down was the sum of \$825,000 on ongoing loans, and \$46,000. So it was about \$860 million only that went on to the public debt in 1993. And against that, \$4,032,000 was paid.

But at the end of 1993 the Cayman Airways loan had moved the total debt to \$54,126,799. At the end of December 1998 the public debt stood at \$93,556,448, or an increase of \$40 million. During that time a substantial amount was repaid on principal on previous loans. When you look at the increase of \$40 million in debt, and you look at the increase of about \$60 million as at the end of this year that we have put in reserves, it is very obvious that we could have taken \$40 million out of what was put into the pension fund and borrowed nothing during this period and still had \$20 million to put into the pension fund.

So, we have been prudent. These are facts. You may smile, but I am reading from the Auditor's report, the summary that has been given to me. It is a fact that the borrowings this government inherited were \$54,126,799. I laid that in this House and I hope everyone got it, as well as the press. At the end of December 1998 the total

borrowings were \$93,556,000. I also laid the summary that shows that as at the end of 1998 between the public service pension fund and the general reserves surplus we had a total of \$67.4 million in the reserves.

I know some have said that a lot of this has been put in the pension fund, but that pension fund has to be funded because this government owes it. On long-term planning it is the way to go and I hope that future governments continue to pay this amount. It is a heavy amount, \$10 million a year, and pensions are then paid separately, I would like to point out, from that. But it seems to me that it would have been short-sighted for this government, and irresponsible, to instead of putting the \$60 million into reserves to have paid off the \$40 million and have come back to this House and said, '*Look, in five years we haven't borrowed anything.*' We could have done that. That would have been the political way to go, but it would not have been responsible and I am glad that the opposition agreed with us that the responsible way to go is to fund the pension fund.

The country is in very good shape. There can be no doubt that when you look at the finances of this country we have a surplus.

[Inaudible interjections]

Hon. Truman M. Bodden: Let me just say what the surplus has been. Okay? I don't want to go back in history here.

Mr. Speaker, the recurrent revenue and the recurrent spending, this is where you have to look for surplus. The day this country reaches a stage where it has to borrow money to pay civil service salaries, let's put it bluntly, the country is in trouble. But, thank God, other than the years 1990 and 1992 when they did have to borrow to pay for civil service salaries, this country has never—never before that—. . . and I give credit to the other governments, Sir Vassel, Capt. Charles, that left some \$28 million when you added the surplus and the reserves together.

Let me just state what the surplus was. It was a deficit in 1992 of \$3.6 million. In 1993 we moved it to a surplus of \$11.2 million. And these are audited figures. I have laid them on the Table here. Nobody can deny this. In 1994 the surplus was \$13.9 million. In 1995 the surplus was \$16.3 million. In 1996 it was \$23.7 million. In 1997 it was \$18.8 million. And in 1998 it is \$17.9 million. And there will be a surplus this year.

That money has been used to do several things. It has been used to put the \$60 million in the reserves. That had to come from surplus. It has also been used to fund capital expenditure and out of the well over \$100 million of capital expenditure, the total borrowing was \$40 million. What I am saying is that even if you take the recurrent and the capital together, there has been sufficient surplus to pay for any increase in debt. That is like a person taking the money out of his or her pocket and buying their house or their car, all of their capital works, their boat and whatever else they have.

I want to emphasise this again, and I laid this on the Table of this House, there has been a recurrent surplus

in every year that this government has been in. We have put \$60 million into reserves and the borrowings have increased only by \$40 million and part of that, in any event, we repaid on loans that were there prior to our coming in because we inherited \$50,126,799 of debt. And if there is any doubt, I will lay these papers on the Table again. But there can be no doubt.

[Addressing a member across the floor] No, you don't want them on because you know they are true.

You know, Mr. Speaker, there is a saying that the truth may not be believed, the truth may not be accepted, but at the end of the day the truth is the truth. And these are audited figures I am quoting from.

There can be no doubt that this country is in an economic boom. The Editorial in the *Caymanian Compass* of 3 March begins by saying, "**The current boom in the construction industry has been going on for so long that it would be easy to think it will continue forever.**" We are in a boom, Mr. Speaker. Look around and we can see it. The economy is in a good state. Now, we can't be complacent. We have to be ever vigilant. At some stage there will be a downturn. We can't always keep moving up from an economic point of view. But, thank God, for the last four or five years the economy has been good and the government has saved. We saved that \$60 million that I referred to in the reserves.

I look forward to the introduction of the new system on the budget for the finances of the country. I believe it will be a tremendous improvement. It will be much clearer under that system as to what is a surplus and what is not because under the cash system sometimes figures are looked at purely as capital and recurrent rather than the isolation of the recurrent from the capital which gives the true surplus. And also the accrual system, my friend the Minister for Tourism has mentioned, will show the value of government. It will show government's assets and liabilities. Under the present cash system, it basically is like if I wanted to build a house this year and it cost \$100,000, that would show \$100,000 going out in this year, rather than spread out over the next 15 or 20 years that the loan would be for. And then it doesn't show the asset. It doesn't show that you own a house worth \$100,000.

This too will assist Cayman Airways in showing clearer, . . . in fact, the balance sheet that will come out this year for Cayman Airways will show much clearer what the value is, and what it is not.

I look forward to the accrual system. We have been in here for four months continuously. And, to be honest, if I said I wasn't tired I would be lying. I am really tired of having to be in this House. While we are here, government's work at the Glass House is not being done. I do as much work, . . . I work while I am in here. I don't mind admitting that. It's the only way I can get through my ministry's work. I do it in such a way that I don't infringe the Standing Orders of this House. But if this system can free us up so that we can get back in our ministries then government will be able to perform a lot better.

In fact, in many areas with all ministers and all official members sitting here, and I am sure the backbench must find the same thing, it's nearly impossible to plan.

One can't plan vacations because we are just here day after day. There has to be a solution to this. And it is for this reason why I will probably only be utilising maybe a quarter of the four hours that have been given to me because there is a way of us talking less and achieving the same thing. I believe that members must sit down and find a way of getting out of the legislature and into our ministries and try to get on with government.

For example, a member asked me when I was going to visit the primary school again. I said I didn't know. I honestly don't know. I can't plan visits to schools because I am here all the time. I do my work; I work nights I work weekends. But the country is now beginning to suffer as a result of the long time in here. I think with your help, sir, together with the help of all members' we will find a way to reduce the time to what is normal and sensible. This four months has just been too long, and we are still here with the work from November—literally all of it still sitting there—68 questions, 12 private members' motions, several government motions, eight or ten laws from last time. I don't know when we will really ever get out of here.

I look forward to the Freedom of Information [Law], if anything can be done to reduce the amount of questions in this House I am all for it. Quite frankly, I have nothing to hide. I want to make that clear. I heard the Third Elected Member for Bodden Town chuckling across the House. I would just like to remind that honourable member of this, and I am reading from the *Caymanian Compass* and it's an Editorial. It says, "**Last month with very little fanfare reports on three local schools assembled by the schools' inspectorate were released to the public. The inspectorate, a wholly independent branch of the Ministry of Education came into operation in 1997, its job to monitor and report on educational standards in Cayman. The publication of the inspectorate's first three reports for distribution to the schools and parents is a highly significant moment in the history of education in the islands.**"

I hope the honourable member listens closely to what I am now going to read. "**The ministry had a choice whether to publish or not, and to its great credit it chose to do so. Going public with the strengths and weaknesses of local schools is an admirable, positive step towards transparency and accountability within the education system. It meant for the first time ever, objective and independent assessments of standards at local schools are available to parents. Publication of the report establishes the honesty of the Minister for Education. It gives much credibility to its stated aim of raising educational standards and encourages trust between the Minister and parents.**"

The public knows. In fact, the public has reached the stage where it is just about turned off to the eternity of rhetoric that goes on. But this is an objective view given by the newspaper that could probably have sold more papers by being critical and going into those reports to say look at the problems. But I have gone to the public. I have said, '*Here are the problems. Here are the good things, here are the bad.*' And my duty is to help

the government schools as well as the private schools to fix the problems they have. But it's all out there. It's as transparent as it can be.

So the public should never believe that the last three months of questioning has been through a lack of transparency. It has been pure, unadulterated politics!

I have nothing to hide. The one thing the public of this country knows me for is my honesty and my stability. I move on doing my best for education and my other ministries. But this, Mr. Speaker, attests for itself. So I look forward to the Freedom of Information Law, when it comes in.

The youth of this country deserve to have credit given when credit is due. Look at the many good children we have in the schools, for example over 800 in our high schools. We have two, six or eight who fall by the wayside. Our duty is to do as much as we can to help them, but we must give recognition to our young people out there who are good. And too many times members of this House and the press (and when I say the press, I include the television) are over anxious to criticise the few children who fall by the wayside and they never give credit to the children who are outstanding examples of what the youth of this country should be.

It was good seeing the large variety of students at the Commonwealth Day Sunday service at the Anglican Church. I would ask members of this House to take a positive attitude. Sometimes ask a positive question: How many good children do we have? Rather than how many bad. They need the support of this country and also the behaviour in this House is something important that the standards be kept high because those children do listen and they may well say to themselves, is the behaviour . . . and I know you do your best, sir, to preserve good behaviour within this House. But is that type of behaviour the way a responsible grownup should act? So it is incumbent upon all of us to set the example.

There is a saying that my father taught me. He said, "I'd rather see a sermon than hear one any day. I'd rather one would walk with me than merely show the way." It's easy to stand in here and talk; it's another thing to get out there and give support. At that Sunday church service several of them came to me and said, "Mr. Truman, it's good to see you here." I went over and spoke to the band when it was playing and they said, "You have actually been standing here for ten or fifteen minutes listening to the steel band." And they appreciate it.

My plea is, if we are going to get them to grow up into good citizens of this country, that we begin setting the example—talk and act right, say thank you, and it is good to see you doing good when they do good, not just the negative things. That saying of what is done rather than what is said is very clear in what this government has done. We are a government of doers, and that includes the First Elected Member for West Bay when he was with us, which was most of the time with this government. I give credit to all members. We have really tried to do as much as we can and God willing we will continue to do that, and with God's help we will continue from strength to strength, strengthening the social side,

the religious side, the economic side and the behaviour side of this country.

The Speaker: We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.52 AM

PROCEEDINGS RESUMED AT 12.26 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continues. Does any other member wish to speak? The Second Elected Member for Bodden Town.

Miss Heather Bodden: Thank you.

I rise to offer my contribution on the 1999 Throne Speech delivered by His Excellency the Governor, Mr. John Owen, CMG, MBE, at the state opening of the Legislative Assembly on Friday 19th February, 1999.

It is amazing how time flies. It seems like only yesterday His Excellency and Mrs. Owen were in my district to greet, meet and get acquainted with the people of Bodden Town, having just arrived to take up his duties as our new Governor. Now, Governor Owen delivered his final Throne Speech having completed a little over three years.

Today I would like to wish Governor Owen and Mrs. Owen all the best in their new endeavours. I know it is with sad hearts that they will soon say good-bye, but we all know the warmth and friendliness they received from the people of the Cayman Islands will remain forever in their hearts. We wish them God's speed and trust they will find time to return someday for a visit.

The speech given by His Excellency outlines the projects that will shape not just our economy, but the lives in our communities. I would like to say that it was very reassuring to see so much progress being made on so many fronts and to see concrete plans outlined on so many issues. These plans certainly indicate that much action is in the works, starting with the Royal Cayman Islands Police (RCIP).

More than ever I am reassured by their presence in our community. Commissioner Gray can be credited with the idea of bringing the community and the people together for regular meetings. I am pleased to see that these meetings are continuing under the guidance of our new Commissioner, Mr. Thursfield. These meetings have created better communication between the police and the people resulting in their acquiring more information leading to more arrests. This is particularly sensitive to me at this time with the recent wave of petty crimes we are experiencing in my area.

I would like to take this opportunity to say to residents and homeowners in the Savannah/Newlands area who have recently been burglarised, I sympathise with each of you, and I know that the police are doing all they can to catch these culprits. Further, to this end I offer my thanks and appreciation to the Commissioner for the 24-hour police service that has been provided at the Bodden Town Police Station. With the rate at which my district is growing, it is very imperative that we take every precau-

tionary measure available to us before this problem gets any worse.

I also applaud the Royal Cayman Islands Police Service for the number of speeding tickets issued to speeders. Everyone knows this has been an issue of contention and a concern of mine for a very long time. I am most concerned with the dangers it presents to families with small children living near the roads. I am concerned with the dangers it presents with heavy trucks speeding through communities that have narrow streets. I am concerned with the danger it presents while children are walking to and from school. I am concerned with the danger it presents if an elderly person is trying to walk across the street. I am concerned with the danger it presents to cyclists.

I cringe every time I see an overloaded truck hauling material. They speed as if they are hauling cotton balls! I say to those speed demons, Please consider the consequences should you maim someone or, for that matter, take a life. The stretch between Bodden Town and George Town has long been known as a speedway. And I encourage the police in their attitude, which is zero tolerance for speeders.

I am also asking police to continue in their fight against people driving whilst intoxicated. For the life of me I cannot understand what these people are thinking. Getting behind a wheel while intoxicated is suicide. I also encourage other drivers to make it their business to call the hotline should they encounter drunk or reckless drivers on our roads. Just think of the trauma that one could prevent a family from having to go through if these menaces are removed from our streets.

At this time I wish to offer my heartfelt thanks to Bodden Town's two community relations officers. They have certainly gone above and beyond their call of duty. It provides tremendous support to me assisting in all aspects of community related activities. This includes assisting with the elderly, developing friendly relationships with our school children, organising Christmas parties, and their continued day to day involvement with the needs of our people. Their commitment to the community promotes harmony and the overall wellbeing of our district.

Moving on to the Tourism front, I applaud the minister for the decision taken to open a heritage attraction in the district of Bodden Town. Pedro St. James is a first class product and provides alternatives other than water sports for family outings. This is vital to the continued growth of tourism, especially since many of our visitors are repeat customers who enjoy experiencing new and different forms of entertainment. Further, the great lawn at Pedro St. James Castle provides another much needed venue for local gatherings, such as weddings, parties and anniversary celebrations. This attraction is known as the birthplace of democracy and also serves as an educational tool for all of our schools.

Since having this new attraction in the district of Bodden Town I am pleased to report that several Caymanians have now found employment at Pedro St. James and are there now earning an honest living.

Vehicle and driving licence unit: As part of the decentralisation services a location in the Bodden Town district will soon be identified for a vehicle and driving licence unit. This will certainly be another great convenience, which will serve as a hub for my constituents, as well as the people who live in the North Side and East End area. This will certainly go a long way to alleviate some of the traffic congestion at the Central Police Station.

Roads: Road works are continuing, and quite a bit of progress has been made. Last week the Smith Road/Bobby Thompson junction was finally completed and the traffic lights should be installed by this Friday. This will no doubt provide significant improvements in the traffic flow between the eastern districts and George Town. It is also designed for a continuation link into the Crewe Road Bypass, with construction beginning later on this year.

In the district of Bodden Town there are many roads in sub-divisions that need urgent attention. I am appealing to the Minister of Works to please make this one of his priorities as some of these roads are in deplorable condition. Also, our main roads in the Bodden Town district will be properly resurfaced this year, and a third lane will be put in place, which will run from Spotts to South Sound. Having this third lane will go a long way in alleviating daily traffic backup.

We have received requests for crosswalks in front of the Breakers and the Presbyterian Church in Bodden Town. I am happy to say that the honourable Minister of Works met with the honourable Minister of Health and the Third Elected Member for Bodden Town and me last week. I thank him for taking the time out with his staff, as well as the staff from Public Works in order to meet in the district of Bodden Town so that we could identify where these crosswalks are to be installed.

The street-lighting programme is also progressing very well. Making our streets more accessible and safer at night has always been one of my key priorities. To those constituents who have not yet received a streetlight I would like to reassure them that they will get their streetlight.

Drug Abuse Prevention and Rehabilitation: After many, many months of setbacks, delays, debates and opposition, the Breakers Rehab Centre will soon be a reality. The facility will be renovated and opened as a residential drug rehabilitation centre. The Minister of Health and Drug Abuse Prevention has seen many, many rocky roads in his effort to get this centre up and running. Thank God this is all behind him now. And this just goes to prove that if God is for us, who can be against us.

The Minister of Health has been eating, sleeping and dreaming this facility for several years now. Today so many of our youth are caught up in drugs and crying out for help. What better facility to provide for them than in a centre right here in our very own Cayman Islands? If they are sent abroad there is the possibility that their families won't be able to visit them. I am made to understand that it has been proven historically that when people with this disease are treated in their own communi-

ties, the success rate is much better. I give kudos to the minister for this stand.

If there is one ray of hope to save those youth hooked on drugs, you can bet the Minister of Drug Abuse Prevention will certainly go the extra mile. He is one minister who will certainly not write off our youth.

The National Drug Council under the leadership of Mrs. Tessa Bodden continues to do an excellent job in the implementation of the Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation. I applaud the efforts of Mrs. Bodden and her dedicated staff, and wish them all the best as they continue in the fight against drugs in these islands.

Health Services: The new Cayman Islands Health Services Complex will be officially opened this month. Mr. Speaker, you and I and everyone in this honourable House knows this is a facility and a hospital that the people of these islands have been waiting a long time for. It is a first class facility, and one of the best in the Caribbean. It is fully equipped with state-of-the art equipment and the community will certainly receive and enhanced level of health care because of the improved facilities and equipment.

The district of Bodden Town's health clinic continues to be a Godsend. Every day more and more people take advantage of this facility. On more than one occasion I have had parents say to me how convenient it is especially after arriving home and finding a child ill. What a relief to have this facility right in their own area. They don't have to drive all the way back into George Town.

Education: This continues to be a high priority and another evidence of government's commitment to improving the wellbeing of students. New construction of a primary school in prospect this year will eliminate the overcrowding that has been occurring in our schools over the past few years.

I am also grateful to the Minister of Education and the Public Works staff for working so hard to complete the air-conditioning at the Bodden Town and Savannah Primary Schools. Today the students and teachers are able to work in a much better and more pleasant atmosphere. I do look forward to the completion with all schools being air-conditioned in the very near future.

Vision 2008: On the long-term front so many people have been actively involved in the Vision 2008 exercise. I am eternally grateful to these people and ask each and every one who is involved in this very important initiative to please continue to stay involved and make his voice heard.

I must also thank Governor Owen for his foresight in bringing this initiative forward because without a vision and a blueprint for our future all of our actions will be meaningless. Mr. Speaker, thanks and appreciation must also go to the Permanent Secretary of Education and her dedicated staff who have spent many, many long hours in putting Vision 2008 where it is today.

Vision 2008 is how we will build a plan that includes the needs and desires of all of our citizens. It's about the quality of life and creating a Cayman Islands that our children, and our children's children will be happy and proud to live in.

One of the things I took specific note of in the Vision 2008 list is that the people of these Cayman Islands would like to see the Cayman Islands remain a God-fearing place. This was at the top of the list. I wholeheartedly agree as this is indeed the cornerstone of my own philosophy. Over the past several months we here in the Cayman Islands have been so blessed while elsewhere we have seen the ravages of hurricanes, earthquakes, tornadoes, disease, violence in the schools, bombs, starvation, and the list goes on. We here in these little islands have been spared from it all. Only God knows why we have been spared, but we always need to give thanks and continue to remain a God-fearing people.

Agriculture: This year's Agriculture Show held at the Lower Valley Pavilion was indeed the best ever. Everyone involved should be proud of its success. I know it has not been an easy job, but with hard work and dedication produce and cattle of the highest quality can be produced right here in these Cayman Islands. Completing the new road that was used as an exit also proved to be a blessing.

The Department of Environmental Health: Having a few new vehicles for the collection of garbage has certainly improved, as we know that these vehicles were desperately needed. I must take this opportunity to commend the efforts being put forth by the ministry and the department. They are certainly doing a tremendous job in the fight for zero litter. One will see litter being collected on a daily basis now from the roadside. I say to those litterbugs, Think first before you throw your litter out of the window.

I would like to encourage the department to continue with its litter campaign. Let's not stop until we have a litter free Cayman Islands. In order to further augment this, perhaps the department of environment could establish community based task forces to further assure that the goal of zero litter is achieved. I would like to let the department know that it can be assured that it will have my continued support when it comes to maintaining a clean and beautiful environment.

Community Affairs: Bodden Town's community development officer is busy with a number of excellent programmes already in place, and is continuing with new programmes since being assigned to the Bodden Town district one year ago. Such programmes include the Bodden Town District Youth Band, which I am sure everyone has heard play (and the more they play, the better they sound), the Annual Senior Citizens Easter Celebration (which is going to be held on the 28th of this month), the Celebration in honour of Older Persons' Day (held in October), and the Senior Citizens Christmas Party (held in December, which I know everyone enjoys), the Young at Heart Programme for senior citizens under the leadership of Nurse Josie Solomon and Rev. Menko.

This group meets every fourth Monday of the month at the Webster Church Hall in Bodden Town. These senior citizens are having the time of their lives as Nurse Josie brings in various speakers, takes them on visits to the Botanic Park in North Side and a trip is planned for a trip to Pedro St. James Castle this month. They are in-

deed having the time of their lives attending events in their honour bonding a needed fellowship.

May is the celebration for Child Month. Just this past Saturday Mr. Scott and I met at the Bodden Town Civic Centre with a small group of teenagers who are interested in starting a youth programme for ages 12 to 17. This past summer the Community Development Unit and Social Services arranged the first ever summer programme of its kind in Bodden Town. This was indeed a very successful initiative with more than 90 children attending. For two weeks the Civic Centre in Bodden Town was transformed into a huge classroom where children, teachers and volunteers had the time of their life. For two weeks parents didn't have to worry about the safety or whereabouts of their children. And I am happy to say that we have been given the undertaking that this programme will indeed be held again this summer.

Public Library: In the Throne Speech, the Governor said, **"Work will continue on the conversion of the Bodden Town town hall to a district library this year."** Mr. Speaker, with your permission I would like to lay on the Table of this honourable House a few letters that I received from the Bodden Town Primary School students last year asking for a district library. These students are anxiously awaiting this library so that they can enhance their reading and learning abilities. I think these students will be pleased to know that they are being heard.

The Speaker: So ordered.

Miss Heather Bodden: Mr. Speaker, please allow me to read a few of these letters.

"From the Bodden Town Primary School, to Miss Heather Bodden, MLA.

"Dear Madam: It is unfair that East End, North Side and George Town have libraries and Bodden Town does not have one. When the children have to study or do research they have to go to George Town, East End or North Side. So please, Miss Heather, we need a library in our district. Bodden Town School also needs a library. Sincerely, Amanda Berry."

Another one from the Bodden Town Primary School to Miss Heather Bodden, MLA, **"Dear Madam: Over the years different districts have had libraries built for them. Can I tell you something? For years Bodden Towners have asked for a library. Many children from Bodden Town do not have the opportunity to visit a library. For many children a library in Bodden Town would be a study area instead of going to George Town just to look at one book I personally know that a library would be just what the doctor ordered. So would you please help us get a library in Bodden Town? It would be fantastic.**

"Yours sincerely, Kimberly Watson. P.S. I would also like to see a library in our school."

Another one from the Bodden Town Primary School to Miss Heather Bodden, MLA **"Dear Madam: It is high time Bodden Town gets a school and district library. All the other schools and districts have a library.**

Many afternoons children take the public bus to town to get to a library, plus it would be comfortable for us to work in a cool and quiet atmosphere. We are begging and pleading for a library. Please help us. Sincerely yours, Carissa McLaughlin."

Mr. Speaker, I thank you for that, and I would also like to let the children know that this Parliament is interested in our youth.

Moving on to Youth: Attending the National Youth Policy two-day conference in January at the pavilion was indeed a rewarding experience. To witness the large turnout was truly remarkable. This youth policy will address the needs of our young people and will recognise their value to our country's development. Attending both days of this programme I was overwhelmed by the interest shown by so many of our youth. I watched intently how involved and enthusiastic they were. It was evident that the older generation was listening to our youth.

Miss Ramona Ritch, of the Cayman Islands Marine Institute, is to be congratulated on the success of this programme. And I would like to say to her, don't stop there, but continue in what you are doing because it is so obvious where her heart is. Dr. Ivan Henry has been retained as technical advisor to the National Youth Policy Task Force. He reassured those attending the conference that the final document would be forwarded to the Ministry of Youth by year-end.

I trust that those who are listening will clearly see what has already been achieved in our great district. Bodden Town is no longer in the dark. It has been revived, and there's more to come. But this could not happen on its own. It has happened because representatives are working for the good of the people. It happened because they are representatives who care. It happened because representatives told the people it could be done if people worked together. Mr. Speaker, I call that teamwork. Now everybody wants to move to Bodden Town!

One only has to drive out to where I live. From the time you come upon the Spotts/Newlands Road and travel through Savannah and on into Lower Valley, on into central Bodden Town and into Breakers you will see land being cleared, homes being built, subdivisions being developed. One must come to the conclusion that the district of Bodden Town is attracting new residents all the time.

Three years ago when I took on the task of being a representative little did I think there would be so much progress in such a short time. It has certainly not been an easy three years, but I feel so encouraged by what has been taking place. There are days when doors swing wide open. There are days when I have to force them, and there are days when God walks me through them.

Today I am no longer the new kid on the block; I know the needs of my people and I am here today to tell my people that they have always mattered to me. I am here because I now know this is my place. I am here because I want unity and harmony and what is best for my constituents. But most of all I am here because I dearly love my people and my country.

In closing, I am reminded of an inspirational message by Emily Matthews called "Life's Pathway." And it reads,

*At times life's pathway seems filled with things that make the going rough,
And we wish there were a smoother road for we feel we've had enough.
But if we pause a moment and remember who's in charge,
The hills that loom ahead of us no longer seem so large.
And every rock before us, when we know we're not alone,
Becomes not just a stumbling block but one more stepping stone.
So as you face this journey in the moment you begin,
Know that God will guide you and you will have the courage to win.*

Yes, Mr. Speaker, every day for me is a challenge. But I thank God for allowing me the opportunity to serve my people. I look forward to continuing this mission as long as I can.

Mr. Speaker, I thank you and may God continue to bless these Cayman Islands. Thank you.

The Speaker: We shall suspend proceedings until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.59 PM

PROCEEDINGS RESUMED AT 2.47 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continues. Does any other member wish to speak? The Third Elected Member for West Bay.

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

I rise to offer my contribution on the 1999 Throne Speech delivered by His Excellency the Governor, on Friday 19th February 1999.

Let me say to His Excellency the Governor that I have appreciated his leadership over the past three and one half years. I personally feel that he has brought a great deal of professionalism and efficiency to the government service. I also want to congratulate him on his Vision 2008 because we need a sense of direction. I believe that at the end of the day what is important in regard to Vision 2008 is that the people of this country, that is our born Caymanians, feel that their interests were well considered, represented and protected in regard to any plan we have in these islands.

The other objective of the Throne Speech is to outline government's plans and policies for the year 1999. There are many challenges that we face in this country. I believe that it is important for those concerns or issues to be voiced, discussed, and hopefully addressed in a very positive and meaningful way.

I am going to talk a bit this afternoon about fact and fantasy. If you were to listen to Executive Council you would hear the fantasy that the economy is booming and all is well, people are happy making money and fully employed; that there are no major issues or concerns shared by our people and it appears that tourism contin-

ues to chug along at a rapid pace even though it may be on automatic pilot, and that the Cayman Islands continue to enjoy the reputation of a preferred destination.

The other fantasy is that we are not catering to everyone, we are only looking for those visitors with a combined income in excess of \$100,000. Those are some of the fantasies we hear echoed by Executive Council.

What are the facts? It is a fact that the economy is strong, but all is not well. The fact is that a very select few are doing very well while the majority of our people are experiencing some difficulties, be it with employment, financial problems, be it with finding it very difficult to cope because of the pressures and stress that we experience in this country. And on an almost daily basis I hear concern expressed about overpopulation.

In 1992 when we were elected the country was in a recession. People were unemployed and the majority of major contractors were sitting on their hands with nothing to do. Over the past five years we have enjoyed a considerable amount of economic activity. There are many things going on. But we have to stop and see who is controlling that activity.

One of the issues that concerns me and many others . . . and it would be interesting to know the real statistics at the present time in regard to unemployment. But we do have people who are finding it difficult to find employment. One reason for that is the fact that very few employers who operate in this country have a genuine interest in regard to employing Caymanians. And today they don't have to because it is so easy to get the work permit.

Our people are also concerned about the level of criminal activity in our society. I share that concern. I am greatly concerned about the level of drug trafficking and illegal drug abuse and all of the related criminal activities that go with that particular illegal activity in my district. I regard the issue of crime as one of the greatest threats to our society. One of the advantages we have always enjoyed in this country is the fact that we have been known as a safe destination. We have been known as very friendly and cordial people. Because of the illegal drug abuse and activity we have to address the issue of crime before it gets out of hand.

I am aware that there is a very strange philosophy concerning illegal drug abusers in that it is said that unless they want help it really doesn't make any sense to attempt to help them. I personally do not share that philosophy. I would daresay that 90% or 95% of the burglaries we have experienced recently in this country have been committed by drug abusers supporting their habits. What is discouraging is that I can drive through my district, and any district in this country, and I can spot a drug abuser a mile away. It appears that the police have a very difficult time identifying these persons and dealing with them.

My attitude is that if these people need help, and they don't want it on a voluntary basis, then we need to confront them with the option of either going for help or we will deal with them and take them off the streets.

I get people coming into my office on a weekly basis saying, "John, we have to do something about this area

of our community because day and night there is illegal drug activity going on. I can't keep anything at home. I can't keep anything around the yard because people come in." In a lot of cases people tell me that their own children come in and steal what they have and pawn it for \$25 in order to support their particular habit.

I was very pleased to hear that the health services are beginning to offer drug counselling at the district level. I believe that we have to be very aggressive in this area. We cannot sit back and let this issue go unchecked because criminal activity is becoming a problem in this country.

I believe that in regard to crime, it appears that the most common crime today is burglary. I understand that one can get up to life for burglary, but there are no minimum terms. In other words, it's not five year's minimum or ten years. I believe that that is the direction we need to head in addressing crime. I believe that those persons who engage in that type of illegal activity need to understand that we are serious about addressing crime in this country.

I have visited other countries where it appears that evil and illicit activities totally permeate the society. And those are not good societies to live in. I visited a particular European country sometime ago and because of the atmosphere there, if I never see that place again it will be soon enough. So I believe that we do need to recognise that we have a problem in regard to crime in this country, and we need to address it.

I had a gentleman come to my office last week (Tuesday or Wednesday) and he talked to me for an hour and one half. His concern was the overpopulation, the ratio of Caymanian to non-Caymanian, the majority of whom are here on work permits. It is a fact that there are certain positions in the country that we can't find Caymanians to fill. That is a fact. I have no problem in addressing those positions by bringing someone in on a work permit.

I brought a motion some four or five years ago asking government to consider restricting certain businesses to Caymanians only, even considering placing a moratorium on the number of businesses in any one particular industry. The problem we have in this country at the present time is that we have too many people doing the same thing. Unfortunately, those of our Caymanians who are in business are the ones who are being squeezed because we have very large outfits coming in competing in these particular industries and they have the resources to survive long enough until they eliminate all of the competition from the local Caymanians.

This is very prevalent in such areas as restaurants, watersports, real estate, and a number of other businesses in this country where an overabundance of people are engaged. But government seems to be scared of its own shadow in this country in regard to doing what it knows is right and necessary to the survival of our own local Caymanians. I believe in the Bahamas there are only a very few real estate licences and Bahamians hold them all. There is nothing wrong with us looking out for our own.

Take the area of watersports. There are probably two or three large entities that control that entire industry, especially since the demise of the old Holiday Inn and places like the Grand Pavilion where we had our average visitor coming to stay and wanting to take advantage of what is offered locally in the way of watersports. They would ask around and many times a well-known local would be recommended. That is how those particular Caymanians survived. But that is becoming extremely difficult.

First of all, I remember that we put some policy in place some time ago in regard to local entities being able to advertise and put their brochures on the racks at hotels. All that happens is that the larger entities with a franchise at that hotel go in and check the racks to see whose brochures are being displayed. They take them out and throw them in the garbage. That's not right.

The way we operate in this country is that we are not going to do anything about addressing these concerns until the day one of those local watersports operators who has to sit at Morgan's Harbour or at the Port Authority dock and see hundreds of people being transported out and they can't get one or two people addresses that issue personally by committing a crime. I am one who believes that if we can prevent something before it happens we should do it. But it appears that that's what it takes to get any government reaction. Something happens, and then government tries to deal with the issue.

A very good example is the recent proposed amendment to the Liquor Licensing Law in regard to establishments and minors. What they came up with was totally impractical, unrealistic, and would put a lot of small restaurant operators out of business. Why? Because there was an overreaction to the crime committed at the Lions Centre where a young person was killed.

I have always contended that the secret to the success in this country is the fact that Caymanians have always been able to make a living. And they have been able to get the very best of what is available by way of housing and transportation, and jobs. But that particular way of life is being seriously challenged at the present time. Our people are fed up. They don't have many people whom they can turn to. They have the impression that no one is looking out for them. And, as I said, they are becoming very frustrated.

Over development? I am aware that the last government (that is the 1988 to 1992 government) had put in place a moratorium on hotels along Seven Mile Beach. That moratorium was lifted by the present Minister of Tourism. I must say that it wasn't necessary to have another major hotel along Seven Mile Beach. What we have done in the process is create a concrete jungle along Seven Mile Beach. I have been informed by people in the industry that visitors who have been coming here for 25 or 30 years because they enjoyed the Cayman Islands—the quaintness of the place, the tropical Caribbean atmosphere—are now saying that it no longer appeals to them. All they see around them is concrete. Traffic has become a problem and they don't need the hassle. Many of them are selling their investments and

moving to other less developed destinations where there is some degree of tranquillity and peace.

We have to be very careful. We have to balance between prosperity and development while at the same time maintaining those characteristics that made us very special over the years to not only visitors but to our own people as well.

Recently a group of the backbench members were invited by a group of local members of the restaurant association to sit down and be briefed as to what is going on in business activity in that area. I remember in my contribution on some motion or some issue that I mentioned according to my information tourism was down. I was scoffed at. I was jeered and basically told that I didn't know what I was talking about. But facts are facts. According to those businesses, some were experiencing a fall of as high as 50% compared to 1998. That is significant.

According to them, there are reasons for this fall off in business. They believe that the Cayman Islands are basically pricing themselves out of the market. They were telling us that with the recent revenue measures which increased duties on spirits and wines it is very common to have to pay as much as \$10 for a drink at some of the major hotels. There is an argument that says if they want it they will buy it anyway. But despite what we are being told, the majority of our visitors are average, common people like you and me. They work all year to be able to come here to spend one week to ten days on vacation.

The other thing that is happening because of the high cost and the absence of average priced hotels, people who are coming here for a visit are coming for shorter periods of time. Apparently a lot of our visitor activity today is being generated through incentive groups. What they have is a package. Large companies, like Ford Motor Company and General Motors, and many other large corporations reward their outstanding performers with trips abroad. And the Cayman Islands have become a very popular destination for that type of activity. But the problem that causes is that it is a package, and a lot of the activities and services do not extend beyond the grounds of the hotel where they are staying.

For example, if they go to the Hyatt, they eat at the Hyatt, they play golf at the Hyatt, and any other activity they want can be booked right straight through the Hyatt. So your local entities see very little of that type of visitor.

According to them, long time and frequent visitors have mentioned that they are also concerned about the increase in criminal activity especially in the area of burglaries. They are also concerned about the traffic situation. I am going to address the traffic issue later on, but let me just say this: The Crewe Road Bypass and the Harquail Bypass extension will only bring temporary relief to the issue of traffic.

Those operators were saying that government should consider placing a moratorium on new applications for restaurants in this country because we have too many that are basically offering the same services. We have a good variety. We have good operators. And I believe that in order to ensure that our locally owned opera-

tors survive, government has to consider doing something in this particular area.

With the demise of the old Holiday Inn, the cost of local accommodation has risen tremendously. I was told that in the Hyatt's new development on the beach you can pay as much as \$1,500 per night. That's a lot of money for a room! And that eliminates a lot of our visitor base. I recall back in January (and this is unheard of) where the staff of major hotels were getting two and three days because the visitor numbers were not there to support any great level of business activity. That caused a great deal of concern among our local Caymanians who are employed at these hotels.

For six months out of the year, December through June, activity is very good. They do very well by way of wages and gratuities. And then for the next six months they live off of what they made for the first six months during the high season. If they don't have a high season this year, then our people are in for a very long year and a very difficult time. It appears that there is very little concern in this regard. Those with responsibility and authority seem to not want to recognise that we do have a problem that needs to be addressed and they are hoping it will go away.

The Department and Ministry of Tourism have boasted over the last four or five years of annual increases in visitor arrivals. And they took credit for that activity. Now that we do appear to have a problem, they must be responsible enough to call a meeting with the persons involved in the industry, hear their concerns and attempt to address those concerns.

I believe that we have enough activity in this country at the present time to keep our people fully employed if nothing else happens for another 15 or 20 years. What we have to recognise is that when there is a slowdown in a particular area there is normally an opportunity in another area for employment. For example, if there is a slowdown in the construction industry it is very easy for those people to get jobs in construction related activities like maintenance, repairs and that type of thing. We cannot continue to build at such a rapid pace.

At the present time there is an excess demand for accommodation. That seems to be where most of the construction activity is. But we are going to arrive at a point where that activity or demand is met. And if there is ever a little slowdown, we will have people who have gone to the bank for financing sitting on their hands with unoccupied premises that they can't pay for because their tenants have moved on.

I recall that some time ago I brought a motion calling for marine surveillance and patrol. I am aware that the British government did give us a little vessel. I have never seen it, but I understand it is pretty well equipped. It is a fact that drug trafficking and the illegal importation of drugs continues to be a problem in this country. If you are patrolling what goes on through the airport, then the only other area it can come through is by way of illegal canoes that come in from Jamaica and other destinations. There is no shortage of illegal drugs in this country.

According to my information, cocaine is as common as anything is on the streets. You can probably get a hit now for a little as \$2.50. So that tells us that there is an over supply of illegal drugs in this country. If government was really concerned and interested in really addressing this issue, if they ap-

proached the US, because I understand they have a pretty good relation with the drug enforcement agencies over there, they have all kinds of PT boats and other boats that they could probably give us that is fully equipped where we could be in a position to do a good job patrolling and interdicting those persons who chose to bring in drugs through the sea. We are catching some, but too many are slipping through unnoticed and uncaught.

Another area of great concern to Caymanians is the area of immigration. I hear a common comment that there are too many foreign persons working here; too many visitors who come here job hunting. It is too easy to get a work permit and there are too many people here from a particular destination. These are all concerns that I share as well. And one of the things that I am very disappointed with the National Team about is that in 1992 (and I don't have a copy of our 1992 manifesto) I recall that the issue of training was an issue that was discussed and mentioned on just about every one of our platforms, at just about every one of our district meetings. And the message was getting out there that we have to do something about training Caymanians.

I recall that just after the election just about everywhere we went people were saying that they were taking steps to put in place training programmes to train Caymanians, be it watersports or whatever. I was very encouraged by that kind of change in attitude. I recall that even the Minister of Tourism was working with the hotels and the hotels were prepared to work with him in regard to making their facilities available for training.

I recall that it wasn't long after we took office that there was a little complaint from the Chamber of Commerce that we were being too restrictive in regard to work permits and businesses were suffering, and the whole bit. And we opened up the floodgates in regard to work permits and up until now we haven't been able to close it.

Training? That's a bygone word, Mr. Speaker. I don't hear anybody talking about training any more—not even government—to the extent we should. It makes me feel good when I see young Caymanians taking their rightful position in our society. I recall just recently that we had a few young Caymanians from the Ministry of Development who came and appeared before us in regard to the youth and women's issues. I was very impressed with their professionalism. I was very impressed with their competence and their keen sense of interest. We need to do more to ensure that we have a greater number of this type of young Caymanian available in this country who can take a responsible position once they get the qualification and training they need.

We are making training available through scholarships. But the one thing we have to ensure is that when our young people go and spend four or five years abroad in order to get a qualification and a good education that when they return to this country there are opportunities available to them to reward them for their efforts and their sacrifices for those four or five years. It is becoming much more difficult for our young people returning from university to find suitable employment.

I had experience around New Year's eve. My wife and I were invited to a party and when I walked into that gathering, she and I had to remark that there were probably two or three people whom we recognised. If you don't think we have people in this country you are making a mistake. And I am not talking riffraff; I am talking about professional people. But many of those jobs that they are brought in to hold, if we had a proper training programme in place that is tied to a work permit over time some of our people will be able to take some of those very lucrative and well paying jobs. And that should be the objective and goal of any government in regard to its people.

What I am concerned about is the tendency in this country that as long as I am getting, me and mine are doing well, we couldn't care less about the rest. In this country we must continue to look out for the welfare of Caymanians at every level of society. Do you know what I have discovered? Once people know what the rules are, the chances are that they will comply. If you look at it strictly in terms of dollars and cents, it makes more sense for an entity doing business here to have a local person employed as opposed to someone being brought in from outside. Why? In most cases the local person is responsible for his own accommodation, you don't have to worry about airfares for him, there is no rental allowance, and all of the other perks that go along with these jobs.

If those entities can get someone on a work permit they will not take the time to invest four or five years in a local person to train them to take that position. They will never do it.

I was talking to a friend of mine the other day. He said, "John, let's be realistic. I hear you talking about training. But let's look at this thing realistically. For us to believe that somebody here on a work permit has a genuine interest in training a local Caymanian to take his job, you have to be crazy. It will never happen." His attitude was that we should get enough from those doing business here to be in a position to afford to train our own people. I am beginning to believe that is the direction that we must go.

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

Mr. John D. Jefferson, Jr.: Yes sir.

The Speaker: We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.19 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continues. The Third Elected Member for West Bay, continuing.

Mr. John D. Jefferson, Jr.: The next area I would like to comment on is the area of potential difficulties in dealing with the OECD. The Cayman Islands have worked very hard to establish the reputable financial center that we have in this country. We have introduced relevant legislation to deal with illegal or criminal activity in respect of cooperation with other destinations in regard to certain types of illegal activities.

The first piece of legislation that comes to mind is the Mutual Legal Assistance Treaty. I recall that was introduced back in the 1980s. Since that we have had legislation regarding money laundering. The commercial banks have tightened up their policy in regard to large cash deposits in order to attempt to discourage illegal activities that generate a lot of cash.

I recall in the early days that it was very common for members of staff of some banks to sit there all day and count cash brought in for deposit. Now, banks are required to report cash deposits in excess of \$10,000. Unless the banks know you, most banks will not accept large cash deposits other than deposits generated through local businesses, like the supermarkets, restaurants, and that type of thing.

All of the major international banks have a presence here in the Cayman Islands. If the reputation here were not good that wouldn't happen. Those entities only associate themselves with first class financial centers. The other thing that has taken place is that through Executive Council and the office of the inspector of banks, now handled through the Monetary Authority, we have restricted the number of licenses that have been

issued to private banks, that is banks owned by private individuals. We have spent (and continue to spend) lots of money on an annual basis promoting the Cayman Islands as a reputable financial centre. I think that at the present time we can boast of being the fifth largest financial centre in the world. That speaks well for this country because the financial community along with tourism is one of the two pillars upon which the business activities of this country are centered.

We are not interested in the business of hiding money here. I am quite sure that we still have individuals who come here to do business and they have a little money locally that is not declared. But that is not the majority of the activity that we have here in the Cayman Islands. I recall back in the early 1970s when I was in the office of the inspector of banks the number of offshore financial centres were many indeed. They were getting into the business of licensing banks strictly for the purpose of revenue. They had not regard to any supervision, no monitoring and as a result many of these destinations earned quite a reputation for illegal activity. Unfortunately, because we are a part of the Caribbean and because other destinations have that kind of reputation we kind of got thrown in the same pot with everybody else, despite efforts made on an individual basis in the Cayman Islands to promote and safeguard the reputation we have as an outstanding and reputable financial centre.

There's a lot of jealousy around. And rightly so because for a little country like the Cayman Islands, boasting of a population of 30,000 people to enjoy the type of reputation we do on the international scene is quite an accomplishment. Here in the Cayman Islands we boast of a very high standard of living and lots of services. If you can't find it in the Cayman Islands, chances are it doesn't exist. I was very comforted because I share a great concern in regard to the survival of our islands financially. I was very encouraged during the recent visit by Baroness Simmons who assured us that the Cayman Islands as far as the UK is concerned has a good reputation and should stand out legislation-wise and otherwise as an example for the rest of the other financial centres in this region. And because we fell directly under her responsibility she would do everything within her power and she also ensured us that the United Kingdom would fight to protect our interests in these islands.

I believe that it is the best interest of the United Kingdom to do that because even though we are a dependency of the United Kingdom, we haven't cost the United Kingdom anything since the early 1970s. We were disqualified in regard to interest free loans and that type of thing because of the financial activity and success we have enjoyed in this country. They can't say the same about some of their other dependent territories where they have to dig deep into their coffers to fund this and fund that. That has not been the case in regard to the Cayman Islands.

I am hoping, and I am also confident because of my faith in Almighty God that He will protect the welfare of these islands.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you for a moment? I don't imagine you will be finishing any time soon.

Mr. John D. Jefferson, Jr.: No sir.

The Speaker: We have reached the hour of 4.30 PM, but before asking for the motion for the adjournment, I have received a written request from the Chairman of the Public Accounts Committee that the committee be allowed to meet on Tuesdays while the Legislative Assembly is in session. According to

Standing Order 72(8), I seek the leave of the House. So I will put the question that the Public Accounts Committee be allowed to meet on Tuesdays. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE STANDING PUBLIC ACCOUNTS COMMITTEE TO MEET ON TUESDAYS WHILE THE LEGISLATIVE ASSEMBLY IS IN SESSION.

The Speaker: I will now entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 10 MARCH 1999.

**EDITED
WEDNESDAY
10 MARCH 1999
10:15 AM**

[Prayers read by the Honourable First Official Member]

The Speaker: Please be seated.

Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Third Official Member who is overseas on official business, and the Third Elected Member for George Town who is overseas on a Parliamentary Seminar, and from the Fourth Elected Member from West Bay who is not well.

Item 3 on today's Order Paper...

POINT OF PROCEDURE

Mr. Roy Boddén: Mr. Speaker, on a point of procedure, sir. I wonder if you are in a position to advise the House as to the situation regarding questions. I believe, Mr. Speaker, that there were sixty-odd questions outstanding. I noticed again this morning that there are no questions on the Order Paper.

The Speaker: The only answer I can give is that apparently that was what was set down by the Business Committee as the idea is to try to finish the debate on the Throne Speech as early as possible and then get on to the normal business.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. This is not just to find fault with the way things are being run but at all times when the House is in session there have always been question carrying over into the next sitting because time does not allow for the questions to be answered. And, sir, all is going to happen this time again is that they are going to mount up. Perhaps, sir, the Chairman of the Business Committee could explain what is happening as of now and maybe we could get an undertaking . . . because, certainly, if it continues the way it is now we are going to be completing this Sitting and a lot of questions will be left unanswered.

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

Hon. Truman Boddén: Mr. Speaker, this is the fourth month that we have been in this Honourable House. A

very large amount of business has been brought over from November and as I get them, sir, the Business Committee puts them on.

However, let me say this, while we sit in this legislature it is very difficult for the ministries to operate because we are not in the ministry five days out of the week. So there has been a slowing down on what can be done in the ministries. It isn't too bad if you are even out the ministries or out of your work for a month—but this is the fourth month, sir. And the strain is coming on in all areas not just in this area.

Sometimes it takes a lot of time to get the answers to the questions. I mean the members are right, there are 68 questions that have come over from last time. Some have been answered. I answered some I think. The other members did. Two ministers really have none left. I put on several, sir, and the Third Elected Member for George Town was away. There are about six or eight that are ready for him. We had to actually take them off.

The only thing I can undertake to do, . . . mainly three of us have some left. And there are some official members who have some. I know they have told me that some official members would be ready for Friday, sir. I will do my best. That is all I can do.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and I hope that what is being said is taken in the right vein, sir. The point that is being made is that if 68 questions were carried over from the last sitting . . . and as far as I understand it, sir, it is not the ministers themselves who prepare the actual answers, the legwork is done by the people in the ministries. The ministers may add their final touches to it. Certainly, if these questions had been asked from several months before, there is no reason why the work to prepare the answers for those questions should not have been done by now. That is really what we are trying to say.

And, granted, we have been in here for the time that we have, but certainly if efforts were put forward while some ministers don't appreciate the questions from where we sit, sir, we find them to be a necessity with regards for us getting information. And certainly, the ministers and the government . . . and I hear the commitment but certainly they can do better than having days and days go by without questions being put on the Order Paper.

The fact that a member is away, sir, they know that the member is away so the efforts to get those answers should be made towards those members who are here if they have that latitude.

The Speaker: Item number 3 on today's Order Paper. Government Business. Continuation of the debate on the Throne Speech delivered by His Excellency, Mr. John Owens, CMG, MBE, Governor of the Cayman Islands on Friday, 19th February 1999.

Debate continuing, the Third Elected Member for West Bay.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19TH FEBRUARY 1999

(Continuation of debate thereon)

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

In my opening remarks on Monday, I tried to make it clear that all is not well in the country—despite the claims of the elected representatives on Executive Council.

I mentioned my concerns and those shared by my people and residents alike concerning the issue of crime in this country and the threat it poses to our way of life and our continued prosperity. Mr. Speaker, concerning crime, I was sitting in my office again yesterday in West Bay and I had one of my constituents come by. That was one of the concerns that he expressed to me.

And I want to say thanks to the churches and other non-profit organisations that are doing their best to do whatever is necessary offer our young people an alternative with regard to activities that are wholesome, honest and that lend themselves to allowing them to grow up to be wholesome and reasonable citizens. I believe that this issue has become so serious in this country that it warrants our once again recommending minimum mandatory sentences for certain crimes.

I believe that with the crime of burglary, if someone knew if they were caught breaking into someone's premises that they were going to get a minimum of five to ten years, it would probably cause that person to think twice about carrying out that crime. It must be an awful experience, and most of these burglaries take place at night when you are probably at home sleeping, to be awakened by some noise and you are made aware that there is someone in your home. An awful experience, Mr. Speaker.

And you have got to keep in mind that anyone who takes the risk of coming into one's home is probably prepared to commit the crime of murder because they don't want to be caught. This also poses a serious threat to our people.

So I believe, Mr. Speaker, that if we were to introduce some mandatory minimum sentence for the crime of burglary, and I would recommend maybe five years (it is happening too often) that we would in some way may be discouraging that type of criminal activity in this country. Now, I am aware that for the crime of burglary you can get up to life, but in most instances I have not seen those

kinds of sentences passed down by the magistrates. It is normally three weeks to six months. So it appears we are not treating the crime as seriously as we should.

As much as has been done concerning the tightening of our legislation to discourage the criminal activity of illegal drug trafficking, under our laws the assets of someone who is convicted of such activity can be confiscated by the Courts and, that is, a home, land, cash, whatever. But if I am not mistaken there are no minimum sentences in place also for the crime of drug trafficking. I know there used to be. I believe that we need to start moving back in that direction concerning this type of criminal activity.

I believe we have to send the message that we are serious about addressing the issue of crime in this country. I am greatly concerned, Mr. Speaker, with what I see happening with criminal activity. Especially in my own community in West Bay, it appears that the entire community has been permeated by the scourge of drug trafficking and drug abuse. And I would urge the Police Commissioner and the Drug Squad to really place a new emphasis with regard to addressing this particular issue.

I personally believe that if we were really serious about addressing this issue that it would amaze us what could be accomplished. But it needs the co-operation of the Legislative Assembly, it needs the co-operation of the Police, it needs the co-operation of the Courts and it also needs the co-operation of the community in order to ensure that this thing works. I am aware that majority of the crimes in the area of burglary and theft are carried out by persons who are drug abusers, illegal drug abusers in order to support their habit.

My philosophy is that you either admit that you need help, and take advantage of the help that is available in order for you to kick your habit, or we are going to come down on you very, very seriously and you may be required to spend some time at Northward Prison. I believe that we need to do that in order to arrest this situation at the present time.

I remember when we took over in 1992 there was also concern with regard to criminal activity and the Legislative Assembly assisted by authorising additional personnel to be brought in by the Police. We put in place the task force to clean up some of the after hours activities. I think they called them "sessions" where a lot of illegal activities took place, that is, drug abuse, prostitution and other related criminal activities. And they really did a good job but it appears that we are slipping or we are losing focus on the issue of crime.

This is something that requires constant surveillance. It is like the mosquitoes, you know. We established a Mosquito Research Control Unit (MRCU) back in the 1960s and it is an on-going thing, it is an on-going investment. Every year we vote millions of dollars for the MRCU in order to control mosquitoes. We need to continue to recognise that crime requires an on-going battle, an on-going effort.

It doesn't take a whole lot of incidents involving maybe a visitor or two to smear our reputation with regard to a safe tourist destination. And that is what I am concerned about: That our people here continue to live in

a crime free environment and our visitors are welcome to continue to be welcomed to come here to also enjoy our hospitality in a very safe environment.

I also touched on the issue of our concerns with regard to the OECD. At the end of the day I am confident that the Cayman Islands will fare very well in this exercise. I think once those parties who are bent on maybe attempting to destroy our reputation and our financial industry understand the level to which we have gone in order to ensure that we have a reputable and clean financial community, they will (unless they are hell bent on just destroying us) have to admit that we are doing what we have to do in order to fight illegal activity here. That is, Mr. Speaker, with regard to hiding the illegal proceeds of drug trafficking or laundering or what ever else. And I think we have done a good job in that area so at the end of the day I think we will fare fairly well with regard to this whole exercise.

Mr. Speaker, I did mention that according to my information, tourism is down. I took time out to touch base with some of the operators of tourist properties. And one operator told me, "John, business this year is basically flat with what we had last year but we are not making any money. In order words, we are not doing a whole lot of extra business. We have had to wheel and deal with regard to our rates just in order to encourage people to come."

The one complaint I hear over and over again (and he mentioned it again this morning when I spoke to him) is that the Cayman Islands are basically pricing themselves out of the tourist market. Now, Mr. Speaker, I am aware that the philosophy of the Department of Tourism and maybe even the ministry is that we are not catering to everyone here by way of tourism. But, Mr. Speaker, the majority of the visitors that I see are not wealthy individuals. These are people who are middle class who come here for a little holiday and probably work all year in order to be able to enjoy a week to ten days here in the Cayman Islands. The cost of accommodation has become ridiculous.

I was talking to another employee at one of the resorts and for an ordinary two-bedroom condo, and I am not talking anything fancy just your basics, in December, those rooms were renting for \$650 a night. Now the average room rate is like \$420 or \$450 a night. And the experience at this particular resort was that for two weeks in January or February there was nobody because people just refused to pay those rates.

Mr. Speaker, I am aware that the Hyatt has just spent a great deal of money putting up their new facilities on the beach. According to what I am told, they really did a good job. They have suites renting for \$550, maybe \$600 a night. I understand that they have one special suite that rents for \$1,500 a night. Now, Mr. Speaker, how many average visitors can afford to stay in that kind of facility? And with the recent increase in revenue measures, that affected alcoholic beverages and that type of thing, and also food . . . food here is extremely expensive.

I know even on a personal basis I try to treat my wife maybe once a month to a little outing, and Mr. Speaker, I

have to budget at least \$100 for two persons for one night, that's once a month. Can you image being in a position where you are here for a week to ten days and every evening—and most times it is a family—looking at \$150 - \$200 a night just for food and beverages. It would not be too bad if the Cayman Islands was the only tourist destination, but every day there is a new location popping up on the scene to compete with the Cayman Islands including the United States.

Many Americans have the choice of staying right at home where they have very scenic views and a variety of activities—and for much less money. So a lot of people are opting to stay at home rather than to come to the Cayman Islands.

Like I mentioned, Mr. Speaker, just the other day we were invited to meet with a group of local business people who expressed their concerns with regard to business being down. Now, a lot of those businesses depend on visitors, and according to some of them, business was down as much as 50 percent compared to last year. Now, when you get that kind of fall-off in business, you do one or two things: either you go out of business or you cut back on your expenses, and the first place people start cutting is jobs.

The Director of Tourism and the Minister of Tourism are very eager when things are going good with regard to tourism to take the credit for it. Now, they must be responsible enough to take time out to address the issue of the down turn in tourism and the fall off in business that we are experiencing in this country.

Mr. Speaker, you know, I brought a motion some time ago and it was unanimously agreed upon. I was told that in order to implement it we were going to have to put in place the Trade and Business Licensing Board so we could better monitor it and that type of thing. But I called for specific moratoriums in certain areas. I also called for certain businesses to be reserved for, or restricted to, Caymanians only. Mr. Speaker, nothing has been done in this area. And I think the Minister of Tourism is also the Minister of Commerce so he must take the responsibility to see to it that some actions are taken in order to control the number of licensed businesses in any particular area.

With a population of about 30,000 residents you cannot support a very large business base. There is only so much to go around and we must do whatever we need to do in order to see to it that people who are involved in businesses in this country have a chance of surviving financially.

I don't know what the difficulty is in trying to protect the interest of our own people. I honestly don't understand that. The only place that it appears that that is not promoted is here in the Cayman Islands. If you go to Bermuda, they have certain businesses that are restricted specifically to Bermudans. If you go to United States, it is the same thing. There are certain things that you can't get into as a foreigner. Why shouldn't we take the same philosophy and attitude with regard to our own people?

Mr. Speaker, you know what concerns me? I have been preaching this for a very long time now. What concerns me is that if we don't address these issues at the

present time when there is still an opportunity to do so, we are going to lose it all. People are frustrated, people are concerned with regard to what is going on in this country and they don't see any sign of leadership. There is no sense of direction given by the elected Government. So people are frustrated.

One person told me the other day, he said, "John, you know if Government doesn't start addressing the issue of the over supply of work permits and that type of thing that makes it so difficult for some Caymanians to get a job, . . . I hear the rumblings out there and the rumblings aren't good." We have a tendency in this country to not do anything until something serious happens, then we over-react rather than dealing with it in an objective manner. We over-react and do things that we shouldn't do just in order to try to correct the situation at the time.

This year's budget, Mr. Speaker, I think is something like \$1.2M for official travel. This is one of the problems that we have. The Minister of Tourism and the Director of Tourism they spend too much time in the air rather than on the ground where they can address some of these issues. Mr. Speaker, let's see how capable they are now of addressing a situation that appears to have gone wrong with regard to tourism. They take credit when things are good, let them address the issue now.

Let them make the difficult decisions that have to be made in order to ensure that we continue to get our fair share of the tourism market in this country. Mr. Speaker, because of the importance of tourism with regard to employment of our people it has to be addressed. These concerns have to be addressed.

Back in January, I understand they almost had a riot at the Westin Hotel—the employees were very upset. Why? Because in the height of the tourist season, hours were being cut, people were getting two to three days off. Why? Because the business base was not there to support that level of employment. Now, if you get that type of action being taken in the height of the tourism season you can image what it is going to be like in the off season.

Those responsible for tourism have to spend more time addressing these issues. I know training does not particularly fall under the Ministry of Tourism but with regard to the tourism industry, he has a direct responsibility and the Director of Tourism shares that responsibility. They must ensure that they use their influence to see to it that the hotels have proper training programmes in place to train Caymanians to move up the ladder in the tourism industry.

We heard a lot of talk about it in 1992. Seven years later we still don't have a programme in place. Do you know what happens now, Mr. Speaker? The hotel operators are so comfortable with the Director of Tourism and the Minister of Tourism that they don't care any more. They continue to do what they feel like doing. They couldn't care less about giving a Caymanian an opportunity. And who does anything about it? Nobody does.

I was told this week or last week that one of my former colleagues, Mr. Gilbert McLean, who was employed by the Hotel and Condo Association, was recently fired. Why? Because one of the members—who is not a Cay-

manian—just felt that they really didn't need him. They need an Englishman or an American in his position. *'We don't need him. We are not satisfied with your level of performance so we give immediate notice, you are fired. You can run to Labour Board, you can go to the Minister of Labour, you can go to the Minister of Tourism nothing is going to be done about it.'*

Mr. Speaker, when that type of attitude prevails in our country that spells trouble. When you take that kind of attitude with a former member of the Legislative Assembly, you can image the chances the average person has—very little. Nothing has been done in the area of training. Nothing at all, Mr. Speaker!

Now, I see in the Throne Speech that there is a new training initiative being introduced. How many times are we going to introduce it? Let's stop talking about it! Let's get on with putting a proper programme in place. Every year I attend the graduation of the Cayman Islands High School where 200 to 300 students come out. Twenty percent probably go on to higher education. What happens to the rest? We are not taking our responsibility serious with regard to providing for these young people. We aren't! They disappear in the community and we hope they never surface because we have no genuine interest in their welfare.

We should have our own hotel training programme. The Government should have had a hotel of its own to use as a training base for our Caymanians. Bermuda has done it and it has worked very, very well. But, Mr. Speaker, those responsible are more interest in attending cocktail parties and functions offered by those in authority. That's what we are concerned about.

Mr. Speaker, the number of jobs that I have had to find on a personal basis for my people . . . that should not have to happen, Mr. Speaker. A job is advertised, the ad is normally tailor-made for a specific individual who is a non-Caymanian. But if they hear there is a MLA behind it, the chances are they will say, *'Okay, maybe we should provide a little opportunity here so we can get him off our back.'*

Mr. Speaker, that should never be the position. The position that we enjoy in this country should be, our people come first and if there is anything else available then you bring in those people you need in order to fill those slots. That is not the case! Government regards work permits as a source of revenue. They are more concerned about the \$350 that they get for a domestic work permit or a cashier or whatever more than they are concerned about the possibility that, that work permit holder may be replacing—or preventing—a young, qualified Caymanian. I am tired of it. And so are many, many Caymanians.

What has the Director of Tourism and the Minister of Tourism done concerning the issue of two or three large watersports operators controlling the watersports business? What have they done?

I remember one of my former constituents who was having a very difficult time. He went out and borrowed money to invest in a little boat in order to support himself and his family financially; spent money getting brochures printed up to promote his business; walked into the hotel

lobbies in this country, and being a Caymanian... Mr. Speaker, those operators tell me that they cannot put their brochures on the racks. If they do they are told, '*I am going to take them and throw them in the garbage.*' What has been done?

The Minister of Tourism got them to put a little rack in the hotels, and what happened? It still hasn't helped a whole lot. All that has happened is that those large operators with the concessions go in and take the brochures off the racks and throw them in the garbage. The Minister of Tourism has done nothing in order to address this issue.

This should be a priority as far as he is concerned because many of the watersports operators are Caymanians and they are from the district of West Bay! Nothing has been done! And with the demise of the old Holiday Inn where they use to pick up a couple of strays who wanted to go to North Sound to visit Stingray City or someplace else, even that little business is gone. It is not fair and I say shame on the Minister of Tourism and the elected representatives in government for not seeing to it that the interest of our people—that is our Caymanians—is protected.

Most of those hotels have a concession or franchise in place and the franchise is one of the big operators. Red Sails has most of the hotels tied up. Bob Soto's, Bayside Watersports, Mr. Speaker, that's it. And our people who have been employed in this area for 34 years go round like little beggars trying to get a little handout in their own country. It is a shame!

If I were the Minister of Tourism one of the first things I would have done when I took office is sit down with them and say, '*Well, okay, let me see the terms of your franchise agreement with these operators. When does it expire? Okay, a year, good! After a year I want you not to renew it because it has to be a free for all in the industry.*' Mr. Speaker, we don't have anybody in Executive Council with that kind of courage. We don't! They are so concerned about pleasing every body . . .

It reminds me of that little story I mention often about the little boy, his father, and the donkey. They all tried to please one another and everybody else and they eventually all fell in the river. We don't have any leadership. We don't have anybody with that kind of courage in Executive Council. That is why, Mr. Speaker, I am hoping in the year 2000 that our people will make the right decision to elect and re-elect the people who have their interest at heart.

A lot of time is spent travelling, enjoying the perks of the job rather than staying at home and addressing these issues that our people are faced with and experience on a daily basis.

Mr. Speaker, I have not been to Pedro Castle since it has been opened. But, from the information I got, it appears that it is a financial nightmare. There are no proper financial records; no proper documentation for work that was done. I understand that what happens is that government advanced the funds, I don't know [if it is by way of] local loans or general revenue for the construction of the place. The Caribbean Development Bank (CDB) then reimburses government for expenses that were incurred.

But, Mr. Speaker, it is my information that the Caribbean Development Bank has refused to reimburse government for certain expenses incurred for that project. Why? Because the documentation is very shoddy—or non-existent—and they can't give proper accounting for where the money has been spent and on what.

Now, Mr. Speaker, they did a good job on the project. I haven't been there since it has been opened but I understand that they even created rain, thunder, and lightning. But, Mr. Speaker, it is going to take more than that. It is my opinion that tourism is on automatic pilot. You know, you set your automatic pilot on the ship or an aircraft, make it kind of slide by itself—that is how we are operating right now. Those in authority have more important things to be engaged in.

Mr. Speaker, they are having a very difficult time determining what the assets are for that place because of the shoddy documentation. Shame, Mr. Speaker! A project that cost in the region of about \$9M or \$10M. Shame!

You know, Mr. Speaker, it is not easy to say, '*I made a mistake.*' Government must be man enough if it makes a mistake to say, '*We made a mistake. We need to do something about it.*'

If government does not take steps to reverse the recent decisions in regard to revenue increases or duties on those products that tourism depends on, it is going to kill tourism in this country. It is going to kill tourism! But I guess they are not going to be around after the year 2000 anyway. So what? Make somebody else pick up the pieces. Make someone else be responsible for finding the solutions. They had their headache, let someone else worry about it. It is not a very good attitude, not the right philosophy if you are responsible.

Mr. Speaker, we are fast losing our appeal as a premier tourist destination. When I go to Miami, I don't go to Miami Beach. You know why? Even though that is where the beach is, it is a concrete jungle. That is all the Cayman Islands have become. Now, it is going to move off Seven Mile Beach because there is not very much left there and it is going to move to the other districts. So you are not going to only have it on Seven Mile Beach but you are going to have it all over the island. Why?

You mean we don't have a plan? We don't have a vision as to what we want in our country or for our country? Mr. Speaker, not only visitors are talking, our people are concerned with regard to what they see going on. Destruction of the natural habitation, vegetation; the mangroves and all the other things. They are concerned about over-populating the place. Every place you look, there is a foreign face either visiting or working here. They are concerned.

Now, Mr. Speaker, the Cayman Islands have always had a reputation for welcoming people. We will continue to do that. But we must be sensitive that we have to have a good balance. We have to maintain a good balance, our people have to feel comfortable, our people have to feel confident about continuing to be a part of what is going on because the day that our people say, we have had enough, you and I and everyone else are going to have to find something else to do.

You can't even run back to Nicaragua any more because the Minister for Agriculture—my good friend there from East End—would not even give us a little permit, a little licence so that we can go down and get a couple of green turtles to support ourselves...

[The Honourable Minister for Agriculture, Communications, Environment and Natural Resources rose]

The Speaker: *[Addressing the Third Elected Member for Bodden Town]* Would the honourable member give way?

Hon. John B. McLean: I need to answer the member on this one because it is really not for the minister to do this. I would say that I like turtle meat as much as anybody else. Whilst being responsible for the Turtle Farm, the trade in green turtles has been banned under the Convention of CITES. The member knows, because we have discussed it many times. I cannot authorise anything, neither can my ministry nor can the government as long as we are party to CITES. And we will be a part of CITES until the UK says we cannot because we fall under the same umbrella of the United Kingdom Government.

The Speaker: Third Elected Member for West Bay continuing.

Mr. John Jefferson, Jr: Mr. Speaker, the point I wanted to make was that we don't have very many options of going back to the way of life that we enjoyed many, many years ago. We cannot go back there. Those options are no longer available to us.

I am aware that there are some countries who are a part of CITES where concessions have been made to allow them to continue to trade in areas that they have known and done for many, many years. But we won't go down that road this morning, Mr. Speaker. When there is new leadership in Executive Council, we will pursue those possibilities.

[Inaudible interruption]

Mr. John D. Jefferson, Jr.: Exactly!

The next area I would like to move to is the area of roads. We, as the backbench, have supported certain improvements to our road system. As far as I am concerned, these are temporary measures. We have agreed to fund the Smith Road, or was it the Crewe Road Bypass, some \$5M - \$6M, in order to at least relieve some congestion in traffic coming out of the East. And we agreed to extending the Harquail Bypass beyond the Galleria Plaza in order to avoid traffic coming out of Galleria and West Shore and Wendy's and the other establishments along Seven Mile Beach. These are temporary measures.

I would daresay that we have 20,000 vehicles in this country. I am told that there is an average of 250 or 450 (I can't remember the exact figure I heard) vehicles coming into this country every week. Our young people want to finish school and find themselves a job. One of the first things they want to purchase is a vehicle. I would daresay

any elected representative in this country who has the guts to bring a motion calling for a moratorium on importation of cars or vehicles would lose his seat tomorrow. Would lose his or her seat tomorrow! So, Mr. Speaker, what is the solution? Let us be honest. What options do we have available?

If you are not going to stop the importation of cars and you have limited resources, you can't build \$100M highways. And even if you do that, that is a temporary measure. Our people have to recognise that if they are going to enjoy the benefits of owning a vehicle they are going to have to suffer a little traffic congestion. One just goes with the other. It is a fact of life.

I believe that government can help, not by building more roads but by introducing new initiatives—flexi-hours. Why is it that a bank has to open at 9:00 a.m. and close at 5 p.m.? Or Government opens at 8:30 a.m. and closes at 4:30 p.m.? Why is it that we have to go to school from 7 a.m. to 3 p.m.? No reason, Mr. Speaker.

My wife went to school in New York. And in New York has a lot of people, many students. It's the same thing: budget restraints. What they do in their school system? They stagger the hours. She started at 7:00 a.m. She got off at 2:00 to 3:00 in the afternoon. There is another tier that comes in maybe at 10:00 a.m. or 11:00 a.m. using the same classroom facilities and they go until 4:00 p.m. – 5:00 p.m. We can do the same thing here, Mr. Speaker.

Why do we have to talk about spending? I will look up my statistics, but it is in the region this year and next year of some \$16M . . . well, more than that on new schools. No reason at all, Mr. Speaker, after 3:00 p.m. in the afternoon those places are closed. Why is it that we don't try to take creative actions in order to first of all fully utilise our facilities and at the same time assist with traffic congestion?

It is amazing, once our public and our private schools are out on holiday, we immediately see a change in traffic congestion. Immediately!

One of the things that government could do is introduce a policy for bussing from the districts. Require any student who is going to the Middle School or the High School or Triple C to ride a bus. What happens, you have so many parents and half of them only have one person in the car plus a child who jumps in a car every morning to go to school. That means that fewer vehicles will be on the road.

The other thing we can do, Mr. Speaker, is start building some of these high schools in the districts. Now, when the decision was made to centralised education sometime ago, I think it was a very positive one. One of the problems that we had was segregation. One district against the next. Why? Because you didn't mix and mingle as a people. That is not the case today. Our people are too mobile for that to happen. But if, for example, we had a middle and high school somewhere along the Seven Mile Beach/ West Bay Corridor that could house our own students in our district it would help.

If we had a school (and it doesn't have to be a very big school) to house our students coming out of Bodden Town, North Side, East End, somewhere in that area, it

would help. We have to be creative. We need to take new initiatives in order to continue to make this country attractive to visitors and residents alike. We have been talking about this for a long time but nobody seems to listen to what has to be done—especially the government.

Health Services is the next area that I would like to move to. I still regard the present minister as someone who has done a good job in carrying out his responsibilities. As a result of his programmes, we now have in every district proper district health clinics that are properly staffed. They provide a very convenient, professional service to our people.

I know in West Bay the residents are tickled pink because they can come home at 7:00 in the evening, and can go down to the clinic and there is a doctor. And they can sit rather than having to fight the traffic coming into town to the old clinic up here, the old George Town Hospital. It is not necessary anymore, Mr. Speaker. A lot of these ailments or concerns can be dealt with at the district level. That is very good, Mr. Speaker. It speaks well for the minister and his staff.

The minister reminded me that this initiative in health was started by my colleague from West Bay when he was Minister of Health, and that he must be given credit as well. I am not one of those individuals who has a problem giving people credit for what they do. I don't have a problem with that. I don't have an ego. That's not my concern. My concern is as long as the facilities and the services that my people need are provided, I couldn't care less who gets credit for it. I am prepared to give credit where credit is due.

I understand this month we will officially open the new health facility in George Town. I have only heard positive comments with regard to that facility. I think one reason for that is because of the present minister's approach to that project. The staff was involved, their input was considered so they felt that they have been a part of the whole project. And they are beaming. I mean, you talk to any member of staff at George Town Hospital now, and they are beaming. Why? Because somebody listened to what they had to say and as a result they can see these things being accomplished. The hospital will be opened sometime this month. Like I said that speaks well for the minister.

There are other areas that he is responsible for that have to be addressed. I am aware that he is working on those as well. We need, for example, a residential facility for our mental health patients. We have many of them. It is amazing how many we have. They need some place where we can house them so that they can get their proper medication and care and the whole bit. We need a residential mental health facility.

I am glad to see that it finally appears that we are going to have our own residential Drug Rehab Centre. We needed that a long, long, time and it appears that it is becoming a reality. I think in this year's budget, the minister has been given extra money to ensure that that programme can be accelerated.

I know a number of young people whose parents call me and say, *'Mr. Jefferson, my son has a problem. My daughter has a problem. What facilities, what services*

are available?' I normally just refer them to Cayman Drug Counselling Centre, and say, *'Start there. There is still a programme in place that if you need the residential services then they will send you somewhere else in order to make sure that you get the treatment you need.'* But, Mr. Speaker, that is a very expensive alternative. If we have our own facility locally then we can do much more for many more of our people.

There is no use in attempting to hide the fact that we have a serious problem here with drug abuse. A young man came to see me the other day and he said, "Mr. Jefferson, I have gone through the entire gambit. I want to get my act together. I recognise that I need help and I want you to help me get my feet back on the ground." Our people need help in this area.

Then the courts will have an alternative to Northward Prison in regard to sentencing these people. Why? Because most of the people who are drug abusers, do not have any control over their actions. Not that they are not responsible for their actions, but they have no control over their actions. It is a very, very difficult condition. I have not experienced it personally, but members of my own family have had a problem in that area. They would steal, they would sell their mother or their father, and it does not matter. That is how desperate those persons are. So I am glad to see that soon we will realise a proper residential facility.

I am also pleased that the minister and his staff took note of de-centralising the drug counselling services. In other words, at your district health centre you can attend sessions that will assist you with drug abuse and alcohol abuse and all of that. That's very, very positive and I commend the minister and his staff for those initiatives.

I was pleasantly surprised the other day. When I was at my office at the West Bay Town Hall, a member of staff came over from the district health clinic. He said, "I am one of the ambulance drivers (or attendants) over there."

I said, "Do you mean we have our own district ambulance?" I didn't know it, Mr. Speaker. I knew we had ordered it but I was not aware that the service was in place. Very positive, Mr. Speaker, these are things that the First Elected Member from West Bay and I had fought for since we were elected. It took a long time in coming but finally we are getting some of these things for our people at the district level.

Mr. Speaker, I mentioned crime. I believe that our drug counselling services are going to have to work very closely with the police to address this issue of drug abuse because one must help the other.

Despite the criticism and forecasts of doom by certain members of society who said we couldn't build a hospital on the present site, the challenge that lies ahead is that once that facility is opened, it carries itself financially. Our people have to recognise that there is no free lunch. If we need a service that is offered we must be prepared to pay for it. Now, that doesn't mean that those who cannot afford to pay for the service will be deprived of medical attention. There is still a provision to take care of that, Mr. Speaker. But those persons who can pay must pay.

I am of the opinion that the hospital should be in a position where it can probably curb its own operational expenses to a large extent. One of the good moves that was made recently was the introduction of a National Health Insurance Programme where everybody is obliged to have insurance coverage. This will make it much more convenient for people to pay for those services. When you go to the hospital you present your card, they bill the insurance company, and the hospital gets paid.

I was talking to one of my constituents who had been to Baptist Hospital, and to some of the other facilities that Government has an arrangement with. He said, "Mr. Jefferson, let me tell you, Baptist Hospital doesn't have any better facilities than we have right here in the Cayman Islands." As a matter of fact, one of the doctors up there said, "Why is it you are coming here when you have a facility back home which is much better than ours and you can get basically the same service there?"

That is the goal that we should work towards, Mr. Speaker. We cannot provide all services but we must be in a position where most of the health needs in this country can be taken care of locally.

You know, Mr. Speaker, I was amazed when I read in the Auditor General's report (and that is still confidential, we have not dealt with it) that outstanding medical bills (and this was the 1997 accounts we are talking about) are in the region of \$32 million. If we had those funds collected today, we would not have to borrow any money. Why? Because we didn't have the facilities and equipment necessary to address many of these trauma situations and we were forced to refer to Baptist Hospital in Miami. So I am pleased with what I see going on in the area of health and, like I said, now it remains to be seen whether or not the new facility can pay for itself.

I am also pleased that this year we have budgeted for a proper remand centre for our young people. Mr. Speaker, at the present time our youngsters are held in custody at the old West Bay Police Station. If we don't want to introduce a youth to crime, then why are we forced to house our juveniles at a Police Station?

First of all, the police don't want them there. Why? Because it disrupts their whole operation. I was called there one evening by one of the police officers in charge. He said, "Mr. Jefferson, I just want you to come and see what we are experiencing here." They apparently had a couple of these rowdy juveniles in custody. They threw water at the police, and whatever else they could find. They are juveniles so they are not allowed to go in there and put those young people in place, discipline-wise. They can't. I am very pleased to see that our plans are progressing with a proper remand centre for our troubled juveniles.

The Speaker: When you reach a point where it will be convenient to break, we will take the morning break.

Mr. John Jefferson, Jr: Yes, right now, Mr. Speaker.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS RESUMED AT 12.24 PM

The Speaker: Please be seated. Proceedings are resumed.

Debate continues on the Throne Speech. The Third Elected Member for West Bay continuing.

Mr. John Jefferson, Jr: Thank you, Mr. Speaker. Before I go on to the next area of my contribution, allow me to go back and mention something that I failed to address when I was talking about tourism regarding the present situation of beach access along the Seven Mile Beach. It is my information that some past government brought an amendment to the relevant law to change the definition of the high water mark.

It is my information that prior to the amendment to the law the high water mark was defined as where the beach meets the vegetation. Along Seven Mile Beach and other beaches that was sometimes 30 feet to 40 feet from the water, which literally meant that no property owner along Seven Mile Beach had the legal right to refuse anyone from walking the beach. The amendment that was brought, as I understand it, basically changed that definition to where high tide now extends along Seven Mile Beach.

Now, Mr. Speaker, here in the Cayman Islands we don't have very huge tide swings. In order words, when high tide occurs, it might change one or two feet and in high tide the water probably comes up three to four feet. Now, Mr. Speaker, that has caused a real problem in this country. What is happening along Seven Mile Beach at the present time is that the property owners are starting to cordon off their property. Legally speaking they could run a fence probably two feet or three feet from the water edge and be legal about the whole situation.

Now, for the people who have enjoyed unbridled, unrestricted access to our beaches to be faced with the present situation is totally unacceptable. But what do we do at the present time? If we go back now and change the definition to where it was, foreign investors along Seven Mile Beach are going to accuse us of stealing their property.

I honestly believe, even though the Minister of Tourism or any other responsible minister (maybe for lands) doesn't have any legal footing to stand on, they should at least attempt to establish some type of forum where the property owners along Seven Mile Beach can come to some kind of concession where it is recognised that they own the property. But we are not happy with their cordoning off their property with rope or fence or anything else. It just looks bad. So I trust that whatever can be done to address that situation will be done.

I am also aware that there has been much dialogue and discussion on the mid-day radio programme concerning this issue and I have even seen a few articles in the press by local Caymanians who are concerned with this situation. But it is amazing what has been done in this country because of greed for money.

Mr. Speaker, I would like now to go on and make a few comments with regard to the Ex-Prisoner Assistance

PROCEEDINGS SUSPENDED AT 11.13 AM

Programme. I am pleased to see this. As a matter of fact, I think it in was my first term between 1988 – 1992 that I brought a motion basically asking government to consider establishing such a programme. Unfortunately, many of our young people find themselves involved in criminal activity. They go to Northward Prison, and despite their good intentions and their genuine interest in getting back into society, many of them have had very, very unfavourable experiences.

They can't find a job because any place that they go the employer requires a police record. When they produce a police record, Mr. Speaker, and there is a conviction for drug abuse or burglary or whatever, in most cases they are not given an opportunity for employment. I have not seen the programme in action as yet, but I trust that the minister responsible . . . and hopefully it has a proper co-ordinator or director.

It has to be a very aggressive programme and by that I mean whoever is responsible has to sit down with the employers in this country and say, *'Some of our young people have had a problem. They made mistakes. But as a community we must do whatever is necessary to try to give them a second chance.'*

I am aware that the Department of Environment has employed lots of these ex-prisoners and they are doing a good job. And it gives those persons a new opportunity, a second chance to do what is right. It allows them to have some degree of dignity, self-worth, and respect.

I honestly believe that in addition to being employed by other private employers, many of these prisoners could be also employed in other areas of government. For example, on an annual basis we have a huge maintenance programme by way of the schools, other public buildings, the beaches or road corridors and that type of thing. There is no reason why even before they are brought back into society—even while serving at Northward Prison—that we could not utilise more of the skills and talents that we have housed at Northward Prison to address many of the needs that government spends hundred of thousands of dollars, maybe millions of dollars a year, in order to provide as far as a service is concerned.

We have a lot of talented people—a lot of talented Caymanians—sitting in Northward Prison. I want to applaud whoever is responsible for initiating this programme and seeing to it that it is put in place. I trust that government will get the type of co-operation necessary from the private sector in assisting ex-prisoners with regard to employment.

Mr. Speaker, the other area that I want to move to now is education. Let me start by offering a little story with regard to education. It goes something like this: There was a little shepherd. He was bored, and he decided that he was going to create some excitement. One afternoon while he was sitting out there on the hill watching his sheep, he cried, "Wolf! Wolf!" Automatically the residents in the community ran out with their shotguns or whatever else they had to help him deal with the issue of the wolf.

When they got there, he said, "Well, he just ran back in the bush." The next day he decided to do the

same thing. The residents again ran out to deal with the wolf, there was no wolf.

But do you know what happened one day? While he was sitting there minding his own business, a real wolf came out of the woods and killed a few of his sheep. He was terrified. He shouted at the top of his voice but nobody listened to him.

The moral of that story is this: If you promise hollow promises long enough, pretty soon people will get to the stage where they don't believe what you are saying. From talking to the persons involved in the area of special education, that is the attitude prevalent at the present time among members of staff who are responsible for providing those services.

I am particularly going to address the needs of the Lighthouse School, the Sunrise Centre and the Early Intervention Programme. I would like to start with the Sunrise Centre, which is located in my district of West Bay, and basically give us some current statistics with regard to that programme.

It is an adult training programme for our people who have special needs. By that, I mean those who are physically and/or mentally handicapped, and those who have other special needs. The Sunrise Centre is an old renovated teacher's cottage in West Bay. We now have 23 adults in that programme that is still housed in that little facility. I have visited that facility on a number of occasions and I hear the same complaints over and over again. This goes back to 1988—this is now 1999.

Mr. Speaker, you have very devoted members of staff at that facility the majority of which are Caymanian. You have one young lady who has been there for 20 years. She was one of the founding staff members in that programme. You have another West Bay resident, a Caymanian, who has been there for 13 years. You have another young West Bayer who has been there for three years, plus you have the Director. These people toil under very severe circumstances.

They don't have the facilities available to provide the kind of service that these persons need. One of the programmes that they would like to offer there is a little programme where the residents in that facility are taught living skills. By that I mean, having a little kitchen area where they teach the residents how to fix their own breakfast, being able to maybe fry a little egg, fry a piece of chicken or whatever. That is not possible in the present facility. They just don't have the space.

It is a very congested area that does not allow that type of activity to take place. The facility itself needs repair and renovating. It is leaking. At least, until we can find an alternative facility, take care of the one we have, make it as comfortable as possible. It is a fire hazard, Mr. Speaker, it has been basically condemned by the Fire Department. Some piece of equipment has been stored near the exit. It is a fire hazard!

If you ever have a little accident in the kitchen there and you have 23 residents all trying to get out at the same time we are going to have a problem. Many of these students are crippled. And part of their programme is physiotherapy. They need proper exercise. I understand at the present time they have one staff member

from the West Bay Primary School who volunteers a half hour a week to make sure that the students can go on the field and maybe walk around and, you know, just exercise and that type of thing. A half-hour a week!

At the present time, many of the residents there have a problem with speech. You can hardly understand what they are saying. But if they had a speech therapist available to them on a daily basis that could work with them, it would improve their communication skills. There is no such specialist available to those students. They need a full-time speech therapist as a part of that programme.

The other problem that they have is that the bus they use to transport the students back and forth . . . I think they go into the district and actually pick them up from their homes and bring them into the centre and do whatever they have to do there and then take them back home. The bus that they have available to those students doesn't even have a special lift that goes along with providing a transportation service to that type of individual.

One student is severally physically handicapped. What happens? They have to take him out of his wheelchair. They have to physically pick him up, put him in the bus and bring his wheelchair afterwards. Mr. Speaker, how much would it cost to have that bus equipped with a lift where the student is rolled onto the lift, the lift is raised and he goes straight in the bus?

The issue that I would like to close with, Mr. Speaker (like I mentioned, I have a 12:45 commitment) is that I am aware that the First Elected Member from West Bay has . . . I have been since 1988, I don't know when he started trying to get an adjustment in the salary of those long-term members of staff there who have not had an increase in their salaries since they have been there. Probably, Mr. Speaker, because they are not qualified teachers so they don't fit into any specific professional salary scale. They are just paid an allowance and that is it.

The Speaker: At this time we shall suspend until 2:15 p.m. for lunch.

PROCEEDINGS SUSPENDED AT 12:24 PM

PROCEEDINGS RESUMED AT 2:50 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. Third Elected Member for West Bay continuing.

Mr. John Jefferson, Jr: Thank you, Mr. Speaker. When we took the lunch break, I was dealing with some of the needs of the Sunrise Adult Education Programme. I mentioned that there is a need for a full-time speech therapist. There is also a need for a full-time physiotherapist and some of the necessary basic equipment for the proper exercise for these special students.

I also mentioned that since I was elected in 1988 . . . and I am aware that the First Member from West Bay who was elected in 1984 also has been trying without any great deal of success to get government to look at mak-

ing some adjustment in the salary of the Caymanians who have dedicated so many years of their lives to that programme. Believe you me, it takes a real special person to even want to work in that type of programme. And to have to work in that type of programme at the salaries that they are being offered is totally unacceptable.

I brought it to the attention of the minister on a number of occasions. I think it was shortly after the 1996 elections (or after the 1992, I can't recall), I was encouraged that there was going to be some resolution to this problem. We were told that the Sunrise Centre as far as the salaries are concerned would be placed under the Social Services Department and that they could recognise some adjustment in salaries because they were moving them from the Education Ministry where they don't qualify as qualified teachers.

Under the Social Services Department such adjustments in salaries could be recognised and awarded. Mr. Speaker, it was in 1996. That was three years ago. If it had been 1992 that would have been seven years ago—and still nothing has been done. Nothing!

I remember when my wife and I were starting our family. One of the concerns that we shared was that we have healthy children. And I thank God that I do have healthy children. But it appears that in order to get any assistance in certain areas somebody has to be personally affected in order to see the need for the service. By that, I mean if I was the Minister of Education or the Minister of Health or Social Services and I had a son or daughter who required these services, I would have more of an incentive to see to it that such facilities were made available. But that should not be the criteria on which decisions are made to provide assistance in this very special area.

I thank those parents who are involved in that programme for their support and for the hours of commitment and sacrifice that they give on a personal basis to ensure that the programme runs as well as it does under such server circumstances. It really has disappointed me that we don't have anyone with the genuine interest in seeing to it that the necessary facilities and the salary adjustments are taken care of. It appears that no one really cares about this programme, that is, those with the responsibility.

We still don't have any idea when a new facility for the Sunrise Centre will be built or located. I guess they will have to continue to do as well as they can under the very harsh circumstances and working conditions that they presently experience in that programme.

Mr. Speaker, the Lighthouse School is another facility that we have talked about for many, many years. From the time I came into this House it was mooted as one of the needs in this country because we do have a lot of special needs students in our society. I don't see that amount decreasing anytime in the future. With the advent of drug abuse and the other abuses that we have in this society, we are going to have more of our kids born with special needs.

It was brought to my attention this morning that the staff at the Lighthouse School are very discouraged because there has been a cut in their basic budget. They

operate on a shoestring budget. There are certain pieces of equipment and certain facilities that they can't even make available that are so essential for these special needs students because there is no money allocated for those pieces of equipment and services.

In this year's budget there is something in the region of about \$3M budgeted for a new Lighthouse School. And that is encouraging because on a number of occasions I have visited that facility. I am always amazed at what they have been able to accomplish under such cramped conditions. But this is another area of special need that I believe should have been dealt with in a much more expeditious manner than it has been.

The other area about special needs as far as education is concerned is the Early Intervention Programme. I must applaud those persons who are involved in this programme for their level of commitment, dedication, and sacrifice. They operate and function under very, very severe conditions indeed. In giving an idea of what we are talking about, Mr. Speaker, I am told that there are three members of staff and some 90 children involved in the programme.

Now, Mr. Speaker, we are told in the conventional classroom that maybe 18 or 20 students to one teacher is a good ratio. How in the world . . . what kind of ratio do you have with three members of staff being responsible for some 90 kids with special needs? What makes it more difficult to deal with is that in my own district, that is, the district of West Bay, we have 15 students that have been identified as special needs students. And in West Bay, we don't even have a little central facility where the people who are involved in this programme will say, *'Okay, if you have a special needs child that is part of the programme bring him to the old clinic in West Bay. That is going to be our central location and we will administer our programme from there.'*

No, Mr. Speaker, at the present time there is only one centre available for this programme and that is in George Town. So if you have a need in West Bay for a child to be a part of that programme, they have to be picked up in West Bay brought to town in order to take advantage of the service. In this day and age that is totally unacceptable. We need a residential facility in West Bay. There is also a need for a residential facility for just basic care for some of these students. What they have recognised with these students is that some mornings when they go to pick the student up some of them have not been properly bathed, and their clothes haven't been changed. Just basic care has not been available to them.

I am thinking in terms of the facility that government has for its juveniles and those kids who need residential home care. A similar facility could be made available for these special needs kids, especially those who need that type of care. Now many of these special students live at home and have parents who care for them very, very well. And it eventually works very well, in that the specialist can go into the home or into the centre and deal with that particular child and at the end of the day the child goes back into his own home. But there are certain students who require more than that level of care.

The other problem that has been identified with respect to this programme is that they need their own speech therapist or at least the services of a speech therapist with their speech and communication skills. There is no such specialist available according to my information.

There is also a need for a co-ordinator for the programme. By that, I mean someone who is responsible for organising the programme between the different districts and ensuring that the staff complement and responsibilities are carried out in an efficient manner. No such person is associated with this programme.

There is a need for a physiotherapist for this programme. Many of these kids have physical problems with walking and they need specialist services available to them. In this country where we boast of so much wealth and such a high standard of living, we have to ensure that basic care is made available to all members of our society especially those members of our society who have special needs.

The other area of special needs is the unit for the hearing impaired. I understand that there are approximately ten students involved in this programme located at the George Town Primary School. They had a teacher employed specifically with the skill to deal with the hearing impaired. Do you know what happened recently, Mr. Speaker? That teacher has been taken out of the unit for the hearing-impaired and put in a conventional classroom.

That programme for the hearing impaired at the present time is not in a position to function properly. There is nobody with the skills necessary to ensure that these students who are involved in the programme get the basic training that they need in order to be able to function as responsible citizens in our society. That does not speak well for a government that on an annual basis boasts of revenue in excess of \$300M.

Do you mean that we don't have the interest and the care to see to it that these special programmes have the resources, the facilities, the equipment necessary in order to function properly? It does not speak well for us, Mr. Speaker. And it does not reflect well on those in authority responsible for education.

I understand one of the difficulties that has been identified is the recruitment process here in the Cayman Islands—which is ridiculous. It can take six to nine months to fill a position by the time you go through all the red tape and that type of thing. If you happen to lose a teacher during the year, it probably takes about six months to fill that position.

One of the difficulties that these programmes are experiencing is that in the summertime, I think in July and August, these specialists are not paid for their services. In July and August they go out and find employment elsewhere to continue to support themselves. It also means that if such a person were available here in the island and the services were needed, you wait to bring them on in September or October or whenever the financial year starts because that is when they are being paid, rather than being in a position where you can take advan-

tage of them whenever they are available including July and August.

Are these needs not being met because of the lack of financial resources? Or is it because of the lack of interest by those who are responsible for seeing to it that the proper budgetary request are approved and these programmes are properly funded?

I just want to encourage all those staff members who are involved in these special programmes to continue to do the best that they can under the very severe and sometimes harsh working conditions because our special needs students need their attention. The message that I want to get across is that the educational needs of all must be met in this country—not just those students involved in mainstream education.

Mr. Speaker, I would like now to turn to education in general. I would like to preface my comments by saying that in this country we have been very blessed and fortunate to have the very capable and committed teachers that we do in the classrooms. At the end of the day, regardless of amount of money we spend in this particular area, the teacher remains the most important component in the education process. I have been very disappointed with the lack of leadership and support from the ministerial level and from the level of the Educational Department.

Mr. Speaker, I heard that one of the worse decisions made in this country over the past three years has been the appointment of a non-Caymanian Chief Education Officer. I think it was during my debate on the budget address that I touched on this issue. I didn't go into great detail because at the time I really didn't have all my facts together and I didn't want to say anything that was not correct.

But what is sad is that our present Chief Education Officer—who I understand was recruited to fill a position on the basis that he had all this experience in strategic planning that he would prove to be an asset to the programme. I think the position that he had applied for was termed a MMP. I don't know what it stands for, but it is a senior position in the Education Department. And I understand that there were six other Caymanians who were all officers I think in the Education Department or involved in classrooms in public schools who applied for the position. But he got the position because he had this experience in strategic planning.

It is sad to say but it appears that this Officer has a problem with regard to delegation. I met with the education officers the other day. We have probably ten or 11 of them there, all at the Education Centre. There is no delegation. I mean if this gentleman needs to run an errand, rather than say, '*John, I want you to run this errand for me,*' he does it himself.

I am told that since January, Mr. Speaker, and this is only March, he has already attended four educational conferences. The sad thing about it is that these educational conferences are dealing with strategic planning and that type of thing and you have members of staff who are employed in this area and it could have been a tremendous benefit for them to have attended these seminars

and get the input and the views of other people involved in this area. No! He goes himself.

If the other members or officers in the Education Department were not responsible enough to say, '*Let's make sure that education continues to progress in this country,*' as far as he is concerned, education is on automatic pilot—it waits until he gets back.

It appears like he never gets anything done. As far as I am concerned that is not good enough for us in this country. When you take into consideration the investment that we have made, and continue to make in education, we should demand the very best expertise. There is a saying in the Bible that a prophet is not really appreciated in his own country. And that is true even here. The position he was brought in to fill . . . one of the officers who applied for the position—but did not get it—is now called upon to fill that position and is doing a very good job in that area.

Mr. Speaker, I am encouraged that steps are being taken to appoint a young Caymanian who I have a great deal of respect for as the Chief Education Officer designate. I understand that she will be joining the department (hopefully in the summer) to work along with this gentleman for a year. I don't know what she will learn from him. I can't see her learning a whole lot. But because of her interest in education and in our youth, we will have somebody there who at least cares.

Mr. Speaker, the area of strategic planning was a big thing. I remember the fanfare that was involved in the launching of this educational strategic planning initiative. And we had a lot of good people involved in that process. I think they volunteered and they worked very hard in order to produce a document they felt was necessary to improve our educational programme and our product here in the Cayman Islands. When it comes to the implementation stage of the programme, there are certain things that were promised.

One of the things promised was supply teachers who were inherently involved in the programme to work along with the strategic planning team. What is important, what is essential is that we have as many qualified Caymanian teachers as possible involved in this process because of the cultural influence necessary to that particular programme.

What has happened [is that] no supply teachers have been provided. In order for the programme to go forward they basically have to work at it after hours. In other words, after they spend all day in a classroom then they are required to make themselves available after hours to assist with the strategic planning programme. It has slowed down the programme, Mr. Speaker. It has added to the cost of the programme, because on weekends and after hours we have to pay people overtime for their services.

I wait to see what happens in this area, but those persons who are involved in the strategic planning process at the present time are very frustrated indeed. They are not getting the level of support that they need. They are not getting the assistance that they were promised and, Mr. Speaker, if it wasn't that they were very, very

devoted and committed individuals, chances are they would move somewhere else for employment.

I think one problem that has been caused in education is the launching of the Vision 2000 campaign. The Permanent Secretary of Education has been designated as the person responsible for seeing to it that the Vision 2008 Programme is a success. I must say she is doing a tremendous job in this area. But what should have happened, Mr. Speaker, if we were going to take away that type of individual from education, somebody else then should have been designated as acting Permanent Secretary for Education to ensure that the programme in education continues.

It is very difficult for that individual to be responsible for the Vision 2008 initiative and to carry out her responsibilities as Permanent Secretary for Education, seeing to it that the strategic plan that has been launched for education is also kept on track. I wait to see what is done in order to address these needs. But, like I said in my opening remarks, thank God we have good teachers in the classrooms that are able to keep the educational programme on track, at least on that level.

Mr. Speaker, I think the Community College has been established for some nine or ten years now. I am a little disappointed that with the desperate need for a proper teachers' training programme to train Caymanians interested in getting into teaching that it has not yet been established at that college. That should have been a priority. I would daresay, especially at the secondary level, that 70% of the staff is non-Caymanian. Despite all of the efforts and the genuine interest, no one cares for our children like our own people. No one!

I would have thought that that would have been a priority programme at the Community College. There is a lot of activity there, but I still am not fully convinced that we are providing for the needs that we have in this country.

The other area where the college has been having difficulty in attracting sufficient numbers of students is in the area of the technical or vocational training, where our young people are trained as carpenters, masons and electricians. Mr. Speaker, you and I had an opportunity to tour the facilities there. The equipment is there, but we have a problem attracting sufficient numbers of our young people into that programme.

I might be wrong, but I believe one of the difficulties is the fact that these vocational courses are shared by students who are pursuing the academic side of education, degree programmes and that type of thing. Our people are very proud people, and some of them have not yet recognised that it is just as important to say that one is a qualified carpenter or mason as it would be if one was pursuing a degree in Business Administration or any other academic subject. Those professions, that is, vocational professions and technical skills, pay very well indeed.

I believe there is a degree of reluctance on the part of students who would want to take advantage of those services because they share the campus with other students who are pursuing the white-collar professions. I believe that if we were serious about training in this area,

it would have been a good investment to have such a facility on its own isolated premise with all equipment and facilities that are presently made available at the Community College.

I have heard recently, Mr. Speaker, and I don't know if that was as a result of me questioning, but there has been an improvement in enrolment in this area. I have not been there. I haven't seen any statistics. But I trust that is a fact. I hope, if that is a fact, that trend continues because a large percentage of persons on work permits are people providing services associated with construction in this country.

Mr. Speaker, I am going on to a new subject. If you want to take the afternoon break at the present time, I would appreciate it.

The Speaker: We will suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:32 PM

PROCEEDINGS RESUMED AT 4:08 PM

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGY

The Speaker: I have apologies from the Honourable First Official Member who is performing other official duties and the Third Official Member who is ill.

Debate continues on the Throne Speech, the Third Elected Member for West Bay continuing.

Mr. John Jefferson, Jr: Mr. Speaker, I have just been advised that I have about twenty minutes left so that will carry me until 4:30 p.m., which means I will have to cut short some of the areas that I intended to comment on.

[Inaudible comments]

Mr. John D. Jefferson, Jr.: In June last year, the First Elected Member for West Bay and I brought a motion dealing with the issue of gratuities. What was recommended in that motion was that gratuities would be paid twice a month on payday. I am very pleased to have been told that most of the establishments have already gone ahead and implemented this new policy. The people are very pleased indeed. They can see where their money goes much further because they get it one time or twice a month rather than having to wait sometimes as much as three weeks after the end of the month before they get their cheque for gratuities.

I want to say thanks to the Minister for Community Development for bringing the amendment to the Labour Law in order to make this legal. There are a few establishments still refusing to do it until it becomes law, so I

want to say thanks to the Minister for Community Development and Labour for her prompt attention in dealing with this very, very important matter.

Mr. Speaker, the last area that I would like to offer a few comments on is the area of Cayman Airways. I personally am very pleased that the financial position of the airline has been stabilised. I remember at one stage we were all seriously and deeply concerned with the survival of that airline because of the tremendous losses that were being incurred on a monthly basis. At the present time, we are still losing money, but at least it is quantifiable. We know how to deal with it. We know what we have to deal with as far as the amount is concerned.

Mr. Speaker, I believe the time has come where we need to make a decision in regard to Cayman Airways. I think the question that has to be addressed first of all is whether or not we are going to keep the airline as a national airline. I think that is the first decision that has to be made. I believe if you did a survey among our people, the majority of our people would say, 'Yes, we want Cayman Airways to continue.' If that is the decision arrived at, then I believe it is only fair to give it the proper equipment in order to compete and provide the services that our people are used to and expect from their national airline.

The 737-200s have worked, but they are not suitable because that aircraft has very little cargo space. As a matter of fact, if that aircraft is filled and there is excess luggage, a lot of times you have to leave your luggage in Miami because the aircraft just cannot carry that extra load. I recall with the 727s, they had a passenger load capacity plus the cargo capacity. That put the airline in a position where it also earned a decent income from the cargo service. That is not possible with the aircraft that we have and what Cayman Airways has attempted to do is to lease cargo aircraft for the purpose of supplementing that particular service but it has not worked very well.

We need to really look objectively at Cayman Airways in a very long-term manner. By that, I mean if we can have the airline, we need to make sure that it is properly funded. It must be possible for us to go out and get 20 – 30 years financing for the airline to put it in a position where it can buy the equipment it needs and is able at the same time on a monthly basis to meet those financial obligations associated with the financing of the operation. Our people are very patriotic. If they are going to fly to a destination that is serviced by Cayman Airways, the chances are they will fly the airline rather than going on American [Airlines] or one of the other US airlines.

I believe that we need to look at this operation in a very objective manner. I am aware that the present Managing Director has many good ideas in this area. I believe that we have to be in a position where we [can] at least sit down and look at all of the options that are available to us and then make a decision that we feel is in the best interest of the airline.

Mr. Speaker, I am aware that Cayman Airways is also obligated for political reasons and otherwise to service some destinations that may not be financially viable, like Cayman Brac. But it all goes in as part of the promotion of the three islands. I would not recommend that we suspend that particular service, but I think we need to be

in a position where we take all of this into consideration in arriving at what is best for the airline. We have come a long way, Mr. Speaker, as far as the airline business is concerned. I believe that the people would appreciate, and I am quite sure the pilots and the flight crew would also appreciate such considerations.

A lot of our travellers, our business people are used to comfort. In other words, if I am going up to Orlando or Houston, I would love to fly first class. Why not? But with the present equipment we have that is not possible. I understand there are plans to maybe upgrade a portion of the aircraft to make that available. But those types of services are what the flying public demand.

I am very comfortable flying Cayman Airways. I have long said that Cayman Airways has some of the finest most qualified and capable members of staff of any airline that I have flown. Those pilots are very well trained and very skilled. It is a pleasure when they go in especially for the landing, and they take pride in it where they make sure it's as smooth as possible. I have flown other airlines and that has not been the experience, they just seem to be interested in getting it down and sometimes that experience is pretty rough indeed.

I believe the present minister along with the board is doing a good job in this area. But I think these are some of the challenges that the board will have to address with regard to the airline.

Mr. Speaker, in conclusion let me just say thanks to you, sir, for your patience in listening to what I had to say with so very few interruptions. I had one little interruption this morning but I didn't mind that, that was from the Minister for Agriculture, Environment and Communications. I am very pleased with the courtesy that has been extended to me over the past two days.

In closing, I want to wish His Excellency the Governor, Mr. John Owen, God's speed, and every success in his future endeavours. I was kidding him the other day. I saw him at a function and I said, "What are your future plans?" And I said, "I trust that you will be considering coming back to the Cayman Islands."

He laughed. I think, Mr. Speaker, we will see him back in some other capacity. I for one don't mind having good people around. I really don't. I think he has been a good Governor, he has been a very capable administrator, and he has in my opinion carried out his responsibilities in a very professional manner.

Thank you, Mr. Speaker.

The Speaker: According to my watch we have nine minutes.

I would entertain a motion for the adjournment if that's the will of the House.

ADJOURNMENT

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow.

The Speaker: The question is that this Honourable House do adjourn until 10.00 a.m. tomorrow.

Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 a.m. tomorrow.

**AT 4.22 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 11 MARCH 1999.**

**EDITED
THURSDAY
11 MARCH 1999
10:25 AM**

[Prayers read by the Third Elected Member from Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Honourable Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Second Official Member who will be arriving later this morning. The Honourable Third Official Member is overseas on official business. The Honourable Acting Third Official Member is sick. The Third Elected Member for George Town is overseas on a Parliamentary Seminar. The Fourth Elected Member for George Town (sic) is also sick.

Item number 3 on today's Order Paper. Questions to Honourable Members and Ministers. Question number 10 standing in the name....

[Inaudible interjection]

Mrs. Edna Moyle: Mr. Speaker, it is the Fourth Elected Member for West Bay not George Town.

The Speaker: What did I say?

Mrs. Edna Moyle: George Town.

The Speaker: I beg you pardon. The Fourth Elected Member for West Bay is absent and sick, not the Fourth Elected for George Town. I apologise.

The mover of this question is not present so we will have to move on. Is the First Elected Member for George Town in the building?

The Clerk: He is coming, sir.

Mrs. Edna Moyle: Mr. Speaker, if I may, sir. He is in the Common Room but I think we were told yesterday that there would not be any questions on the Order Paper until tomorrow, Friday.

The Speaker: In the absence of the First Elected Member for George Town. I call for Question Time . . . First Elected Member for George Town, question number 10 is standing in your name.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 10

No. 10: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs if he would give an update on the on-going reviews of the Personnel Department and the Public Service Commission.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The consultant's report on the General Orders and the Public Service Commission Regulations (normally referred to as the Bradley Report) was completed in August 1998. The Governor subsequently referred the report to the Public Sector Management and Administration Committee comprised of top senior managers and representatives of the Staff Association. The Committee is making good progress in its review of the report and it will submit its recommendations on it in the near future.

The Permanent Secretary of Personnel has begun preliminary work on restructuring the Personnel Department but this will not be finalised until the completion of the review of the consultant's report.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Honourable Member say if it is separate or does it go along with the actual physical operation of the Personnel Department when this study is completed?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. The report makes recommendations which will bring about physical changes in the Personnel Department—if those recommendations are accepted. And that is why the review of the report has to be completed and the report accepted before the actual physical work can be completed. But we have begun preliminary work on the presumption that most of those recommendations will be accepted.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This supplementary may seem a bit funny but this is only for purposes of clarity. Can the Honourable First Official Member say exactly what is the procedure that brings about the acceptance of these recommendations?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The Public Service Commission Regulations. The first stage was to have a consultant do a report on making recommendations. That report was presented to the Governor and he referred to the committee that I mentioned in my substantive answer. That committee will go through . . . the Governor has invited comments from that committee. Once those comments are made and the work on it is near completion, these comments will be referred back to His Excellency and the amendments will then be made to the regulations and the regulations would go to Executive Council, and that would finalise it. That sounds like a rather long drawn-out process but, in fact, once the review is completed I don't think it will take very long for the amendments to be carried out to the regulations and then the Executive Council's final approval.

On the General Orders, the comments from the committee will also go back to His Excellency and the General Orders, once the views and recommendations of the committee are accepted by His Excellency, they will then be printed because those are dealt with by His Excellency the Governor acting in his sole discretion. So again, not a long process once the review is completed and submitted to His Excellency.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if when the committee was put together there were terms of reference drawn up as guidelines for their perusal? Or is just drawing on their knowledge, experience and expertise in the various areas what brings about the recommendations from that committee?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. The Public Sector Management and Administration Committee is chaired by myself and it includes the other official members, it includes the Deputy Chief Secretary and the Deputy Financial Secretary and all the Permanent Secretaries. It also includes the Director of the Budget and Management Unit and representatives of the two staff associations. That is really for the purpose of the General Orders, particularly. That really covers the whole spectrum, and I suppose I can say it's similar for the Public Service Commission Regulations.

To answer the question more specifically, there was no set terms of reference prepared for that committee particularly because the committee will be doing considerable more work; this is just one of the many duties of the committee.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am sure the Member grows a bit weary but just one or two more if you don't mind, sir. Can the Honourable First Official Member say in line with this committee looking at this report if it is being taken into consideration that there are looming reforms in other areas and this is being done in a manner which will allow for the integration of these reforms plus the actual workings of the Public Service Commission and other departments in the future?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, Mr. Speaker, I think that is why the committee has hastened slowly on the matter to make sure that the other reforms and the ramifications of those reforms could be dovetailed into the Public Service Commission regulations and the General Orders so that we are all hopefully singing from the same hymn sheet at the end of the day.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: One final supplementary. Can the Honourable First Official Member say, based on the knowledge that the committee now has, if training is going to be a very, very integral part of the operations when the restructuring of the department is completed?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Training will be an integral part of the reforms and will have to be an integral part of what the General Orders and the Public Service Commission Regulations in their revised form reflect.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Item number 4, Government Business. I would ask the Honourable Minister for Education, Aviation and Planning if he would move the Suspension of Standing Order 14(3).

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman Boddan: Mr. Speaker, I move the suspension of Standing Order of 14(3) so that the continuation of the debate on the Throne Speech can be taken over Private Members' Business.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(3) SUSPENDED SO THAT THE CONTINUATION OF THE DEBATE ON THE THRONE SPEECH CAN BE TAKEN OVER PRIVATE MEMBERS' BUSINESS.

The Speaker: Continuation of the debate on the Throne Speech delivered by His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on Friday, 19th February 1999. The floor is opened to debate. Does any other Member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**DEBATE ON THE THRONE SPEECH
DELIVERED BY
HIS EXCELLENCY THE GOVERNOR
ON FRIDAY 19TH FEBRUARY 1999**

(Continuation of debate thereon)

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I rise to offer my contribution to the Throne Speech delivered earlier on by His Excellency, the Governor.

This was his final Throne Speech and I think it is no more than fair that I, like all other members, give credit to the leadership that Mr. Owen provided to these islands since coming here and literally fitting in like one of us Caymanians.

Mr. Speaker, the type of leadership he provided is most unusual in a civil service bureaucracy where so many things can get killed in committees and so on and so forth. He has given us a vision of a way to go forward and to get rid of some of these shackles that we have been fastened with over the past history of these islands. His putting forward of Vision 2008 (which seems to have quite good support across the entire cross section of these islands) I feel will bode well for these islands in the development as we go forward.

The proposed changes that we will bring forward later on this year are specifically in regard to the way we go about the finances of this country, and adopting some of the ideas from the New Zealand process. As I said two years ago, it is a real irony that we are now getting at the stage where a few years back my two good friends (the Third Elected Member from Bodden Town and at that time the Second Elected Member from Cayman Brac) put forward some of these ideas. At that time it was evident that the time was not right. But, for whatever reason, it now seems to be the time. We cannot continue business as usual. Many other ministers and members of Executive Council toiled in regard to the preparation of the Budget which at times seemed overwhelming. I look forward to the changes that will be implemented. It can mean nothing but improvement for this country.

Mr. Speaker, I must take this opportunity to say that many of these ideas also came from the backbench and the support that is coming throughout this entire Legislative Assembly toward the changes means that it is bipartisan and will, I feel, be quite successful.

The other area that His Excellency was emphatic on was the OECD and the European Union. I know that this

is now being addressed by all of us as parliamentarians for the good of these islands. I look forward to a happy resolution of this situation, and I know that if we work together this can and will be done. It is wonderful to be living in one of the greatest little places on earth. We can continue to guarantee that this takes place with the partnership that I have seen in this house and also with the private sector.

Mr. Speaker, before going into the different sections and departments that fall under my ministry, I would like to take this opportunity to publicly thank those who recommended me to Her Majesty, the Queen earlier this year on the occasion when I was awarded the OBE. Mr. Speaker, as I have said to my staff in the ministry, I call this a team award. I was only as good as the people that were around me, and I could not do it without the support of the backbench and the entire Legislative Assembly with the programmes that were put forward. The support was overwhelming and to me it was very, very uplifting and the trust that has been placed in me and in the ministry was a very enjoyable time. And I hope with the help of God that I can continue on this route and the support will be there for whatever we do. It just takes one more part of the puzzle to make sure that these islands continue to be the finest place on earth.

There is a little quote that I would like to share in regard to that. It says, "**Leadership is the ability to put the right people in the right jobs and then sit on the sidelines and be a rousing good cheer leader.**"

Mr. Speaker, the first area within my ministerial responsibility I would like to deal with is the area which also came out in the Vision 2008 Round Tables and it was the problem of drug abuse. As was indicated earlier, we are now in a position to go forward with the Breakers Rehab. I know this is now welcomed by all. It will give the Courts (once everything is in place) alternative sentencing procedures. In continuing in that area, my ministry will establish a department of Substance Abuse Services and this will upgrade the provision of substance abuse treatment and rehabilitation in the three islands.

An inter-agency team building process will be completed on the roles, responsibilities and accountabilities of all entities concerned with treatment, and rehabilitation in the Cayman Islands will clearly be defined. Included in this process will be the Cayman Counselling Centre, the National Drug Council, and Canaan Land Home. The Canaan Land Home situation is one that many members have talked about and it is good now to have them in the partnership as we go forward in trying to resolve the difficulties that our young people experience. And we will be giving them a grant this year.

Also, involved in this team building process will be the Health Services, Social Services and Her Majesty's Prison at Northward. We do have counsel available at the prison and we look forward to continuing this and the other programmes that will emanate from there. We look forward where once some of these inmates come out that they can be directed in the right path and kept away from the peer pressure and the surroundings from which they came.

Mr. Speaker, counselling services in the schools and at other locations will be increased for the adolescent substance abuse problem and those in the population that has that difficulty.

We all know that the National Drug Council is now officially the co-ordinating factor behind the implementation of the Cayman Islands National Strategic Plan for drug abuse prevention and rehabilitation. Some of its goals this year will be to continue to focus on drug abuse prevention with emphasis on the education of young people. I have always advocated that this is and should be a focus in addressing the drug problems. We have to get to these children at an earlier age. And I do know that with the support of the police and different counselling we can also provide the services in a discreet way within the primary schools and also at the middle schools and the high schools.

Mr. Speaker, the primary function this year of the National Drug Council is to establish district councils in each district. This will be done in order to increase the awareness and participation of the public in planned activities. The first one of these has now been established in Cayman Brac very recently. As a matter of fact, I think most members of the Legislative Assembly may have gotten a letter this morning from the Chairman of the National Drug Council indicating that it has been set up and it is the pilot district for the other five districts. We look forward to involving the young people, to providing alternative sources of entertainment and to assist them in this difficult time of their maturity.

Mr. Speaker, we will continue to focus on drug abuse prevention with emphasis on the education of young people. This was made quite evident in recent seminars sponsored by the National Drug Council and also one where all members of the Legislative Assembly spent time at the Clarion in a seminar sponsored by CIMI. It made me feel good, Mr. Speaker, to see the turnout of a couple hundred people there—teachers, ministers and above all the youth themselves, wanting to get involved, to come to a resolution of this difficult problem that this country is now experiencing. Not only here in Cayman, Mr. Speaker, this is through out the world.

Mr. Speaker, we will further strengthen the Quest Drug Education Programme in schools by co-ordinating the necessary training programmes and providing periodic drug awareness campaigns for students in co-operation with other local agencies. I would like to take this opportunity, Mr. Speaker, on behalf of the ministry and the National Drug Council to thank the Lions Club for the great support and the investment of funds and personnel in assisting the education and the National Drug Council in putting forward this programme in schools. We will continue to co-ordinate a comprehensive media campaign to further educate the general public on the dangers and ill effects of substance abuse.

As we said earlier, we will ensure that programmes and initiatives are extended to the sister islands. We will continue to monitor the nature and existing extent of the drug abuse situation in the Cayman Islands by initiating and publishing studies and reports on the substance abuse situation.

Mr. Speaker, the first leg of this was started last year when we went into the schools. That study now gives us a baseline so that as we go forward we can compare and look back to see if the programmes being put forward are working. If there is a reduction, if there is an escalation in certain areas, certain age groups, once the information is revealed we can pinpoint where we have to make a concerted effort.

Mr. Speaker, just yesterday evening I got a copy of a newsletter from the National Institute on Drug Abuse. I would like to read some of the excerpts that appeared in an article in that magazine. It deals with how a child's drug use can go way beyond recreational. I crave your indulgence because of the seriousness of the drug problem and as I have said education and awareness of young parents to what to look for if something should start to be different from the normal way that their child reacts and response.

I quote, **"Now that children are returning to school, right at the top of virtually every parent's concern is the fear that their children might become involved with drugs. And they are right to be concerned. Whether in wealthy or poor neighbourhoods, drugs are now readily available to all young people. Even the seemingly nerdiest kids can speak with apparent fluency and familiarity about marijuana, cocaine, heroine and such strange-sounding things as blunts, ecstasy, ruffies, special k and crystal myth.**

"Drugs are an equal opportunity destroyer. It has been revealed that 50% of young people have used an illegal drug by the time they leave high school. What's a parent to do? How can you predict if your children are going to use drugs? What can you do to prevent it? How can you help them once they have started using?

"The first step is to understand why Sally or Johnny might be using drugs. Researchers have identified more than fifty factors that might put someone at risk for drug use. These risk factors can be found at the individual, the family, the peer group and boarder community levels. They include things like having too much free time, weak family structures, peer groups social pressures, and the glorification of drug use by some in the popular media.

"But those risk factors really only talk about overall probabilities of whether young people with certain characteristics might be more or less prone to using drugs. Knowing about these risk factors can help keep a parent alert, but no set of risk factors determine that a particular child will use drugs. And many kids who have many of those risk factors do not even try drugs. So, parents really have to deal with the individual child situation and state of mind.

"Research in the pathway to drug use and addiction suggest the immediate decision to use drugs is driven basically by one or two types of reasons: One group of young people seem to use drugs simply to feel good. They are seeking novelty or excitement, to have a good time. Included in this group are those who say they use drugs just because all their

friends are doing it. They want to join in common fun or to be cool.

"These kids are the ones most likely to be responsive to prevention programmes, to educate about the harmful effects of drugs on their bodies. They are also the ones more likely to be influenced by the powerful protective factor of having strong and loving parents interested and involved in all aspects of their lives. These kids also seem to have the best chance of being successfully taught to seek alternative ways of having fun and to resist the temptation to seek novelty in drugs and other harmful ways.

"But a second, very different group of young people use drugs for quite different and more intractable reasons. These kids are usually suffering in some way and use drugs to make themselves feel better, or even normal. This group often includes people stuck in very difficult life situations—poverty or abusive families, for example. It also includes kids suffering from a variety of untreated mental disorders like clinical depression, manic depressive illness, panic disorder or schizophrenia.

"It is estimated that as many as ten million children and adolescents may suffer from emotional and psychiatric problems of such magnitude that their ability to function is compromised and the majority of those kids are at extremely high risks of becoming addicted to drugs. These young people are not using drugs just to feel good. These children are actually trying to medicate themselves with drugs.

"They use drugs because they think it will make them feel better or normal in the same way that other people might be given anti-depressants or anti-anxiety medications. The problem, of course, is that using illicit drugs is not an effective treatment. In addition, to other perhaps more obvious problems like that they interfere with normal functioning. These drugs will ultimately make them feel worse not better.

"Medical research has shown clearly that this kind of drug use only exacerbates underlying physiological problems. Prevention and treatment for these self-medicating young people needs to be quite different from the approach used for novelty seekers or social users.

"If someone feels terrible today, it might not be effective to warn them that using drugs might alter their brain a month from now. Their problem is getting through today. Encouraging them to seek alternative sources of fun or nicer friends probably won't work either. Even the otherwise powerful protective factor of loving supportive family involvement in the life of the child is not very effective in these cases.

"Those young people who are trying to self medicate must have help with their underlying problems." And this, Mr. Speaker, is the emphasis in this article, they need professional treatment.

"Whatever the reason, how do you know if your children are using drugs and what do you do if they are? Telltale signs include recent mood and energy

level changes, changes in eating habits, specific signs like redness around the eyes and changes in social and educational performance. Listen carefully to what your children are telling you about their lives and how they feel. And watch how they behave.

"It may seem natural for an adolescent to be a bit surly, but most adolescents are not actually solemn, withdrawn, or pathetic and lethargic. You should talk to your child about any of these symptoms, you do need to know."

The last paragraph, Mr. Speaker, is: "What if your child is using drugs? In a small percentage of cases parents can work with their children to get them to stop using drugs. This might be easiest when the young person is just using drugs occasionally to have a good time and, of course, the earlier you start talking to your children about drugs, the better the chances are they won't become involved with them."

This is a significant idea that they have identified here, it says, "If a child reaches the age of 20 without using alcohol, tobacco or marijuana, the probability is almost zero that he or she will ever develop a serious drug problem.

"If you suspect your child is trying to self-medicate or if you suspect your child is using regularly or is addicted, get professional help immediately. These are not problems the typical parent can handle alone, and help is available. There are many professional social workers, nurses, drug counselors, physiologists, psychiatrists trained to deal with both mental disorders and drug use problems.

"Your child's school, your family doctor or community health centre can help you get a referral. Do not assume that your child's drug use is just a passing phase or something every kid must go through. It isn't. It may well be the beginning of a lifetime of problems that could be prevented with early intervention."

Mr. Speaker, I appreciate your indulgence in allowing me to read that article as many of our young parents today are going through this difficulty. Being able to identify the problem and then deciding what to do about it goes to show that if we can provide assistance to these parents and young people, there is hope at the end of the line. And I would encourage us all as representatives of the people to continue to work within our communities, within our districts to identify problems within the family set up and provide assistance and give the information to these families as to how they can be helped. If we can save one of these individuals and do the interception at an early age it can save many heartaches, many difficult experiences for families, not to mention the monetary worth of losing a young person.

Mr. Speaker, I will now move on to Health Services. I am pleased to say that on the 27th of this month at 3:00 p.m., his departure His Excellency will do the official opening of the new Cayman Islands Health Services Complex. I have asked that invitations be sent to all members of this Honourable House, and there is an open invitation to the public. I have asked His Excellency

to do the official opening, as he has been very supportive of this project.

Mr. Speaker, as was noted in the paper yesterday, the accident and emergency unit will be physically separated from the outpatient service. The department will be able to provide general practice service with additional "by appointment" doctors and clinics. I crave the indulgence of the public as they get used to the two different sections. Once everybody understands the separation of the two units, I feel that the provision of prompt health care can be greatly enhanced.

Mr. Speaker, approved in the budget this year was an additional ophthalmologist who will be working at the Lions Eye Clinic along with the Dr. Foley, who has done a magnificent job in the area of eye care in these islands. It is to the stage, Mr. Speaker, where we rarely ever have to refer anyone overseas for treatment of the eyes. And I can venture to say that the equipment that this House has provided me at the Eye Centre, at the Clinic, is probably second only to what can be found at Baskin Palmer.

It is very uplifting when many of our older people call me and say that for the first time in decades they have the opportunity to see almost the light of day. Dr. Foley has done a superb job and I am very appreciative of the support that is given to him by other eye care providers in these islands. There is an excellent partnership and understanding in that area of the health services.

Mr. Speaker, we will continue to have health care surveys of prevalent diseases and these will be conducted in order to assist the department to further improve the level of patient care and type of treatment provided. We look forward this year to the revenue generated by the department increasing significantly, partly brought about by health insurance and improved collection of fees. Also as we know in the budget this year for the first time is funding for the introduction of insurance for civil servants and their dependants. This is a big step forward, Mr. Speaker.

I know that within the halls of this hallowed Chamber there has been concern that some of the parliamentarians, the elected members, have not been covered. I am hoping that when this is looked at, this will be addressed.

I was pleased this morning when I spoke to Mr. Christopher Collins (who is the supervisor of Health Insurance at the Cayman Islands Monetary Authority), and he has brought to my attention that the fund, which has been created over there to deal with the indigents, had at the end of February a balance of \$613,000. As we all know there is a motion coming later on this fund, which for whatever reason when the regulations were drawn up, provision was not made for the Director of Health Services or the CMO to have access to these funds. That motion will be dealt with later on in this House which will give us access to funds there to go towards helping the indigents.

It was also very uplifting, Mr. Speaker, when he told me that the insurance companies report now some 26,000 people in the islands covered by private health insurance. This is beyond my wildest imagination and

dreams when we started this a couple of years ago. He also pointed out that the majority of these have coverage in excess of that which is required by the standard health insurance contract. This goes to show the maturity of our Caymanians.

When this was first introduced years ago, the idea of it, there were a lot of comments and concerns. Mr. Speaker, I have always advocated that along with the Pension Fund I see the provision of health insurance coverage for our people as an investment because not one of us in these islands or literally anywhere that God forbid went through a traumatic accident and had to be air lifted to a critical care unit in the United States can deal with the aftermath of the money that will have to be paid out if we don't have some coverage. So I welcome this, I welcome the support that this House has given.

There are still areas that we need to address, and as I mentioned this indicates good long-term planning. We must deal with the problem of some of the older people, those that have health insurance coverage that for whatever reason has been cancelled when people most need it. This must stop, Mr. Speaker. There are many families that have suffered because of this. But, thank God, in the new legislation this will not be allowed to happen.

There will be a few amendments as we go forward, but as I said it was not written in stone. We have now introduced the idea to these islands, and people are comfortable with it, people understand the benefits of having health insurance and I would wish that these islands would continue to experience good health so that we never have to deal with this. It will be just something there that if in the event something happens we know it can be dealt with.

Mr. Speaker, in the new facilities, additional diagnostic services and increased specialist visits will be provided to the health services and to the sister islands. One of the things when I came into the ministry that I always dreamed about was the establishment of a Health Services Foundation. The legislation is now drafted for that. As we all know there are many members in the private sector who will give to a specific cause as long as they know that that money is not going into general revenue. I am very pleased to say that it is now in the final stages, as a matter of fact, with the kind assistance of my colleague, the Minister of Tourism, we have been able to get a commitment from certain companies to put funds into this foundation to be used for the betterment of health care in these islands.

Mr. Speaker, the department will implement recommendations arising from the report of a consultancy carried out last year by the UK Form District Audit. This has pointed us in a good direction, it has identified areas where savings can be made and we look forward to the implementation of these later on.

Emphasis on the Caymanianisation of the Health Services Department will continue through succession planning and an effective local training programme. We are asking the Community College and other people involved with training to provide assistance for those

youths coming out of the schools that may be inclined to enter the medical profession and we welcome them.

Mr. Speaker, you know it is literally impossible to get into an American Medical Programme if you are not a United States Citizen. But I am proud to say that one of our doctors who is now training at the University of Miami, is very determined. She had to do a lot of work but when I spoke with her a few weeks ago, she told me that out of a placement of 800 students she was within the top five, and that she had been accepted to continue her training at the University of Miami.

This is a great accomplishment for a fine young Caymanian doctor who in three or four years will be coming back here as a specialist. It is encouraging to see this and I invite any Caymanian that is interested to talk to us about it so that with the facility we now have in place we can have our Caymanian doctors and nurses running this.

Mr. Speaker, I would like to say that I welcome the coming on-line of Dr. Tomlinson's new health centre. I feel that by the end of the year, the provision of health care in these islands will be one of the highest standards in the world for a population of 35,000 people.

Mr. Speaker, one of the areas touched on yesterday by the Third Elected Member from West Bay was the provision of improved services for mental health. I agree with him one thousand percent. We must now address this problem. Starting this year in the district of West Bay we are going to provide in the old clinic, a day care service for some of the people there.

The stigmatism that goes with mental health . . . it should not be looked at as something derogatory. Mental health is one of the most common problems probably throughout the world today. There are different stages, there are different advancements and it is not at all times necessary for people to have to be put into an institution. Sometimes just the use of mild medication can alleviate a problem. But we have now come to the decision that whatever needs to be done in that area, to take care of our Caymanians.... I know in the private sector there is talk of also establishing a house where those that need intensive care, these clients can be housed. I know that we will give the support wherever necessary.

We have areas of excellence in our health services. It is always rewarding to receive generous comments about the services provided, and recently we have received many, not only locally but internationally. An example was about a week ago, shared with me by His Excellency the Governor. There was a professor from a university in Philadelphia here on vacation. His son got in an accident and had to receive treatment at the hospital. That gentleman said that the service that was provided there was as good as anywhere in the world. And he said he was qualified to make a comment like that.

We have also had comments from other teaching universities, where some of the nurses came here for training from the Mayo Clinic and the University of Minnesota. They tell us that the equipment and stuff that we have in the hospital is as good or better than what they have at their facilities back in the [United] States. This makes me feel good Mr. Speaker. But, once again, I

cannot take the credit for this alone. It was the foresight of the legislators in this House who saw the need to make a quantum leap in the improvement of medical services in these islands. We have lagged behind for thirty years and God forbid for political reasons—which is absolutely ridiculous—we have never got to the pinnacle. But as I have always said, the Lord works in mysterious ways and with the support of this House I have been able to stay within the ministry and with the support.... The initial introduction by the First Elected Member from West Bay of some of these ideas put forward, we are now on the threshold of opening one of the finest health centres in the Caribbean. And we look forward to continuing in that vein to make it an outstanding facility for all our people.

Baroness Simons in her recent visit was very impressed when she toured the new facility. Outstanding areas of achievements have been the Paediatric Ward, Maternity Ward, the ICU and Physiotherapy.

In recent times and with the wonderful support of this Legislative Assembly and Finance Committee, the opportunity presented where we were able to complete our forensic lab. This facility brings Cayman to the forefront in the Caribbean and has eliminated long delays in the justice system. I know my very good friend who sits today as the Acting Attorney General (his primary post is Solicitor General) has welcomed the prompt service it now provides. It speeds up and expedites justice in these islands. We no longer have to have people on remand for weeks and months. In touring there with him a month or so ago, we were all impressed with what can now be done in these islands.

Mr. Speaker, we all know that it takes every single Member of health care organisation carrying out their duties professionally, courteously and with a steady focus on the needs of the patients and their family. Sadly this does not always happen. I shall be saying more about this in another arena but for now let me say that I am happy that the strategic planning team in their annual update last year made the delivery of patient services, a priority. And I pledge that we will continue to make improvements in this area.

We cannot and will not have a \$30M building with 37^c attitudes, and when this is brought to my attention, that people don't get with the programme and be more concerned with patient care, through my permanent secretary and personnel department I will see that changes are made. This is one of the few areas that I have had difficulty with, and we will address it. I know that the dedicated staff, the overwhelming number of people there do give excellent service. I have always advocated that the greatest contribution to a person's getting better is a good rapport with the doctor and this can also mean with the nurses.

I am very pleased to say that we are implementing our strategic plan and will continue to do so. A considerable part of the plan has already been implemented but some still needs to be done. Mr. Speaker, since it is a rolling five year plan, we are able to make adjustments every year at the annual update to take into account the changes that can happen so rapidly in today's world.

My Ministry and the Health Services Department are fully aware of the programmes that need to be introduced or expanded. It has been said that no one wants to hear any more about the completion of the hospital and I am happy to oblige in that respect. But I must say (to close off this chapter of my ministerial responsibility) that we have done what the people of this country mandated us to do—construct a first class new hospital, which will serve us for some time into the future.

Mr. Speaker, to the best of my knowledge this was the largest capital project ever undertaken by these islands. I am proud to say this time it was done without political meddling. This was designed by the health care providers, the medical technicians that knew what should go where, and not some National Team or other person that wanted to build a monument to their time in office.

Mr. Speaker, constructing a new hospital and new health centres in each district has been a formidable challenge, but now that that is behind us we will now be turning our energies to the equally important task of providing access to consistent high quality health care in a patient focused cost effective manner. As I said earlier, it is not buildings and equipment that constitute excellent health care, they are only necessary components. Even more important is the quality of service provided by the staff of the Health Services Department and the patient focus, the compassionate manner in which that quality service is provided.

The mission statement of the Health Services Department says it all. I would like to quote the mission of the Cayman Islands Health Services, the exemplary provider of comprehensive health care to this economic jewel in the Caribbean: **“To ensure the wellness of our people through a dynamic community based health system characterised by visionary leadership, compassionate professionals, technological advance, central support and collaboration with local and overseas providers.”**

Last week was five years since I took over this ministry and we have literally been working flat out ever since. It has been a most gratifying experience to work with my dedicated staff, and with the support of this Legislative Assembly. I will say thanks to the First Elected Member from George Town who when on occasion he spotted things that may have gotten by my eye came to me in his diplomatic manner and said, *‘Tony, this needs to be done’*. I thank him and all the Backbenchers for the tremendous support....

[Laughter]

Hon. Anthony Eden: I will also give credit at this time to my colleague from North Side. And I can remember when we were in the old paediatric section, she would always come to the ministry and say, *‘This needs to be done. Some paint here would do wonders,’* and this is what it is all about in politics. This is the pinnacle when Backbenchers and Government members can see things and sit together and make changes and all comes out of it is making this a better place for us all as Caymanians especially when it comes to our young people.

As I said earlier, it was lots of fun despite some challenges, as we all worked towards one common goal making these islands the best place where anyone could live. We know there is still much to be done. I know that the dedication is still there to complete the full assignment.

My staff and the management of the Health Services Department have a clear vision of where they are going. It is a vision enshrined in the health strategic plan. As I have said so many times, we truly (and I am saying this on behalf of my staff) appreciate the support of both sides of this House. I can assure you that we will not let up in our efforts to live up to the faith you have placed in us, to what is right for health care provision in these islands.

In a massive amount of construction and capital development that my ministry has undertaken over the last four years, I am reminded of a quote by James L. Hayes. **“An effective organisation has a purpose that is shared by all its members and to which they will willingly commit their efforts. People working together can do almost anything.”** Mr. Speaker, that is so true as we now have evidence of that in the new facility.

One of the areas that we will address is training within the health services. There is a connection that we have with our tertiary care provider, the Baptist Hospital in Miami, where our doctors and nurses and other people on staff (not necessarily medical but others) can go up there over a period of time and experience what is being done at that level—which is one of the highest if not the highest rated hospital in the South Florida area. As a matter of fact, the entire Southeast, it has won many awards.

And only by this continued training and to the best of my knowledge continued medical education is now a required for our personnel. And we look forward to whatever needs to be put in place in this area.

Mr. Speaker, I am now going to talk some on the latest addition to my ministry, the Department of Social Services....

The Speaker: Would this be a convenient time to take the break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:38 AM

PROCEEDINGS RESUMED AT 12:20 PM

The Speaker: Proceedings are resumed. Debate on the Throne Speech continued. The Honourable Minister for Health.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. When we took the break I was preparing to go to Social Services which I assumed in recent times. Before going into that I would just like to emphasise the importance of the two strategic plans that my ministry undertook four years ago, the Health Services and Drug Abuse Prevention and Rehabilitation. Many of the things put forward in there have been implemented. As I said also the Na-

tional Drug Council assumed responsibility for the continued implementation. There is still a lot more work to do.

Mr. Speaker, it is pleasing to know that what we have been able to accomplish in the area of drug abuse prevention and rehabilitation has been internationally recognised. And when we send representatives to the different forums, the Cayman Islands are looked up to

It was certainly a honour and a privilege to have with us at one I attended a few years ago our present Chief Justice, Mr. Anthony Smellie, also Mr. Derrick Haines from the Drug Squad. And when I saw the respect that our Cayman representatives gained by their involvement.... Just last year we were also invited to address the seminar in Miami, Florida and we were well received.

Mr. Speaker, there is a long way to go. But with the continued co-operation of all members here and the high awareness in the community, and the more that we can involve the communities in this approach, I think the more the greater the degree of success will be there.

This year will be a very busy for our Social Services. As we all know that a substantial amount of money (I think it was \$900,000) was put in the budget to deal with the secure remand. Work on that will commence almost immediately. As a matter of fact, just recently the project officer, Mr. Dudley Roach.... Once again, I have to give credit to my good friend, the elected Member from West Bay because when he was the Minister he was instrumental in bringing Mr. Roach here. Mr. Roach has the expertise in dealing with these facilities from the United Kingdom's perspective and point of view.

He and an architect from the Public Works Department visited a similar facility in Canada in order to obtain information on the availability of the special materials needed to construct the facility. Canada was selected rather than the U.S.A since the Canadian laws pertaining to care and protection of children closely resemble our 1995 Children Law, and therefore by extension demand similar physical facilities and resources and programmes.

Major work will take place on the design of the building and construction could commence the latest by September of this year.

In the construction of the Health Services facilities we found out that by establishing a steering committee the project was much more manageable. This coming year I will be making recommendations to Executive Council to create a steering facility for this most important project in which all of the players will have input at an early stage not after the fact.

Also in the budget this year is approximately \$100,000 to look at a home for the boys. As we all know after CIMI took over the existing facility in West Bay, the boys have been housed at the children's facility at Lower Valley, the Frances Boddin Home. We are looking forward to providing a facility for them and once again with the support of this House we will be going forward.

Probation and after care is an integral part of the criminal justice system. The probation after care service has a key role as the government agency most concerned with rehabilitation and re-integration, supervision

and monitoring of people convicted of crimes in this jurisdiction and more importantly those people who are at risk of further offending.

During 1999, the unit will set out to assist in meeting the needs and aspirations of the country in terms of reducing crimes and the impact of crime insofar as it equates with professional social work principles. And to be more specific, the probation after care unit will provide a court duty officer as needed to respond to referrals from the courts. Mr. Speaker, the Unit will continue to advocate for a rehabilitative, re-integration approach to reducing the incidence and seriousness of crime. In order to accomplish this, staff will encourage the courts to increase the use of pre-sentence reports and community based disposals.

The Unit is of the view that the development of community based sense and options can only take place if better use is made of the Probation Aftercare Unit. The staff at the Unit will continue the programme at Northward Prison aimed at confronting offenders with their faulty and offensive thinking values and behaviour. I think my good friend in the Ministry of Community Development also has a portion of this and the co-ordination there with the private sector is another avenue of significantly improving the chances of these inmates once they come out.

Community service by offenders, Mr. Speaker, is a much under used option. With the establishment of a new community service co-ordinator this situation will change. It is hoped that this appointment would have the effect of increasing the court's confidence in community service as a sentencing option. One of the benefits to the offender of community service is the self-respect and credit they obtain for themselves through helping others and by completing a worthwhile task. Focus on group work programmes will continue at Northward Prison with several groups on a weekly basis. The demand continues to be high and it is intended to respond to this demand by continuing to develop the programme as participants become more familiar with this model of working.

Probation officers will also continue their individual offence specific programme in the areas of drugs, domestic violence, violence and anger management and sex offences. A sex offender programme has been submitted to the appropriate key individuals and we await comment and approval.

During 1999, the Probation Aftercare Unit will also focus on early assessment of prisoners in order to identify any welfare or social needs involving the prisoner and his family, and to assess his or her criminal generic needs. This latter is necessary in determining the level and type of programme for the rehabilitation and re-integration of the prisoner.

Case Work Services: The department will continue to use the team approach in casework delivery. The teams will include an intake team and three long-term teams. This approach instituted during last year has proved to be more useful in thoroughly assessing all requests received by the department for assistance. The intake team will complete all initial assessments and

carry out a thorough background check to verify the nature of the request and its surrounding circumstances including child protection investigation and juvenile probation reports for unassigned cases.

Mr. Speaker, the long-term teams will provide social work intervention to individuals and families, also mediation and conflict resolution services. All the other usual casework services will be executed efficiently.

This year I am pleased to say that one Caymanian social worker will join the staff upon completion of her Master's Degree in Social Work in the middle of the year.

Additionally, one Caymanian social worker will commence studies at the Master's Level in the area of mediation. It is hope that work relating to the drafting of guidance and regulations for the Children Law will be concluded this year so that its implementation can take place. Once again, very recently Executive Council approved a committee for the implementation of this very important piece of legislation and we have some very high powered people on that including the Honourable Chief Justice.

Several social workers are involved in this process of the Children Law and with implementation of this law, the responsibilities of social workers will increase significantly. As set out in Schedule 2 of the Law it will be mandatory for social workers to be readily accessible to the Court, befriend and work even more closely than they currently do with children and families while the child is in residential care; be readily available to participate in children abuse prevention programmes and investigations; provide services to disabled children; participate in crime prevention programmes for juveniles; provide occupational, social, cultural and recreational programmes for children; and assist in the maintenance of children in the family home.

Case workers will continue providing home reports for foster care services, adoption and custody reports, residential placements for children and services to disabled adults and the elderly in conjunction with the adult special needs programme.

Young Parents Programme: This programme has so far benefited 79 young mothers, many of whom have either returned to school or have been appropriately placed in the work force.

Mr. Speaker, once again this was one of the brain children of the First Elected Member for West Bay when he was there. And the investment in this I don't think we could ever measure in dollars and cents. The stigma that was attached to these young ladies and how we have now given them literally a new lease on life . . . a few of them may re-offend but the majority of them have turned themselves around and are now a credit to the community. The programme is now under the supervision of the Community Development Co-ordinator who in conjunction with its Programme Co-ordinator will review the programme with a view to diversifying it. All the services currently offered to the young mothers will continue.

Residential Care: Under the residential care programme all policies and procedures currently in place will be reviewed in accordance with the Children Law 1995. A database will be created for our special needs children

as required by the law. Programmes will be developed to prepare residents for leaving care.

Foster Care: The foster care programme will strive to provide community placement with substitute families for children who can no longer be looked after within their own families whether for long or short periods.

I will pause at this instance. I am very pleased to know that the Third Elected from West Bay has been working very closely and is one of these foster parents. I know this is very much appreciated by the department.

Another recruitment drive will be undertaken shortly to recruit at least ten new foster parents by the end of the year. An effort will also be made to train all new foster parents joining the programme. It is expected that at least fifteen children will be placed with foster families.

After care services for children who have been in the department's care, whether in residential care or foster care, will be managed by the Foster Care Unit.

Adult Special Needs: During this year, the department's Adult Special Needs Programme will establish a day care programme for seniors at the Kirkconnell Community Care Centre in Cayman Brac. Additionally, it is hoped to localise the resident care supervisor position for the home. I know this will be a welcomed move for the people of Cayman Brac where one of their own people will be there. We all know that people providing this service are all dedicated, but there is a feeling attached that when one is a member of that community they always tend to be extra special in providing care.

Funds have been approved in this year's budget for the acquisition of an adapted vehicle to provide transportation for the elderly and disabled clients in Grand Cayman.

The Adult Needs Unit in conjunction with the Community Development Programme will continue to spear head activities geared towards elderly persons in the community during this year which has been designated International Year of the Elderly. An effort will be made to continue to educate the general public on the invaluable contribution elderly persons have made and continue to make to the society and the importance of maintaining them within their own families, being cared for by them.

Mr. Speaker, before leaving the adult special needs, I would like to say a big thanks to both you and the Honourable Minister for Community Development for the involvement in the aftercare programme and adult care centre in Cayman Brac. And we look forward to working with you and your committees in continuing to improve and to utilise to the fullest the services over there and at the appropriate time when it is necessary for extension. And also I know the consideration for air conditioning some of the areas, I hope that this can be provided for in due course.

Community Development: Starting this year, the Community Development Co-ordinator will act as co-ordinator for the Joint Caribbean Youth Programme and the University of the West Indies diploma in Youth Development Studies. This is quite a credit for these islands. This programme is being sponsored by the Ministry of Community Development via distance education and will be delivered at the Community College. Three

community development officers will pursue the course this year.

Income generation efforts in the United Kingdom over many years has revealed the need to recognise the complete nature of the process of income generation and to seek to ensure that the collective efforts of all agencies are catering to all aspects of this process. To this end, the Community Development Unit will seek to offer services which are complementary to those already existing so as to provide a comprehensive package to promote self employment, small business and entrepreneurship.

The unit's effort will be targeted at unemployed persons and will focus on: assisting and identifying opportunities; motivating persons to pursue self-employment; and identifying skill classes in areas with opportunities where suitable training exist. The opportunity identification segment will depend heavily on the skill classes and motivation will draw more heavily on the Community College resources.

The unit will continue its close association with several governmental, non-governmental and private sector organisations. In some cases, joint programmes will be implemented. In others we will assist with community mobilisation and advise on community intervention strategies.

The programme will seek to provide an alternative for better utilisation of leisure time involving members of groups of teenagers in a range of activities geared towards self-development and improvement.

This year, community development officers will be appointed for the Sister Islands and the district of North Side. As a matter of fact, I think the one for Cayman Brac has already been selected and she is a very, very dedicated young lady. I met her and I am very impressed with her outlook on life and the way that she goes about getting things done. I know Social Services welcome her.

Both communities have indicated their need for an officer to facilitate activities to meet their own individual needs. It is hoped that the summer programme which has proven to be a much needed and available service will take place in all districts this year.

Mr. Speaker, I just recently requested that MPSIC approval be now sought for the construction of a home for the elderly in North Side. There are some funds in there for architectural renderings but I would hope that if the opportunity presents and there is some extra that by the end of the year, God willing we may be able to start construction.

This brings me to the end of areas within my ministry and in closing I would like to say that I offer my support to the ideas put forward by the Fourth Elected Member for George Town in regard to decentralising government services in George Town. I would note that the Honourable Minister for Tourism has initiated that action by shifting Vehicle Inspection and Licensing to some of the other districts. As has been drawn to my attention by the First Elected Member for West Bay, a motion was brought and passed, and I will give credit there.

Mr. Speaker, honestly I am hoping that whoever takes over the next government will be bold enough to

make the decision of building the next Government Administration Building outside of George Town. I hope I am not slapped down for this, but it is just how I feel. This will be the only way to make a significant dent in the traffic problem we are now experiencing. Also, innovative ideas like changing the school hours and flexi-time for some business as was put forward by the Third Elected Member from West Bay.... And I know if we put our heads together there are many ways that we could improve that is happening in Cayman, this terrible traffic problem that is very difficult to deal with. It can only be done by us working together. We must also bring on board the private sector. It is time that they gave assistance in these areas and became part of this partnership relieving some of the difficulties that we experience.

I look forward over the next two years as I work along with my two colleagues, the Second and Third Elected members for Bodden to make things even better for our constituents and our district.

There still remains a significant amount of roadwork to be done, but I feel this House will support us on that as we all know Bodden Town is the fastest growing of the districts. In the past it has always lagged behind and was neglected in roadwork. It is still trying to catch up to many of the districts that already have an excellent road infrastructure. Bodden Town for whatever reason.... Once again the ugly eye of politics comes up because it was said at one time by one Member of Executive Council that as long as another Member from Bodden Town was there, not even one pothole would be fixed in Bodden Town. And, Mr. Speaker, that was adhered to.

[inaudible interjection]

Hon. Anthony Eden: It was in the 1988 – 1992 regime.

Mr. Speaker, the representatives of Bodden Town look forward to our new playfield that is so badly needed in Bodden Town. In recent time, our footballers have really started to shine in their games and have achieved quite a degree of success. Working along with my colleague, the Minister for Community Development, I know that field will be opened later on this year.

Also, our new Post Office . . . and it was gratifying earlier on in the break that we met with representatives from the ministries involved and we were able to come to a decision on the way forward. It was pleasing to know that it will go out to tender on Monday and once again it was evident that the three representatives from Bodden Town when it comes to matters affecting our district and our constituents there is no partisanship. At all times our constituents come first.

It has been enjoyable working with them and I look forward to continuing to work.

In our district of Bodden Town, there have been additional classrooms at the Savannah Primary School, which is one of the fastest growing in the island. It is good to know that there are now plans where another primary school will be built, which will be shared by the western end of the Bodden Town district and the eastern section of the George Town district. This will go a long way to relieve the over crowding.

The past minister of the Water Authority (now the First Elected Member for West Bay) was instrumental in getting piped water into Breakers which has been able to produce a significant amount of development in that area now so that people don't have to build cisterns.

The Bodden Town Primary School Playfield; recently the bus shelter at the Bodden Town Primary School—new buses at both of the primary schools. Significant amounts of road have been chipped and sprayed.

We look forward this year, on some of the main roads going through Bodden Town that we will get an overlay. As everybody that lives on the eastern part of the island knows, from Pease Bay up, the roads are starting to go into a bad state of disrepair. So I think the timing on that is very important so that it does not become extremely expensive without having to rehabilitate the entire section of the road.

Use of the Civic Centre has been significantly increased since we have had it air conditioned. Since we as a government took over in 1992, and prior to that, it was literally closed up all the time. As a matter of fact, I think the Glamorous Granny Pageant was held there last year and they want to make that the home of it. I know the Second Elected Member for Bodden Town has an office in there, which she worked very diligently to get sorted out. It is now being utilised significantly not only for functions for the elderly people but also for the youth band which is an outstanding group of young people in our district of Bodden Town under the able guidance and leadership of Miss Penny Phillips and Mr. Tony Scott, our excellent Community Development Officer.

I have been made to understand that he is already planning a programme for the elderly this Easter and we look forward the three representatives of Bodden Town once again being able to share in that and assist where ever we can.

I have been made to understand that bids for the renovation of the district library in Bodden Town have gone out. The Breakers Playing Field is now finished. The Breakers Community Civic Centre will be air-conditioned this year. And in discussion with the Minister responsible for Agriculture, we are made to understand that throughout the districts post office drops and kiosks will be placed, which will be an excellent idea in decentralising some of the parking problems with going to the Post Office in the other districts.

Mr. Speaker, the Savannah–Newlands Playfield, to the best of my knowledge, was and still is the only area designated during Pirates Week as alcohol free. And it is a wonderful feeling to see the many parents and their children. I know that under the management of the Second Elected Member for Bodden Town she has been able to strengthen the assistance to make significant improvements there.

The park at Northward, Mr. Speaker, is once again a very worthwhile cause within the district and bringing the community together working on this. There are attempts and I know through the National Drug Council and the Bodden Town CODAC the one in Savannah–Newlands is being revived.

Mr. Speaker, about two weeks ago, the three representatives for Bodden Town visited the district looking at where we could place the Vehicle Inspection and Licensing Facility. We looked at the old district health centre and we can envisage at some stage where the three MLAs could have an office there, as well as the Community Development Officer. It in central Bodden Town and I look forward with the assistance of Public Works to having that sorted out.

Finally, since becoming minister and on the Executive Council, we have come a long way since 1992. As part of this government (not originally from 1992 as I was only elected in 1994 to this position) we have had our ups and downs. We may not have always made the right decisions in some areas, but on the whole I think we have acquitted ourselves quite well.

The capital expenditure spent in that period was probably over \$250M. The country can see where these funds went and I am prepared to say that not only the government but the entire Legislative Assembly has the best interest of this country at heart. As is natural there are different opinions on the way forward, but it would be a funny world if we all agreed on the same approach.

I feel good about the future of these islands, the team work and at all times making these islands to be the best place will always be what is foremost in our minds. As I said, maybe the approach is a different one and the angle is different, but deep down I think all the representatives here mean well for these islands. I look forward to the next two years with God's help that we will continue in that vein and will never forget that it must be country first.

I will not close without my main theme within my ministry and that's once again the involvement of parents with their children. We can provide all of the after care services, all the police, all the prisons and intervention procedures that may be necessary, but once that child has gotten out of hand, it is after-the-fact and extremely difficult to rehabilitate that child. I know many of our young parents are having to hold down more than one job but it is our God-given responsibility to know where those children are and who they are with. I beseech those that are listening and those that are out there to spend that valuable time with them. It is the greatest investment we as parents can make, the time that we spend with the children.

Just yesterday evening when I was dropping my son off at the Junior Achievement, coming out from the high school was a group of young kids playing football and they yelled me down and said, "Mr. Eden, give me a drop into town."

I said, "Jump on." It was uplifting to see those young kids—the future of this island, Mr. Speaker.

We can go a long way to help them by lending a listening ear and continuing to provide the infrastructure for them to develop. As the First Elected Member for West Bay said on more than one occasion, we must now at this stage in our development . . . and I know my colleague on Executive Council, The Community Development Minister, is providing infrastructure for this to take place. The time has come for us to take a stand for our

youth and whatever we need to do in the Courts or whatever it be when it comes to the drug dealers, we must show no compassion. Whatever the Courts need to do to send that signal to the dealers, the importers, when they are literally daily sentencing our young people to death . . . we must urge them to do the right thing, send the right message. We will not tolerate drug abuse in these islands!

Thank you.

The Speaker: At this time, we will suspend proceedings until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:58 PM

PROCEEDINGS RESUMED AT 2:45 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on the Throne Speech continues. Does any other Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, I had hoped that we would have heard from more of government since there has been so many from our side who have talked about government's plans—or the scarcity of plans in the Throne Speech. You would have thought that they would have been ready to jump to their feet to explain this. Unfortunately, they don't seem to want to. But I can promise you that after I finish they will be on their feet!

Mr. Speaker, I can rise to congratulate His Excellency the Governor on his delivery of the Throne Speech. I certainly can congratulate the many fine speeches that were given since then. Certainly, we had no shortage of examination of the various problems existing in the country, and I would like from the outset to thank the Minister of Health for his usually kind remarks.

However, the speech from the Throne was very lean indeed—heading into the new millennium without any direction as to where the country is headed.

I must say that while I have some hope for the future, I am very much concerned about the future of national life. I am very much concerned for the state of natural life as it exists in these islands for very many different reasons, sir. There is much uneasiness, distrust and fear. The populace all too well understand the serious problems we face and are distrusting of national leadership asking, *'What does the future hold?'*

Mr. Speaker, concerning our responsibility as political leaders looking at the decline in national life, the decline in respect for those in authority, and the distrust and fear that exists, responsible legislators we must examine the reasons. One of the reasons is the suspected abuse of power in these islands.

What causes the suspicion? A good example is one of the stories in the *Caymanian Compass* of Tuesday, 9th March 1999. Generally, in this country in the civil service when a civil servant gets into problems, he is suspended from his job on half pay. I think that is the rule. We see that all the time. There is nothing about him getting into trouble and going back to work. When he gets into trou-

ble, he is called in and told, *'You have a problem and therefore you have to be suspended and suspended on half pay.'*

I know of one civil servant who had eighteen years in the service and when he got into a problem he was suspended immediately—and nothing like going back to work. He eventually lost his job because he served a jail sentence. We don't throw away our people, Mr. Speaker, we do what we can to help them. But there are rules and regulations in the service, which everybody knows about before they join.

And in connection with that story and the seriousness of the crime, we understand that what happened was that the person went back to work and only sometime afterward when they heard that pressure was going to be put he was suspended. Those are the kinds of things that cause distrust in the country.

I wish also in connection with that matter to briefly remark on matters that affect our position as representatives and leaders. I find it ill advised and regrettable that Members of the Legislative Assembly involve themselves in providing references to persons appearing before the Courts on criminal charges. This matter is of such a serious nature that sometime ago a majority of the members of the Legislative Assembly held a meeting regarding providing references for persons appearing before the honourable Courts.

It was at that meeting that the decision was taken that MLAs should refrain from so doing in order not to appear to be undermining the authority of the Courts in any shape or form. And it is with some surprise then, Mr. Speaker, that I read recently where one Honourable Member provided a reference for someone facing serious criminal charges.

I well recall MLAs' conduct in such matters being raised at the first local seminar on Parliamentary Practice and Procedure held here in these Chambers April 23rd to the 25th 1990. And Mr. Speaker, I crave your indulgence to read from page 13 of the official report.

It was the Honourable Benson O. Ebanks (and I quote) who was referring to the Chairman of the Session at that time, the Honourable Wilfred St. Clair-Daniel, Speaker of St. Lucia, who was Chairing that session. The Honourable Benson O. Ebanks said: **"Mr. Speaker, in small countries elected members of Parliament are often called on to give character references in respect to constituents who may be before the Court. I believe that this is handled in one of two ways. That is some Members refuse to do so. Others do so quite willingly both orally and in written form. I wonder if you would care to comment on that practice."**

Honourable W. St. Clair-Daniel said: **"Personally, I do not think that that is a practice that should be followed unless the person for whom one is giving the reference is well known or a person within the private employ of the individual. I think it is a dangerous practice. For myself, I would not give it at all. I think I might even extend it so far that I would not stand bail for anyone who is charged with something against the Crown if it is a criminal offence because I**

consider Parliament to be a part of the Crown in a small community.

“If the person can find no other person than his representative to say that he is good then something is wrong with that person. Surely there are Parsons, Preachers, or whoever heads a Church and other prominent citizens within the community who could be called upon. Therefore, I think that the Member is putting himself on a block to do it and should try and avoid having to do this. I think it can be embarrassing and should be avoided as much as possible.”

So, Mr. Speaker, for a long time that is the position that I have taken, and that is why I took the time to raise it with members. I think that it is not something that we ought to do. Let's say a person who is using drugs and we know that he is on drugs, and we can write a reference to the Courts and say, We think that person can be helped by some kind of community order or something. Or if a person lost his driving permit and we wanted to assist that person somehow or another. Those are different cases. But where there are criminal aspects, members of the House ought not to get involved in this sort of reference giving.

I know that other members are called upon to do the same thing. We are often called upon because we are representatives of the people and they feel, well, *‘He is my representative, he should be able to give me a reference. He knows who I am.’* But we have to stop and look on the other side of the situation.

I would hope that this practice would stop. It does not do us any good. We as national leaders have a tremendous responsibility to lead our people without selfish motives, without every effort and action taken being for self-aggrandisement or personal riches. There is so much spite and abuse of power and jealousy existing in the country at the top, the halls of power. We exhort our people and especially the young people to lead good, clean lives. What kind of example are we setting when such greed exists? And we see it! We are accused of being greedy by giving ourselves humongous pay increases without any effort to get pay increases for the people we serve—some without any pay increase for ten years. These are the kinds of actions that cause distrust.

Mr. Speaker, I am concerned too by the actions that mislead the populace. We have a few radio stations, one television station, and only one newspaper. Mr. Speaker, I would rather see much more effort to educate and enlighten our people than coverage of stories that are not true or shows that are in bad taste and do nothing to build national life. I am very proud of our national (government station) radio station. And I am proud of the few Christian stations that we have. But there are those that need to straighten up their act.

While we in this House have a duty to lead, so do many other institutions and individuals. We all have a responsibility to build a national spirit of good will rather than one where people are thrown down. I am not begging for respect for political leaders or for myself. That is not what I am talking about because respect begets respect. As I said, we can be good role models and we

should all strive to be positive ones. But a lot is lacking nationally and in our national leaders.

We do nothing for ourselves and we do nothing for national life when we tear down one another, when we set upon each other to the point where our families are hurt and suffer for it. Political one-upmanship is one thing. Criticising the policies of a past government or a present government is one thing. But efforts that malign a person's character, that cast doubt on a person's integrity where one is found guilty of things one knows nothing about without the benefit of a trial do nothing to build national goodwill—but everything to destroy it.

For what reasons Mr. Speaker? So that one can say, I am better than he or she is? So that one can have all the power to pull this string or get this done or that done for one's friend without opposition? If I was speaking of hypothetical situations it would not be bad, but the sad fact is, the stark truth is . . . and talking about our national life as it exists in this House and in many institutions in our country, if ever there was a time when we needed better attitudes at a national level, it is today!

Now is the time to be teaching our people, each and every man however, poor, however, uneducated; however, small and feeble that man is that each man, boy or girl has a job to do and it's on all of our shoulders the future rests—for good or ill.

Now, you may hear I am over reacting or you may hear several other excuses. Mr. Speaker, far be it from the truth. The social deficit is widening and part of the fall out is a damning rise in crime—street crime, crime in and among young people, crime in the home, domestic violence, crime at work. These are some of the problems we are facing.

Mr. Speaker, from my count I am short of a quorum.

The Speaker: Is the Serjeant-at-Arms in the building?

We do not have quorum. Summon some other members please.

(Pause)

Mr. W. McKeever Bush: It is all right, Mr. Speaker, I will continue.

The Speaker: If you can. I can wait ten minutes.

Mr. W. McKeever Bush: Okay.

The Speaker: First Elected Member for West Bay, please continue.

Mr. W. McKeever Bush: Mr. Speaker, good management is often a scarce commodity. Without it, opportunities often become problems.

A country like ours often faces economic difficulties, which are largely beyond our control—such as the vagaries of the American economy. The American economy has been good and so ours boomed. What then is the cause of the serious situation in which we find ourselves? Where we taxed to where we borrow to do everything. Mr. Speaker, it has been caused by bad man-

agement decisions and a failure to be innovative. But also there has been a reluctance to change outdated systems and policies. While the whole world is changing, we continue in the old way.

Much is being talked about reform. And I am very glad that we have some people who are thinking about the future to the extent that they are attempting reform in the civil service. Let's say this will revamp the way we do business. But I believe reform as is being attempted by the civil service will be seriously hampered by political management. And how will that happen? I don't know how many people have given thought to this because there is much talk about the reform. But to do the necessary changes the reforms are trying to accomplish will take constitutional changes and advancement. Whether we like to say that or not, that is a fact and I recognise it even in a shallow way.

At the last conference that was held here, I asked those persons whether we can get these things done without changing the constitution. I think the answer given satisfies me and satisfied other persons there that what I am saying is correct. For the necessary changes the reforms are trying to accomplish, we will have to make constitutional changes and advancement. This is what the ruling elite fear most!

That is why the reforms are not going to get anywhere because the ruling elite—inside the House and some outside—is not going to do anything about changing the constitution or advancing it.

Some people think that we have been good up to now, so why change things. The simple answer is that the way the government as it is made up and the way it is managing is causing us to go downhill. And there is a tremendous waste. I recognised that while in Executive Council. I saw it. Having had that experience and having been in Executive Council and having had the opportunity to sit back, look, listen and even learn. I have to note that there is the course that the country is on didn't start today but it is there and it is going to go downhill so we need to change. We need to evolve an effective economic strategy where priorities are determined and achieved.

We need priorities, and we need to stick to them. A good example and one thing that comes to mind is the blatant neglect of the social development sector and the matters that I had to push to bring up to an appreciable level after 25 years of neglect. We had to take a quantum leap! And I got accused of spending too much money on sports or spending too much money on youth or spending too much money on the old people or trying to get things too fast. So, Mr. Speaker, this tells us that we cannot push things back. We need to lift our sights, we need to establish well thought out priorities, and we need to input a sense of urgency.

We need to put in place plans (that's what I am trying to say) so that we can make consistent incremental improvements in every sector in the county. We need to do this so that we will not need to borrow large sums of money because we have to put in place so many projects at one time, that's what I am saying.

This is causing economic havoc. It is not good enough to trot out a list of capital works and say, 'See, we are doing a good job. You didn't help us but we are doing a good job. And we are going to get all this for the public.' It is not good enough. And let's not get back to the old habit of putting the blame on somebody else. This country needs a fresh direction. However, the government seems bereft to get started; they do not even have a fresh idea as to what is needed. Instead, the policy that is driving them is borrow, tax, and spend. Tax, borrow, and spend. Spend, borrow, and tax. Anyway you mix it, it comes out the same way. It seems we no longer need to ask where is the money coming from, is more sensible to ask, where is the money going?

I have listened and I have learned some. They say our public debt is below the international standard, OECD, World Bank and [International] Monetary Fund. But it is still too high even though it is below the standards of the World Bank, OECD or the International Monetary Fund. The speed with which the Government is increasing the public debt as distinct from prioritising as far as I am concerned it is not prudent at all. It is bad government. Furthermore, it is a policy that will lead to internal damnation for this country because we cannot do all the wants or even address all the needs going in the direction which government is headed without massive borrowing.

Now, Mr. Speaker, they might well say, 'Look at how we fixed the roads. That is going to be done.' What is missing because of their present policy is good sound workable long-term plans that address the social deficit that exists and is widening day by day, week by week, month by month, and year by year. I have had to listen to them say that they are following the plans that I left behind. And every now and again they give me a little credit. But the truth is that the issues the people talked about for years and the mandate that the government was given in 1992 and the work we started and we left, the human element, the people of this country are being driven into the ground. Government is unable to address the social and economic problems while we face a silent but angry populace.

Now, Mr. Speaker, I have watched government play. They seem to think that they can carry on their business in this manner and that some of the opposition will not say anything because they opposed us in 1992. Government says to themselves, 'We don't need to do anything about it because McKeeva will stand alone. The newspaper is not going to give him too much coverage so he will not be effective and we can carry on doing what we want as long as we divide the opposition.'

And don't you think that they don't try to do that. They are good at it now, but what they did not recognise is that while we in the opposition were not all together in 1992 or 1996, there are many similarities. They campaigned on many of the things we campaigned on and they believed in a lot of the things that we were trying to accomplish. So, they will not succeed to that extent.

But in the meantime, because of their inaction the social deficit is widening; there are more broken families, more children loose on the streets, crime is the highest it

has ever been and they say this is the best the country has ever been.

Now, let's get something straight, Mr. Speaker, and I said this several times this week. I am not saying that when I left Executive Council that everything was peachy. I am not saying that. By far it was not. But I had plans. I acted on the problems. And comparing the difference in teenage crime today, we were better off. Because of the absence of a feeling for the human element and what is now obvious is an attempt to save their hides at the polls the people suffer.

The simple truth is they have not been paying attention to what they need to do. What they are on now is all about re-election and it is obvious and evident by the vast sums of money borrowed—spearheaded by the Minister of Tourism who opposed the other minister's attempt to do the same thing years ago when things would have been cheaper.

Now, it is good for them, it's good for any government I guess. They feel good. When I say good, for any government to get through their policies or some of their programmes, some of their ideas, to get capital works or to get something started—I believe in that. But I also believe that we must prioritise because that is how we started out, that is what we told the people we would do—spend what we could afford. Now, they are acting as if this economic growth that they say this is going to help to create . . . this growth alone is sufficient to address all the problems in the country.

Build the roads, give us these little other things and that is going to help everything. Is it? They seem blind, deaf, and dumb to the fact as I have always said that high levels of economic growth which everybody wants brings social decay. There must be a long side of economic growth continued—bold, innovative action to address it. That's what I am saying! They have not been doing that.

Now, Mr. Speaker, all of them, barring one, have given me credit for tackling the social problems. Yet, after moving me out of Executive Council they are not tackling these areas with the necessary innovation and purpose of conviction to help stop social decay in the country. That is the problem. There is no use giving me credit when they are allowing those things to roll down hill at a speed that we can't stop. And how did they start to accomplish this? They split the Ministry of Community Development.

Mr. Speaker, we don't have a quorum. Where are the ministers?

The Speaker: First Elected Member for West Bay, before you continue, I would like to say this: If we fall below the quorum again in five minutes, I shall adjourn this House.

Please continue.

Mr. W. McKeeva Bush: Mr. Speaker, the Backbench is pretty well tight here it is the Government who is slim.

Hon. Truman Boddén: Mr. Speaker, with respect, we have had most of the other members in here but recently

they moved out. It has been slim on the Backbench during part of this time too, with respect, sir.

The Speaker: First Elected Member for West Bay, please continue.

Mr. W. McKeeva Bush: Mr. Speaker, as much respect that he wants to give us, we are more on this side—

The Speaker: Well, let's not debate the issue. Please continue with your speech.

Mr. W. McKeeva Bush: I will do that, but I must answer that interjection because we've got one out sick and one off the island and government only has three sitting there. They must come in and listen! They like to give their licks. They must come in and take them. That's their problem!

No we are not talking about the Chief Secretary, he is very studiously sitting there. I am going to ask him to take some notes and give to the government.

Mr. Speaker, they split the Ministry of Community Development to where it is all over the place, and by and large ineffective. A ministry that was laid down, campaigned on and they said that this is what the country needed to help take it forward. Take the social development forward.

Let's look how ineffective it is: Housing? Nothing happening except to follow through on one of the matters I left and they said that they are going to do some housing survey. I am not going to debate it because I don't believe that we should debate something when a motion is there to be debated. I don't think that we should go into it.

Social Services? The Minister (a nice person, a nice guy, very honourable man) is too busy with health and drug prevention and all its needs. When we put those matters together, when we put the Community Development Ministry together it was because we felt that education should be targeting education. We felt that health was a big enough subject to be dealt with and drug addiction and drug prevention and education was something that we needed to put all the effort on in the country, that's why they were given those special subjects. No problem with him. It's not his fault. He is just too busy with health and these other matters and all its needs.

Labour is in shambles. Sports? That's in shambles because the Minister (and I had to tell her this earlier today) is not a *national* minister—the Minister is a *constituency* minister. Good for her constituents! I hear she is doing all kind of things up there but is lacking in drive and purpose for the overall country.

Training was given to the Minister of Education who really doesn't support the necessary actions needed in these islands today least he loses what he feels his—

Hon. Truman Boddén: Mr. Speaker, I am objecting on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Hon. Truman Boddén: He is imputing improper motives to me and specifically saying that I do not intend to do the several he said there. That is untrue, it is a lie!

Mr. W. McKeeva Bush: Mr. Speaker, now I am going to rise on a point of order to that point of order.

The Speaker: Let me deal with the first one first.

You should not impute improper motives. If you assume that, that is your belief. But you should not be stating it as a fact. I ask that you withdraw it as a fact. If it is your belief or something else, it is different.

Mr. W. McKeeva Bush: Mr. Speaker, I *believe* that the Minister will not take the necessary actions for the reason I said.

Now, I said that because he has had that ministry or that part of it for how long now and nothing has been done.

POINT OF ORDER

Hon. Truman Boddén: Mr. Speaker, I object to that as well on a point of order. The [member] is misleading the House. Training has only come solely to my ministry within the last two months. That honourable member had half of it or a part of it for four or five years. What has he done with it?

Mr. W. McKeeva Bush: Mr. Speaker!

The Speaker: I do not want a cross-debate. That is really not the purpose. We are debating the Throne Speech. Let us show respect to the Throne Speech.

Mr. W. McKeeva Bush: Mr. Speaker, the Throne Speech is given so that we can debate the affairs of this territory and that is what I am doing.

The greatest need of this territory right now is training. And, yes, I had training for four years but if I was not [removed] from Executive Council they would have got it done. And I am not going to debate it because I have more latitude in the motion, but just to answer the minister this: He had it (or he should have had it as I understood) when they moved me out of Executive Council, it shifted responsibility and went to him. Now, Mr. Speaker, they have done nothing with it.

What did I do? I created a committee of nearly thirty persons across the board and we reported to the Executive Council. The Executive Council did not accept all the reports. They would not even allow me to publish the report. What Executive Council did was to allow me to put forward certain recommendations. But could I get anything done with those recommendations? *[Laughter]*

The Speaker: Let us please go back to the debate.

Mr. W. McKeeva Bush: I am in the debate! And I am not going to get into the merits of training or not training.

What I am dealing with is when they split up the ministry and how it has become ineffective. I have all the right to deal with that under the rules of the Standing Orders of the House and the Throne Speech. Don't you agree?

The Speaker: I am not arguing that, but I am asking that we use respect.

Mr. W. McKeeva Bush: Mr. Speaker, please. If you say that I am being disrespectful . . . to whom? Did I call anybody a liar? Who was called a liar?

Now, do you know what I am going to do? I am going to ask you to ask him to withdraw it. Right now, please.

The Speaker: Honourable Member for Education, he does have a point of order that was not an appropriate word, please withdraw that.

Hon. Truman Boddén: Well, I will withdraw it.

Mr. W. McKeeva Bush: Thank you.

Hon. Truman Boddén: However, I am entitled to say the statement he made was untrue and is still untrue, and I still say that.

[Laughter]

Mr. W. McKeeva Bush: Mr. Speaker, let's look at the argument. The argument is that training was given to the minister and that nothing has happened. Is that untrue? For the last eighteen or seventeen months he has had the responsibility. Am I right? Yes, I am right.

POINT OF ORDER

Hon. Truman Boddén: Mr. Speaker, that once again is untrue, untrue, untrue. When did I get it?

But why don't you ask me rather than getting up and—

[inaudible interjection]

Hon. Truman M. Boddén: On a point of order! He has imputed an improper motion.

[inaudible interjection]

Hon. Truman M. Boddén: That remains split the way it was when that honourable member was an Executive Council Member when he said nothing was done during his time. It only came fully to me in this last change over.

Mr. W. McKeeva Bush: Mr. Speaker, is he rising on a point of order or does he want an explanation?

Hon. Truman Boddén: Yes, imputing improper motives, sir.

Mr. W. McKeeva Bush: Mr. Speaker, please, I am not imputing any improper motive. I am saying that they split the ministry that he got training. Whether he got it in December 1997 or he got it in March of 1998, it is well over a year that he must have had training. I am saying that they do not have the purpose of conviction to do it unless they erode their traditional election base—the business community.

May I carry on, Mr. Speaker?

The Speaker: Please continue. Let's get out of the cross side.

Mr. W. McKeeva Bush: Thank you. Tell him to behave himself over there!

Mr. Speaker, one thing they are not going to be able to do is to convince anybody in this House or in the general public that I did not try to do something about labour and training in this House. And I am not going to debate it for the reasons I stated. I will have a lot of latitude when the motion comes up in the House. But I am not going to take blame for something when I know the amount of back-stabbing that went on and how they tried to cut my throat to stop training because they felt it was socialist. Ask them to produce their report!

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

POINT OF ORDER

Hon. Truman Bodden: On a point of order, the Honourable member is saying that we have been trying to cut his throat. That is imputing improper motives. It is totally untrue. With the amount of shouting that he is doing the public can see there is nothing wrong with his throat.

[Laughter]

The Speaker: Honourable member, please be careful with your words. I understand that you are a little bit heated, but—

Mr. W. McKeeva Bush: I thank the minister for that laughable interjection, but the matter of training is not laughable!

The Speaker: But the matter of cutting your throat, that is really not appropriate.

Mr. W. McKeeva Bush: Yes, Mr. Speaker. A rose by any other name is still a rose.

The Speaker: But I will just ask you to withdraw that little statement.

Mr. W. McKeeva Bush: To what? That they're trying to cut my throat? Mr. Speaker, a rose by any other name is just a rose.

The Speaker: I am not asking you about a rose, I am asking you about—

Mr. W. McKeeva Bush: Yes, they tried to cut my throat . . . but I will withdraw it.

The Speaker: Thank you. Please continue.

Mr. W. McKeeva Bush: So nothing has been happening with training. Even if it was split, nothing happened.

What happened to youth affairs? They shared it up. But as I said the road to Hell is paved with many good intentions, and it is not effective.

Mr. Speaker, if this is good government then Hell is Heaven!

Community Development is becoming meaningless. As much as they talk about shared ministerial initiatives, talk is cheap and the facades are only dressing. I have spent the better part of two decades as an elected representative in public service, in the trenches struggling to help the people. I have seen crisis and calamities, but at this particular time our situation is very, very frightening.

If we believe this is an exaggeration, consider the amount of broken homes, consider the amount of incest, consider the amount of teenage pregnancy, consider the amount of young people in prison, consider the amount of young women on drugs. As we hear day in and day out there are as many guns on the streets of Cayman as anywhere else. The amount of youth deaths due to violence of some kind or another . . . this sad, litany could go on and on.

Many Caymanians believe that we have lost our moral bearings. But far too many—a significant number—seem to feel these problems are someone else's fault or someone else's responsibility or both. The biggest failure of all is the failure to appreciate where our own best interests lie. In my opinion if we hope to regain our confidence, we need to move to a fundamental shift in the country's perception of what is good.

People must see that selfish interest is not the same as the importance of what is collectively good. Of course, there are many persons whose commitment is larger than them, and this is inspiring. People volunteering to help others one way or the other . . . and I have said that if we had to pay for the work of the Lions Club, the Female Lions and the Rotary Club, and all those persons doing voluntary work, we would never be able to pay for it. We are fortunate. But far too many are not concerned about doing it collectively, and far too many are not involved at all. That's one of the problems we have.

And from my standpoint, the importance of the collective good of the community is an insight that seems to elude the government. In spite of dangers we face—the loss of a generation of children, the growth of an underclass and wiping out of whatever middle class existed—it is happening day in and day out. Government must see this, they must see that tearing down the ministry charged with Community Development after fighting for 25 years to get one is a mistake.

But they are not going to see that for the simple reason that I was interrupted just now. They are not going to get one with those kind of reasons because they don't want to hear what is the truth.

[inaudible interjection]

Mr. W. McKeeva Bush: Yes, they can call me that if they like. He knows better but he is good at saying anything because he is a lawyer.

The Speaker: Excuse me. When you reach a point where we can take the afternoon break, we shall do so.

Mr. W. McKeeva Bush: In a minute. Thank you.

Mr. Speaker, what I am saying is that you cannot give people the subject of training and housing that have no will, no fight, no innovation to do the job. That is what I am saying.

The Speaker: We will suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:47 PM

PROCEEDINGS RESUMED AT 4:15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues. The First Elected Member for West Bay continuing.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

When we got to the break, I was saying that training is in shambles and the reason why is that it is where it shouldn't be. You can't give people training that have no will, no fight, no innovation to do the job, and that they had it long enough.

Hon. Truman Boddén: Mr. Speaker, on a point of order again. I put this point of order before.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Hon. Truman Boddén: He is saying I have no will, no whatever . . . and he must withdraw it. With all due respect, I believe that I am more competent to lead training in this country than that member will ever be. And let him please get off it.

The Speaker: Please Honourable Member, I ask you not to dwell on this anymore.

Mr. W. McKeeva Bush: Mr. Speaker, this is a subject and this is a Throne Speech. You know that the Throne Speech is wide enough for me to debate this issue. Now, he is tempting me to debate it, I am not going to debate it, sir. I am not going to go into the merits of it. Whereas I know I can under the Standing Orders, he is not going to tell me what I can debate from what I can't debate.

The Speaker: But I am telling you, you cannot make positive statements.

Mr. W. McKeeva Bush: Like what?

The Speaker: That he is not competent.

Mr. W. McKeeva Bush: Did I say that he was not competent? That is his interpretation, I never said that and as far as he being more competent than me . . . he should be, but is he getting the job done?

The Speaker: Anyway, I ask that you withdraw some statements.

Mr. W. McKeeva Bush: The government never spent any money on me to train me in London you know, or anywhere else. I wish I had that opportunity.

You are laughing? I am not laughing!

The Speaker: That's not the point we are discussing here at the present time. You must respect the honourable members. You must not impute wrong doings.

Mr. W. McKeeva Bush: Mr. Speaker, please, may I address you now?

The Speaker: Yes, please.

Mr. W. McKeeva Bush: What you are saying, sir, is leading people to believe that I have done something against him. I didn't do anything against Truman Boddén, the Minister of Education. I didn't!

I am saying that the matter of training must be given to people who have the will, who have the fight and the innovation to get the job done.

The Speaker: Did you initially say it must be given? Or did you say it had been given?

Mr. W. McKeeva Bush: I said, you can't give.... Do you want me to repeat it, sir? I can easily repeat the whole thing.

The Speaker: No, that is not necessary. What I am asking: Did you make a positive statement? I thought you had said that he did not.

Mr. W. McKeeva Bush: I said, You can't give people training who have no will, no fight, no innovation to do the job.

The Speaker: Well, that is saying that the person who now has responsibility for training does not have the will.

Mr. W. McKeeva Bush: Well, that's might be your interpretation. I didn't say that, but I mean it.

Now, if you want me to withdraw it under the rules, I will. But I *believe* today that they don't have the fight, they don't have the will and they are not doing the job to get training done in this country and people are suffering because of it!

Now, you tell me to withdraw it and I will withdraw it under the Standing Orders.

The Speaker: I ask that you withdraw it, please.

Mr. W. McKeever Bush: I withdraw it, sir.

Hon. Truman Bodden: Mr. Speaker, on a point of order where a member intentionally . . . are we now going to be in a position where we can intentionally get up and deliberately flout your rulings and make the statement on the basis that you just withdraw it and that's the end of it? If that's the case, you will get anarchy—

Mr. W. McKeever Bush: Mr. Speaker, is the minister on a point of order?

Hon. Truman Bodden: That is a point of order, sir, because that honourable member—

Mr. W. McKeever Bush: What is the point of order? I didn't hear any point of order, Mr. Speaker.

Hon. Truman Bodden: The point of order is that the Honourable Member told you he was going to deliberately break the rules of the House, he stood up, he broke it and then he said, "**I withdraw it.**"

Mr. W. McKeever Bush: Does the Member have a point of order? Please rule on that.

Hon. Truman Bodden: It is!

Mr. W. McKeever Bush: I have withdrawn it. You asked me to withdraw, I withdrew it.

The Speaker: Yes, okay, go ahead, please continue First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you very much, sir. Nothing hurts more than when they know they can't get the upper hand and when they know they are wrong. They will try to contradict me, but they know they are wrong. They know that training is in shambles.

Just leave him alone with his sense. I am glad his sense is his and not mine.

Mr. Speaker, at the widest centre of things, if this country wants to get better at moving forward they must recognise that we need one thing more than any other. We need a sense of national direction, we need a sense of national community, and we need to persuade the people that community is more than McKeever Bush, is more than nice sounding things we say every elected year.

I believe in being practical. And I am not afraid to try, but I can tell you one thing: You can get a lot further by appealing to people's practical self-interest—like their children—than by any other appeal. No matter how eloquent we may be we have to impress on people, government has to get its house in order and we must remind the people that community is much more than nice. It is *necessary* for the community to exist. Community development must exist.

We cannot hope to conquer the huge and sobering problems that stare us in the face, that are taking our children away from us day in and day out. The problems I mentioned are so big that we can't even comprehend some problems. Some problems this country created because we refused for thirty years at the minimum to insist on our common interest. Problems that will gobble up our future and some of them are left to be dealt with by people who don't care.

The uncoordinated personal initiatives of any minister, one, two or three too busy with their main subject of responsibility. That's what I am talking about. Let's us tell the people without a sense of national community that the country needs to be built. We will grow and continue to grow defenceless against politicians who offer wages (let's call it) instead of solutions, who seek to divide us one against the other for their momentary control and gain without a sense of national community.

Without a restoration of the powerful, the unwritten codes that taught us the difference between right and wrong, which prevented more lawlessness than the law ever did or could. Unless we have that and a restoration of it, we will be taken into a kind of society where nothing is left but decay, where government is taking care of the kids on the corner, your kids and mine.

We don't want that but that's where we will be headed. How will they do it? We cannot make it as a nation if we lose a generation of our children to drugs. We cannot make it as a nation if we lose a generation of our children to AIDS. We cannot make it, Mr. Minister of Education, if we lose a generation to inadequate education or training.

If they are not my children, they are your children! And one thing we cannot do is to survive without their talent, intelligence, and energy that we know our young people have. We cannot afford to build larger prisons, to jam our prisons and leave our Community College empty. That's what I am talking about, and they think that building the prison is the answer.

Mr. Speaker, for all that—

[inaudible interjection]

Mr. W. McKeever Bush: Oh? Do you like the coaching I am getting? Yes! You should think so too!

Mr. Speaker, let me repeat it since they are listening and have caught up with what we are saying. We cannot make it as a country if we lose a generation of our children to drugs, to AIDS, to inadequate education, inadequate training even if they are not your children or mine.

We cannot survive (and it bears repeating) without the talent and intelligence and energy of the people of this country. We cannot afford to jam our prisons and leave our Community College empty as is being done.

We can build all the nice homes we want and we can put nice gates and even dress up people like Swedish guards in front of them. We can build all the nice roads like all the money that the Minister of Tourism now has to do. We can buy all the nice cars to run on those roads. We can have all the Pedro Castle we want with all its inadequacies. We can have the biggest stock market

in the world. We can have the best monetary authority in the world. We can spend all the money we earn on tourism. These are things close to my heart.

Hear me now: We cannot make it if we fail to rescue those who have been left behind whom the government of the day is not reaching. Do you know what? They don't understand. And another thing, we will run out of places to hide. Then (and perhaps only then too sadly) we might understand what we might have not understood before—that no man is an island, no woman, no race, no country, no government.

For all the wealth that some have, for all the bad things they did, for all the opportunities they have taken away from others, you will not make it as individuals alone. You have to get back to that point where the community is foremost.

They have broken up the Ministry of Community Development. They have split it to where it is ineffective, so not even they knew what subject was where and so the matters were not addressed and so people suffer. And so who is hurt? The country suffers.

The Speaker: We have reached the hour of 4:30 p.m., I will entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman Boddien: Mr. Speaker, I move the adjournment of this Honourable House until 10 am tomorrow morning, sir.

The Speaker: The question is that this House do now adjourn until 10:00 am. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10:00 am tomorrow.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 12 MARCH 1999.

**EDITED
FRIDAY
12 MARCH 1999
10.26 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the honourable Minister responsible for Tourism, Commerce, Transport and Works, who will be arriving later this morning, from the Honourable Third Official Member who is overseas on official business, from the Fourth Elected Member for West Bay who is sick, and from the Third Elected Member for George Town who is overseas on a Commonwealth Parliamentary Association Seminar.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 11 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 11

No. 11: Mr. D Kurt Tibbetts asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources how many banks continue to participate in the Government Guaranteed Mortgage Scheme.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As the First Elected Member for George Town will be aware, Finance Committee recently approved the continuation of the Government Guaranteed Home Mortgage Scheme when it approved increasing Government's blanket guarantee limit. Finance Committee also approved the renewal of the agreements with CIBC Bank & Trust Co. (Cayman) Ltd, the Bank of Butterfield International (Cayman) Ltd. and British American.

Approval has also been given to the other category "A" banks to participate in the scheme once they have Executive Council's prior approval. However, as there are 30 category "A" banks, the ministry is presently working on bringing the scheme back on line with CIBC, Bank of Butterfield and British American before beginning to include the other banks.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state exactly what the procedure is since Finance Committee has given its approval from here on in before the banks can actually engage in lending under the scheme?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It would entail the banks having new agreements signed to put everything in place.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I notice that I also represent the district of Bodden Town, which is fine with me. It's a pity they haven't included the Brac. But anyway, in following up . . . and that was said in jest. Can the honourable minister say if the criteria used prior to this for individuals to be eligible under the scheme remain the same, or have there been changes regarding the eligibility of the applicants?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes. The definition of eligible borrower has been changed.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Is this simply because the amount has increased? Or is this based on experience with previous applicants?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is more or less based on the change which we are trying to put through plus trying to make sure that Caymanians have been defined properly and the eligibility (which has been changed) definitely shows that.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: If I am understanding the minister correctly, when he is addressing eligibility he has limited it to the status of the individual, whether it is truly a Caymanian or not. My question held a wider scope. Let me rephrase it so that it can be clear.

When I spoke about eligibility it included that, but not just that. What about the other criteria? My understanding is that the banks interview the prospective borrower and based on their criteria for eligibility they make the recommendation to government asking government to fill the gap with the guarantee. I am certain that there was some criteria that government used in either giving the application its blessing or refusing to issue the guarantee asked for. Has this changed since the new amount has been approved? Or is the way that government is dealing with it consistent with the way it dealt with it prior to this?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would say that it is consistent, but the agreement is something that is agreed between the banks and government.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: From the answer, it seems that this scheme was stopped. If so, why? He said, “. . .the Ministry is presently working on bringing the scheme back on line with CIBC, Bank of Butterfield and British American . . .” Was the scheme discontinued? If so, can the minister say why?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It was a couple of things. Of course, I mentioned the approval of Finance Committee, and it is my understanding that the agreement with CIBC was near its end as far as lending was concerned. So this too had to be extended. Taking this into consideration and getting this all renewed we may look at it as being stopped, while it was really not. It was more or less an extension.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether there is any variation in the interest rates among the various banks participating in this scheme? Or are all of the banks lending money at the same interest rate?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that the loan rates are supposed to be the same.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: If that is the case, can the honourable minister tell the House what the advantage is to the borrower with the variety of banks participating in the scheme?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would say that it would give government a wider area to do negotiations for the various people who are in need.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Following up on what I was dealing with in relation to the scheme, can the honourable minister state where it is right now? There are many anxious individuals who have been making appointments. Since that approval was given, while it says “recently” in the answer, . . . I guess that is relative. I am wondering what else has to be done before everything is in line and applications under the scheme can be accepted by the banks.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: There are ongoing discussions with the banks and we are hoping that in the very near future to start up something again. But it has taken some time, as I mentioned. First of all, it was only taken over by my ministry and then we have been going through all of the negotiations. But it is ongoing and hopefully it will be in the very near future. I cannot give a date.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Understanding what the minister just said, and taking for granted that there is a commitment that the process will be speeded up as best as possible given the circumstances and the due process which have to take place, let me say that I have seen literature on it. But can the honourable minister state if there is any clear message being sent to the public so that they are quite aware of the requirements when they make application? Or is it simply being left to the banks to interview the prospective clients and to weed through them to see who is eligible from who is not under the scheme?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As this has been an ongoing thing, recently there has been no publicity. But it seems as if we really don't need any because there are persons constantly enquiring about the scheme. Even if they go to the banks and are not satisfied they come back to the ministry and we are still happy to work along with them to see whatever can be worked out to the best interest of the person who is in need.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Again, understanding what the minister just said, the reason I asked the question was because I know that at some points in time the personnel in the banks get a bit frustrated because they have to go through the same procedure over and over again with individuals who sometimes make more than one appointment and it keeps reoccurring. Perhaps the minister could give some type of undertaking that, without going into any huge expense, some type of "paper" could be produced outlining the entire situation.

The truth is that as a representative it is only by trial and error that I got a pretty good grasp of exactly how this system works. So if there was some method by which it could be explained, because the minister said his staff does not have a problem explaining it and walking people through the motions, . . . the representatives would not have a problem if they were fully informed as to exactly how it works and what people can expect, and what they need to prepare themselves with in order to fulfill the requirements of the application. So perhaps an undertaking along those lines would assist with the entire scheme, and also the undertaking that as fast as it can be done it will be done, that is the arrangements with the banks so that they can proceed.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I give that undertaking, and I would also like to add that we do have some information on it and as soon as everything is streamlined we will definitely be willing to release that.

The Speaker: If there are no further supplementaries, the next question is number 12, standing in the name of the First Elected Member for George Town.

QUESTION 12

No. 12: Mr. D Kurt Tibbetts asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources to list all dredging applications which have received approval in principle and also those which are pending.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The following is a breakdown of all dredging applications which have either received approval in principle or are pending.

Approval in principle:

Heber Arch-	North Sound – 6 million cubic yards
Equipment Ltd	North Sound — 1.9 million yards
Mike Simmons-	North Sound — 122,000 cubic yards

Pending other than above:

L E Bell Constrution	122,000 cubic yards for channel at Heron Harbour
Caymarl Ltd	1 million cubic yards from the North Sound
Moxam Industries Ltd	2.12 million cubic yards from the North Sound
Selkirk Watler Jr	24,715 cubic yards at Red Bay North Sound

SUPPLEMENTARIES

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Bearing in mind the Throne Speech of 1996 (or 1997) that famous statement made by the Governor where Mike Simmons' North Sound application was included when he said there would be no more dredging in the North Sound (and I am not quoting verbatim), except the continuing application that Caymarl had to complete the approval there, and also the 122,000 cubic yards for Mike Simmons, the way this answer is given, the 122,000 cubic yards by Mike Simmons is included with two other applications which are approved in principle. Can the honourable minister state how this will be handled?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Although approval in principle is given here for the ones I have listed, it was subject to the environmental impact study which is being carried out. So the statement was made by His Excellency the Governor in the Throne Speech, and as soon as that is carried out, I would take it for granted that it would go back to Executive Council and these would be approved fully.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say whether or not the ones approved in principle had any requirements like the requirements for the environmental study?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes, I would think that was attached to those.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: At what stage are the ones pending?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As is normal when such applications come to my ministry, they are passed on to Executive Council for a ruling prior to any further decision being

taken. The ones in question here have been submitted to Executive Council where they are at present.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Bearing in mind the minister's reply to my supplementary question, and going back to what the Governor said in one of his previous Throne Speeches, is it fair for us to assume that since Mike Simmons' application was singled out along with Caymarl, it will follow that once the conditions for his approval are met that Executive Council will then approve his application as a separate application from all others, which, based on a Private Member's Motion that was unanimously accepted regarding dredging in the North Sound, all of the other applications have to be brought to the Legislative Assembly to be debated and decided upon?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would suspect that once this study is carried out and is favourable (I cannot see the one that the First Elected Member for George Town just mentioned, Mr. Simmons, having any difficulties) it should be approved.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Just so that we can hear it clearly, Mr. Speaker. If there should be no hiccoughs and the conditions are met, an approval should be given by Executive Council and that is the end of the story. That one will not have to come to the Legislative Assembly. Is that what the minister is saying?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: This has been approved in principle, and that is why I said what I did. As far as I am concerned, it has been approved in principle. And once the other criteria is met I can't see anything to turn it back. It should be approved.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: The minister's answer is not in line with my understanding of his previous answers. The Governor mentioned Mike Simmons and Caymarl. Caymarl has now completed its dredging of the amount of fill that it was allowed to dredge from the North Sound. So that license no longer exists. It is completed.

The Governor mentioned Mike Simmons along with Caymarl. He did not mention the other two approvals in principle outlined in the answer. The way the minister has answered says to me that either one or all three of these, once the conditions are met, will be approved by Executive Council and that will be the end of the story.

The motion that was approved was based on the Governor's statement in his Throne Speech. So our un-

derstanding would be that the only exception to any application which would not have to come to the Legislative Assembly would be Mike Simmons' application. Is the minister now saying that the application for Heber Arch and Equipment Ltd. will not have to come to the Legislative Assembly once the conditions of the approval in principle are met?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Throne Speech mentioned Mr. Mike Simmons, and that is what I thought we were discussing. So, definitely the member is correct—it is only Mike Simmons we are talking about.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Again, just for clarity, and I understand what the minister just said . . . in the answer to a previous supplementary question the minister mentioned "these applications." That is why I just asked the question to clarify the situation.

Let me put it another way. The application which has approval in principle for Heber Arch for 6 million cubic yards, and the application for Equipment Ltd. for 1.9 million cubic yards, . . . Can the honourable minister say if upon final approval by Executive Council those two applications will have to come to the Legislative Assembly to receive final and absolute, total approval?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The member is correct. They would have to come here.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: I thank the minister for his answer which clarifies the situation. Now, another supplementary I want to get cleared up is procedures for these applications. We had gotten to the point where you can get approval in principle and then once you meet those conditions it goes back to Executive Council for final approval. Can the honourable minister state exactly what the situation is that presently obtains in regard to Executive Council giving final approval to these applications and them having to come to the Legislative Assembly? It is my understanding that there is some question in the air regarding whether Executive Council's final approval is indeed a final approval, or if it indeed has to come back to the Legislative Assembly as is required by the motion approved regarding dredging applications in the North Sound. I think it's a Constitutional question.

I am trying to determine (and I will put it very bluntly) if the situation is one where legally if Executive Council gives final approval for any one of these applications that can be the end of the story and it gives the applicants permission to go ahead with dredging. Or, is it Executive Council's position that based on the approval of the Pri-

vate Member's Motion these applications do have to come back to the Legislative Assembly?

And before the minister answers, while I suspect what his answer is going to be, I would like for Council's position to be made crystal clear regarding the anomaly that seems to exist with the two approvals. That is something that has never been cleared up.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As to the first part of the question, it will definitely come back here. And on the latter part, we are seeking legal advice from the Legal Department on that. I wouldn't want to comment on that prior to having that information. But once we have it I will be happy to share that with the member.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: I appreciate what the minister has said, and I understand what he has said thus far. But his answer raises one further question. If Council is seeking legal advice on this matter, how can the minister say that these approvals by Executive Council will still have to come to the Legislative Assembly? It is obvious that the situation is not clear.

I am not trying to confuse the issue, I am just trying to really make it clear. The minister is saying that it will come to the Legislative Assembly, these applications, after Executive Council has approved them; but he is also saying that Executive Council is seeking legal advice as to who really has the authority—Council or the Legislative Assembly. I want to find out exactly.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The member is correct. That is the way that I understand it, subject to hearing something from the Legal Department. That's why I said as soon as we have a legal opinion on it I would be happy to share that with the member.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if Council is presently of the opinion that the Legislative Assembly does not have the authority to make the final decision regarding dredging? Is that Council's present position?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I may be stepping out of my bounds to answer that question as it deals directly with Council. I don't have any decision from Executive Council and I am not going to commit myself.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: When we can't answer questions that are at the heart of the substantive question it creates difficulties because if Council is under the opinion that perhaps the Private Member's Motion should not entitle the Legislative Assembly to make the final decision, I think it will influence this approval in principle situation. Since the Private Member's Motion was brought quite a while ago I think the Council should be in a position to at least say whether or not it is satisfied that the Legislative Assembly has the authority—

The Speaker: Could you bring that to a question, please?

Dr. Frank McField: Excuse me?

The Speaker: Can you bring that to a question? This is Question Time.

Dr. Frank McField: I know it's Question Time, Mr. Speaker, Thank you very much. The difficulty here is because of the fact that the minister is not directly answering the question. The question is, What is the government's present position regarding that Private Member's Motion? Has the government accepted the authority of the Legislative Assembly to make the final decision regarding dredging or is the government still seeking advice?

The Speaker: I think that was very clearly answered by the honourable minister. They are seeking advice.
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House why, after voting to approve the motion brought by the Legislative Assembly, Executive Council decided to seek legal advice as to the legality of a position they had previously supported and approved?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I don't want to get into that part of it, but it is my understanding that it's the process that has been followed, and it's a legal process and that is what I want to do as long as I am in the ministry.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House if this is a common procedure with motions brought by the backbench if Executive Council also seeks legal advice as to the legality of it when they have given approval? Or is this just an exception?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I cant answer for the government. That is completely separate and apart from the question on the Order Paper.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: As I understand it—

The Speaker: May I interrupt you for just a minute? Before we go on, I would entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

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

Mr. W McKeeva Bush: Mr. Speaker, I so move.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you, I beg to second.

The Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: In the Governor's Throne Speech, he mentioned two approvals. Now, one of those approvals has dredged and completed. The other one has not been able to start because government has not given the requisite go ahead. Am I right in saying that the one that got the dredging started and completed followed the conditions laid down and the next one that has not been able to start has not been able to follow the conditions?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: If I recall, the one in question, Caymarl, did come to the Legislative Assembly and that is what I said, that they will all come to the Legislative Assembly.

The Speaker: The First Elected Member for George Town, and there will be two additional supplementaries after this.

Mr. D Kurt Tibbetts: Mr. Speaker, I respect your ruling at all times, but I think this is not only a sensitive issue, but one that the public wishes to understand. I would crave your indulgence, sir, if at all possible, you could find it in your heart that if we exceed two more, . . . so

that we may clear the air. I will start with one of them now, sir. Thank you.

Just to follow up what the First Elected Member for West Bay has asked, what would clear the situation up for that specific application . . . The application for Mike Simmons has received approval in principle. I think that is clearly understood. Can the honourable minister state exactly why final approval has not been granted for that one based on what the Governor said in 1996?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that it is subject to the environmental study being carried out.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: So we are understanding that there is an environmental impact study which is required for that application to be approved once that study supports the application, and government has not received that yet, and that's why that one is pending. Fine.

Another question I have is based on what the minister has said on previous occasions. Terms of reference have been drawn up by the relevant department. If my memory serves me right these terms of reference were passed on to Council for approval. At some subsequent date in the future (hopefully not too long from now) an environmental impact study which encompasses that and other things regarding needs for fill for the construction industry will be undertaken. Hopefully that study will be done, or at least commenced before the first half of this year is completed.

Based on the fact that government has recognised the need for this study, what is Executive Council's position then with these other applications including the other two pending? If it is accepted that a study is needed, there is approval in principle for nearly 8 million cubic yards (roughly) and there are pending applications for another 3.5 million cubic yards of fill to be dredged from the North Sound. Is it that Executive Council is taking the position that these applications will have to remain in the state they are in now until the findings of this study are complete?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would say that's correct.

Mr. D Kurt Tibbetts: So, for purposes of clarity, the minister has just stated that these applications will not be entertained for final approval until government has the advantage of the findings of this study?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would think that the member is correct; it would have to be subject to the study before a sensible decision would be taken.

Mr. D Kurt Tibbetts: Mr. Speaker, the very last one, I Promise.

Based on what the minister has just said, and on what has been said before, can the honourable minister then state clearly that the one exception to what he has said is the Mike Simmons' application? And that once that application fulfills the conditions outlined in the approval in principle, that Executive Council will then take it on its own to make a decision on that application based on what the Governor said—which I am sure was on Executive Council's advice—and that the remainder will be set into the other mode?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would say the member is correct, that Mike Simmons' application is different and the decision will be taken, as I pointed out earlier, subject to whatever legal advice is given.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

OBITUARY

Mr. Levi Walton

The Speaker: Since taking the Chair this morning, I have received the sad news that the uncle of the Acting Third Official Member passed away this morning, namely, Levi Walton, a friend of all of ours in Cayman Brac. On behalf of all members I wish to offer condolences to Mr. Walton and all the family.

Moving on to item 4 on today's Order Paper. Government Business. Continuation of the debate on the throne speech delivered by His Excellency Mr John Owen, CMG., MBE, Governor of the Cayman Islands, on Friday, 19th February, 1999. The First Elected Member for West Bay, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY GOVERNOR ON FRIDAY, 19TH FEBRUARY, 1999

(Continuation of debate thereon)

Mr. W McKeeva Bush: When the House adjourned yesterday, I was dealing with the decline in national life and its effect on the country. Let me repeat what I said.

All of us in this House have a duty to lead lives that uplift and inspire the confidence of the people we serve and all the institutions in the country also have the same duty. I also said that community development should be the mechanism used to build the community. But with all the so-called joint ministerial initiatives, nothing substantial is being effected. Each minister is taken up with his or her main area of responsibility.

I said that training was in shambles and that there was no drive by the government and the ministers with responsibility for it. This matter of training, . . . and I should say, sir, that I had a chance to go through some of the assignments of ministers and members of Executive Council for certain business of the government and certain departments of government. In December of 1997 the minister of education still had technical and vocational training.

I was blamed for a lot of things when I was a member of the National Team, and a minister of Executive Council. It is time to stop using McKeeva Bush as a scapegoat. It is time to get on with the job. Training is important! From then until now substantial efforts should have been made in that direction. I know that everybody is busy. That's not the point. They point is that they are charged with the responsibility of doing something about the deficit in training. I am saying that the social deficit is widening in the country. And the lack of training is one of the causes.

If I had not been called a liar yesterday, I would not be taking the time this morning to clear some of this up. But it must be done because it is time to stop using McKeeva Bush as a scapegoat. It is time for those who have the responsibility to stand up and say *'I have the responsibility. I am sorry. I was not able to get to it. This is my intention. This is my plan. This is where we are headed. This is what needs to be done. This is what we have found out.'*

For years concerns have been expressed about the absence of consistent training programmes and policies and career development for willing and able Caymanians. This complaint has gotten nowhere except for those attempts I made starting in 1994 when we set up the Manpower Development Advisory Committee.

And let me just say that the committee was accepted and approved by Executive Council. The committee's report of June 1995 was tabled in the House in July of 1995. I made a lot of effort to try and get something done on the subject of workplace training and career development. We put out the Cayman Training Initiative. That made some gains, but not as much as I had hoped. Several young people took up the challenge and entered the Community College to do the training initiative.

There has to be willingness. There has to be a shared responsibility to see that equal opportunity is afforded to Caymanians in the workplace. Caymanians have the ability and the desire to advance in education as well as in their careers. It's not something that will be done overnight. It takes two or four years to get a university degree. But, by God, there should be more effort made. If there was an effort made, and I know there is some, but if there were enough efforts made in this direc-

tion there would not be the grumbling and complaints from intelligent young people who have gone to the United States, to Canada, to the regional universities who have come back and are trying to move up the ladder of succession. Because some people stymie them, they do not get ahead. This is what government has to address. It is simple.

They don't need to call anyone from anywhere to tell them this because we see this day by day. We hear it from the young, intelligent Caymanians. We cannot afford to lose the goodwill of these people. We often cry down other regions and say look at the problems they are in. We should use that as an example because many times intelligent people cause problems because they are pushed into a corner. We don't want that. We want to utilise the goodwill of the young people.

I am not crying down any particular minister. I know how hard it is. But there has to be willingness, there has to be a drive; there has to be innovation. If they say that I did any good in Executive Council then they must agree that I made every effort to try to get training and labour matters on a plane where people could be helped.

The objective of a proper vocational or technical training system must include recognised and certified qualifications that are suited to Cayman's employment and provide value to all parties concerned. It should allow the acquisition of needed skills for upward mobility on the job, as well as allowing further study leading to the highest level of professional achievement.

There should be recognition and reward for resulting qualifications. There should be incentives and a partnership fostered among all participants. I am not saying something new. I said this while I was in Executive Council. That was the road I was on. The plan was left there in 1997.

Why try to blame me, saying "McKeeva's an idiot. He didn't do anything"? If I was the fool the Minister for Education says I am, then why in the world were these things tabled in this House? Why in the world did I go out from district to district in this country trying to get training opportunities for Caymanians, if I did not do my job as well as he did his?

I take offence. I had to listen last night after the meeting with the police in the town hall. I had to listen, and I said here's a man who professed to be my friend. But he stands in the House and says that I am an idiot because I am not as good as he is.

I am sorry to say that these kinds of people cannot have the wellness of the Caymanian at heart if they can honestly say that in this House.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, on a point of order. I didn't call the honourable member an idiot. I don't remember that.

Mr. Roy Bodden: Ugh!

Mr. W McKeeva Bush: Mr. Speaker, let's forget about it. I have learned to take my blows ever since I was 13

and had to work for myself. I have been pushed into many corners, and have been trampled on many times. I seek no sympathy this morning. I take my licks.

When I do something wrong I own up that I did something wrong. But, by God, when I do something right say that I have done something right! And if you had the responsibility to take up the mantle, then take it up and follow on in the right path.

The Speaker: But the point of order is that you are now saying that he said you were an idiot? I do not recall him using those words.

Mr. W McKeeva Bush: Mr. Speaker, what is a fool? An idiot or a fool? Let's forget about it please.

The Speaker: They are two different things.

Mr. W McKeeva Bush: Let's forget about it, Mr. Speaker.

The Speaker: Would you just withdraw that you said that?

Mr. W McKeeva Bush: That I said what, Mr. Speaker? Please?

The Speaker: That you were an idiot.

Mr. W McKeeva Bush: You want me to withdraw that? You are not prepared to let it go, Mr. Speaker?

The Speaker: Okay, continue.

Mr. W McKeeva Bush: Because we can go now and stop the House and get the *Hansard*. Thank you.

The Speaker: I know my power, and I know my responsibility.

Mr. W McKeeva Bush: I know mine too, Mr. Speaker, with all due respect. I know the Standing Orders of this House after 16 years.

The Speaker: I would add that I didn't come here yesterday either.

Mr. W McKeeva Bush: Sorry?

The Speaker: I said that I would add that yesterday was not my first day here.

Mr. W McKeeva Bush: Neither was it mine. Thank you, Mr. Speaker.

As I said, I am prepared to forget it because we need to work hand in hand, with hearts together, to get some of the things done that are needed to be done in this country.

People in the workplace are very much dissatisfied because there is no upward mobility. They feel that they are stymied in their jobs. While there are a lot of compa-

nies that do in-house training, there are reasons why certain people are pushed into corners and are not able to move up the ladder. That is one of the things seriously needed. And you are not going to get it until it is put down in regulations, until it is put down where people must do these kinds of things where immigration says they must do it. And where there is constant follow up to see that it is done.

I am not talking about foreigner against Caymanian. Let nobody start that. I maintain that when somebody comes here and lives here for 25 years, if they don't have some knowledge and a kind heart toward Caymanians who need help, then I don't know what kind of charity we would have in our hearts. I am talking about everybody!

Project Prepare, the programme that deals with ex-prisoners, is something that I announced in April of 1997. We had begun the work before that, but that's when we began its implementation (in 1997) for the reintegration of ex-offenders into job placement. This takes the joint partnership of the government and the private sector. We are losing our people too fast. Jails are filled and the Community College is not full enough.

The Community College is a good arm. I am not saying the minister has not done something with it, because he has. Credit must be given where credit is due. One thing that is needed is more marketing and the re-education of Caymanians of what is available and what they can do—an all-out hard-nosed effort on radio, television, town halls, everything that can be used to educate the public as to what can be done.

The college is a complement to the country. It needs to grow further, of course (and it will talk about that later), but it needs to be marketed properly (and I believe the minister recognises that) so that our people can grasp what they can get out of it. And then government must move ahead to put things in place where even if they are working they have the opportunity to go.

Mr. Speaker, I can give a good account of my stewardship on Executive Council. I would not really have taken back the subject this morning if I had not been pounced upon yesterday saying I had not done anything because I had no sense.

I said yesterday that all the signs point to the social deterioration that is taking place. It didn't start with this government in 1992, but we were given a mandate to change that direction and take the lead. Nowhere is this more evident than in the schools. Not with the majority of children because the majority are good children. But something has to be wrong in society when we see so many children on the streets in the daytime when they should be at school.

What are parents doing about it? Where is the truancy officer? What are they doing about it? Is there a truancy officer?

You go through the districts and you can see these children all over the place. These are children of school age. Lack of discipline is rife. People ask what the police are doing. We need, as a society to examine ourselves and ask what is happening in our homes. What is it that we are doing wrong? Where have we gone wrong? What

more can we as parents do? It takes a joint effort between community, meaning everybody—the home, the government, those employers, everybody has a duty.

Some people have the notion that they can't chastise their children lest they be prosecuted. We should say to them that that is not true. You can chastise your child without police interference. You can't brutalise, but you can discipline properly. All of us who are parents know that punishment can come in many different ways: Stop outings for a weekend; take away movie privileges; stop television watching.

Discipline can be meted out without brutalising. There is no law that says a parent cannot chastise his ten year old, or even his fourteen year old for that matter. As long as they are in your home at that age, they are your responsibility.

Too often we hear '*I can't do anything about my ten year old.*' Do you mean to tell me that you have a child ten years old and you can't do something with him, that that child can ruin your life, that he can do as he pleases? If the child has some deficit, then the child should have some evaluation. Maybe the teachers in school will see it, if the parent doesn't pick that up. But no way in the world should a parent allow their ten-year-old to rule them.

I say again that we in this House must say to our people that it is not true that your child cannot be chastised without police interference. That's not true. But the lack of discipline continues in the schools and on the streets.

Sometime ago I made a call for a task force to deal with it. I don't know if anything happened, but I believe that that task force needs to be put in place. I said then, as I say now, that it should be made up of government, it should be made up of people on the street, pastors, social workers, community development officers, people in this House with degrees who can deal with it, if that's what they want. Mr. Speaker, there is sufficient goodwill existing to create this task force to deal with this lack of discipline. And if we don't deal with it, it's going to deal with us.

Nowhere is the social deterioration more evident than with the shooting up of the Courthouse, the halls of justice. While Nero fiddled, Rome burned.

We can speculate as to what the cause is all we want. But I do trust that if it was caused by a sentence meted out by the court or an effort to scare before sentencing, that the honourable court will not be deterred. This is no joke. No time for laying blame on anybody. Although we can say that any government that fails to address it now—nip it in the bud now, today, by bold action against criminals—is not fit to govern.

Last night at the police meeting in my district . . . and I don't want to refer to anybody in a disparaging way—and I won't—but there was a former candidate, Mr. Bothwell, who made a statement about putting first-time offenders under house arrest. That might sound all well and good. The one thing I could not agree with is that you can't put first-time sellers of dope under house arrest. I would never . . . and I said that to him then, and I say it to the House so the whole world can hear it: I

would never agree to putting a first-time dope peddler on the street.

What about under house arrest? For what? So that they can utilise the telephone and make their deals?

Our children are the ones at risk. Let us beware of this so-to-seem kind-hearted plan. Sellers sell one rock to a child, one ganja stick, and he is damned for life. It could be your child. It could be my child. It could be any member of our family. We need to take action, and these kinds of plans take root and catch on and there is a push from the community for this type of thing. The only thing I don't believe that the community will accept is where a seller of dope, just because he got caught for the first time, would be put under house arrest.

There are ways of community service for lesser offences. There are many things we could be doing with the people at Northward. And I keep saying it is too full. I know that they do a lot. But if we do not take stock, if we don't take hard, positive action we are going to be driven into the ground. We are going to be put behind bars in our own homes. We are not going to have the good Caymanian porches like we have now. We are going to have bars.

And we say it happens somewhere else. It can happen here! And the signs are there and any government with a social conscience needs to do something now.

This is no time to be about getting back at McKeeva Bush, or getting back at John Jefferson, or anybody else on the backbench; or us getting back at the ministers. We are faced with the problems we have now, which we have been not been able to address sufficiently, and we need to put heart and hands together to deal with it. Education and hard decisions are what are needed, not house arrest for first time sellers of dope.

We must take action lest we lose our children, lose our islands. We must be serious when we see shooting up of the halls of justice. This is a warning to us, telling us what can be done. And we should watch out that it is not an effort to intimidate. That's what we have to be careful with. We have to talk to any bad element we know or suspect. We must deal with it as representatives. We must be willing to talk to them. We must be willing to go in the highways and byways and deal with it. We must be willing to educate ourselves because as long as we are divided in this House, we are going to suffer. Some may be able to run and hide, but not all of us.

We can't live in closed gate communities. We don't have that kind of wherewithal. I do recall when I was the minister responsible for youth that I made mention of a curfew and I almost got tore up over it. But I am still convinced that some kind of curfew should exist. This is a personal feeling. When you go out at 8.00 at night, don't tell me that a parent should not know where his ten year old, or even his 15 year old . . . and Mr. Speaker, I have a 22 year old. You can believe that I try very hard to know where he is at all times. And if I don't know you can believe that I chastise him for that, although he stands six feet three inches.

There has to be more parental responsibility. But at times, government has to put in place the mechanism to

force things to happen. Sometimes we say we are going to put everything in place, and we see a slackening off and things beginning to get a little bit better. But you have to keep an eye on it. One good example of that is the "sessions."

I remember when we had so much trouble with the sessions. We put out a task force and they started to do things and there was a waning. As soon as that slacked up, it began again.

I also called for a Cadet Corp some time ago. I believe with the right effort it can be done. I don't know where we are going to put it. At that time my senior assistant secretary, the Deputy Commissioner of Police, and I looked at the makeup of the Cadet Corp under the Bermuda Defence Force. I was overjoyed, to say the least, to see the how the young people were dealt with.

And this can be an avenue for many things, for national assistance in the time of national disaster. It can be used to build respect. It can be used for discipline. Get some of those hard-nosed boys out there up at four o'clock in the morning for a run on the beach. Discipline by a shouting Serjeant-at-Arms . . . I mean Sargent, sorry Mr. Speaker!

National assistance community service. Paint the town halls. Do you know how that can save money, Mr. Speaker? Even help with the schoolyards. They could be helping the elderly as the Third Elected Member for Bodden Town said.

It's not a Coastguard, although there could be an arm of that. But that's not what I am talking about. I hope to be part of a government that gets one because I believe that that is the sort of thing that can create the discipline that makes the Cayman Islands the country we all want and desire. Put it in place! I know there will be some hollering and squealing about it.

There's a lot to be determined before we do that. We have to determine the age factor, where it's headed, from high school or where. But even for some of the lesser offences where people get before the courts, they could be sentenced to the Cadet Corp and used there.

My district needs at least two more officers. We have two officers on the beat on bicycles and they are doing a fantastic job. But hear the beat now! (I got that phrase from the First Elected Member for George Town!) That's a 1970s saying. Those officers are doing a good job. But let's say that one of them is at Northwest Point and the other is in Botabano, and something happens in central West Bay. They can't be everywhere at once. But we do need more officers.

We can spend all the money we want, all that we don't even have, we can go into all kinds of deficit to do these things, but we would never stop the line up of people who import and peddle drugs in the country. We need to educate. And it is starting. I am not knocking government. It is starting.

One thing I am concerned about is the vast increase in the people caught on drugs. I would wager a bet that when we get the next report we are going to see a dramatic increase in new people caught on drugs.

The Speaker: Would this be a convenient time to take the morning break? We shall suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.48 AM

PROCEEDINGS RESUMED AT 12.33 PM

The Speaker: Proceedings are resumed. The First Elected Member for West Bay, continuing.

Mr. W McKeeva Bush: Mr. Speaker, we had a long break, and the government bench is shy again.

With the increase of drug abuse comes a high increase of burglary. It is more important for government to try to stem the tide. We could be callous and say if they hurt themselves, they hurt themselves. But when it affects the community in the way that it is, then we have to sit up and take notice. We wait to see what the statistics will say, but I believe they will only be bad. But we will wait to see when the document is tabled.

In my district, and on a national basis, the community development officer was a good initiative. It was money well spent. The one in my district, Miss Powery is doing a fantastic job. Community development is something that keeps the community together. It utilises the community as a striking force against the negative impacts on that community. The work that she does ranges from one extreme to the next. It's only one person. I would hope that we won't need to see two although we now have over 7,000 people. But she is doing a good job and I want to publicly congratulate her on the work she is accomplishing.

Tackling the negative fallout of vibrant economies is not an easy task. But it is something that government should be committed to. Programmes should always be in place to assist young people rather than turning them off. I remember the programme Spotlight, which gave young people the opportunity to voice their feelings on a national level. It was effective.

We saw some absence of it for a year or so. And I understand there was some quarrelling over the amounts paid to the television station. I don't think it should have stopped, but I know what happens in Executive Council and we just can't blame one minister. I can blame all of them, but I can't blame one! But I sympathise with the minister and I appreciate her effort to get Spotlight back on line by some funds being in the budget. And I hope it will continue.

Anything that can be done to keep young people busy and for them to vent their frustrations, I think is good. If not, then perhaps it won't be the Courthouse next time, it will be the Glasshouse or the Legislative Assembly! You never know. We need to continue to do the positive things. I know that two young people had an interview with the Fourth Elected Member for George Town on his programme. I didn't get to watch it, but I heard it was excellent. I heard how well they acquitted themselves. But we need to continue to do these things to give them an avenue to vent their frustrations, to talk about their accomplishments or even their failures. We

have intelligent young people and we have to continue in that vein.

I have great support for the National Drug Council. And I offer it my support. I appreciate the district drug councils because I feel that having the councils in the districts where people who are affected can get counselling or advice and support for their problems is the right way to go. But I am perturbed that it will take over the efforts of CoDACs. I hope not, but it seems that way.

In 1993 when I was given the subject of Health and Human Services, Vicky Moss-Solomon (the person responsible for CASA at the time) and I went to Aruba. When we came back from that workshop we developed the accepted United Nations Community Development Action Committees, or CoDACs, which had as its principle the promotion of a greater sense of community spirit and the empowerment necessary to address issues of concern unique to each district.

I see that the National Drug Council in its district councils is intending to do the same thing. I feel that if government sees the need to put in place a district arm of the National Drug Council, which I support, then it should be used as a striking force against the scourge of drugs.

Community Development should be left to the CoDACs if they are going to split them. But I have to warn them that this may be duplication of efforts. The district drug councils go on to say that the plans and programmes developed and implemented by these district councils should serve to strengthen the family unit and encourage more participation in community events. That's what the CoDACs are all about.

We have to be careful. We know there are only so many people to be involved. We are trying to continue to get CoDACs off on the right footing. I would trust that it is not going to be a duplication of efforts. But, with what I read in the letter from the National Drug Council, and knowing what the CoDACs do—which is all the same thing—I can't see how it is not going to be a duplication of efforts.

Drug Councils are needed. It is something that is really needed in the communities. I hope that the National Drug Council, since it is now a statutory body, will not overshadow CASA and cause it to wither away and die. CASA has been doing an excellent job. At times we may feel it is not effective, but much of the spirit and push to get things done came from CASA. I believe that we have to be careful that the National Drug Council does not erode the good done by CASA. We have to be very careful.

I want to congratulate both of them on their initiatives. And offer my continued support. When I can get to anything they have, I do so. But it's not always that we can be everywhere when there are so many things going on. That is why we have to be careful with duplication of efforts.

That's one of the problems we face in our community. We are small. A little group will start something and we get it off on a good footing, and it becomes even attractive nationally. But then something else starts, and someone says *'I can't work with that group so I'm going*

to that group.' Mind you, Mr. Speaker, every little bit helps, but we can become powerless and ineffective because we are so split up. That's what I mean when I say national community and the community development.

I hope that the National Drug Council will not remove the need for the CoDACs. But as far as I can see, they have the same terms of reference, if that's what I can call it. I will do whatever I can to assist the improvement of our communities and hope that both can be effective.

I want to deal with the Water Authority. I would have hoped that the minister would come in and listen.

I don't know if you want to take the lunch break, Mr. Speaker. I know we just got back, but . . .

The Speaker: I am in the hands of the House. If that's the wish, we shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.48 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on the Throne Speech continues. The First Elected Member for West Bay, continuing.

Mr. W McKeever Bush: When we took the luncheon break I was dealing with the National Drug Council and its effort to establish district councils. I would like to move to the statutory authorities. But before doing that, I would like to suggest to the minister responsible (the Minister of Health) that perhaps the district councils could channel their community work through the CoDACs rather than duplicating efforts. Perhaps the minister would take this on board. I did discuss it before starting back. Maybe he can suggest this to the organising body.

The Water Authority is a very important body in this country. In fact, all the statutory authorities are. It seems, Mr. Speaker, . . . and I am sorry that the minister is not here in the Chamber, but I hope that he is in the building. This is not personal attack on the minister, Mr. Speaker, I want to make that clear, but I think what I am saying is practical and something needs to be done.

I don't think any minister can deal with it, in spite of moving me (as chairman) off the board, removing two of the members who were trying to make a contribution and replacing them with the Minister for Education—who really can't attend the meetings because he is too busy with his own problems. Let me ring a kind warning bell about the Water Authority. The present pace it is on will not do it any good.

Hon. Truman M. Boddin: Mr. Speaker, I would like to take a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Boddin: The member has said that I don't attend meetings because I am too busy with my business?

Mr. W McKeever Bush: No, sir! No, no, no. I didn't say that.

Hon. Truman M. Boddin: I withdraw it, sir.

Mr. W McKeever Bush: I didn't say that. With your own ministerial problems.

Hon. Truman M. Boddin: I would just like to say, sir, rather than call it a ministerial problem, it's an Legislative Assembly problem. The two Water Authority meetings and some of the other meetings . . . we were here when they were held. And up to yesterday I had a problem with being here while the Civil Aviation Authority was to be held.

Mr. W McKeever Bush: Mr. Speaker, as I said, I don't think that every time we get up here and talk about the problems facing us that government needs to get all vexed and heated up and try to claim that someone is trying to attack them personally. I made it absolutely clear that I am not attacking the minister personally. And the minister has no right to say that I am. He knows that I don't.

They can get as heated up as they like, but we want solutions to the problems we are facing. We want solutions. The present pace that the Water Authority is on will not do it any good. And I am talking about the inaction of those in charge.

While I was there as chairman and as minister responsible we had our problems—problems that I tackled and was not afraid to tackle, which I got criticised for, things that needed to be done. Sometimes mistakes were made, but the only person who doesn't make mistakes is the person who doesn't do anything. And you cannot see something that needs to be done and be afraid to take action because you are going to be criticised. You have to deal with the problems. You have to find solutions. When you put yourself in the position of chairman of an authority you have to take a position of leadership.

I did not allow the government to drain the last cent from the Water Authority, as is being done now, and as is being done with other authorities. Yes, the authorities can give government some money—if they have it. But it cannot give government, it must not give government the money it has for its projects—which government approved—or it will have to borrow more money. I amalgamated the bad loans and saved the authority and these islands millions of dollars. But if we had left it, it would have grown into millions. It had lost over \$450,000 through the exchange basket of currencies.

Now, if they continue taking out every last cent, the authorities will have to borrow money to do the things that are needed. Instead of government recognising all of its needs then, it goes and takes from the authority. But that is a liability too for government, one that we recog-

nise and if it fails in any way shape or form they will have to pay—“they,” meaning the country—meaning us!

What is so bad about what they are doing to the authorities is that while government can have some funds they must leave reserve funds in the authorities. But if they rake away every dime from the authorities what will be left in reserves to deal with the problems when they arise? Nothing! This is plain foolishness, and mismanagement of the worst kind.

While the First Elected Member for George Town was debating, there was some questioning between him and the Minister for Education. In his reply the minister explained away their actions by reading from the law which only says that the authorities must give up some of their cash. The law does not say that government must take every cent and leave the authorities high and dry without anything. But that is what is happening. It is wrong! I don't think government should do that.

The Water Authority is a well-run organisation. I found that I didn't have to do a lot of hands-on, although I tried to watch over things. I had competent people, Mr. Brainard Watler, Mr. Richard Flowers, Mr. Otto Watler. They were long time members of the Board, solid people who made good contributions to the Authority's business.

I had Mr. Ralph Williams. I had Mr. Jerry Wood from Bodden Town. I had Mr. Philip Hydes. And they all worked together good. From government there was the Deputy Financial Secretary or his representative. We managed well. I found a good foundation, and I enhanced it. We made good strides. But today it is slipping, through no fault of the staff management. The minister is not dealing with it properly as its chairman.

It is something that you have to keep your hands on. Anyone who is chairman of an authority knows that you have to keep hands on day to day. I see the Minister for Tourism laughing. I know he agrees. He won't say so, but he agrees. It is something that you have to keep your hands on. Many decisions need the agreement of the Board. The Board is vital. It makes the decisions that keep the authority in tip-top shape.

However, the Water Authority Board has not met since November last year, in spite of what ought to be a need to deal with urgent business on a month to month, day to day basis. The law requires that the Authority's Board meet monthly. If the minister is too busy, and perhaps he is, then he ought to appoint a new chairman in his place. And the government's Executive Council has the duty to see that it is so. It is a collective responsibility now. They ought to see that this is happening. Since November the Board has not met.

If I recall correctly, according to plans we put in place there has to be some new works this year, expensive works. If I remember correctly, it's a lot of rehabilitative works. The Authority will have to borrow for this. The new administration building is underway. The Authority cannot have a lot of money left to be able to give government \$1 million. And coupled with all of those things, when I left they had started the work to East End. And that is needed. So with all of this going on the Authority cannot have a lot of money left to be able to give government \$1 million.

Mr. Speaker, I am not attacking the Minister for Education, nor am I attacking the Minister with responsibility. But these matters need to be aired. This situation cannot continue to exist. The Authority is a very valuable instrument for progress in these islands.

[Inaudible interjection]

Mr. W McKeeva Bush: I am glad I was reminded of that. But there are some \$9 million of works that need to be done over the next two years. We created a ten-year plan before I left and that is what they are working on.

How can they give up \$1 million to government? I don't think that the intent in the creation of the law for the authorities was that they would give up their money that way. It couldn't make sense. That could not be the intent of the law.

The intent of the law had to be that if money is left over, yes, government gets it. That's the way I ran the Board. Mind you, I had pressure on me too to give up money to Executive Council. I had a lot of pressure, and at times I got money. But I didn't give them what they asked for. I fought against their requests. They know that.

They remember the fights we had. I believed that it did not make sense for the Water Authority to go out and borrow while it had money and was giving it to central government. It cannot make sense because a loan, whether it's self-financing or directly to government, or whether it's government guaranteeing it, it's still a loan against the country's finances. The country stands responsible. So this cannot be right.

I can't understand, for heaven's sake, knowing the work of the Water Authority, why they have not met since November. That's how many months? That's five months!

The Authority is a very valuable instrument for progress in these islands. Ministerial responsibility should not impede it. It is as simple as that. If I found my self too busy, I would appoint another chairman.

Now, what about the AIDB (the Agricultural Industrial Development Board)? When did that last meet and who are the members there? Are they all members from Executive Council again? That Board is the managing authority. How can business be done properly, or legally, if the boards are not meeting? How? This is a sad situation. But they can't blame this on McKeeva Bush. And I probably shouldn't keep saying that, but I think I need to say it a little bit now and then.

As I said, this is the result of mismanagement. Let me move to another subject, that of Immigration.

We have been going on this matter now since 1997, and we have a new Attorney General. He has really got going. What I want to say to the House is that we cannot exist in a state of paralysis. What I don't want to see is that the government in acting on this cause drops the matter right into the political campaign for the general election and for pressure to be put on people. That is what we don't want. But if you are going to get into it later this year, with budget and all the other committee work to be done, I am afraid that that just might happen.

I know that the new chairman is adamant and studious and has begun to move forward, and that is good. I trust that we will all be rational and deal with the matter whenever it comes up, at the end of this year, God willing, as one deserving of intelligent debate, mindful of people's lives those who came to our shores years ago, and mindful of future generations.

I believe that a balance needs to be found. There is no use in chiding about not attending Commonwealth Services. It would be better for all the people—Commonwealth citizen or not—if government would be brave enough to put in place an immigration law where people are treated better.

Let me deal with another Authority. I see the Minister of Tourism has left the Chamber, but I don't think he has left the building. I believe that the purchase of the slow motion crane was a bad decision. They removed a private company who for years, even at a time when government couldn't buy a crane, assisted the country—and at a lesser cost to the public than what it is today. What did that misguided action do? It increased the cost to the public, which I told them would happen. But, of course, they wouldn't listen. They wouldn't listen because they had put themselves in a position that they couldn't get out of, so they were forced to buy that crane. They bought it and increased the cost to the public.

Now, Mr. Speaker, here's the worst part of it, and it highlights the mismanagement: They now have to buy, or have bought (I don't know which) a smaller crane. Why? Because the big one—which was supposed to do everything that the Port needed—can't do the job. Now, the question that needs to be addressed is this, Did they have the authority from Executive Council to purchase the second crane? They say buying the cranes made economic sense. But good government is when you can get something done without hurting your people. That is good government.

They damaged the private company and put pressure on the public by increasing costs, which were already high. For all of this, the people suffer.

I don't know where they are headed, but it is certainly not on the right track. It's a brand new crane, supposedly. But I see that the part of the crane that picks up the container, which is the part it came with, has been replaced and a new one put in its place. I don't know what that cost the public. That is not good management.

[Inaudible interjection]

Mr. W McKeeva Bush: Mr. Speaker, I'm sorry. I am not laughing at my own joke. But someone said that perhaps that should be sunk as an underwater attraction too!

Expansion of the Port was suggested many years ago. I will give the ministers the benefit of the doubt that they know what they are doing. Certainly the country is in a state of development and it seems that things are jammed tight over there.

What I don't know, and perhaps because this has been a debate for so long, and the question will arise if that is the proper place to spend \$12 million for expansion. This is in the midst of a town. And perhaps it's too

expensive to go anywhere else and we will have to suffer the rigors of that kind of development. I know it is not easy. But we have to question whether it is the best thing to do. I agree that it is all the more reason why they shouldn't rake off every last dime from the authorities.

The next subject is not an authority, but it's a hot one! It seems that government has gone all out to do what it can to make people believe that Pedro Castle is worth the \$10 million spent on it. I have said before that I was not, and I am not now, opposed to the project. What I am opposed to is the \$10 million spent. I don't believe that it makes good economic sense.

Sure, we needed to showcase that part of our history. However, there is a lot left to be desired with that project. We changed groups midway. I don't know if we have had the entire argument. I think the minister, from what I heard his nephew say, needs to explain those things. Some questions asked in Finance Committee of November last year have not been answered yet.

I have tremendous respect for the chairman of the board and some of the members, but we heard from the minister that he is still involved in the day to day management. That was in November. Perhaps that has changed. The manager reports to him. That needs to be changed. We said that. While the project highlights a certain part of our history, and it's a nice place to go, the economic sense of it—or lack of it—is what we have to be concerned about.

I believe that the ministry is doing all that it can to push groups into Pedro Castle to make it economically viable. In so doing, what are they doing to the Turtle Farm? If Pedro Castle was conceived, built, and operated on the basis that it would be profitable (by taking large groups of cruise visitors), then it holds that some economic damage has to be done to the Turtle Farm.

As I understand it, the time that a cruise visitor has on land for touring and shopping is not sufficient for them to do a tour of the Turtle Farm, Pedro Castle and the Botanic Park. There are no overnight stops. They come in at 7.00 in the morning and leave at 4.30 or 5.00. So which one will suffer?

If they are going to do all the tours then the shops will suffer. If they shop, go to Pedro Castle and Botanic Park, the Turtle Farm will suffer. If they do the Turtle Farm, shop and Pedro Castle, the Botanic Park will suffer. Which one will suffer? For the sake of the country, I hope that I am wrong. But, once again, I think common sense lost out to something else.

The Throne Speech says that plans for a new museum will be put in place. That is not new. When I was there the director and I spoke at length about it. She showed me the need. She is a very studious person. She knows what she is doing. She's capable. Part of my objection to the \$10 million for Pedro Castle was because the director and I were trying to get the new museum going. But that was objected to and they built the facility for \$10 million.

Here is my feeling about it: \$10 million should have given us the new museum as well as the Pedro Castle. I firmly believe that. Perhaps we could have gotten both of them for less than \$10 million. I don't have all of the in-

formation in front of me. I do know that I questioned the minister in Finance Committee on the operation of Pedro Castle. But according to the Third Elected Member for West Bay, there is much more happening at Pedro Castle than what was told to us in Finance Committee by the minister.

I am not saying that we asked him and he didn't tell us. I am saying that in our examination of the project we should have been told about these things. It seems that there were many invoices paid without proper billing and money spent without proper authority that accountability seems to have gone out the window. For an expenditure of such magnitude I hope that the Caribbean Development Bank will get the proper accounting it wants. I hope the minister will tell the House when he has the next chance all about the situation.

I will say no more about it. While I have documents it's not appropriate to talk about that at present. I bear no ill will for the project. If the project were in West Bay, I would say the same thing. One of the things I thought we could do was develop Hell. I have been saying that for many years.

All of us know quite well that tourism is very important to this country. But it is very obvious that tourism is in trouble today. The government must take a long and sensible look at what it has created with the last revenue increase. There are no two ways about it. It is having a devastating effect on the industry.

Businesses are suffering. There are other factors at work that cause us to be affected. It is becoming increasingly expensive to come here on vacation. As I understand it airfare from New York to London for three days including air and room is \$460. You can fly to San Juan, Nassau or Barbados for between \$50 to \$200 less than what it costs to come here. So air cost is a very serious factor.

A lot of them have a tendency, that is, people in ExCo and in the industry, to blame Cayman Airways. But I don't think anyone should blame Cayman Airways alone because American Airlines probably won't lower costs because of our being a smaller destination in comparison to, say, San Juan. So they can't say that Cayman Airways is the problem.

Positions and strategy are sometimes based on politics and perception of vote catching, rather than common sense and what is good for the future of the country. Moral and religious platforms would be honourable even if it were misguided, except that it is pure hypocrisy and a perceived platform for vote catching. It is an example of a government which is unable to see the forest for the trees, unable to see the bigger picture, bogged down in its narrow views with no vision and no empathy for partners such as the cruise ship industry which is critical to Cayman's survival.

Government should be working together with partners, not against them. In spite of government's announced plan, put in place by the Minister of Tourism, it seems that the quality of the visitor is not the calibre of which the country should be focusing on. I know that the minister says that his plan is to bring in top level tourists, level of income that is. I think that is in the plan. I agree

with that. But is that what is happening? I tell you this: I see whole lot of people riding bicycles rather than rental cars.

The bad part about that is that some of the hotels are renting out these bicycles. They are not paying any fees, but the rental cars have to pay fees. The taxis have to pay fees. That might be just nit picking about the type of tourist that is coming. But I will tell you that business people are saying the same thing. They are complaining. They are not getting the business. Costs, costs, costs, costs.

There must be a consistent productive policy not based on any form of discrimination towards anyone or any group, but a policy that provides benefits and opportunity to everyone in this country. The manner in which the idea to suspend Sunday cruise ship visits was handled illustrates the narrow-minded manner in which they work. I don't know if they really understand the importance of the cruise ship industry to our economy. They say they do.

As I understand it, cruise ship itineraries are planned two to three years in advance and cannot be changed at the drop of a hat. They all say that the cruise ship visits are beneficial to our business community from taxi drivers to merchants and hoteliers and should be made to feel a welcome partner in our growth.

I too am a churchman. I don't profess to be a born again Christian. And I will not be a hypocrite. I love Sundays and try to retain our former way of life as much as possible. I support the minister or anyone else who is trying to accomplish that. But we have to be practical. Yes, people who worship on Sundays and believe that Sunday is the only day, . . . that is one thing. And we can do a lot to appease them. But it does not stop there. That is the ideal world and we do not live in an ideal world. What about people who worship on Saturday? People for whom I have a tremendous amount of respect. Sometimes I worship on a Saturday.

I don't think it makes sense. I don't think it's good for this territory. Now, I can be lambasted for it, and I probably will be. One thing I know. I am not a hypocrite. I can't be. I won't be. This is bad. And I will tell you how it is bad. Those whom we are turning away on a Sunday have to develop elsewhere to go. They have to find somewhere to carry their people, another port to take them. Do we believe that they are going to be that generous to Cayman, just turn around and say, '*We will include you now and just keep you here with us*'? It may not be economically feasible to them.

While government says that they are working with the business community and they say, '*Oh, you don't have to worry now that McKeeva Bush is not there. That little socialist can't hurt ya.*' They are killing the business community. That is what they are doing—killing business initiative. They need to be the real partners that they say they are.

I agree with the Minister of Health that the private sector can help. But the government cannot expect the private sector to be a partner if they are constantly hammering them and killing their business by more taxes and taking opportunities to do business away. They can't.

There has been much aplomb about transport. I find that it's more to do about nothing. When I say that, the minister organised some of the buses. He moved the taxis. But what else is happening? Everything you hear is about taxis this, and taxis that. The poor taxi operators have taken the brunt of everything. They are shoved off in the corner up in the woods, to get rid of them from off of Front Street. So that's good policy? Pleasing a few people. Oh yeah? What does it do to them?

Taxi operators have to take general knowledge tests. That's good. But all tourism personal that deal with tourists on a daily basis need to have that test too. I believe that. Let's look at one case. They bring in hotel front desk staff from North America, Canada, USA, England, wherever, who also deal with tourists on a daily basis. And they put them in overnight. I have witnessed that myself. But they don't have any general knowledge of these islands, yet they deal with the people up front on a daily basis.

While we say we are doing something about transport, we need to do something to assist the taxi operators. Spending \$10 million on Pedro Castle, we at least need to make sure that taxi operators have a fair chance at getting some business. We know that cruise ships, from which the Castle is hoping to get its largest share of visitors, are all pre-booked. The tour operators practically have a monopoly on the cruise ships. That's business. If they can go out and do it, that's what the free enterprise system is all about.

But I believe that the Minister of Tourism should set policy and say fifty passengers, if there are one hundred passengers, or 50% for taxi and 50% for tour operators. And they say that the cruise ships are the ones who determine this because it is their business. But they are in our waters also.

I believe that if you are innovative enough you can bring them to an understanding that the taxi people will not lose out. If there are 2,000 visitors, or whatever amount, 5,000, 7,000 visitors per week, taxi people must be able to get a fair share of this business. It is the business of the Minister for Tourism to see that this is done. Something needs to be done so that taxis are treated more fairly and have a chance at making a living and paying their bills.

They cannot go out and buy a big fleet of busses like some people can. Some of them struggle to get their car. I know what I am talking about. And they get into problems. And sometimes in spite of being out there at four o'clock in the morning sitting out there all day long, they don't get enough at the end of the month to pay their loans. I know that I will be told that they make good money. Mr. Speaker, you look at something and think it is so, go and test it. You know the saying "you think you know me, come live with me"? That's the same sort of scenario that you give to that situation.

Just because you see them on the road all the time doesn't mean that they are making skins of money, as the old people say. They have to get up at four o'clock in the morning. I know because I have a sister and that's what she does. Other constituents come to my office in

West Bay and talk to me about it. Something needs to be done.

Whatever I can do to help the minister, I am willing to do. If there is something that I can do, please tell me. They are not going to put me on any board. They are not going to put me anywhere where I can talk with these people. I know that. And as I say to them, I can come here and I will talk to you, but I do not make policy. But when you put people on boards they should be the ones coming up with the ideas. They should be the innovative ones. That's the minister's advisors. We can't blame the minister alone. While he is the driving force of policy, he gives people a chance to be on the board. They need to be able to come up with the goods too. But when you get good people on boards, you shouldn't take them off either.

This whole situation is pitiful. It's hurtful and I could just cry over the whole thing. That wouldn't do the situation any good.

We look at the matter of roads. I keep saying that I would rather see \$10 million spent on youth affairs to stop teenage pregnancy, to kill the drug abuse if they can, to do all of these other things, put it into education, than to build one big highway. I will get criticised for that because everybody says that traffic is costing the country too much and something needs to be done about it. So the minister runs and borrows money to try to get something done which he thinks is the right thing.

I had to look at the *Caymanian Compass* of Thursday, 11 March, "Traffic flow change at Crewe/Smith Road." Let me read what it says. I quote, "**The major result of the realignment will be the traffic travelling east on Smith Road, towards Bodden Town, will not have to stop to make the turn onto Crewe Road. 'This eastbound movement will become one of the major movements,' the minister said.**

"Traffic coming from central George Town or the airport heading for Bodden Town along Shedden Road will merge with the eastbound traffic from Smith Road."

Is that workable? If this is right—and tell me now if this report is not right—traffic travelling east on Smith Road towards Bodden Town will not have to stop to make the turn onto Crewe Road. They will come out of Smith Road and slam-bam onto Crewe Road. No stopping!

Traffic coming from central George Town or the airport heading for Bodden Town along Shedden Road will merge with the eastbound traffic. What are they going to do? They're not going to stop or slowdown? What's going to happen? That sounds like some sort of death trap. And you say I am exaggerating again.

[Inaudible interjections]

Mr. W McKeever Bush: I am hearing that they are going to put in more lanes. Well, I would hope so.

It's all good and well to come up with grandiose ideas and plans. I don't know if I can agree that putting that Miami traffic flow system at the junction up there was the right thing. Do traffic lights really help us in the small

space we have? One or two might help, but now we have one on practically every corner. We are not talking about hundreds of miles at a time. I believe that the roundabout system is better, the roundabout system and the four-way stop. I have to wonder how much that costs. I don't know, but it had to cost a tremendous amount of money.

I remember back in 1984 when I got elected one of the things my constituents had cried out for was the four-way stop in West Bay central to be addressed. Everybody asked for a stoplight because government had just put them in in 1982 in George Town. Everybody wanted me to get a traffic light for that stop. I thought that was what was needed too.

I had a talk with Mr. Donovan Ebanks who was then the engineer. And he showed me what kind of traffic backup we could have. He said, "McKeeva, explain that to them and explain the difference between the light and the four-way stop." He convinced me, and I told the people that we would put a four-way stop there rather than the light. Some people still curse me for that, but you know that has worked all these many years. It has worked.

I don't think there has been one accident since the initial stages. I think they had one or two when they first put it in and people were not used to it. But as people became aware they got used to it. And look what it cost: a few lines in the road and a few metal stop signs.

I hope that that situation there is going to work out because I believe it is very expensive. We have to get it into our heads . . . and I heard the Third Elected Member for West Bay saying that we have a concrete jungle. We have to get it into our heads that if this is what we want this is what we ask for. Everybody cried out to live better, get better homes, drive better cars. Well, this is the result. Now to say that things could have been managed better, I believe that.

I will tell you this: In 1976 when that development plan was stopped we moved away from the chance to get the roads we needed. They said that between 1988 and 1992 when the Master Ground Transportation Plan was stopped, that that was the time. Mr. Speaker, it would have cost millions of dollars—and I am not knocking any particular government, I am trying to be practical—to try to put roads through developments that had already been put in place. And that's where we failed back then, in 1976.

I don't know if we are going to be able to pay for the kinds of roads everybody is screaming about. I don't know that the country can afford to. You are talking about the Crewe Road Bypass (phase 1) for \$5 million. I believe that we need to look at a system of hooking up different roads. A good example for policy makers here would be to go to Bermuda and look at what they have done.

Mind you, they had 40 years of policy and people didn't like it, and so they worked it over 40 years and people accepted it. Well, 50 years now, from back in the 1940s. But we need to go and see how they hooked their roads up. No vast major highways. They go through communities. We have to get it into our heads first though that we can't drive 50 miles per hour any more in this country. That's the thing we have to be practical about. We can't do it. We need to be able to hook up to little road corridors.

Let's look at where we go by the Agape Worship Centre. If you look across from there you can see South Sound Road. Take it through there. Upgrade South Sound Road properly. Put a couple of lanes if you can, where you can. Don't tell me that won't work because I see it work in other places. But Bermuda's system works good. They don't have the gigantic highways. They don't have the fast moving speeds. But they handle their traffic. They have some traffic jams. They change roads around, going one way in the morning and the other way in the afternoon. These are the kinds of things we must look out for

rather than borrowing humoungus sums trying to put what everyone wants in place. That's the innovation I am talking about.

The Speaker: When you reach a convenient time, we will take the afternoon break.

Mr. W McKeeva Bush: Mr. Speaker, I just heard someone mention sports, and I want to get to that.

At this point in our history, let us face up to the mistakes that we and others made. Let us be practical and let us look at how we can be innovative and get a system that we can hook up the different streets rather than large highways.

I don't know if that Crewe Road Bypass is going to work. I have not been convinced, let's put it that way. But everybody wants the best highways. Everybody wants a good car to run on a good road. I believe in giving the communities their roads. I believe that we should upgrade where we can, but to try to build a vast highway, I don't know whether we could do it without spending the money that we don't have. I believe that we have to do something straight through from the North Side East End area coming across Boddan Town and open up that area coming into George Town.

I am not saying that that can all be done at one time. I am saying that they can look at it. But it would seem that that would be the general area that a through road could go. Plan for it. I think one of the governments used to do that—a mile here this year, a mile there next year. And in a couple of years' time you got it.

[Inaudible interjections]

Mr. W McKeeva Bush: No, Mr. Speaker. The Minister for Tourism is having some fun with me. He didn't do that this year. He came and he said they were bringing a second budget and they were going to get the money they needed and that's what he did. Election is coming and he has to keep McKeeva out.

[Inaudible interjections]

Mr. W McKeeva Bush: Mr. Speaker, let's take the break. The Minister for Tourism is throwing me off.

The Speaker: We shall suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.48 PM

PROCEEDINGS RESUMED AT 4.19 PM

The Speaker: Proceedings are resumed. Debate continues on the Throne Speech. The First Elected Member for West Bay, continuing.

Mr. W McKeeva Bush: [microphone not turned on]

We need to be innovative in all we do because of our small resource base. We can't spend the money to make us look like the United States of America. We cannot do the things that people see on television or when they go abroad. We can always go things to improve traffic flow, but we don't have the money to make us look like the United States.

Sports are close to my heart. Because of the neglect for over 25 or 30 years when we got elected we had to take the bull by the horns to do something with sports, to try to put it on a proper footing, not only with programmes, but with facilities. Until I got elected, and most of the members out there probably all of them said in the past—I don't know what they will say now—that the expenditure was well spent. And we took something like \$4.5 million of capital—much less than 5% of all that was spent on capital works while I was there.

Facilities are not just something that will tumble down overnight. If they are properly maintained they will continue to grow in value. The facilities are appreciated and utilised. If you think that not building the Truman Bodden Sports Centre wasn't a good thing, go and see the number of people utilising it for their health—from children right up to the elderly. It was money well spent. So they cannot come back and try to say 'You chastise us for spending but you spent on sports.' I took a lot of licks while I was the minister because I saw the need to address the matter. And I had support to do so.

I even named the first one after the Minister for Education. How much have we spent? When they criticise me, Mr. Speaker, they need to consider—that is the members of ExCo—how much they spent on prisons and police. Sports is preventative and rehabilitative measures. Police and prisons take care of the problems in one way, we tried to prevent it from happening. We had to spend on sports. We had to.

How can you spend \$200 million on roads and not have a playfield for your children to kick a ball, or a place to bat the ball? How can you spend \$10 million on Pedro Castle but not want to spend \$4.5 million on sports? We needed a place for the children to play basketball. This is good for the community. That is what we call community development.

I am not saying that it is a panacea for all of our social problems. It is not. But it's a vital part of addressing and preventing social problems from coming on line. It is not that I didn't support the minister—she's egging me on here—for her sports centre. I tried to do my best up there, and I realise that we have to do a lot of things in Cayman Brac because of the social problems that were building up. I know that. I visited Cayman Brac a lot. But we have to be careful too that we don't go overboard.

We can't make Cayman Brac the capital you know.

Mr. Roy Bodden: Good point!

Mr. W McKeever Bush: I support her in trying to get something done and I support the Second Elected Member for Cayman Brac and Little Cayman as well in what they try to accomplish. But we have to be practical.

So, the \$4.5 million spent on sports was money well spent over the five years, from 1992 to 1997. But it wasn't easy, you know. I had to convince them that this had to be spent because you know some of them never had any social conscience. After their association with me, they became a little more socialistic. And it seems that they were just that—part-time converts. They have gone back now. They backslide!

[Members' laughter]

Mr. W McKeever Bush: We had to spend on sports. And if they want to chastise me for spending \$4.5 million they must consider this: Government neglect of social programmes will mean that government will have to spend tens of millions of dollars on police and prisons to try to stem the tide of social deterioration. Just consider that.

If you want to poke fun at me, and tell the public that McKeever's not being fair because he chastises you, but didn't tell you what he spent . . . I can tell the world what I spent on sports. I can tell the world the effects of the housing programme we put in place too!

I can tell the world the effects of the Young Parents Programme, and I can also tell you, Mr. Speaker, that when I took responsibility for Community Development youth crimes and problems were way out of hand and we brought it down from three hundred and ninety-something to well under one hundred (I think it was) or right around there. We went out and said we were going to do it, and everybody knew we meant business.

We put the programmes in place and youth crime came down. It is up again. You are slackening off.

So what's happening?

Mr. D Kurt Tibbetts: Politics!

Mr. W McKeever Bush: As someone coined the phrase "part-time convicts (sic)" . . . CONVERTS, . . . "Part-time converts"!

Mr. Speaker, it's that time of the afternoon, and it's Friday! They are part-time converts to social development.

Mr. Roy Bodden: Freudian slip!

Mr. W McKeever Bush: So how can they get up now and chide me about spending that money?

I repeat: Their neglect for proper social programmes and the will to put things in place will take tens of millions of dollars to try to stem the tide that we see—the shooting up of the Courthouse, youth crime on the streets, the general lack of discipline. They said that if you think education is costly, try ignorance. Well, if you think that building a sports centre is costly, try rehabilitation. Try those kinds of curative measures.

Mr. Roy Bodden: All right, McKeever. Preach, preach, preach!

Mr. W McKeever Bush: You try it! And they will find out just how much they have to borrow because I am sure that by the time they get finished building roads they will have nothing in the Authorities, nothing in the Treasury.

Mr. Speaker, can I sit down now?

The Speaker: I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday, 15 March. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 15 MARCH 1999.

**EDITED
MONDAY
15 MARCH 1999
10:20 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who will be absent today. I also have apologies from the Third Elected Member for George Town who is overseas on a Parliamentary Seminar.

Item number 3 on today's Order Paper, Questions to Honourable Members and Ministers. Question numbers 13 and 14 stand in the name of the Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

Hon. Truman Bodden: Mr. Speaker, I understand that 13 and 14 were not ready yet. They had been on earlier but the papers were not brought down to the Legislative Assembly for today. And also the Third Elected Member for George Town is not here. So, we could defer 13 and 14, to be put on for Thursday.

DEFERRAL OF QUESTIONS 13 & 14

The Speaker: The question is that questions 13 and 14 be set down for a later sitting. Could you move that motion, Honourable Minister for Education, Aviation and Planning?

Hon. Truman Bodden: Mr. Speaker, I have to also move 15 and 16. No? I will have to just check to see if 15 and 16 can be taken as well but I move it on 13 and 14.

The Speaker: The question is that numbers 13 and 14 be put down for a later sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 13 AND 14 DEFERRED.

The Speaker: Moving on to question number 15 standing in the name of the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, perhaps with your permission, sir, you could go on to 16, or rather to 17 and 18, as it seems the minister might be late arriving. He seems to have had some prior commitments. Perhaps if you don't mind, sir, and then he might be arriving by the time we get 17 and 18 out of the way.

The Speaker: Certainly. We will move on to question number 17 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 17

No. 17: Mr. Roy Bodden asked the Honourable Minister with responsibility for Agriculture, Communications, Environment and Natural Resources what was the outcome of the negotiations between government and Cable and Wireless regarding the charge for the use of the Internet.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: During the meetings with Cable & Wireless to discuss that matter, several concerns were addressed, including the rapid growth of the Internet service by Cable & Wireless customers. As such, additional telecommunications equipment was acquired to handle the increase in demand along with the requirement to provide greater capacity on the international links to the main Internet backbone in the United States of America. Once these necessary measures were in place, Cable & Wireless developed a new programme of significant reductions in pricing for Internet service.

Since the introduction of Internet service two years ago, the cost for Internet service has dropped dramatically. Originally set at 25 cents a minute for basic Internet service, the first cost reduction to 12 cents a minute cut the initial rate more than 50 percent. This year Cable & Wireless introduced new Internet service plans, which were sent to all of its customers in July 1998. The new plans are now based on hours of usage providing for a minimum 50 percent reduction of the previous rate. This translates to a 75 percent decrease in cost over a two-year period. However, if any customer chose to stay on the previous per minute rate plan, they were allowed to do so.

The new plans also include free amounts of bandwidth or volume. For every hour used, customers received two megabytes free. Each megabyte over that amount is only 25 cents. In order for customers to know how much bandwidth they use, Cable & Wireless has provided a programme to track this information.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Minister tell the House how these reduced rates compare with rates being offered to customers in the United States?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: While we really do not compare directly to the United States (as this is a different market), it is my understanding that it is quite competitive to what is offered up there.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister say if he is aware that these rates, while they do represent a reduction, are still significantly higher than rates offered for Internet usage out of the United States from which most users access information?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I will have to agree with the Member. I give him and the House the assurance that my ministry and I will continue to work with Cable and Wireless to try to make this as low as possible and as economical as possible for the users here in the Cayman Islands.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would ask the Honourable Minister for an undertaking because it seems that Cable and Wireless has a monopoly according to complaints. And from time to time there are letters in the paper complaining about their rates doing a real serious disservice to their customers. I would like to ask the Minister for an undertaking that the Government will from time to time procure the services of an expert in this field who can really negotiate with Cable and Wireless using readily accessible information on competitive rates offered in other jurisdictions.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I will give that undertaking and also I would like to add that the schools have free connection on the Internet from Cable and Wireless.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, what the Honourable Minister has just said about the usage of the Internet in the schools is just the salve on the wound. But I have a few supplementaries.

Can the Minister first of all state when these negotiations were taking place exactly? And can the Minister state what the procedure is? Who negotiates on behalf of Government and what information is available to that person or persons to verify what is being said by Cable and Wireless to justify their charge? And in doing so could the Minister also explain in short order about the franchise? How does this work? Does it have special reference (the franchise) to Internet rates or is this something that comes along as an addendum to the original franchise?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Under the franchise, as I understand it, Cable and Wireless has to provide the necessary services. And it falls under that ambit of the franchise. With regard to negotiations the ministry, my Communications Officer and department, and Cable and Wireless would meet on negotiations and, therefore, once we come to some sort of agreement it would be passed on to Executive Council for a final decision.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state what method is used by whoever represents Government in the negotiations to verify the cost of providing these services (which I am sure are put forward by Cable and Wireless) to justify their rates?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The negotiations have been between Cable and Wireless and my Communications Department and my ministry on to Executive Council. However, I must point out that the franchise the way it is written has not been something that has been done recently as the Member rightfully knows. What we have been doing is actually negotiating with Cable and Wireless and for that reason we have been able to come down as I pointed out. Hopefully, with further negotiations we will be able to bring it down closer to what the previous speaker spoke about in other territories where we have a much lower rate.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, with the greatest of respect to the Minister, he has not answered my question. I just asked the Minister what method is used to verify the cost of providing the service. I understand what he has said, but it does not satisfy the question. What I am trying to determine is what method the Government arm doing the negotiation uses to verify that the costs to be incurred to provide the services are real?

I understand that all of this is done in good faith and I am not suggesting that the cost of providing the service is not bona fide when presented. I am simply asking because in any negotiations, if I am on one side of the table and someone else is on the other side and they just simply tell me something . . . there must be some method by which I can verify what they are saying.

So I am asking what is the method used?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Many times we have compared even telephone rates throughout the territory and the countries surrounding us. And we find that we have been in a different category.

It is no different with this one. We have had figures actually put before Government, and as I pointed out earlier we have constantly been negotiating with Cable and Wireless. That is where we have gotten today. And we will continue to negotiate with the hope that from the figures which have been mentioned in the other territories that we can match them or even come lower.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In answer to a supplementary question, the Minister himself said that Cayman cannot be compared to a lot of other territories for obvious reasons. Mr. Speaker, it is for this reason why I have asked the question. The Government must develop some type of machinery whenever negotiations are taking place to be able to verify what things cost. If the Government is simply taking the word of the other party, if 99 times out of 100 it is bona fide, sooner or later the Government is going to take the word of someone or some group of people which is not.

I am simply trying to ask the Government if in this instance there is a mechanism by which they verify these costs. Now, I am not trying to belabour this, but I don't want the same thing to be happening over and over with my supplementaries. To answer and say that the Government is negotiating doesn't answer the question. I want to know what method is used to verify that these charges are bona fide? They cannot simply be presented by the other party and accepted because they have presented them, no matter who it is. And I am asking what method is used to verify it.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that we actually base whatever negotiations we do on the international rates and from there we try to negotiate down as I pointed out before.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state specifically who did the negotiations with Cable and Wireless regarding the Internet?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I pointed out earlier the negotiations have been between the ministry and our Communications Department with Cable and Wireless.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Again, sir, I asked specifically, who? The answer is generic. I am asking for the individuals officer or officers.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: In the Communications Department, Mr. Kiron (who is here on my left) is in charge of that and with whoever he needs to be his back-up staff. I am responsible for the ministry. It would be my Permanent Secretary and whoever else that would come in on the meeting. In Cable and Wireless, it would have been the manager of Cable and Wireless and their back-up staff.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Lest the Minister misunderstand my line of questioning, I am not suggesting for a second that the results given in the substantive answer were not real and in line. All I am questioning here is methodology.

Now, in the very last sentence, the minister said, **"However, if any customer chose to stay on the previous per minute rate plan they were allowed to do so."** Can the Minister give us any reasoning at all that would make it advantageous for a customer to stay on the most expensive plan available?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding they could opt to do whichever they wanted because they would have to be paying a monthly fee.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, can the Minister say what advantage has been procured for the users of this service if the situation is as explained in the second paragraph in this answer? And I shall read, “**This year Cable & Wireless introduced new Internet service plans, which were sent to all of its customers in July 1998. The new plans are now based on hours of usage providing for a minimum 50 percent reduction of the previous rate. This translates to a 75 percent decrease in cost over a two-year period. However, if any customer chose to stay on the previous per minute rate plan, they were allowed to do so.**”

Can the Minister tell the House what advantage the alternative has over the previous plan? And can the Minister emphatically say that this is not a round-about way of really and truly not offering any significant reduction?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that the reason for the answer being the way it is for casual users, they would not have to pay a monthly fee as I pointed out earlier.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: So, Mr. Speaker, in essence the Minister is saying that there really has been no reduction because casual users will have to pay the same old fees which are not competitive when compared to the service as it is offered in the United States, Bermuda, and The Bahamas.

Would the Minister consider broadening the level of expertise in the Government’s negotiations with Cable and Wireless by trying to access outside persons who are more knowledgeable on Internet rates internationally, and who are more skilled and experienced in negotiating such rates in any future discussions with Cable and Wireless on this matter?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I give the undertaking that anything that we can do to bring the rates down within the Internet or any place in Cable and Wireless, we will definitely do so. I have no problem with Government entertaining somebody from the outside that is knowledgeable in this, who can advise us properly on it. Definitely, I will give that undertaking.

The Speaker: Any further supplementaries? If not, moving on, question number 18 is standing in the name of the Fourth Elected Member for George Town.

QUESTION 18

No. 18: Dr. Frank McField asked the Minister responsible for Agriculture, Communications, Environment and

Natural Resources to provide a list of the insecticides used to spray mosquitoes.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the list of insecticides for spraying mosquitoes in the Cayman Islands are as follows:

- 1 Adulcicides
 - a) Permethrin
Dibrom
Malathion
Bytes
 - b) Permanone (permethrin/PBO pre-mixed)
Demand (Lambdacyhalothrin)
Commodore (Lambdacyhalothrin)
 - c) Black Flag (d-Phenothrin)
Black Knight (d-Phenothrin)
Rapid Kill (Permethrin)
- 2 Larvicides
 - Altosid (Methoprene – IGR)
 - Altosid (Methoprene – IGR)
 - Vectobac (Bti – bacterial agent)
 - BMP (Bti – bacterial agent)
 - Acrobe (Bti – bacterial agent)
 - Adate (Temephos)

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, can the Minister say if there is any insecticide listed here that might be considered harmful to humans?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: All insecticides used by MRCU for the spraying of mosquitoes have been approved by the Environmental or the World Health Organization, and, of course, the Environmental Protection Agency is in the United States.

The Speaker: The Fourth Elected Member for George Town. Supplementary.

Dr. Frank McField: Could the Minister say how long these present insecticides have been used by MRCU?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Malathion has been used from the 70s. We started and Altosid about 1989.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if on the list that he has provided any of these have become ineffective because the mosquito larva (to put it in my language) have gotten used to them so they are no longer immune to the insecticides?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Malathion is one of the adulticides where we have found (that from 1974) some resistance has been built up by mosquitoes.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if it is still being used?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is no longer used here in Grand Cayman. Occasionally we have to use it in the Sister Islands.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the Minister's previous answer, he spoke of approval by various bodies for these insecticides. Can the Minister state if this approval includes all the perimeters, for instance, crops? Because the question that was asked was about humans. I am adding to that question by asking if these insecticides are approved based on the fact that there is no damage done to any type of crops peculiar to the Cayman Islands.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it is my understanding that the insecticides are used in the proper proportions so as not to be damaging to crops or, for example, bees which we depend on heavily here for pollination and, of course, in some areas honey.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the Minister tell the House what monitoring is done on these adulticides and larvicides, and conditions where they are applied so as to measure leachate or other negative effects they may have on the environment?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that in a short time all of the insecticides which are used break down to where they are harmless to everyone that

comes in contact with them including, let's say, human beings and plants.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Is the House to understand then that because these adulticides and larvicides are biodegradable there is absolutely no negative effect on the environment due to leachate?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: That is my understanding. It should be nothing harmful to anyone.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: It is my understanding that insects quickly develop immunities to these adulticides and insecticides. Can the Minister tell the House what kind of experiments are undertaken so that the proper rotation is made so that the applied adulticides and larvicides can have maximum effect?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: We have a continuous monitoring of this through the lab at MRCU, and we would be able to identify as soon as the mosquitoes [become] a bit tolerant to it and we would have at that time to make a change.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the Minister provide the House with the names of any other jurisdictions where these adulticides and larvicides are used in similar fashion to their usage in the Cayman Islands so that if necessary we may independently corroborate the results given in his answers to us?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you. No, because it is my understanding that all over the United States especially Florida, the same insecticides used here, are used there.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, in the answer to a previous supplementary, the Minister mentioned that there was no harm to humans from any one of these insecticides being used. Can the Minister state what precautions are taken by the individuals who physically deal with these insecticides to ensure that there are no negative effects? And without me going into detail, I suspect the Minister would understand what I am talking about.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Part of the operations in administering the insecticides we have mentioned this morning, . . . the individuals who will be handling them would have to be in full gear, including gloves and mask, somewhat of a special handling suit for it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is there any requirement that these individuals have periodic medical examinations?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: While there are no requirements, it is my understanding that especially those who have been directly involved with it such as the pilots of the planes, and with wind shifts these insecticides could spray on them. It has been in place for them and the department is presently putting in place for anybody who has actually been working with the department and doing any handling whatsoever to have periodic checks.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Minister saying that this periodic medical examination is a policy or is it something which operates on an ad hoc basis? For example, in many organisations where individuals come in contact with chemicals of any sort whether they are biodegradable or non-biodegradable, it is a requirement that a medical exam be given every six months or at least once a year. Can the Minister say whether this is policy, it is voluntary or on an ad hoc basis depending on the interest of the individual?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is a departmental policy.

The Speaker: The Third Elected Member for Bodden Town. Two additional supplementaries after this one.

Mr. Roy Bodden: With regard to the adulticides and larvicides mentioned in the answer, can the Minister say how long these have been in use? And also in the application have the MRCU been conducting any longitudinal studies with records to show the effectiveness and the necessity to alternate these adulticides and larvicides?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I pointed out awhile ago, in 1974 Malathion, and I think Dibrom. The most recent ones that have been used since we had the rotation to try to keep the mosquito population down was Altosid which is the pellet methoprene.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have noticed over the years that these adulticides and larvicides are applied and no information is given to the public about the effects they may have on the insects or other pests that they are supposed to control. Also, no reassurance is given to the public that they are harmless. Can the minister say if such a policy now exists? And if it doesn't exist would the Minister consider particularly in cases of new adulticides and larvicides publicising this so that the public may be knowledgeable and also assured that such things being used are not negatively affecting humans; not killing out the good insects and other stuff we have around the gardens. And birds that we have which promote the growth and pollination of our fruits and flowers, etc?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: This has been something ongoing. On a daily basis individuals call the department to find out exactly what the Member has just asked. We have no problem publicising as best we can.

I would go back to when we changed and tried to go to the pellet form of the Altasid. I think I answered a question in here with regard to that and pointed out the cost of it and the fact that it was less harmful than anything because we were only actually applying it into certain areas where we knew that we could control the mosquitoes better than we had being doing in the past. So definitely there is a dialogue that goes on continuously between the public and the department.

The Speaker: Are there any further supplementaries? If not, we will revert back to question number 15 standing in the name of the First Elected Member for George Town. Would you call him please?

Honourable Minister for Tourism, Commerce, Transport and Works.

DEFERRAL OF QUESTIONS 15 AND 16

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I think there is some misunderstanding. Last week we were thinking in terms of answering these two questions on Wednesday but some of these crept onto the Order Paper this morning. So I ask for those two questions to be deferred until Wednesday, please.

The Speaker: I shall put the question that questions number 15 and 16 be deferred. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 15 AND 16 DEFERRED.

The Speaker: That concludes Question Time for this morning. Moving on to item number 4 on today's Order Paper, Government Business. Continuation of debate on the Throne Speech delivered by His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on Friday, 19th February 1999. Debate continuing, the First Elected Member for West Bay.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19TH FEBRUARY 1999

(Continuation of debate thereon)

Mr. W. McKeeva Bush: Mr. Speaker, when we adjourned on Friday, I had dealt with subjects that I thought the Government ought to be addressing. I said then that I don't think the alleviation of traffic jams is going to be helped in our small island by large intersections with stoplights resembling Miami or the United States. And it is not going to be helped if we continue the importation of vehicles. We could never afford to build the roads to hold them.

In connection with transport, I wish to say thanks to the Minister of Transport for finally getting the licensing done in the districts. It is something that we have been asking for for many years. While he was the Financial Secretary, motions were passed in this House concerning it. There were motions by the Third Elected Member and Fourth Elected Members for West Bay and myself on several occasions about it and I certainly appreciate the efforts to have it done. I think it is a good service and one of the good things that we accomplished. I believe when somebody does something good, it ought to be said that the person did it.

I was dealing with sports and had come to some agreement with the Minister responsible for Sports now that Cayman Brac needs some addressing. But she has to be careful that good money is not thrown after bad. I understand that the present site of the sports arena (as she proposes) will take serious amounts of money to fill and they don't know because of the dips or the holes in the bluff, the extent of it. When I was the Minister, the Second Elected Member from Cayman Brac and I visited the site around the Aston Ruddy Centre and we looked at that area so that everything could be in one general area as a place for future development. Government owns the land, we didn't have to buy, we would have place for parking and both facilities could utilise existing land for parking.

I thought that it was a good area. However, when she took the post this was all changed and I don't know I suppose she will give a good account of her stewardship

and why she changed it. I agree with her that we need some facilities in what I call the eastern districts of Cayman Brac and that is the Spot Bay and Watering Place area.

I visited a site with her to put a playfield. Although it would not have been international size, it would have served community purposes. As I said, I suppose the Minister will be able to give an account of her stewardship on that matter.

I do hope the Minister tries to continue the policy of assisting the different sports clubs. Assistance with the hiring of coaches especially so that the community level, youth development in sports can really take place. This is something we started in 1993 but more emphasis was put on it in 1997. This is the way to build interest in sports so it can be used as an effective vehicle to assist in stopping the social deterioration that exists in our country. That is one of the reasons we should be assisting the different sporting organisations, not only for health purposes. Yes, for health purposes as well but for an effective vehicle to assist with social decay.

I should say here, while I am on my feet, that the West Indies seems to have found its level again in cricket. And I am proud of that. We were fearing for them in the last couple of months but thank God they are back on stream and seem to be giving the Australians a hard time, more power to them!

In 1995 I got into big problems with the business sector because I tried to put measures into the Labour Law intended to stop the laying off or pushing out of older persons from their jobs. I do recall the furore and the uproar in the country over those amendments. However, when we got agreement for the amendments that were put in place I was promised that companies who had people at the retirement age would do something for them because the pension would not effect anyone at age 60. My understanding is that the situation now is no different than in 1995 and elderly people are being pushed out of a job by some means or the other without any benefits.

I intend to have a look at the situation because after a person works on the job for 15-18 years and has reached the age of retirement but has no pension benefits, it is unfair to push him out to discard him as if he is a piece of waste cloth. It is one of the things that is causing the social deficit that I have been talking about. I call upon those companies who have not done anything yet to make some kind of arrangement for those staff members who are at the age of retirement but not eligible for pensions.

Also, during the same revision of the law, several different boards were set up to do labour complaints and arbitration. Mr. Speaker, that created a bureaucracy which I regret because for a long time while boards were created there was not the wherewithal to deal with staffing of the boards. I believe that it didn't help the situation because there was a backlog of cases.

I believe the cases are moving better now but while the Chamber of Commerce didn't want the Director handling the cases, the amendments made by Executive Council didn't do anything but create a large bureauc-

racy. I think that was a mistake but perhaps it can be more streamlined and I believe that the Minister will attempt to do that.

Mr. Speaker, there is a very sensitive matter which has to be watched very carefully in these islands due to many business mergers in the United States and around the world. Being an international business centre we are being affected by these mergers. We understand as a result of the mergers and acquisitions that it is necessary for companies to downsize. However, this is not the United States of America where staff can jump in a car and move to another city or another state.

While the requirements of the Labour Law can be easily met by these companies as far as severance pay is concerned, other factors must be considered. When a person who has served a company for 10-20 years is asked to retire though not of retirement age, we must understand what they face to get another job when they move out into the work place. They face competition from school leavers, younger people who can be paid less; and they face competition from persons brought in on work permits.

These are some of the obstacles and frustrations faced by these persons asked to go because of the mergers. We have to make sure that every effort is given to them for re-training and they have to be encouraged to do so, and also they need to be found jobs in other departments, perhaps of the same company and those employers can seek jobs from other companies for these people.

These persons who are asked to leave, Mr. Speaker, have given good service to the corporate. Every effort should be made to see that their future is secured.

The Third Elected Member from Bodden Town and I have a motion on training before the House and we intend to examine the situation more closely in that debate. But the effects of these mergers and acquisitions, while determined by global factors, have to be watched and monitored very closely here because a lot of good women are being affected.

I am not one of those persons in this House who usually speaks on education. However, I can say that while there have been gains made, there seem to be many areas in education which cry out for some different direction. I join my colleague, the [Third Elected] Member for West Bay, who called for work to be done now on the Sunrise Centre. I have made the call before, and I believe that we have about \$100,000 in the budget. But it needs repeating.

The neglect there, Mr. Speaker, is blatant and it is pitiful. There are different programmes that can be put in place to help and assist these handicapped people. There should be a speech therapist. They also need a good room to exercise. But this cannot be done if you don't have a proper building, as the Fire Service condemned the present place. Then they would need equipment to do the exercise. These are things that one can easily see, but when you talk to the staff there are a lot of other things that need to be done at the Sunrise Centre.

A property was offered somewhere in that vicinity and I was instrumental in getting some funds in the budget in 1997, some \$200,000. But nothing was done with it. This needs to be addressed urgently.

The salary adjustment for staff in that Sunrise Centre — some have been there on the same salary for over ten years. How do they expect these people to live if they are not brought up to par with the cost of living? Nobody can say they do not know about this because they do know. And I know everybody is busy, but we cannot expect to come here in this legislature and vote ourselves a large increase but not address these kind of situations.

These people are humans, they are staff, they are not in the regular school teaching regular education. But I would suspect that it is many times more difficult for them at times because of what they have to do. Dealing with handicapped people is not an easy thing. Those of us that have elderly parents know how difficult it is to deal with an elderly person who is not handicapped or was not born handicapped. So, Mr. Speaker, we all know, we all understand and I hope that the infrastructure at the Sunrise Centre will be quickly addressed and that the salary adjustments for the staff there be addressed at the same time or earlier.

In fact, I would think that the salary adjustment is something that can be addressed much easier and quicker than the needed infrastructure. But I would say to the Minister that he should look at the property that we were examining before. See whether the people are still willing to come to some agreement with Government and move as an urgent need exists.

The Deputy Speaker, the Member from North Side, spearheaded in 1986 (or there about) an effort to raise funds which helped that Sunrise Centre to get underway. She spearheaded an island wide effort, which raised quite a bit of funds. I think it was called Hands across Cayman and that was a good effort. Perhaps something like that can be taken up again, and I encourage her.

I know that the parents there do fundraising themselves, but maybe a national drive such as that would assist the Sunrise Centre. But since that time, not much has been done. As I said, the facility is pitiful. These students while they are handicapped, they are human too and they have human needs just as you and I have, just as all of us have in this House. I call on the Minister to address that matter very urgently.

At long last the West Bay Primary School Hall is now underway. If I was not in the House I would say, *'Hip, hip, hurrah!'* I want to thank the Minister for getting it started; it is needed.

Mr. Speaker, one of the things that I have been thinking about for a long time is the subject of tertiary education. I want to propose now that it is time to make more tertiary education available and to enhance the educational opportunities for our people and for the development of the Caymanian human potential. I believe it is now time to turn the Community College of the Cayman Islands into a University.

I feel that the performance of the Caymanian at the high school level is not a true indication of his ability. It is no secret that the vast majority there under-achieve and

those who do well would excel even under the most adverse circumstances. But it is also true that when the under-achiever becomes employed (which is usually no problem for a school leaver) he finds that his competitive spirit kicks in. On the job he sees other people getting ahead and getting better salaries, and so he wants to move forward, upward.

However, by this time many of them have family commitments and other obligations. Yes, they have a job but they want to change professions or improve themselves but because of their commitments they can't go overseas.

We also have to look at the cost for overseas education. For just two years it is [approximately] \$25,000, and that depends on which university you are attending. Here it is somewhere around \$2,500. Of course, if you move up the tertiary education level as a university, it might not be as cheap. But look at what this would save these islands in foreign exchange alone. You could say, *'Well, this would cost the country too much to develop a university.'* But I believe that the development of human potential is the best investment any country can make. And if we are as prosperous and have as much money coming through these islands as they say then if we can be innovative. I believe this could be a reality in the not too far distant future. I think it is something that is needed.

We often say, *'Well it is good for our children to go overseas so they can get exposed to the world.'* The world that exists today? I would better have my child here in the Cayman Islands even though we have tremendous problems.

This is you might say is far-fetched. But I believe that it is something that is needed. It is time for us to moot it. This can only enhance this country. We talk about building tourism, building monetary authorities and stock exchanges, all this is good. We are moving up the ladder of high finance. We have to move up the ladder of high education. Sometime ago, the Third Elected Member for George Town and I moved a resolution to create a teacher's training facility. I don't know how much thought has been given to it since then, but I firmly believe it is something that is needed, and I believe that the Fourth Elected Member for George Town also mentioned it in his contribution earlier.

We have to put more emphasis on getting Caymanians to want to enter the teaching profession. What a noble profession! It is the one thing that I wanted to be but, of course, we did not have that opportunity. We were not afforded that opportunity. But opportunities exist today and we need to encourage our people. Pay them the salaries to join the teaching profession. Pay them the salaries and make the environment of the teaching profession something that the young people want to get into.

It is sad because when you talk to a lot of the young people, you hear them say, *'I want to be a lawyer.'* They think they will make millions of dollars. Some of them want to be accountants, and they want to be financing statisticians. Mr. Speaker, I am not hearing too much about being schoolteachers. We have to develop that and Government must put more emphasis on it or else

we will have to continue importing, and importing, and importing.

Thank God we have good teachers, but God knows the day that we might not be able to get what we want. So this is something that the Ministry of Education has to get going with.

I believe that the Community College is going ahead very good but there needs to be better marketing. And I stress that because we have a good facility costing millions of dollars. When you go there and you see the library that exists, we have a good facility. We have to make sure that it is utilised much more than it is. We have to make sure, Mr. Speaker, that our people don't get left behind. We jam our prisons and the Community College goes empty.

I am sure that the management of the Community College would appreciate the assistance of Government in marketing the college. I said that I always believe in giving credit where credit is due, I think Mr. Basdeo is a very able man and I believe he and his staff have done a fine job and continue to do so. But I believe it is now time for the quantum leap to university level for advancement of our human potential.

Mr. Speaker, another matter that I think I ought to speak on is the one of career guidance. I hope that Government finally realises the serious need for career guidance. While I was in Executive Council, I had plans to incorporate career guidance into the training scheme, but career guidance has more to do with education and is more into the high school arena. However, if the machinery is already in place it is up to the ministry to ensure that it is functioning properly. If it is not in place then I must advocate strongly the establishment of a unit to ensure that this important service is available to our children.

Anyone who is providing such a service must have a thorough knowledge of the West Indian system, must have a thorough knowledge of the British system, the American and the Canadian systems of education because these are the destinations of choice for our children.

I firmly believe that it is most important to start this career service and it must be emphasised around grade 10 when children are choosing subjects before they enter the final two years of high school. Besides giving career talks, students must be individually interviewed and counselled to ensure that the subjects they choose to study at grades 11 and 12 are in keeping with the needs of their career choices.

Mr. Speaker, even in grade 10 some students are not sure what subjects they want. And in such cases it is very important for career officers as far as possible ensure that they have the right combination of subjects to have the flexibility in their career choices to ensure success later on. I can speak from experience. I have two children who went through the system. I know how difficult it was for them. And as a representative, I had to deal with many cases in the community. It is not something to get up here and attack the Minister. That's not what I am doing. It is talking about a real need that exists at that level.

A good example of having the right combination and the flexibility is if a child wants to do medicine but takes subjects more to do with economics. For instance, sir, there are variations in the subject needs for different specialisation in the education systems of the United States, Canada, West Indies and the British systems. In the British system, for instance, there is the requirement for maths, chemistry, and physics for the medical field; and in North America, maths, biology and chemistry for medicine. So it is quite clear why a proper career guidance and counselling system needs to be in place. I would hope that this is something that the ministry is moving on if not then I would advocate that they create a unit to deal with it.

Mr. Speaker, we have much crying and talking about the environment. I have always said that there can be a healthy balance between the environment and development. We have to have that in our country or else we will not exist. We can't save the entire environment and no development; we can't have all the development and no environment or we will not exist as a people, as a country. There can be a balance, and we have to strive to find that balance.

This thing about everybody becoming an expert on the environment and on development cannot be the basis upon which policy is made. But we do have some data that can give us some guidance on the sensitive areas and what can be done and what can't be done. There are also persons with general knowledge who can give guidance, but Government has to strive to that point, as it seems this is where the country wants to go.

Caymanians have got to realise that if they are going to keep the standard of living that everybody wants, and what the vast majority of people have, then there is going to have to be continuance of development. I said a long time ago that those of us in this House cannot keep complaining about development while we ourselves are developing hand over fist as individual members. We can't because that would be hypocrisy to say the least.

Government needs to strive to find that balance. One of the things that has always amazed me is that our country is a vast swamp. I think the Minister of Tourism some time ago gave the figure of about 50% swamp; this country is about 50% swamp. What has always amazed me is that we have all the swamp, very little beach, one major beach and you don't hear anybody saying, 'Save the beach.' Every person that wants to do a condominium development is on the Seven Mile Beach. The only beach in the country has been allowed to do it and you never heard phooey. Only one beach! But don't do anything with the mangroves.

Mr. Speaker, we have to be practical. Everybody loves a little bandwagon to jump on, to beat up on somebody. Everybody wants that. And when it is not me, I beat up on the Minister of Tourism, and he beats up on me or the Minister of Education beats up on me or some other Backbencher beats up on them and I join them or the outside person is doing the same thing. We have to be practical.

The Speaker: Could I interrupt you just one moment. For your information, you have ten additional minutes to speak. You may wish to summarise some of your presentation.

Please continue.

Mr. W. McKeever Bush: Mr. Speaker, I thought I had forty minutes when I left Friday.

The Speaker: Forty-eight to be exact.

Mr. W. McKeever Bush: Okay. Thank you very much, Mr. Speaker.

So we have to be practical. And while I cannot get further into the subject, as I said not everybody who says they are an expert on development or environment is. But Government has to take the lead and put the things in place.

I understand that they plan to declare Little Sound a Ramsar site in May. But there is no money in the budget to buy the land from the owners. Now, we cannot do that. We cannot go and take people's land unless you are ready to pay them for it. And that's one of the areas that everybody has said, 'That's the way — let us save that area.' And so they have planned to save it. But then you can't declare if there is no money in the budget.

There are two new developments in my community—a group called "Focus," led by two young ladies, Nina Orrett and Yolanda Smith—building character of young people. I want to congratulate them on that effort. I intend to do what I can to help them with it.

Also the Community Gym spearheaded by young Mr. Cline Glidden, Jr. and I. It costs \$20 per month, \$40 for a family of three. It got off the ground with a donation of equipment from the Holiday Inn and other community citizens. We need more equipment especially two good treadmills. Government gave two grants and I thank the Minister, as the rent is very high. We have to spend \$1,500 a month on rent but it is a very good community project. More and more people are coming. This is good for health.

The Community Development Action Committee (CODAC) is moving good with Mr. Lennon Christian, but I would say again we don't need any more confusion between the Drug Council and creating the Drug Council to do the same thing that the CODAC is doing. I would hope that the Minister would take that on board and deal with it.

I am concerned about our public beach down in West Bay because it is not being kept as it should be. I do have a list of roads that the Minister of Tourism will have to look at and one major road to connect the innovation I spoke about earlier, from Birch Tree Hill to Boatswain Bay. That would have to be looked at and hopefully it can be done.

I also hope to put in place a Community Learn to Swim and Water Safety Programme for children utilising my own swimming pool at home. I would need volunteers to assist in teaching and running the programme and I think most people know where they can reach me. I think it is a good programme to teach children to learn to

swim and teach them water safety, and I intend to utilise my own pool for that.

Mr. Speaker, in closing we all have a tremendous job ahead of us, God willing, in the new millennium. We have to be careful. We have to plan carefully lest we make regrettable choices. Caymanians must come together. The downfall of Caymanians has been that we like . . . and someone said it is derogatory. But I find it to be like crabs in a barrel—they see you getting ahead and they are going to tear you down to get up on top. Caymanians have to come together as a community. We have to because of the growing social deficit and more people with their hands out because of the inability to fit in.

We have to design a constructive intelligent system for our country to lead struggling people back to self-sufficiency. First, we have to educate them that they cannot do as they please; that there are rules and regulations to live by. A mass public education or re-education effort needs to take place for the new millennium. We cannot also bolt the door against the very people who seem endowed. Foreigners, we have some here for twenty-five years, fifteen years. . . . Caymanians have got to stop and understand that we can't bolt the door against the very people, Caymanians and foreigners, who seem endowed with all the qualities we say we are losing—fiery, hot ambition, a respect for hard work and responsibility and making it on merit and a passionate dedication to family.

This is what we want! This is the national community we want to build. Let us be careful lest we fall into the trap of those who disguise reflective scapegoating as seasoned analysts and persuade us that we have no better choice for leadership than what presently obtains. We hear our people say, "For God sake do something." Well, the warning bell that I like to ring is let us be careful before those voices switch from urgency to some kind of recklessness as I heard the other night.

"Do something," Mr. Speaker, becomes "do anything." We don't want that. We must respond to needs, the problems we face with substantial strength of constructive discussion and intelligent new consensus. Let us bring the country together. We need a strengthening of national life and more genuine effort—not selfish effort—to build national life.

Mr. Speaker, there was a song by Ernie Smith, and I will just say "KDT." Figure that one out, now. And this is what they said, "And as they fight one another for the power and the glory our country goes to waste. We the people want to know just where we are going? Where do we stand? Right now our hands are tied behind our backs while the Government is if'ing and but'ing. Where do we stand? We have too far to go not to really know just how we are getting there and if we are getting anywhere we have too much to change not to know the range."

Mr. Speaker, as they fight one another for the power and the glory our country goes to waste. Let us try to educate our people that all the rights they have come with great responsibilities. All that I am saying will take great strength in one's conviction. It will take extraordi-

nary leadership for the country. Those people who care about others, who care about the future . . . it will take responsible leadership from politicians willing to throw away customary points and excuses and lead the people towards the truth no matter how risky politically. It will take moral leadership, insight and innovation.

As for me, Mr. Speaker, by God's help I have made up my mind to abide with people, work with people, link with people who are honest, who can help lead us in the new millennium, build the national community because they understand and have staked out this territory already with clean minds and generous minds.

"The woods are lovely, dark and deep. I have promises to keep and miles to go before I sleep." I hope I have not gone over the time and I trust that the Government will find something useful in my contribution and do something about the widening social deficit in this country.

Thank you, sir.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:52 AM

PROCEEDINGS RESUMED AT 12:25 PM

The Speaker: Please be seated. Proceedings are resumed. The floor is opened to debate but it is my understanding that it is the intention of this House that the Select Committee on Standing Orders will meet at 12:30 p.m.

[Interjection: Yes, sir]

The Speaker: In view of that I think before going into the debate we might as well adjourn at this time and we shall then suspend until 2:30 p.m. for lunch.

PROCEEDINGS SUSPENDED AT 12:26 PM

PROCEEDINGS RESUMED AT 2:53 PM

The Speaker: Proceedings are resumed. Debate continues on the Throne Speech. Does any other member wish to speak? (Pause) Before I call on the Honourable Minister for Tourism, we have apologies from the Honourable First and Second Official Members who are performing other official duties this afternoon.

The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you. I may need to take a few minutes to get my papers together. (Pause)

I am very pleased to be able to bring my contribution to the Throne Speech. I begin by congratulating His Excellency the Governor for a comprehensive Throne Speech, a speech that was well developed, well delivered, and I believe that His Excellency being at the helm of this country for the past three plus years has assisted

us to steer the good ship Cayman Islands in the proper direction.

I think we all need to be mindful of where this country has come from and how much time, energy and dedication was given by former members of this Legislative Assembly and of the Vestry, as well as our justices of the peace and former civil servants, be they senior civil servants or otherwise.

I am reminded of the fact that we can look far and wide around this Caribbean, around the Atlantic or even the Indian or Pacific Oceans and not find many—if any—places in the world that I would rather be. The Cayman Islands through the dedication of our predecessors and through the dedication of the members of this honourable House and the government created a stability in this country that has drawn investors' confidence all around the world.

Once we reach the top, or nearly the top, we then have to dedicate ourselves to carrying out the necessary work, for being open-minded enough to assess the position, to listen to the business people, to listen to members of our community in order to ensure that what was done by the government is in the direction that the community would like to see. Granted, sometimes they do not have as much information as we do, but we can build their input into that formula that has taken us so far.

The quality of life in this country is equal to any and better than many. The opportunities in this country for young people are quite unlimited. It depends upon the individual's ability. And it depends upon all of us who call ourselves Caymanian fighting to ensure that they have that opportunity to further their education, if that is their wish, to go off and study at a university to obtain their Bachelor's Degree whether that be in business or whatever other professional interest they may have so that they can prepare themselves to take up the mantle to be the cornerstones of this country for the future.

We know that no matter what, our time in this House, and our contribution to the people of this country will certainly come to an end. And we need to ensure, just as our forefathers did that we use some dedicated time to assist young people to find their respective positions in this community.

We have now developed as a country that is rated as one of the leading financial centres of the world. It didn't just happen overnight. Many, many people made contributions to it. Yes, it happened in our time. So we have a responsibility to ensure that the opportunity we had, and the opportunity which prevails today . . . that we commit ourselves to working to ensure that our children, your children, and every child in this country has a similar opportunity, a similar quality of life and we pray for Almighty God to guide us as we take each decision.

Sometimes we look around and begin to compare ourselves to other countries. And sometimes we say that our Constitution is probably not as up-to-date as any other country in the Caribbean. Or, if it is, not too many, if any. Yet, the population in this country, the quality of life in this country the world awareness that prevails in this country is probably right up there with the best of them. We have listened to many comments about the

economic status of the Cayman Islands, about the financial position, about social values, about Vision 2008, about financial reforms, about public sector reforms, and on, and on, and on.

This country is probably in the best position it has ever been. When you look at the financial position in this country, or the economic position in this country, and we talked about being one of the worlds leading financial centres with \$637 billion on the books of the banks in this country, with stay-over visitors in 1997, for example, spending \$381.2 million in the Cayman Islands, the cruise ship visitors spending almost \$21 million in this country. We know that even looking at the loans and advances to the residents of the Cayman Islands, in 1992 it was roughly \$658 million. In 1997, it was \$1.2 billion. And sometimes we get long lectures about our policies and our decisions.

Even the currency in circulation has almost doubled since 1992. Company formation on an annual basis moved from about 3,700 to 8,300 companies being registered in this country in 1997. When we look at the total registration of companies, when we took office in 1992 there was a little over 25,000 companies. At the end of 1997, there were 41,163 companies. Even the mutual funds legislation was created in 1993 (or 1994) and by 1997, there was 1,685 mutual funds operating in this country. Just a little taste of where we have come from and the contribution this government has made to this country during the last five years, in particular.

We even see that the number and value of approved development in this country. It's not easy to get development unless you get the confidence of investors. And we know that the majority of development, be it condominiums or hotels, and to some extent commercial buildings, is done by persons who are non-Caymanian. But even that development, when you look at it, in 1993 was almost \$104 million. By 1997, it was almost \$291 million.

And our contribution that we have made, even in the cases of crime, while we know there have been movements within an aggregate figure, in 1992 the total crimes reported was 3,058. In 1997, it was 3,307. And recent information indicates that that figure has been pretty stable for 1998. But we know that the development of the Cayman Islands as a tourism destination and as a place that produces quality of life for all of us who live here, crime must be kept under control. This government is dedicated and committed to taking the action necessary to keep it under control.

Many of us who have paid attention to it over a number of years basically see the peaks and valleys in certain types of crime, and see the relationship to some extent between the use of drugs and burglaries and other activities. These are items that concern each and every person in this country, including every member of this Legislative Assembly. I know that the police are committed to dealing with it.

I realise too that the new Commissioner has just passed his first anniversary in the Cayman Islands and I want to commend him and his members of staff, more specifically his policemen, be they constables, superin-

tendents or the deputy commissioner. I want to commend all of them for the able job they are doing. Just like every one of us, Mr. Speaker, they can always do better. So we have to strive to do better. We have to improve our performance in this House or (in the case of the police) out there in the community.

What I wanted to say is that the government commits itself to the police and the support thereof, and I feel certain that every member of this Legislative Assembly echoes what I am saying.

We know that when we talk about road traffic accidents and other matters that in 1992 there were 820 accidents throughout the Cayman Islands. By 1997, the figure was 480—almost half the amount. I believe it's an indication of the work of the police; it's an indication of the youth being involved with many activities that were established by the government and by the community in many cases. And I want to pay my respects to those involved in community service and sporting activities, and to those who are involved with supporting the churches in this country who have done such an able job over the years and continue to be movers and shakers in our system of principles and values.

When we start quoting all of these statistics, we must be careful that the message is understood. Basically, the message is that we are doing well, we are growing well, we are dealing with items that concern us. We can improve the situation and we are committed to doing so, but the commitment is there all around. When we talk about social values, when I listen to what the community is saying . . . and maybe the way I am interpreting it is that we need people who the community looks up to, who set the standard and behave in a particular way. None of us wants to behave in a way that the community frowns upon. None of us want to behave in a way that misleads the children of this country. And I am reminded every time I stand up to offer my contribution of that great need to provide a positive influence for young people.

It wasn't that long ago that I was growing up as a teenager myself. There were many people within the community of West Bay, in particular. In those days you had to walk to George Town, we didn't have all these cars. Even if you wanted to ride your bicycle you went up Boggy Sand Road and got halfway through and had to stop. So many people in this country that we looked up to as role models influenced our lives. If we do not act in a way that gives positive values, then I think we have only ourselves to blame for the problems that come afterwards. I am not trying to say that we are causing the problem, I am saying that we must set the right standard.

We talk about Vision 2008, and I have to thank His Excellency the Governor for spearheading that movement. And I believe that each and every one of us in this Legislative Assembly is committed to Vision 2008 and that process. I believe it is necessary. Many a member across the floor, in particular, spoke about long-term planning. We have reached that day. I think we reached it quite some time ago. But there is always a problem of gestation when we reach these decisions to be able to digest it and then implement it.

We spoke too about financial reform. I watched the financial reform in this country from 1971 when we used bookkeeping machines. We made the switch in the very early 1980s to computers. And by mid 1986 we set up the Public Finance and Audit Law. As the world changes, as this country changes, there is a need to constantly amend the legislation or the procedures in order to ensure that Cayman is in step with the accountability to our public for the funds that we are spending.

We hear too about public sector reform. I don't think anyone in this House disagrees with it. I think there is a need to have that public sector reform to understand a new way of doing things. Change is not always something that people wish to do, but it is certainly in the best interest of this country to change for the sake of positive change and not just for the sake of changing.

Long term planning. We have all sorts of plans at the moment. We have a health plan, we have a Port Authority plan, we have a Water Authority plan, we have a drug plan, we have an education plan, we have an agricultural plan, we have a tourism plan . . . so, long term planning is not foreign in any way for government. And there's a need to do more planning. I think that's the point being highlighted. I am sure that the government will act as it has committed itself and will take the matter on and deal with it. But there is also a need to make sure that the change being put forward is a workable change, something that will benefit the country. Rushing headlong without properly assessing the pitfalls may do more damage than good.

I heard some comments the other day from one of the members across the floor. I wanted to take a few moments to talk a little bit about that. It was comments about tourism, the minister, and the director of tourism, and the fact that we always take credit when everything is going well and that tourism is on automatic pilot, the Third Elected Member for West Bay said. I want to ask him to research the statistics and tell me if he can make that statement convincingly because every statistic since 1992 show increase after increase, after increase, straight into 1998. How can you do that kind of operation on automatic pilot? Maybe his thoughts are on automatic pilot!

If we are living in sync with what is going on in the world around us many of us know that there was a substantial American Airlines strike. Now you can't have American Airlines going on strike for several days and not affect your tourism. The only way you could come to the conclusion that it does not affect your tourism is if you don't have a full understanding of the quantity of passengers that American Airlines actually lifts off the ground and takes to different parts of the United States and also brings to the Cayman Islands.

There were also comments about the minister of commerce and that the private member's motion that had been made and agreed to by government which spoke about restricting certain areas of the business to Caymanians, meaning watersports among others. Unless my memory is failing me, this whole thing went to select committee. And the select committee in its recommendations, and I haven't gone to the file to check

the accuracy of what I am about to say, but I think it is close to the truth, the select committee made a recommendation that they would move legislation that separated trade and business activities away from the Immigration Board and set up the Trade and Business Licensing Board. It also focused on salesmen coming into the country and selling to different importers or business people in this country without what everybody thought was a work permit. And we dealt with that matter as far as I could understand.

There was no agreement or recommendation from the select committee that we would restrict certain businesses to Caymanians. So, no matter what the minister for commerce might think, unless the members of the select committee, who are the members of this honourable House, decide to go that route, you physically cannot carry out that thought or that action. So I don't want to do anything more than add comments that will put the accuracy of what took place as far as I can remember it to the public.

The member also made some comments about work permits. Perhaps he is listening to Caymanians who cannot get a job too easily. I hear that too, that there are so many people on work permits, particularly in the construction industry. I believe that's a valid statement. I believe that we must all commit ourselves to it. But you know, Mr. Speaker, I think I hear another member say that everybody is concerned about work permits until it comes to yours. *'Don't take mine. Take his and hers, but don't take mine.'* I think we have to change that approach. We have to agree that in this country employment for Caymanians comes first. And I am taking my time to make this statement because I sincerely believe that that is the way it should be.

Now, the Caymanians have a responsibility to give value for that dollar earned. Whatever the compensation is, he or she has the responsibility—the obligation—to show up on time, to take the break without going excessively over time on the break, and to complete his or her work at the agreed hour. I don't see how anyone in this country can deny a Caymanian a job. If you are not showing up for work on time, if you are not giving 100% value—which is what you are paid for—to the employer, then he or she has every right to complain. And remember that they are not in business just to be kind; they are in business to make money. And your contribution to their business is almost as significant as they themselves being on time delivering the product. Because if the customer is not pleased will there be any repeat with that person coming back again? We know that repetition in this case is vital to the survival of a business place, that is, coming back time and time again for the same service that you delivered.

I noticed too in the comments made by the Third Elected Member for West Bay that he mentioned the amount of official travel in this year's budget of \$1.2 million. He then went on to talk about the Minister for Tourism and the Director of Tourism spending too much time in the air than on the ground. I want to make it clear to the public that the \$1.2 million is not mine, nor is it the director's. Sometimes, although there might not be any

intention that way by the speaker, people interpret what they want to interpret. And spending time on the ground, for the year 1998 I was away from the office on promotion six times for the year. I wonder what would be his category that says I am spending too much time in the air.

If you are in the tourism business there are two things you can do: You can sit in your office and look pretty and expect all of that glory, or you can get out there and do the work. I think the track record that follows me from 1992 indicates what I have done. I have no hesitation about travelling if I have to travel, if it is in the best interests of this country, and I have always assessed whether or not it was beneficial to this country. Otherwise I don't need to travel. I'd rather be home with my wife.

As I was reading this document and the words of the Third Elected Member for West Bay, I got a real shock when he said, **"But, Mr. Speaker, those responsible are more interested in attending cocktail parties and functions offered by those in senior authority. That's what they are concerned about."**

You know, Mr. Speaker, those who live in glass houses shouldn't throw stones. And I take exception to that statement because he, himself, if all of us were present at the Hyatt Suites on Saturday evening, he was walking around with a glass of wine in his hand. So he should shut up!

[Members' laughter]

Mr. W McKeeva Bush: You can't do him that way. Behave yourself now, he's your nephew.

[Members' laughter]

Hon. Thomas C. Jefferson: He should have considered that before he said what he did.

Mr. W McKeeva Bush: All of us were not there.

Hon. Thomas C. Jefferson: Mr. Speaker, the First Elected Member for West Bay made a point. I didn't say that all of these members were there. I was saying *if* you were there.

[General uproar]

Hon. Thomas C. Jefferson: [Microphone not turned on]

[Members' interjections]

Hon. Thomas C. Jefferson: Mr. Speaker, I am willing to go on. I think they were pulling my leg.

Mr. W McKeeva Bush: Well, if you want to go—as long as you're not going on another cocktail party!

[Members' laughter]

The Speaker: I am completely in the hands of members. I will entertain a motion for the adjournment.

AT 3.37 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 18 MARCH 1999.

Mr. W McKeeva Bush: Mr. Speaker, it seems like it would be good to allow the minister to go and do his duties.

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

Hon. Anthony S. Eden: I move the adjournment of this honourable House until . . . Wednesday at 10.00? Someone said Thursday.

Mr. Roy Bodden: No, no, no, no.

[General uproar]

Hon. Anthony S. Eden: I think it's Thursday at 10.00. I move the adjournment of this honourable House until Thursday at 10.00 AM.

SUSPENSION OF STANDING ORDER 72(8)

The Speaker: Before I put the question, I would appreciate it if the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation would move the suspension of Standing Order 72(8) in order to allow the select committee to meet tomorrow and this afternoon.

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 72(8) to allow the select committee to meet during the period of the House.

The Speaker: For the benefit of the listening public, that Standing Order reads, "**A select committee may sit at any time when the House is adjourned, but except by leave of the House may not sit while the House is sitting.**"

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 72(8) SUSPENDED TO ALLOW THE SELECT COMMITTEE TO MEET WHILE THE HOUSE IS SITTING.

ADJOURNMENT

The Speaker: The question is that this honourable House do adjourn until 10.00 AM Thursday. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**EDITED
THURSDAY
18 MARCH 1999
10:27 AM**

[Prayers read by the Third Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable First Official Member, who is performing other official duties this morning. The Honourable Third Official Member will be arriving later this morning. The Honourable Minister for Education, Aviation and Planning, and the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation will also be arriving later this morning. And the Fourth Elected Member for West Bay will hopefully be arriving later this morning.

OBITUARY

Valda Louise Bodden

The Speaker: Honourable Members, I rise this morning to offer condolences to the family of the late Valda Louise Bodden (nee Merren), the daughter of a very prominent Caymanian, H.O. Merren, who was very instrumental in the early days of the business community of this island. And, later the wife of Captain Theo R. Bodden, a very prominent businessman whose family continues his business in the islands today. On behalf of all honourable members of this Honourable House I offer condolences to the family. May her soul rest in peace.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 13 stands in the name of the Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**DEFERRED QUESTION 13
(Deferred on Monday, 15th March 1999)**

No. 13 Mr. Linford A. Pierson: Mr. Speaker, this question is deferred from the last meeting of the House and it could be some what redundant at this point but I would nonetheless wish to ask the Honourable Minister to state (that is, the Honourable Minister for Agriculture, Commu-

nications, Environment and Natural Resources) who is responsible for the removal of the rubble from the site of the former Holiday Inn? And why this has not yet been removed? As I said, Mr. Speaker, this might now be redundant.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I also would like to thank the Member for what he has said because as the House knows, a few days ago I did answer a question that is literally saying the same thing that I would have to say in this one.

The applicant is responsible for the removal of the rubble from the site above. In most cases, the material is deposited at the landfill site.

Based upon staff discussions with the applicant's agent, it is our understanding that the applicant is considering using the rubble as fill for the proposed hotel parking lots which would be located across West Bay Road. Staff has advised the applicant that an application for planning permission is required to use fill in the manner desired by the applicant. No application to use the rubble for parking lot has been received to the date when we actually did the question.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the Honourable Minister can state the name of the applicant? And is he aware of the reason why an application has not yet been received or made by the applicant to have the rubble removed?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I do not have the applicant's name and as far as I understand the fine rubble, some of it, was actually taken to the dump, but this is the hard part which could be used for fill. I will give the Member an undertaking that I would check and give him the names that he has requested.

The Speaker: No further supplementaries? We will move on to question 15 standing in the name of the First Elected Member for George Town.

DEFERRED QUESTION 15

(Deferred on Monday, 15th March 1999)

No. 15: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if any consideration is being given to computerising the quantity surveying section of the Public Works Department.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Yes, consideration is being given to computerising the quantity surveying section of the Public Works Department. It is hoped that this will be completed by the end of 1999.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister will smile ruefully when I ask this question. Can the Minister state why consideration is being given to computerising this section of the Public Works Department?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I would have a tendency to say (and I haven't gotten this answer from Public Works themselves and I need to specify that) that firstly, it is one of trying to ensure that Public Works has the system in place to provide quantity surveying in terms of bill of quantities for buildings and things of that sort. If any part of the design changes then another bill of quantities would need to be put together.

So it provides a great flexibility for the Public Works Department and we have a young person who is presently studying the subject of Quantity Surveying overseas in London. Hopefully, he will return in the summer of this year and will be employed at Public Works.

Secondly, the quantity surveying work, a large percentage of it, is actually sub-contracted (if I could use that expression) to the private sector, meaning firms in the private sector that provide quantity surveying expertise.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister has alluded to some of the functions of this section in the Public Works Department at present. Can he say briefly how this section now functions in regard to actual quantity surveying when it comes to capital projects? That is, building that is being carried on through that department for the Government.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it the functions of quantity surveying are presently being carried out by firms that are employed by the Public Works Department. As I understand it, there is no one in Public Works at the moment that has the skills and the time to provide this amount of skill to the capital works system.

We do know (and I don't want to mislead the House in any way) that there is a person who has quantity surveying as an expertise. But my understanding is that the volume is so large that he is unable to do it simply because on the one hand, the system which we are proposing to establish in Public Works which will computerise that work is not now in place and, therefore, one person would not be able to carry it out without that system as I understand it. So we are looking forward to computerising the section.

We are looking forward to the young person coming back and taking up the duty officially and dealing with the quantity surveying needs of each particular project that Government may have. I shall go on to say building projects.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Bearing in mind that the Minister being questioned has recently taken over the subject of Public Works would the Minister be able to wager . . . or perhaps let me re-phrase that, Mr. Speaker. Would the Minister be prepared to venture a comment with regard to how long has it been realised that this needed to be done?

And, is it something that is an accepted fact that because of the lack of this and because of the way the system works presently this has actually costed the Government much more than it should have over the years?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am worried about this venture that I am taking about to take on. *[Laughter]*

I believe that in the absence of the quantity surveying unit being computerised, I can see the difficulty of one person actually carrying out this work and, therefore, to some extent they were left without any alternative in.... Let me back up a little bit.

It seems to me that without the section being computerised one person is unable to carry out the multi-construction projects that Public Works takes on. Therefore, the alternative to not being able to do it in house, so to speak, would be to go outside and buy that skill to ensure that these multi-projects do get implemented at least to that stage. It seems somewhat logical that if you go in that direction and you have a multitude of projects, such as schools and other buildings, if you keep farming out this work, it is possible that you are paying more than you would if you did it in house.

The First Elected Member from George Town asked me to go on this venture, Mr. Speaker. I am reluctant to go much further because I think in the absence of factual information, there is a strong possibility that the project is costing more because the quantity surveying—actually the person who is providing that skill is receiving a percentage of the total cost of the project. That is how [this] bill is turned into Public Works. Therefore, if you look at 10 or 15 projects being done it is very likely that it is a more costly way of doing it than if you are doing it in-house.

But let me go on to say that to do it in-house you need the section computerised. So, there will be a capital injection for the computerisation and the hardware and the software and that is the commitment that I make to this House for 1999, to computerise it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am trying to be as aware as I can of not asking too many supplementaries, sir, but I think this little subject, sir, warrants just a few more. I understand and accept the Minister's position at present. But I think once we have had this opportunity and it is aired properly then we might have more impetuous to rectify the situation and that is the whole purpose of this little exercise, sir.

Mr. Speaker just to follow up on what the Minister just said, if we simply look at a five-year period, or say from 1995 to 1999 inclusive, we can easily be looking in excess of \$200M worth of capital projects. Certainly during that time it must have been seen that this cost was noticeably more than the way the department was supposed to be run. While I understand the lack of staff, certainly that should not be an insurmountable obstacle.

Can the Minister just go on to say (and I not trying to put words in his mouth, I am truly trying to make it as easily as possible for him to answer without getting himself in a corner) whether or not this has been realised as one of the important parts of the rectification of the working of the department? My understanding is that there was some recent type of "audit" done on the Public Works Department by an independent source.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I am not in a position to actually say how long this matter has been realised. I think I would be giving an opinion, or perhaps speculating, as to how long it has gone on. I am not able to do that. If the Member wishes me to look into it and come back with a written answer, I am prepared to do it in that way because I think then we will have a factual situation.

I believe that as we move forward and as we take on projects, sometimes we are so committed and focusing so much on the work ahead that we don't always look at the system. And sometimes even the re-allocation is not really looked at because you are focusing on getting

the work done and the pressure is upon you to produce. So I believe that in the exercise going forward (and it is no secret that the Chief Engineer and others, as well as the person mentioned by the First Elected Member from George Town is assisting the whole process of reinvention of Public Works, the systems and organisation, and what have you) that is a process that we are not going to be able to deal with at one shot. It will take a little time to deal with the changes as we move on because first of all we need to ensure that the service supplied by the department is not hampered in any way, but the changes that are made enhance the services that are being given.

We know that the service to the public is paramount. It must be delivered on time, although we need to do workshops and training of some personnel along the way and not specifically in Public Works but we know that's the system that is normally used. You cannot tie people up in training if your department is on a time line to produce a particular project.

So, I am basically saying it will take a little time. We are working on it and we intend to carry this through.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. One final supplementary, sir.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: I think that it is clearly (and I will turn into a question before I am through) obvious by the exchange here that there needs to be some improvement. I can only say that I am happy to hear that there is some commitment to see this through. But one of the things that I also wish to point out to the Minister and seek a commitment from him on is if he looks in other areas of the department where there have been individuals trained in the past and consequently employed. History will show us that a lot of these young, qualified individuals have left the department. Perhaps, the commitment I will seek here is that in the future, . . . I am not limiting it to this exercise where this young man is supposed to be returning to that section of the department.

Perhaps due attention could be paid to the needs of that department on an overall basis looking down the line as to how it's going to work. And, I am not venturing here to say how the department is going to function in the future. There must be some type of vision. But if there is going to be any expertise within that department perhaps specific scholarships can be offered. Of course, there will also be a need to recognise the need for prospective upward mobility for these individuals, which I think has been a problem in the past.

So, I am just asking the Minister if he would give a commitment that when the whole thing is being looked at, that this will be part and parcel of the exercise. I believe it is important for us to have our own Caymanians entrenched in the system and be able to move forward. I think once they are there and everything is working properly we cannot ask for more. I am sure we will get

better results with regard to their functioning within that department.

So, if the Minister could give that commitment, perhaps we can leave it at that.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Knowing the view of the Chief Engineer on this matter, I have no difficulty in giving the commitment to the First Elected Member from George Town that we will look at the overall position of Public Works, and I so commit.

The Speaker: If there are no further supplementaries, we will move on to question number 16 standing in the name of the First Elected Member for George Town.

DEFERRED QUESTION 16 (Deferred on Monday, 15th March 1999)

No. 16: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce, Transport and Works what is the present policy of the Public Works Department regarding acquiring discounts on materials purchased.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: All goods and services procured by Public Works are done through one of the following processes:

- Competitive quotes;
- Competitive tendering through the Departmental Tenders Committee, or
- in the case of purchases over a CI \$100,000, competitive tendering is submitted to the Central Tenders Committee.

Regarding single source suppliers, waivers are sought from the Public Works Tenders Committee or the Central Tenders Committee to negotiate with the supplier to secure the lowest possible price.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town, a supplementary.

Mr. D. Kurt Tibbetts: Through you, sir. Can the Minister state how long this policy has been in effect?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, to the best of my knowledge this system has been in place for quite some time.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: As I am sure the Honourable Minister will have read the Auditor General's Report of 31st December 1996, he will have seen that there was a question raised by the Auditor General with regard to this policy or lack thereof. If it was supposed to have been in effect for quite some time, it certainly has not been the case and that is why I asked the question.

Perhaps, the Minister could simply give the commitment and maybe we can end this one quite early too. The purpose of this is to be able to look back to see where the mistakes were and to be able to ensure that they don't re-occur in the future. But if we could find out from the Minister, and he can provide this in writing, if the Minister would be able to compare purchases and I am not talking about construction tenders, I am talking about single source suppliers. If the Minister would be able to do a comparison, once we find out exactly when this system has last been implemented . . . because obviously it has not been working well over the years.

So anything that has been done in the recent past will have been done as a result of the Auditor General's observations, at least that is the view I would take. So, if he could find out or get some comparisons with what materials cost a year before and what they are now costing a year hence, perhaps we could have a pretty good comparison to see how it is functioning at present.

I daresay that I would expect to see a marked improvement. And again, this question was simply raised to ensure that the observations made are being carried out.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I thank the Member for putting this question forward, and I do realise that it is with good intentions. He made the point that we assumed responsibility for Public Works just about 2 ½ months ago. We have been down here most of the time so I have not had time to deal in detail with a lot of this. But I have no difficulty with carrying out a comparison of purchases from the single source suppliers and comparing one area against the other whether the cost varies and comes back to the members in writing.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, could the Minister say the number of persons on the Tenders Committee?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I take it that the Fourth Elected Member from George Town is speaking about the Departmental Tenders Committee. It is chaired by the Chief Engineer and the Secretary is the Executive Engineer in charge of roads. There is also a senior member of staff pulled in as well as a junior member of staff, and they have a listing for these members, and they vary.

They have a listing for who is likely to be the junior member in 1998 or 1999 and also the senior member. So it is not committed that they will always have the same people on it with the exception of the secretary, being the Executive Engineer for roads and the Chief Engineer as Chairman. So the other two individuals are rotated, they are not always there.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say if these persons are also private citizens that are also members of the PWD Tenders Committee or is it just engineers?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: When I say junior member of staff I am in particular talking about recent graduates, be they the engineer of a project, or the graduate architect, or a graduate engineer, or a superintendent of the building construction. And when I am speaking about a senior member of staff, I am talking about the executive engineer for buildings, or the architect, or the executive quantity surveyor, or the senior superintendent for building construction or the works manager. Those would be the senior individuals and the junior individuals would be really some of the recent graduates.

In terms of private people, the private sector personnel would actually be on the Central Tenders Committee, which is the committee with bids over \$100,000.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I then think that perhaps my question relates more to the Central Tenders Committee. What is the proportion of engineers to private sector persons on the Central Tenders Committee?

Suspension of Standing Order 23 (7 & 8)

The Speaker: Honourable Minister, if I could interrupt you for one minute. Would you move the suspension of Standing Order 23(7) & (8) so that Question Time can go beyond the hour of 11:00 a.m.?

Hon. Thomas C. Jefferson: Under Standing Order 83, I move the suspension of Standing Order 23 (7) & (8) to allow the further supplementaries to be asked on this question.

The Speaker: I should put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23 (7)& (8) SUSPENDED.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there are six members of the Central Tenders Committee and it really is evenly divided between private sector personnel and government personnel. Government personnel related to Finance or to Public Works in some way.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: The Minister has said that there are three private sector members of the Central Tenders Committee, are there any members from the private sector that have on-going business with the Government?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There may be in one or two cases but it is not a continuous thing. It is kind of hard to be in the private sector and be in this construction area and your project is not run or you do not do a bid for the government. But in those cases the individual would have to excuse himself, and the other members of the Board take the decision.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Is it the policy then of the government to have people on the Central Tenders Committee that have specific expertise in specific areas? Or is the government interested in having private sector members that might have overall experience? Does it have to be very, very specific experience?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I would say that the intention is to have persons who have general overall experience. In some cases, the person has overall experience as well as a specific kind of skill.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: I just wanted to know when I asked if there were any persons on the Central Tenders Committee that had on-going business with the government — and I believe that the minister is saying that in fact it is very difficult to find persons in the private sector that wouldn't have some business with the government. And in cases where this comes about the individual or individuals might have something coming before the Tenders Committee that they exclude themselves. If an individual performs on-going functions from the government . . . that somehow the interaction would be more to be looked at than the person excluding themselves.

Would the minister in his short time there have any possibility to examine this particular situation?

The Speaker : Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I may not have answered his question to the best of my ability because I did not focus on this continuous work that the individual who may be a member of the Central Tenders Committee may have. I think I went part way but not totally. As far as I can see on this list, there is no one in the Central Tenders Committee that constantly has on a weekly, or by a monthly basis, continuously worked with the government.

There are individuals who periodically, . . . their project will come up and they may be involved with it or they may own the construction company or whatever it may be from time to time. That is how I should have answered the question.

The Speaker: There are no further supplementaries, that concludes Question Time for this morning.

Item number 4 standing on today's Order Paper, Government Business. The continuation of the debate on the Throne Speech delivered His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on the 19th February, 1999.

Debate is continuing, the Honourable Minister for Tourism, Commerce, Transport and Works.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19TH FEBRUARY 1999

(Continuation of debate thereon)

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

On Monday afternoon when we took the break, I wanted to personally thank your good self and members of this Honourable House for agreeing to adjourn at about 3:30 p.m. or 3:35 p.m. to allow me to participate in the groundbreaking for the Crewe Road Bypass. I am deeply grateful.

I was making the point that the Cayman Islands in my view, is in a class by itself and I don't have any written notes but I have material from which I can speak and draw on.

I want to first say how grateful we should be to Almighty God for the guidance that He has given not only to us but to every former member of this Legislative Assembly as well as every member of the government who has been involved (and I include civil servants in that) with taking decisions on behalf of this country and making their contribution moving this country from an infested mosquito island to where we are today—one of the leading world financial centres and also a premier warm weather tourist destination.

We have to pay tribute to many other persons involved. We certainly need to pay tribute to the work of the churches who from the 1940s leading right up to today have played a role in the community in keeping a constant reminder of the need to be principled, of the need to deal fairly with individuals and to have those Christian values that we are well known for. Those are the values that in my view have made us honest, upright citizens of this country. Those are the values that allow us to travel and participate and work in many different professions and even as seamen in the 1950s and beyond. Those are the values that allow us to be so easily accepted and for us so easily to deliver the quality of work that satisfies our employer.

So, we, as current members of this Legislative Assembly, have a leading role to play in setting the standards in this country. We have seen a reduction in the honesty of some of our people. We have seen the effect of drugs and drug use in this country. We have seen the ramifications of theft, burglaries and other uncommon kinds of acts by parents and individuals alike. I believe we are drifting away from what the churches and our forefathers and our parents really taught us years ago. There is a right and a wrong. There is the responsibility of the parent to know where his child is. There is an obligation for the child to ensure that he or she is supported one hundred percent in his or her educational pursuit. For we know today that without it, the individual will be not as productive as he or she could be and may even have real difficulty getting the type of job that he or she would like.

So we as parents must shoulder that responsibility. And I am not just speaking to the public, I am speaking to all of us in here, and I am not excluding myself. I think we have to commit or re-commit ourselves to our obligations not only as parents, not only as community leaders but as members of Parliament who should be setting standards, who should be role models for young people to look up to. If you have the right example, a young person may follow your role model.

The positiveness of the life could be affected just by the way you behave, just by the things you commit yourself to, wholesome activities shouldering your community responsibility so that all of us in these Cayman Islands will have a better place to live and to rear our children and theirs. And we have that responsibility to ensure that all of this prosperity we now sometimes seem to take for granted . . . we have the responsibility to ensure that it is maintained so that the young people in this country and their children have a similar opportunity as we had.

I believe that Caymanians in this country have unlimited opportunity. Yes, you can find somebody who is trying to keep you down. You can always find that. But the important thing is to ensure that you, yourself are actually carrying out the work and presenting yourself, and giving 100% value for the dollar that you get paid.

I believe that Caymanians, whether it is the members of this House or leading members of the community, must indeed stand up for others, must indeed be people who take time to assist and help to guide the young people in this country. Sometimes, we become university

graduates and then we come into the labour market. It would be helpful to also have guidance in it. The Third Elected Member [from Bodden Town] called it mentoring, and I certainly agree with that.

I believe it is not just a call for the employee being Caymanian and the employer being Caymanian or otherwise. There is a community need. There is a need for the employer also to be a good corporate citizen, to have an interest in training and promoting Caymanians. They should have an interest of being good corporate citizens and to ensure that young people, Caymanians, have an opportunity to rise to the highest level in the profession that they have chosen.

Quite frankly, if it doesn't happen, the social harmony and the social values in this country are going to be at risk. It is always easy to talk about what should be done. Words help. Action is better. I believe that is what I am talking about. I don't want any member to misinterpret what I am saying. I am saying that even us on this side will have to use words but the action is crucial in order to bring the effectiveness of what we are all talking about.

When we look at the crime statistics, we don't see a wide fluctuation in the total number of crimes but we see variations within that total number which concerns each and every one of us. That is what we are talking about, the burglary, the drug use and other uncommon kinds of crimes in this country. It is a matter that has to be dealt with. There probably is not any single answer, but it is a matter of joining forces and formulating a strategy that helps to bring more responsibility in the community especially by parents.

This country really has a glowing past. If anybody examined where we came from since 1966 to where we are today and how the quality of life in this country has improved, we have to give thanks to Almighty God. Yes, He said (and I am probably paraphrasing) "Man shall not live by bread alone . . ." but by the sweat of his brow. Yes, we have to work hard. Even more so now that we have reached near the top. We have to continue to work hard and we have to utilise the skills to help us maintain that position.

It has always been, in my view, a contribution that is made by members of our community who come from the indigenous side of the equation. We also have to give credit to those who have come to this country, who have delivered the kind of skill and expertise that has helped us to grow in the financial industry as well as in the tourism industry. We know that there are even some of us—meaning Caymanians—that don't always behave like we should. So we are going to have some of the non-Caymanians who shouldn't behave like they should either. But we have to support the system that says you have to follow the rules in this country and you have to abide by the law and be good corporate citizens.

I want to reiterate what I said on Monday afternoon, Mr. Speaker, knowing that the Commissioner of Police has recently passed his first anniversary here. I want to commend him not only for his commitment in dealing with good government and policing but I want to also

commend him for the way in which he has taken on his responsibilities in what I would say an effective way.

There are a lot of things happening in this country, Mr. Speaker, that some of us, maybe all of us, do not know the full extent of. But they are being dealt with. I believe that when we even think about drugs, the whole magnitude of that situation, knowing our location in the Caribbean and just watching over the last thirty years where we . . . and I will give you an analogy if you wish for an example.

We had a young man who came in from Jamaica with a parcel. He handed it to a member of government, and I am not going to say what title he had. And that person walked through Customs with it in his hand not knowing what he had and then when he got outside, he took it back from him, later to discover it was ganja. Now, that system does not operate any more. But when we think about how those involved with moving drugs have become so powerful whether it is dollars we are talking about or the technology to make that happen and to allow that, including the equipment that they have available to them. Mr. Speaker, it doesn't take any rocket scientist to know that if you have a lot of money, you can buy the best of everything including the best of lawyers and everything else.

So I repeat myself, I commend the Commissioner of Police and all policemen and members of the Police Department and Customs as well.

Sometimes we find that the Immigration Board and the Immigration Department take so much of a beating that we have to say thank God for all of them. They are trying their best to deal with all matters. When we just visualise the growth in this country over the last ten years and how they have been able to cope. . . and I am talking about Immigration and Customs now. It is quite phenomenal. Perhaps the many members of the public and to some extent it just seems to go on, it just seems to operationally move on and deal with what comes up and, quite frankly, deal with it effectively.

All right, there is always a one-off case that I don't agree with or you don't agree with. But even in our own family these things happen. A member does something that you are not happy with. So we shouldn't be so studded when in a public place, in a public organisation whether it is Customs or Immigration, someone does something that you are not happy with. Well, let's report it to the Director, let's report it to the Head of Department and let him deal with him because if you don't point out the weakness in the system then perhaps they don't get corrected. And then we just complain, and we complain, and we mumble among ourselves, and then nothing happens because you didn't report it to the proper source to get it corrected.

I want to say that when we talk about the financial reforms in this country and I remember it from when they were doing it by hand. Then we moved on to bookkeeping machines and then sometime around 1979 – 1981, we brought along computers. The first computer we bought was really to produce straight statistics and we barely got it in place. We got the first trade statistics produced and all of a sudden everybody else wanted to use

the computer. So that the computer then became not adequate to deal with this great demand. And we constantly changed it in order to provide the service and to create the word that is used now ("reform") to take the system further along to ensure that the tediousness of the job is done by a computer rather than somebody sitting down with pencil and paper.

The budget system in this country is going to be changed. The financial reforms in this country are going to happen. The government is committed and I daresay the members of this Legislative Assembly, all of them, are committed to seeing that change. We know that it is in the best interest of this country in the long term and we also know that the system has taken us far, what's there at the present time.

We know that it was only in the mid 80s that we actually produced the Public Finance and Audit, and the Financial and Stores Regulations. We also know that the budgeting exercise and how the Finance Department has been able to estimate the revenue given that they are looking at it in September or October of one year trying to project the following year, how much is going to be collected. I think they have a track record that is unequalled. And when I think of the Deputy Financial Secretary and his involvement in the budget . . . if you look for 1992 coming forward, they are very much on target every year.

So I think that system of estimation has worked well and obviously any improvement in technology is only going to make it better. When you can estimate an entire year and come within 97% or 98%, or in four years be in the 100% range, it has got to be good. This is not easy because remember that the whole situation in the Cayman Islands is seriously affected by external forces. So all of that has to be borne in mind when trying to deal with revenue estimates.

Quite frankly, I will put the Deputy Financial Secretary's estimation up against anybody in any part of the world doing estimates. I just thought he deserved those comments so I wanted to make them.

I just want too just to quote a few more statistics, if I may. When we look at the tourism arrivals in this country and really we need to quote what we are responsible for:

- In 1992, 241,800 visitors came to our shores;
- By 1993, it was over 287,000; and
- By 1994, it was 341,00; and
- By 1995, it moved to 361,000;
- 1996, it was 373,000;
- 1997, it was 381,000; and

Last year we passed the 400,000 mark, 404,000. That record was done by hard work, by tourism representatives around the world, by the Tourism Headquarters here in Grand Cayman, by the local partners in Grand Cayman and by a variety of travel agents and wholesalers who do business in Cayman but are also friends of the Cayman Islands.

We know that tourism is a major contributor because visitors move all over the island spending money. It is not just the hotels that are affected, or taxis, or water sports, or duty free shops. There are restaurants. There

are the supermarkets among other kinds of services that they pay for.

We saw this figure move from \$253M in 1990 to \$381M in 1997. While the cruise visitors contribution moved from \$14M . . . and they don't have the figure for 1997 but in 1996 it was \$31M, we can see the benefit of that money being spent all over this country.

We also know that the first two weeks or so of January are traditionally soft. Always have been. We know too in recent times that there was a major American Airline strike. It doesn't take Einstein to figure out that all of us are going to be affected. If we read the *Caymanian Compass*, we find that Bermuda is down by about 12% and many of the other jurisdictions in the Caribbean are affected. But I heard all sorts of quotations about business being down by 40%. My figures don't say so. The air arrivals figure doesn't say any 40% reduction, so I don't know where these figures are coming from.

I always try to be open. When we compare 1998, January – February, we had total arrivals of a bit over 72,000. When we compare 1999, we had a bit over 70,000 so the difference is about 1,800 people. No way can you calculate that and make that 40%. I am not saying that the business is not flat. I am not saying that at all. I am saying that the percentage is not correct. That's what I am saying based on the information I have.

We are committed to action but we need to understand fully where the problem is before we start spending money. Sometimes there are attempts to just throw money at something without fully understanding what the problem is. That I do not propose to do, Mr. Speaker. I propose to sit down and discuss it with members of the business committee and to reach a solution where they play their part and I play mine. Not mine personally but I am talking about my responsibility as the Minister of Tourism.

It is that partnership that has helped us to grow tourism in this country, and it is the answer whenever we believe that there is a need to act. But there really is in my estimation no need for us to panic given the figures I see produced by the Immigration Department. These figures come from the immigration forms that are filled out as the passenger comes to the Cayman Islands, so I think it is accurate. I know in the past when we got into these situations some people said, '*Well, you cannot count the people coming from Jamaica because they don't stay in hotels or condominiums.*' That's true, I am not trying to. I believe I understand tourism. And I believe if an answer can be found with the private sector, with the Department of Tourism, with the ministry, we will find it and we are committed to finding it.

The Speaker: Honourable Minister if you are going to a new point this might be a convenient time to take the morning break.

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

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.44 AM

PROCEEDINGS RESUMED AT 12.22 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. The Honourable Minister for Tourism, Commerce, Transport and Works continuing.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Sometimes when you take the break you have a different thought so before I leave the subject of tourism, I would just like to make a few comments and maybe just to revisit the statistical abstract and just to see where we have come from with cruise passengers.

According to this, there was none in 1970; and then by 1975, there was about 22,000; by 1995, it was approximately 259,000; by 1992, it was 613,000 cruise ship passengers which remains somewhat close to the 600,000 mark during 1993 and 1994. And then in 1995, it increased to approximately 683,000 visitors. In 1996 and 1997, it moved on to 771,865.

I have already mentioned the contribution of cruise visitors to the Cayman Islands in terms of the amount of money they spend in this country. One thing I think is worthy of mention just to give an overall appreciation of the cruise lines. Someone sent me an article which was in the *New York Times*. The date is February 19th, and the title is, "**Cruise lines profit from friends in Congress.**"

The media begins by saying: "**The world's largest cruise company, Carnival Corporation earned [and I am reading it, Mr. Speaker] \$2B in profits over the last three years. But the company with headquarters here in multi-storey in Carnival Place [which is Miami] paid less than 1% in income taxes even though its earning exceeding those of many Fortune 500 Companies.**"

"Royal Caribbean Cruises, the second largest cruise company whose headquarters overlook the port of Miami reported profits of \$657M over the same period. Its financial statements do not even include a line for income taxes. Doing business under a decade old loophole in the federal tax and protected by an increasingly powerful lobbying force, the seventeen major cruise lines pay practically no income tax even though they are based in the country and 90% of their passengers are from with United States."

This article also talked about the big spending on lobbying which is done by the cruise line. Just to read this one paragraph, "**There has never been a serious effort to alter the tax rules and the industry has developed an effective lobbying presence in Washington to protect its interest.**" I found this article rather educating. I think anyone who reads this article would have a real appreciation for the cruise business and the magnitude of that operation.

I was on the Internet the other night and I found another article written by *The Associated Press*, Sunday, March 7th, by a person named Dan Perry. I will just read

a few paragraphs from it, Mr. Speaker, with your indulgence.

"The gargantuan cruise ship tied up in the port of Charlotte, Amelia, U.S. Virgin Islands dwarfs the old Danish style buildings along the waterfront. The gleaming floating city is steaming with many tourists out for fun and frolic, but will they spend their money here? Some leave the ship to venture ashore. Emerging from the ship's long shadow they squint in the Caribbean sun, adjust their visors and proceed to the shops and cafes. A tee-shirt and maybe a cheap watch and later it is back to ship to dine and dance and gamble and wake up the next morning in another port.

" 'It's home away from home,' said Mark Fish, a computer analyst in his 40s from Anchorage, Alaska. 'Touring by cruise ship,' he says, 'means less hassle and is less expensive than flying and paying for hotels.'

"Increasingly this is the Caribbean traveller and in the cash-strapped U.S. Virgin Islands, there is growing concern about the dwindling number of tourists who actually stay in hotels, eat in restaurants, rent cars and ride in cabs. The number of overnight visitors to the U.S. territory has fallen from 555,000 in 1988 to 410,000 last year, a decline of 26%.

"During the same period the number of annual arrivals aboard cruise ships shot up by half to 1.6 million."

This is also a very enlightening article, Mr. Speaker. With your permission, I can lay both of them on the Table so every member will be able to have a copy. I think it is useful to be knowledgeable by reading what's included in these articles.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Sometimes we take decisions with information such as that and all of us who run across these articles, I think, should share them for the benefit of us all and for the benefit of the country.

I found another article, which to some extent deals with the other type of traveller. I got it off the CNN Travel on the Internet. It is entitled, "**Disgruntled air traveller wins friends in Congress Administration, Senate holding hearings, airlines respond.**" The article was actually written in Washington and I think it was *The Associated Press*.

This is the way the article begins, "**First there were mechanical problems at Denver, then the misconnection at Houston. An employee strike passengers weren't told about. A detour to Miami Super Bowl weekend without help in getting a hotel, a switch of airline to Grand Cayman, and adding injury to insult, lost baggage for which the original airline agreed to pay only \$604.**" This article I would lay on the Table because I think all the information of this kind is useful.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Thank you very much, sir.

We know about the American Airlines strike, among other things, and we don't need to go over that ground again.

I wish now to perhaps move from the beginning straight towards the end of what I have to say not to say that there is not something in between but I wanted to speak a little bit about Public Works. I want to ensure the public that we are trying our best to give advance notice to the public of the work that Public Works may be carrying out. We are also trying our best to ensure that work does not come at peak times when we can afford doing so.

The public relations part of it, we will (I am being a little bit repetitive but deliberately) try our best to keep the public informed on all aspects of Public Works work and especially on roads where we will be working and when. I would say to the public, stay tuned to Radio Cayman, *the Caymanian Compass*, and Cayman 27 News for more information. Those are the sources or areas of the media that we will use.

I want to also thank His Excellency the Governor and Mrs. Owen publicly for allowing us to use the facility of Government House to do the Long Service Awards to members of Public Works who served for twenty or more years. Actually, I didn't know it myself but there is a person working at Public Works that joined when Public Works was across the street in that little building across from CIBC in the old Public Works compound, a gentleman by the name of Alfred Jackson. For thirty-nine years he has been there. What a commitment to the Government! Imagine the changes he has witnessed, not just in Public Works but throughout the island on the whole.

I was indeed pleased that we could honour persons who have made significant contributions to this country. Now, if he joined back then we know that he fought mosquitoes while he was trying to do his job during the day and we know too that in some cases the equipment that we see around today was not evident at that time. Although, I said it personally to His Excellency I wanted to publicly thank him for allowing us (he and Mrs. Owen) to use Government House for that purpose.

I offer public congratulations to those persons who were honoured. If I tried to count them all up. I think it was in the range of 22 – 25 persons that were actually honoured that evening, in different areas of Public Works.

I want to just touch a little bit on the Smith Road and Bob Thompson Way intersection. I want to say congratulations to Public Works for what I would say is a job well done. When we look at what we have and when we realise this was done from expertise within Public Works, it is time to take off our hat and say, '*You have done us proud.*' I believe they have.

Now, I know that the First Elected Member for West Bay questioned whether we should have done a roundabout. I think he was genuine in his question. The solution to a smooth traffic flow at every intersection, I am sure he will appreciate as well, is not always a roundabout. The traffic at each intersection . . . and I am saying this after having talked to some of the specialists that

we have in Public Works. The traffic at each intersection must be carefully examined and a solution decided. It was to construct and install a system of traffic lights as well as a series of left turns, rights-of-way.

The First Elected Member for West Bay, I understand was told by a lady (who I believe is from the eastern district) that the intersection was not functioning properly and that the system was not working. I feel pretty sure that he was told that. But I took the time yesterday morning because I always try to verify whether my belief is correct or not. I took the time yesterday morning to be at the intersection from 8:00 a.m. to see for myself how the intersection and the traffic system was working. I was there up to probably 8:25 a.m. maybe closer to 8:30 a.m. What I saw, was a smooth flow through the intersection—cars and trucks coming from the east, the west, the north; and cars and trucks and buses coming from the south.

Quite frankly, there were so many vehicles at that intersection that I could not physically count them and be accurate in my count. The only slow down that I witnessed was caused by Public Works working on the shoulder of the road near the Credit Union Building. And you know how we are, Mr. Speaker, we want to look to see what they are doing. I am guilty of it sometimes myself. So in that process when you do that you generally slow down. So there was a little bit of a slower movement but never at a stop.

The Bob Thompson and Smith Road intersection between 7:30 a.m. – 8:45 a.m. in the morning, Public Works estimates 2,500 vehicles pass through it, and 2,200 between 4:30 p.m. and 4:45 p.m. So if that is the estimate and that intersection is not working properly, let me tell you, we are going to all know real quick. So the lady from the eastern district needs to go out there and examine it for herself and don't listen to anybody else because the information she is giving others is not accurate.

Work has also commenced on the re-alignment of Smith Road and Crewe Road to bring the full, smooth flow of traffic to Smith Road, especially going towards Bodden Town and this will take about three weeks to complete. Those who have passed by it do see some activity and some loss of grass and they are dealing with those little islands. I call them traffic islands. They are dealing with those in order to create the lanes to allow this to happen.

This work will take about three weeks to complete. As I mentioned earlier, this work starts at 9:00 a.m. in the morning and stops at 4:00 p.m. to provide the minimum of interruption to the traffic flow.

I believe it is appropriate too to thank the Lions Club for their work. I believe if my information is correct they are the ones who assisted with those traffic islands at the junction of Smith Road and Crewe Road. I want to say to them how much I appreciate not only that work but the serious contribution that they have made to the community of the Cayman Islands ever since they were chartered here, which I think dates back to the early 70's.

The traffic on Crewe Road . . . and I would go on to say that I might have an interest there as they have

awarded me an honorary Lion so I have to tell you that is the case as well. But my comments are as genuine today as there is sunlight outside.

The traffic on Crewe Road going towards Bodden Town after this re-alignment is done will simply merge with the traffic coming up Smith Road without stopping. There will be additional space for more lanes in the Jose's Esso [Gas Station] area of Crewe Road to allow the merging of traffic to take place. We will provide more information through the press on these matters to assist and help to educate the public on this movement.

The other item I wish to come to is that my ministry has requested the Public Works in 1999 to begin a National Roads Plan. We have the blessing of Executive Council. The estimate for the work to actually put together a National Road Plan will take some time. But it is important that we begin the process. I know this is another item that has been talked about for some time.

[Inaudible interjection]

Hon. Thomas C. Jefferson: If there was one, I did not find it and I don't think the Third Elected Member — no, I should say that!

[Inaudible interjection]

Hon. Thomas C. Jefferson: No, no, no, Mr. Speaker. I am trying to remain as neutral and fair as I possibly can so I am not going to entertain some of the comments that are coming at me. [Laughter]

It is estimated that this National Roads Plan will cost in the area of about \$80,000 and with the agreement of the members across the floor I will say that we will propose to them that the money be taken from the 1999 capital development budget for roads. I think we can find the money there rather than increasing the budget any further.

We have dealt with the terms of reference for this exercise, we have actually formulated the planning process for the proposed National Road Plan. Public Works Road Section proposes to co-ordinate the preparation of this National Roads Plan. We also a schematic that looks at the two committees that need to be established to deal with it.

The traffic and transportation engineering at Public Works will split time. In addition to the engineer, additional support will be required such as engineering aides to assist with data collection and studies as well as clerical support. The amount of time required to carry out the study and prepare the National Road Plan will depend greatly on the priority that the exercise is given.

It is estimated that we could accomplish this between twelve to eighteen months. It may flow faster than that or it may flow slower than that. We know that when you start talking about corridors, a National Road Plan is difficult to develop unless you know that the corridors are there. So those two processes have really to come together and be synchronised, if I could use that expression. This plan will be compatible with environmental goals and the plan must be acceptable to the majority of

the population, the legislative body, the business community, and others who might otherwise be objecting to it.

It is impossible to please all the people all the time, but it is possible to develop a plan that is both adequate and popular. As I mentioned, the plan must be in harmony with the master plan, which in this case is the development plan. Transport facilities must be located such as land use and intensities, and growth rates that the development plan specifies can be achieved. Most of all, this plan must be an affordable plan and the plan should indicate how you implement what phase of the road and when.

I believe that it is time that the government moved on and sought to put in place a National Roads Plan. We have several plans—we have the Health plan, we have the Water Authority plan, we have Agricultural plan, we have the Drug plan, we have the Port plan. So this is not a plan that helps to put us in a position knit it together with the economic situation in this country, and the financial future of this country and indicate then the revenue potential of this country and the capital expenditures that we are proposing in addition to the recurrent expenditures, which deals with the operational cost of the department.

We don't have all the pieces yet. But one of the things I want to mention and give credit to this government for is that the majority of plans that are in place today were done by us.

I want to say that sometimes eels attack the octopus too.

[inaudible interjections and laughter]

Hon. Thomas C. Jefferson: Mr. Speaker, I think I may have made an omission when I was talking about the long service awards. I don't believe I mentioned those employees who were awarded long service or given long service awards in the Department of Vehicles and Equipment Services. I apologise to them for not mentioning it at the same time.

I think the First Elected Member from George Town proposed a question as to whether we are going to computerise the Quantity Surveying Unit or Section of Public Works. And the answer we know is in the positive. But I would like to talk a little bit more about the structuring or re-structuring.

In every department of government there can be improvements. In every one of us there can be improvements. All I am talking about is possible improvements to a particular department. Public Works at the moment, the organisational structure (and I thought I had some material but I don't) is that the Chief Engineer is the Head of the Department. And there are various sections under him. There is the Building Maintenance Section (and these sections stand separate at the moment), there is also a Building Construction Section, which is dealing with construction of new buildings. There is the road section, and the road section is made up of New Road Construction and the Maintenance of Roads as well. There is also the Administration of Public Works, meaning the

staff that does the administrative work for the department falling under . . . Well, the whole thing falls under the Chief Engineer but there is also the Quantity Surveying Unit.

We have looked at this, Mr. Speaker, and I must say that while the organisation benefits in the area of roads by having the new road construction and the maintenance of roads under the same person, it is not so with the building section. I think it is absolutely paramount that the building maintenance be under the same head as new building construction.

As we know that building maintenance can be a very important feedback to the building construction. So let me be more specific: The Executive Engineer in charge of roads will be in charge of roads sections, and lets divided the roads now. One section is maintenance, the other section is new construction.

The other Executive Engineer dealing with buildings will be in charge of building construction as well as building maintenance and we know that's Max. We know that, nothing new! What has happened before is that the Works Superintendent was in charge of the Building Maintenance which is . . . in other words, you had two separate units and we are trying to put it together because it is logical, it makes sense to go that direction.

This is not something that I am going to take credit for. I think the process was beginning as I took it over, so the arrangement to have it done was prior to my assuming the responsibility. We had a person who came in and assisted Public Works with the reinvention exercise, a man by the name of Bertram, who hails from the United Kingdom. He came in for a short period of time. I think it was probably a week to ten days, and he made a second visit but I liked his approach. His approach was, *'I am going to try to facilitate the change and let you, the staff of Public Works, cause that change to happen,'* and I think as a result (and this is just my overview of it, I guess) he fell right into good company and everything moved on to our expectations so far.

They actually even changed the mission statement but . . . Mr. Speaker, if you wanted to take the break or take the adjournment—

The Speaker: Honourable members, this is a convenient time. It is my understanding that the House will now adjourn and I would entertain a motion for the adjournment.

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

ADJOURNMENT

Hon. John B. McLean: Thank you, Mr. Speaker. I move the adjournment of this Honourable House until 10.00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 a.m. tomorrow.

AT 1:02 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 19 MARCH 1999.

**EDITED
FRIDAY
19 MARCH 1999
10.22 AM**

[Prayers read by the Honourable Third Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable First Official Member who is absent today as he is performing other official duties.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 19 standing in the name....

POINT OF PROCEDURE

Mr. Roy Bodden: On a point of procedure, sir, before we proceed with today's business. I just want to call to the attention of the Chair and Honourable colleagues the fact that we seem to be stuck and not going anywhere. This is three weeks now and we still have not finished debating the Throne Speech. I am afraid that the business of the Country is not moving ahead fast enough because somehow it seems that we have lost the ability in the Parliament to manage in such a way that we could even catch up, let alone move ahead.

I am really concerned sir, that significant time is going to pass and we are still going to be in here making it increasingly possible for one Sitting to run into the next. I wish that we could find a way to hasten the business and I call upon you to see if you can guide us, spur us and help us to accelerate in such a way that we can put this agenda behind us and complete the business at hand within a reasonable time, sir.

The Speaker: I would like to say that I thank the Honourable Third Elected Member for Bodden Town for his comments and I call to your attention that it is now almost 10.25 a.m. I have been sitting in my office from before 9.00 this morning awaiting the opening of this Legislature.

So, as far as the Chair is concerned, I do not assume responsibility for that. I would ask all Honourable Members to let us heed what the Third Elected Member for Bodden Town has just said and let us attempt to move forward.

Does any other Member wish to comment? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, only to say that we have been saying this now for many, many months. I think this is the fourth month that we have been here and it is going to take the joint effort of this whole House to try to curb the length of time that we speak. In fact, the Government Ministries, when you are out of anything for four months, are really hurting and the public is obviously getting upset at times when not being able to reach us. I am sure the same thing is happening with the Back-bench because I am sure that they are having their constituents calling in when we are sitting here. So, it has to be a joint effort by all of us.

I hope sir, when the Standing Orders Committee reports back that there will be something in that that can try to take us forward to a reasonable period of time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I would not agree that it has to do with the length of time that we use speaking. As you rightly pointed out, it was 10.25 am before we began. That alone, sir, is where the time is going. I mean, we are procrastinating. My mother, God bless her soul, used to tell me that procrastination is the thief of time. We never seem to begin on time and you told us about the long breaks that we take. That, Mr. Speaker, is where I respectfully submit that the time is going.

We break for 15 minutes as you tell us and yet it takes half of an hour or 45 minutes before we return. We need, as you rightly pointed out, to exercise more self-discipline among ourselves in the breaks that we take and to ensure that we begin on time. I am not suggesting that any Honourable Member be called upon to curtail the length of his speech. I say we need to begin by adhering more rigidly to the times you give us for breaks and to ensure that we begin the sittings as they are required in the Standing Orders to be begun, sir.

The Speaker: Moving on to item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 19 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 19

No. 19: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development if the Government is considering any initiatives towards widening its revenue base?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: As stated in the response to the Budget debate, the Portfolio of Finance and Economic Development has been mandated by the Economic and Statistics Office to undertake an examination of the structure of revenue generation in the Cayman Island. Government will formulate an appropriate Revenue Policy on the results of this overall investigation.

The Policy will outline the ways in which Government intends to generate an adequate and reasonably stable source of revenue to meet the needs of the foreseeable future.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member state if this examination is underway or has it not started yet?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: It is underway conceptually, Mr. Speaker. The Economics and Statistics Office has developed their work programme for the year 1999, and this is being submitted for consideration by Executive Council. There will be focus placed on four areas: One will be capital development; the second, revenue; the third, debt structure; and the fourth, recurrent expenditure. That is very much underway and will materialise in 1999.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member state if there are any terms of reference which have been developed for this examination to take place? In other words, will the Economics and Statistics [Office] be given specific terms of reference or is it something that they are going to be examining on a very broad basis?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The terms of reference will be embraced within policy papers that will be put forward for consideration. The Government will be invited to comment on the policy initiatives that are outlined and this will encompass the terms of reference. What will be put forward for consideration will seek agreement by the Government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Are these initiatives coming from the Economics and Statistics Unit, or will they be coming from the Third Official Member's portfolio?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: They will be coming from the Economic and Statistics Office through the Portfolio of Finance and Economic Development. The reason for this is that whatever is being put forward as a policy initiative must be based on research that is carried out. This research will provide the relevant information to be considered. We will have to go in terms of what emerges out of the air, and I am sure the First Elected Member for George Town appreciates that.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to let the Honourable Third Official Member know that I do appreciate that. I just wanted to make sure I understood the sequence of events.

I am trying to understand the process. Once Government approves what is put forward, exactly what will take place after that? Is it something where there is going to be input allowed from elsewhere? Or, once the policy initiative is accepted by the Government, then the Economics and Statistics Unit will go straight into their examination to come up with some type of report on it?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Input will be sought at a very broad level not necessarily in the civil service but also going beyond. What is embraced within this is the emergence of the Medium Term Financial Strategy and the Public Sector Investment Programme the sectorial plans, which will outline the initiatives of the various sectors. The initiative will look at the financing of that which will mean that proper analysis will have to be carried out of existing revenue measures and also potential revenue measures. Also to be embraced within this is research carried to see, for example, where Government is significantly subsidising services that are being provided in given areas.

There is also a proposal that has been put forward for the establishment of a think tank. But that cannot be done until the terms of reference or the policy initiative has been agreed upon. Importantly, what is being done by the Economics and Statistics, the Government will have to ensure that the expertise of that office is not marginalised. Also, when the think tank is set up the terms of reference that is agreed does not result in any overlap that will create confusion in the process. So it will have to be set out what will be done at all levels. This is to ensure synergy in the process.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wish to thank the Third Official Member for the way he answered this question because it does give us some hope. I do trust that his portfolio and staff will follow through.

Just a final supplementary in this area: Can the Honourable Third Official Member state if (and I am not asking yes or not) there is any possibility that when this exercise is completed, there may be certain areas that the (for want of a better word) tax being levied now might lessen since it is a possibility that the base might be broaden?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That possibility exists. That is a very good question posed by the Honourable Member. The decisions to be taken will be based on research. This will point out inequities that exist in given areas and if such inequities exist it will be appropriate for those to be addressed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Sorry, but the Member's answer just prompted me to give one more supplementary. Is it then fair comment to say that Government accepts the fact that the way that revenue measures are charged now are not done based on any facts but just out of need?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The government accepts that the process needs to be refined and we have known this for some time. This government and other governments have been very prudent in terms of keeping revenue intake to a minimum, but we have now gotten to a stage where we need to look very closely at the sources. We know, for example, there are several areas (and all members of this Legislative Assembly are aware of those areas) where services are being significantly subsidised. And where services are being subsidised it means that the cost will have to be compensated for or the revenue intake from other areas.

So one will have to be looked at as against the other and based on this research and on informed findings then the appropriate decision can be taken in terms of what adjustment and where the adjustment should be made.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I note from the Honourable Member's answer that a revenue exercise seems to be undertaken by the Economics and Statistics Office of government. This to me is somewhat regrettable in that (and I will turn this into a question) members of the private sector are not allowed to become a part of this group or this committee.

I wonder, in the light of that, whether the Honourable Member could state when the committee that was recommended for the think tank will be established and what will basically be the terms of reference for that committee since in fact it seems that this exercise is now already being done by the Economics and Statistics Office?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Firstly, let me say that I don't think the Honourable Third Elected Member for George Town heard me correctly. I did not say that the exercise will not include input from the private sector. Because of the fact that we have a department established one must appreciate that this department has emerged as the expertise to carry out research. Any think tank group that is going to be set up must be given appropriate terms of reference and it is necessary for a proper analysis to be done in order for an appraisal to be made as to the current situation as it exists within the different revenue areas of government.

When this is done and the policy initiative is put to Executive Council for consideration, it is likely that a part of that policy initiative will make recommendations for consultation to be carried out at appropriate levels, which will mean the private sector. It could also mean in terms of the setting up of the think tank group as to how this should be structured. But it must be carefully considered to ensure that all areas work in tandem.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: It is not my intention to lock horns with the Honourable Financial Secretary, the Third Official Member. But I believe if there is a misunderstanding it is with him—not with me—because his answer states here . . . and the question was, "**Is the Government considering any initiatives towards widening its revenue base?**" His answer was "**As stated in the response to the budget debate, the Portfolio of Finance and Economic Development has been mandated to undertake an examination by the Economics and Statistics Office of the structure of revenue generation in the Cayman Islands. Government will formulate an appropriate Revenue Policy on the results of this overall investigation.**" No mention has been made here of the think tank or of any involvement of the private sector.

My question again to the Honourable Member is: Is there any intention to really set up a think tank and if so who will comprise that committee?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I appreciate the fact that the Third Elected Member [for George Town] agreed that it would not be advisable for us to lock horns on this issue.

As mentioned in the question, on the response to the question, once the appropriate revenue policy has

been established this will embrace the structure of the think tank component in terms of the way forward. What is outlined here is the groundwork. At this point in time, one cannot say, for example, who the members of the think tank will be. A recommendation has been made by an Honourable Member of this Legislative Assembly, the name of that person is presently with me in my office. We will have to look very carefully in terms of the policy position that emerges on this.

It will not benefit anyone or the government (which includes myself and all members of the Legislative Assembly) to take an intransigent position in terms of not inviting or embracing the expertise of those person who can make a contribution. A proper analysis must be carried out on the revenue structure before we move forward on this because unless this is done we will have individuals sitting down with the best intentions in the world working off the basis of incomplete information.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I will not protract this discussion because it is my intention to speak in more length on this during my Throne Speech debate, but the Honourable Member said that basically nothing has been done about the think tank. Would he confirm that he has really not made any effort to make an appointment of members to the think tank as yet for whatever reason? Basically, nothing has been done.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I think the Third Elected Member must recognise that it is not the intent that the think tank should not be set up. It is not a question of nothing being done. It involves a process that involves different stages in the process. At this point in time, for example, to call members into my office, or to agree, or to seek appointments to visit with them and to just talk broadly that the government would be very grateful if they would agree to participate as a member of a think tank group without having specific terms of reference and knowing exactly what will be done, at what level and what their input will embrace, I do not think this will allow for the members to give the appropriate and full consideration of what they are being invited to participate in.

This is a process. And the process has started. And at a point in time very soon in the process—as soon as the policy paper emerges that will set up the process for the review of the structure—this is where the think tank component of this exercise will be considered.

The Speaker: Are there any further supplementaries? If not, question number 20 is standing in the name of the First Elected Member for George Town.

QUESTION 20

No. 20: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Eco-

nomics Development if the government has developed a firm policy regarding annual contributions to the General Reserves.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Government has a continuing policy in place to build up the general reserves to represent three months of recurrent expenditure. In pursuit of this policy each year, the government includes an annual contribution as a line item in the Budget. In addition, additional contributions are being made to the general reserves, where an annual surplus permits, as is the case for 1998 where an additional sum of \$2M will be contributed over and above the sum of \$1M that was budgeted.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Might it not be a better situation if a fixed figure was involved in the policy? If it is so important to get to the level of having three months of recurrent expenditure in the general reserves might it not be better to have a fixed sum which is supposed to be a line item in the budget annually and whatever else works around that, rather than going the other route of saying if and when you can?

In other words, I heard what the policy is, I am just wondering if the Third Official Member might not consider that the policy might be better if it is more rigid and fixed rather than a bit loose the way it is?

The Speaker: Are you asking him for his opinion or a policy?

Mr. D. Kurt Tibbetts: Mr. Speaker, whoever creates the policy . . . he represents the government at this point in time regarding the policy. I am not asking him for his personal opinion, sir.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The First Elected Member for George Town is right in terms of a fixed figure. A fixed figure currently exists. But this sum is a very small amount. In response to earlier answers provided in this Legislative Assembly, it was indicated in terms of streamlining or a part of the financial reform review exercise will look in terms of the allocation of revenue. Ideally, a given percentage of revenue should be allocated to the general reserve—a given percentage to fund capital expenditure and a given percentage to recurrent and statutory. What we are doing is what could be described at this point in time as a creeping exercise recognising that there is a commitment or there are benefits to be derived in terms of having a nest egg established, which is the general reserves.

The level of revenue that is being generated at this point in time does not allow for large lump sum payments to be made into that fund. There is a commitment on the part of government to put in place an established policy and this will be included in the financial legislation that will emerge under the financial reform exercise.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In view of the three months of recurrent revenue that has been established by government based on, I think it was the recommendation of Public Accounts Committee, three months of recurrent revenue which I believe based on this year's budget is something between \$50M - \$60M, can the Honourable Member state what the present balance is on the general reserve and what period of time that represents?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the balance on general reserves as at 31st December is \$10.5M. But Honourable members will recall that when the out turn for the year 1998 was presented, it was indicated that a future \$2M from the surplus would be put into this account. Therefore, this will be included for consideration and approval on the next agenda of Finance Committee.

This will bring it up to \$12.5M. When the \$1M that included for 1999 is added it takes it up to \$13.5M. Based on this, on the strict \$10.5M as it now stands excluding the \$2M to be further transferred this amounts to about 19 days of recurrent expenditure.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: We just heard that the revenue reserves of this country are less than three weeks when in fact it should be three months. Would the Honourable Third Official Member say whether it is realistic for government to pursue a policy of trying to reach the three-month level of recurrent expenditure?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker. The Government may be some time away from achieving that target but ideally, I think it is one that should be met.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: Would the Honourable Member not agree that in view of the economic boom in these islands that the balance on general reserves reflects very negatively on the stewardship of government?

The Speaker: I think you are asking him for an opinion. That is not allowed.

Mr. Linford A. Pierson: Thank you so much. I will rephrase that question. Would the Honourable Member not agree that three weeks' reserves—when in fact it should be more like three months—reflects negatively on the government and that government should do more to bring this up to the required standard?

The Speaker: The Honourable Third Official Member. You may answer or you may not. It is left to you.

Hon. George A. McCarthy: The Honourable Third Elected Member for George Town has put me in an invidious position and I am sure that he would not expect me to provide him with a response based on the question as outlined. But, as I indicated earlier, government is aware of the need to bring the general reserve balance up to a level representing three months of recurrent expenditure. Efforts are underway in the reform initiatives to achieve this.

What is important at this point in time is that there is recognition that a deficiency exists in terms of this reserve balance and attempts are being made to correct that deficiency.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Third Official Member has just stated that measures are being undertaken to correct this deficiency in the reform initiatives. I know that it might well be difficult to give very exact timing on this, but based on the experiences now with the initiatives going on can the Honourable Third Official Member state what kind of timeline we might be looking at before such a policy comes into effect? And if, in fact, it might be possible to effect the policy regarding general reserves even if it takes a bit longer for the reform initiatives to come on line? Or do they have to go together?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: They have to go together. The reason being is that the reform initiative embraces the emergence of the medium term financial strategy. We are looking in terms of the macro economic management of government. This is what this document will outline in terms of the financing, revenue generation. We are looking in terms of the public sector investment programme. We are looking at the emergence of legislation. This is what I would call the primary stage, and all of the conceptual issues to be addressed or what will have to be enshrined in terms of policy initiatives to be implemented will have to be considered at that point.

Therefore, in terms of bringing the balance up to the required three-month level will not be achieved immediately. But if it is outlined that a specific part must be pursued in order to attain it, it will have to be done.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just a final supplementary. Can the Honourable Third Official Member state if during the interim government might consider, while still dealing with during the budget preparation process, applying more funds to the general reserves even if it is a \$1M more rather than fix it at the \$1M that has been for several years now? \$1M compared to 19 days worth of reserves and three months might seem to be nothing. I just wish to see more commitment on the part of the government.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That is a very reasonable suggestion that has been advanced, and one that will be recommended to the government for the year 2000 in preparing the budget. What the government is considering is first of all, whatever lump sum of money has become available that this be put into the general reserves. But, ideally, it is to fix the contribution of the general reserve to represent 2% of general revenue. Once the three months balance has been achieved, that will be adjusted annually to make sure that the fund represents three months of recurrent expenditure.

The Speaker: The First Elected Member for George Town. Two additional supplementaries is all I can allow.

Mr. D. Kurt Tibbetts: Mr. Speaker, I only need one, sir. Maybe someone else will use up that other one.

Can the Honourable Third Official Member state if while all of the initiatives are taking place and this gradual build-up of general reserves is happening, will it be part of government policy whereby these general reserves which are totally different from all the other reserve funds (in my view, anyway) will be used as leverage for any government borrowings?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That is possible. But just as how the reserves for the currency management of the country is now segregated, as such, prudence will also suggest that these funds be segregated, which is being done. When they are segregated, I am not sure whether it would be advisable to allow for the flexibility to be built in where these funds . . . because in effect to use them to leverage better, let's say, interest rates in effect would mean having to commit or pledge the funds as such. These are issues that will have to be visited at a point in the future.

But what is also happening at this time is that less than a month ago we had a visit from Caribbean Development Bank. Their senior economist, together with other persons, visited the Cayman Islands. Specifically they came here to look in terms of the funding needs of the Port Authority, but the opportunity was taken at that time to look in terms of the lending arrangements of the bank. We know that they have now gotten away from the concept in terms of multiple currencies. We know that monies are being lent over a longer period of time with a

reasonable grace period. All of these factors are being considered and will have to be looked at so that the debt management or the repayment against the indebtedness does not become an onerous burden, as such, and this will be considered.

So emerging out of that . . . and at this point in time I must say that the local banks provide to the government very favourable rates. It is normally 1% to 1.5% over LIBOR, and this is very favourable. That compares with some of the best rates that we could get from Caribbean Development Bank.

The Speaker: Final supplementary, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker. It seems no one else wants to use it up so I will. Can the Honourable Third Official Member state if at present the general reserves held by the government are simply held in an account?

Let me try and explain what I am asking for. In a previous supplementary, the Member compared the general reserves with the funds held by the Monetary Authority. I am just wondering if there is any method of investing to get returns on those reserves or is it just put into an account and it stays there? I am trying to understand how it is used to generate more income for itself.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That account is segregated from the general fund account of government. These monies are invested over the medium to long term to achieve the most favourable interest rate or return—fixed deposits and bonds.

The Speaker: Moving on to question number 21 standing in the name of the First Elected Member for George Town.

But before we do that, I would ask under Standing Order 86 that we have a motion to suspend Standing Order 23 (7) & (8) so that Question Time can go beyond 11:00 am. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

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

Hon. John B. McLean: Mr. Speaker, I so move that the relevant Standing Orders be suspended, that we can take the questions that are on the Order Paper.

The Speaker: Thank you. I shall put the question: Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.

The Speaker: The First Elected Member for George Town, question number 21.

QUESTION 21

No. 21: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources (a) if the Water Authority has any future plans for expansion and/or capital development; and (b) what period of time does it span?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes, the Water Authority has detailed plans for the maintenance, expansion and development of the public water supply and public wastewater collection and treatment systems in the Cayman Islands. These plans are detailed in a document entitled a "Ten Year Plan for the Development of Water and Sewerage Works November 1995 (Revised September 1996)" which was adopted by the Water Authority Board in October 1996.

The Plan includes the period from 1996 through 2005.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if this plan has been available to members of the Legislative Assembly thus far?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: No, this has not been made available.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Bearing in mind that the members of the Legislative Assembly have to deal at some points in time with either guarantees or such the like for the Water Authority (through one method or the other including Finance Committee) might the minister consider it appropriate to allow members access to this so that they can be kept up to date with the Water Authority's plans? And, also, can the minister say if there was any specific reason why the plan was not made available to members thus far?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I have no problem making it available. There was no request for it so that is why it was not done before. But I have no problem making it available.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state if there is any specific policy by way of methodology that the authority has developed when it comes to the financial arrangements for the expansion and the other necessary works included in this plan?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The funding of projects for the Water Authority has so far been done in-house and with the authority of the Board. So we have been trying to do it through the recurrent revenue.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Let me go down a different lane. I understand what has taken place thus far. This plan includes future works, I would assume that this plan (because I have not seen it) will include timeframes for certain goals and achievements with regard to the expansion programme and maintenance and whatever else. I am asking if parallel to that is the means by which all of these expansion works and maintenance works and whatever else has to be done will be financed. There has to be some methodology.

I am certain that if there are goals and objectives the plan must have the ways and means by which financing would be achieved. That is what I am seeking to find out.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that between 1996 and through 2005 we will definitely have to do some financing on the projects.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if the way in which government has been dealing in the recent past with requesting monies, from specifically the Water Authority, at the end of the year does not impede the means by which this financing can be achieved if it is going to be handled by the Water Authority on its own?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I certainly would agree with that if it was that government was not prepared to act as they usually do with guarantees to the Authority. But as the Member is aware, the Authority is an arm of government. And if funds are paid into the general revenue, and funds are needed for future development of the Water Authority then government's responsibility would be to act in the normal way of guaranteeing the necessary loans that would be needed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister is saying (if I understand him correctly) that if the Water Authority is made to hand over funds they might have in reserve to organise themselves in their expansion programme to government then when they need to do this expansion they have to borrow and then government will find itself being responsible by way of guaranteeing such funds. If my understanding is correct (such borrowings, that is) can the minister then state (and this is not an opinion I am asking for) if it is not fair comment to say that all the government is doing is having the Water Authority borrow money in its name and guaranteeing it rather than government borrow the money in its own name?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I heard what the member has said, but I have to defer a little bit because I think it is asking for my opinion with regard to government actually receiving the funds from the Water Authority and in turn the Water Authority goes ahead and borrows. As far as I am concerned, like all other authorities under the law that governs them at the end of the year, it is my understanding, that they have to turn in a certain amount of revenue or reserve cash to the Treasury.

I believe this is what has happened in this case. The Water Authority was called upon to make its contribution. I am sure I am correct in saying that if the contribution was made and other funds were needed by the Water Authority, definitely the Water Authority would have to liaise with Government and have a guarantee put in place.

The Speaker: Do you still have a follow-up? First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This is in my view, sir, is a most important topic and my intention is not to try to embarrass anyone but it is something that has been going on. While the minister has mentioned about what the law states with the various authorities and funds being taken, it is my understanding that there is no fixed arrangement with these authorities regarding how much money is requested of them on an annual basis. Meaning that whatever is supposed to be a fixed arrangement, it varies from occasion to occasion.

The question is this: How can the government expect an entity such as the Water Authority to function properly and be able to plan its future—which is the whole purpose of it being an authority? While being an agency of government or an arm of government there is a certain amount of autonomy, my understanding is that that is the reason why these entities were made into authorities. How can they be expected to function if government is going to put them in a lame duck situation in this manner and continue to do so?

Now, again this is the second time, the minister might say to me that I am asking him for an opinion. I am not asking for an opinion! I want to know what is the situation. How can the government be saying that they should function and make their own plans? They are happy to hear the Water Authority is providing service for the Cayman Islands, they are moving on into the outer districts to provide well needed services but at the same time they are hampering them. By taking funds from them to balance their budget annually—that is, the Government's budget annually—the government is causing these authorities (specifically in this instance, the Water Authority) not to be able to deal with their future plans in the way that they should be able to.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I heard the First Elected Member from George Town. But I am sure he is aware that such a decision was not taken by me. It was taken at Executive Council level. I am aware of what you are saying.

[Inaudible interjection]

Hon. John B. McLean: I cannot tell you what...

Mr. Speaker, I am not one that likes to talk across the floor. But the fact remains, as everyone in here who has actually sat on Executive Council well knows, it is impossible for me to divulge matters that have been handled in Executive Council. My responsibility is for the Water Authority, and if a directive is given from the Executive Council to me as minister responsible for the Authority, I have no alternative but to carry it out. I cannot at this time say more than what I have said in regard to that matter.

The Speaker: The Member from North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. My question is along a different line. Seeing that the district of North Side will be the last district to receive water, I wonder if the Honourable Minister could say if in the ten-year plan there is any testing of the water in that district being used by the public and the hotel industry?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I thank you, Mr. Speaker. The testing of water actually falls under the Department of Environmental Health. From the Water Authority we don't really do testing like the Member for North Side is speaking of, but I am certain that they probably test all over the island.

The Speaker: The Member from North Side.

Mrs. Edna Moyle: I thank the Honourable Minister for his reply. But I wonder if the minister could say who is responsible for providing safe water to the residents of the Cayman Islands?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Safe water for the Cayman Islands—water that is produced by the Water Authority—definitely, we have to be sure that all aspects of that water are safe for the persons who will be actually utilising the facility. That is as much as I can tell the Member for North Side. We have a lot of water that is imported and I don't think that anybody actually looks after that. But we try our best with what is produced by the Water Authority to make sure that is safe for the people of this country.

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

Dr. Frank McField: Mr. Speaker, this supplementary brings us back to a supplementary that was asked by the First Elected Member for George Town.

In recreating a strategy for the Water Authority which would emphasise their concerns with customer satisfaction, lowering of the costs to the customer, can the minister say whether or not the Water Authority has considered the impact borrowing has upon the price that the customer must pay?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: When such a matter is put before the Board all aspects will have to be looked after. That would be one that would definitely have to be looked after, the cost of whatever is going to be produced and, of course, the sale to the populace of this country.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to follow that up by asking, if this is all taken into account, can the minister say if it is the decision of the Board that the customer must pay more if the Water Authority must constantly borrow and therefore pay interest on the money which it is using?

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

Hon. John B. McLean: The Board has not taken a decision on what the member is asking thus far, because the fact remains that his question actually came from what we were discussing with regard to the contribution from the Water Authority to government. We held a meeting just a few days ago and no such matter came up. However, when it does come up we will definitely deal with it and the result of the discussions will be passed on back to government.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: I would just like the minister to give an undertaking to ask the Board of the Water Authority and the government jointly to take seriously into consideration the extra cost which the public must incur if the monies which are spent to extend services are borrowed rather than accumulated as a result of the profits which the Water Authority earns.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The concerns that have been aired here this morning with regard to this question will be forwarded to the government and Executive Council and I am certain that the necessary action will be taken with regard to all of the concerns that have been put forward.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Honourable members its been called to my attention that there is a luncheon for the Governor Owen Awards at 12.00 and it was the intention of this House to adjourn at 11.30. So, I would now entertain a motion of the adjournment of this Honourable House.

I would like to further say that I would suggest that we simply suspend and come back . . . I think the luncheon should be over, and we could come back at 2.30 p.m., if that is the wish of the House. Certainly, we should have ample time.

In that case I will just suspend the House until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 11.25 AM

PROCEEDINGS RESUMED AT 3.06 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on the Throne Speech continues. The Honourable Minister for Tourism, Commerce, Transport and Works continuing his debate.

GOVERNMENT BUSINESS

**DEBATE ON THE THRONE SPEECH DELIVERED
BY HIS EXCELLENCY THE GOVERNOR
ON FRIDAY, 19TH FEBRUARY 1999**

(Continuation of debate thereon)

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. When we adjourned yesterday, I was dealing with the restructuring of Public Works, which had received the blessing of Executive Council. We also talked about a series of things that would happen in this restructuring. Another element of this is that even the mission statement for the department will be changed.

At the moment, the mission statement is, **“To provide the Cayman Islands with the appropriate public buildings and public roads in a cost effective manner.”** That is due to be changed to a mission statement that reads, **“To support the Cayman Islands provision of public infrastructure through the most efficient, imaginative, and cost-effective management in the design, construction and maintenance of public facilities and roads.”**

I made mention of the input that Mr. Bertram, the consultant, had given to Public Works in its reinvention exercise. He paid two visits to us of approximately one week long, and I did indicate my reaction to his approach to be the facilitator rather than the person who implements or decides what happens. I think as a result, the Public Works senior and junior staff have taken on the entire exercise of reinvention with some amount of urgency.

I pointed out that the organisational structure of Public Works would be changed. Firstly, the two separate sections dealing with buildings—one dealing with new construction and the other dealing with maintenance of buildings—would be placed under the same executive engineer for buildings. And, also that the administration would be called the “support section” and these services would be the personnel, finance, purchasing and the administration of Public Works which obviously would fall directly under the Chief Engineer.

We also sought the blessing of Executive Council in terms of the conceptualisation of projects. And while those are big words, it really means how we put all these projects together, and who is responsible for that decision from the head of department or ministry’s point of view?

I would say, Mr. Speaker, that ministries have not been involved in policy decisions and capital projects until actually the very end when they have to decide how much money gets spent. Projects are approved in principle through the head of department supplying the brief to the Public Works Department architectural section and who will agree to details of that project in consultation with the architect. This we believe has resulted in an unusually high capital project over the years.

No reflection on the head of department, but we believe that the heads of departments are not sufficiently appraised of their overall goal of the government with respect to capital projects. Consequently, with the how to put together the projects so to speak and what we are

going to agree on in putting the projects together. In an effort to try to reduce the cost, Executive Council has agreed that the details of projects and the maximum project cost should be agreed by the relevant ministry and the head of department before the project is referred to the architect for final or detailed drawings.

I think when we look at it historically, Mr. Speaker, what we find is that on many occasions a head of department had an idea, they went to the Public Works Department. The architects began to make a design and sometimes they had more design than they actually could implement, and perhaps it is not the most cost effective way of utilising your architectural staff. What I am saying is that the brief will continue to be supplied by the head of department (being the technical person), but it will be supplied in consultation with the ministry and the Public Works Department and those three parties would more or less agree on it before we spend the tremendous amounts of time doing designs, drawings, and what have you. The ministry will also have to satisfy itself about the ultimate cost of the project before we go to final drawings and run up cost in terms of the manpower for carrying out that service.

That leads me to the planning and design. Once the total details of the projects have been discussed and agreed with Public Works, and the maximum project cost is agreed by the ministry and the head of department, the architect it is at the point to commence the planning and the design of the project. Once this is completed, the total project cost is determined, the project will then move on to receive final approval from the relevant ministry before submission to Executive Council.

So, as we did in the budget process, we set aside a separate vote to deal with the need to carry out the planning and design phase of the project so that once it comes to the government, be it the Executive Council or the Finance Committee, we would know exactly what the amounts are and will not have to issue or write down preliminary or temporary project costs any longer, hopefully. That is the ultimate goal and we are going to move in that direction.

Another area that caused us some discussion and review is that the tendering process for capital projects is also in need of reform. The current system of formulating the capital budget leads itself to a decision making process that is not always as cost effective as it should be. It should also result in the whole process of design, planning and construction of a project. In order words it also results in that whole process of design planning and construction of a project being rushed because of constraints on the budget system.

This has brought about what we know to be common now, that is, the selected tendering process now in use on large projects as the smaller construction companies cannot accommodate requests for large projects, which require urgent completion.

May I go on to say that some of this rush adds to the cost of the project. We are always complaining about how costly the project is. If this suggestive course of action is taken to reform the system it will allow for a much more open and fair tendering process that will allow the

smaller construction companies to bid for contracts. We know that there are many small construction companies in this country owned by local people who we have tried to assist in the past to gain work from the government.

It was probably two years ago that we decided that projects up to \$1M could only be tendered. We would only receive tenders from those smaller construction companies that are locally owned. I believe this has worked reasonably well, but if we are to really help them we now have to assist them to graduate to another level and my view and the view of Executive Council is that these locally owned construction companies—and only those—should be allowed to bid for contracts up to a value of \$2M.

I believe this would be welcomed by members of the General Contractors Association as well as the Building Society. The Building Society is where the majority of the smaller operators are members. I know that many of us here in the House have heard comments not only from them but also from the public about the larger companies taking the lion's share of the work. And if we are going to change that position we have to help them to graduate upward on the ladder to higher and higher numbers and to cause them also to do as they have been doing, being responsible about the time line on a project and meeting that time line in order for the government to provide the service to the public that it said it was going to do at a particular month or a particular year.

I believe that some of these matters that I have raised are not any blazing of the trail situation, but just common sense and logic that we should follow in order to deliver the service, in order to combine units in the Public Works Department, in order to structure the department in a much more logical and efficient manner, and also to ensure that local small contractors have a greater opportunity to participate for the tendering process.

Personally, Mr. Speaker, my view is that all government tenders should be opened to the public, not in a back room. If I have my way, I will make sure that happens. I believe it is the only system that you can use that actually causes people to believe that it is done honestly, openly and fairly and everybody who has bids gets that fair share.

There is a need for companies in this country (and let us focus on the construction companies in this county) to hire local people. And we know, yes, this one three years ago he was involved in something that I don't agree with but how are we going to help him if we leave him out there on the streets? Are we going to leave him so he breaks into my house before I decide to help him? Is that process of being productive. . . and this is just my experience . . . that actually instils some amount of discipline in how we carry ourselves and be responsible for our actions and also to gain independence. Quite frankly, the only person who actually owes you anything is your parents — nobody else owes you anything really. They brought you into the world and they are there to see you through that adolescence age, give you whatever they can in terms of an education to cause you to be competitive in the market place in whatever your interest is,

whether it is construction, or legal work, or accounting work.

The Cayman Islands is not at the stage it is with social harmony, with an over abundance of jobs that we even have to bring people from the outside. And God bless those that we bring in because they have made their contribution to this country. But we have a responsibility likewise to ensure that local people have that opportunity to work. And let's not go holding things against people just because they did something that they should not have done and for the rest of their life they walk around with this tag on them that says, *'They don't want me to be a honest person. They don't want me to be a productive citizen in this country.'*

We have seen over the last ten years in particular the effects of drug use in this country. It is some of these areas presently that surprises us almost on a monthly basis. While I must say that crime in this country has been kept under control—and I can go on to say and repeat myself that I have great respect for the police and the job that they are doing. It is being productive rather than being idle that helps us to move this country forward and to maintain that social harmony that everybody in this country, whether you live here or you visit here, loves to have and to enjoy a little bit of.

So, let's be general now, Mr. Speaker. Whether we are talking about a construction company or we are talking about a bank, or a law firm, or a trust company, or a restaurant, or a hotel, or a rent-a-car business, let's make sure that we give first job priority to a Caymanian. He is entitled to it! He is entitled to that kind of understanding from you. Not to say you owe it to him, but he is entitled to get that preference.

And quite frankly, it makes sense. If he is not working then he is going to be doing something else that none of us wants to happen. So let's all pull together and ensure that the blessing from Almighty God that we have received over the years continues so that all the business people in this country, whether they are in the construction field or otherwise continue to make that acceptable bottom line that business has a way of focusing on.

But while we are making those projects, let's be good corporate citizens as well. Let's not just think that the police can do everything that needs to be done. Let's not just think that Cayman Against Substance Abuse (CASA) can do all the things that need to be done or Social Services. The job gets easier if we all start pulling in the same direction and assisting the people in this community.

Yesterday, I was talking about mentoring of young people, not just the college graduates, the others as well. The *Caymanian Compass* had an editorial on me about six years ago. It said, **"Once you become a politician you are like a fish swimming around in a fish tank—everybody's got their eyes on you."** I remember that for a variety of reasons. One of those reasons is that you have to not only say you are doing something, you actually have to do it. If you say that you want to behave in a way that the community respects, you actually have to do it to get that respect. Talking does not just get it. Talking may not even be 50% of it, because if you preach

things and you don't do it . . . boy, this community comes at you like a ton of bricks. They see you day and night, and never mind whether you are on holiday or you are sleeping on a beach, they are still watching you. So you have to play that role if you wish to be a role model in this country for the young people of this country and others to look up to.

The reason why I am going this way is because many people in my life influenced me. I want to thank God for the parents that I have. My father has passed on but my mother is still with us. On Sunday mornings I woke up, had a little breakfast to eat and then there was family devotion. Right after that we marched off to Sunday school and when church was out, and father and mother were at home we all sat down around the dinner table or the lunch table, every one of us in the family, and we had a meal together.

Right after that you didn't dare go anywhere else. Don't wake up any morning thinking that you got a smart idea of an excuse to avoid going to Sunday School because it was not going to be heard. It was going to be, '*Get dressed. You are on your way my boy!*' So that's where we all come from, not just me but many others in this country.

Allow me to add this point: You can have as many psychiatrists that are in the world and bring them to the Cayman Islands, and they will never solve the problems, with all respect to them. You can have as many doctors as you want, they will never solve the problem. The problem gets solved by having reverence to Almighty God because His influence is upon us, and there is no person that can do it other than Him.

You know, some people say '*This is not Sunday School in here.*' Maybe it is not! But Almighty God is in here. When we read our Bible and hear about the all-seeing eyes . . . never mind where you are, He observes us. And when we reach that day when an account has to be given, I hope we are ready. Bitterness sometimes causes us to do a lot of things we shouldn't do. I watched it in my life in this House because we are on opposite sides rather than move on with a project. And it is still happening! Rather than move on with a project because Tom Jefferson might get some votes by doing this project in the community, bitterness cause the other side to block that project. And if and when anybody start analysing what we are doing, it is the most selfish act that you could ever do because the people of this country then are denied the services that facility is going to deliver to young people, adults and others in this country. Whether I am on this side of the House or any other side, I pray to God that I never play that game.

Someone told me this week, '*You know, you are catching so much flak. You should really read Psalms 140, which talks about the deliverance prayer of a leader.*' And when you read it, it is eye-opening. It takes you back quite a bit to know that while you understood a lot of it there are some sections that either you have read and forgotten or you never quite got there in the first place. We know God does not want us to lie, not about this statement or any other statement. So when I read Psalm 140 yesterday, it was like I woke up again. And I

encourage everybody who is listening to me to read it and hear what is being said.

Mr. Speaker, we have long lectures sometimes about the government, and really if you didn't know the accuracy of the government's position, you could easily be swayed to think that the person is right. You hear them talking about government has borrowed over \$100M and what can we see for it? You know, Mr. Speaker, if you are going to judge us, let's make sure that we are comparing oranges to oranges because if you are going to talk about what we borrowed, you should also talk about how much debt we paid.

I think that would be an accurate way of doing it. And when you do that you are going to come to the conclusion that the net position is about \$55M because there was a \$6M item when they closed down the Health Authority in 1994. It was never on the books of government so they transferred that. But that was not really our borrowing so that is how you arrive down to the \$54M - \$55M net.

The other point that I need to make about that borrowing is that in 1993 the government borrowed \$16.7M really to wipe out debts from the previous government, the 1988—1992. So in fairness that debt was not really ours to pay and that's how we reach this roughly \$55M net that we borrowed and added to the public debt.

But somebody is going to challenge that by saying, '*So what did you get for it?*' And I am going to answer by saying, '*Boy, I am so glad you asked me to do that.*' I have been sitting at home at nights for several weeks trying my best to remember all these projects we did. I am absolutely certain that I don't have all of them, but I have enough to convince the people in this country that this government has spent \$55M but we can show you many, many things that we have put in place for it.

I have some examples to give you, Mr. Speaker. My figures also include (since we are talking about the borrowing) the \$26.5M in 1999. So the buildings that I will talk about and other things also include 1999, what we propose to do.

I begin by taking the first item that pops to mind, health facilities, George Town Hospital. I must give great credit to my colleague, the Minister for Health. He has been able to transform not so much the bricks and mortar or the blocks and cement but the people who deliver the services at the Health Authority. I understand today that in the Governor's Award Scheme they cleaned up right, left and centre, these awards — and I say congratulations to the Minister and all of his staff for an able job done in this country.

He knows but I will say it publicly, he knows he has my support. So, George Town Hospital, \$28.4M, already we are almost half of the \$55M we are talking about or it is more than half.

Then we have the Bodden Town Medical Clinic or Health Clinic, over \$600,000; the West Bay Health Clinic, \$1M; the North Side Health Clinic, \$1M; the East End Health Clinic, \$1M; the hospital management team, \$900,000; an improved sewage facilities, \$400,000; the hospital safety upgrades, \$250,000; the hospital new

oxygen and sewage plant, \$500,000; hospital renovations, \$300,000.

When you just look at the health facilities that I have mentioned, Mr. Speaker, and I don't claim that this all of it, because Cayman Brac had a lot of work done to it too which I don't have on my list. We are going to get those figures too just to make sure we are in a position to tell the people of the Brac this is what we did as well. And for their benefit, I am sure they want to know the exact amount but just looking at this figure alone, we are looking at in excess of \$34M.

So we are at \$55M, that we borrowed, \$34m went in health services so we have \$21M to account for now. Just trying to show the people how we spent the money and the area where I believe my list is grossly insufficient is educational facilities. I believe my list at best may cover 60% of it.

We have the George Hicks art block, \$1.9M; George Hicks administration block, \$1M; George Hicks cafeteria, \$700,000; George Town Primary School classroom block, \$800,000; West Bay multi-purpose hall (that's a 1999 item already started) \$1.7M; East End Primary School new classrooms, \$500,000; Spot Bay (so I have got a Cayman Brac item. Thank God!) multi-purpose hall, \$500,000; Lighthouse school, \$6M; Alternative educational facilities, \$1.4M; Red Bay Primary School multi-purpose hall, \$1.5M; John Gray High School renovations, \$900,000; George Hicks renovation, \$600,000; and the Red Bay Primary School administrative block, \$1M.

So when we total this up we are now at \$18.5M. You put the educational items that I have mentioned together with the health facilities that I have mentioned and you are very close to the \$55M we were talking about before. Anybody who ask the question after this, Mr. Speaker, about what we got for it, he would not have to be in listening distance to ask that question or he is at some cocktail party.

When we turn to the next category that I have put together on this list, recreational and cultural facilities and here I admit that I don't have all the figures but I have items.

The North Side Craddock Ebanks Civic Centre, \$800,000; the West Bay Ed Bush Sporting Complex; Truman Bodden Sporting Complex; West Bay district public beach; West Bay Heritage and Scholars Park; Pedro St. James Castle, \$7.5M; Queen Elizabeth II Botanic Park, \$2.3M.

And there are playing fields: Bodden Town playing field near the Civic Centre, \$1.2M; East End, \$600,000; Cayman Brac — and many fields were enhanced or improved.

So we have already crossed the \$55M net that we were talking about if my calculator is working while I am reading.

There is another item under recreational and cultural facilities — it only shows you that some days the mind doesn't work 100 percent because I know I helped the Minister and the members to get the Spotts Public Beach, several years ago now. A fine facility! Well kept and well utilised.

I will be dealing with the roads — a lot it is coming up this year.

- The West Bay road resurfacing, from cemetery to four way stop. That was done several years ago, about three years ago.
- The three-lane road from Treasure Isle to what I call the Dixie Cemetery traffic light. That was also done several years ago.
- The resurfacing of Eastern Avenue Road — done in 1996.
- South Sound or South Church Street — I believe that was done in 1996 subject to checking.
- A new road connecting Smith Road and the entrance to Owen Roberts International Airport which I call Caledonia Avenue. About \$1M for that.
- The Harquail [Bypass], phase 1, \$6.7M — already in place.
- The Harquail [Bypass], phase 2 and the roundabout, \$2.5M.

My understanding is on the roundabout that an agreement has been reached with the owner and all we need to do now is to proceed to draw up the documents, sign off, pay the bill and get on with the roundabout construction. I use that road almost every day and I must say it is progressively getting more and more dangerous to come down off the Harquail at the junction of North South Road and try to turn right.

Many mornings I go left and I have gone left for several weeks or several days during the past weeks. And I go to the airport and I come down through the Smith Road junction, Bob Thompson Way junction. But I can actually get to the West Bay Road Harquail junction, take that left turn and be at my office in five minutes now matter what time of the day it is. So there is a need to think about not coming up West Bay Road all the time but I am certain that one of the reasons is this dangerous turn to the right when anybody gets to the North South Road junction.

With the help of God we are going to put that right as well before any one gets seriously hurt.

- The Crewe Road Bypass which we broke ground for on Monday afternoon at 4:00 p.m. — there is a \$5M.
- The resurfacing of roads, \$2M, and we will certainly attempt to do the resurfacing on the worse parts of the roads in the country but hopefully every district will have some work done in it.
- Road reconstruction, \$800,000

We know that when we leave the airport and end up through Industrial Park and come out on North Sound Road, even I say sometimes: *Why doesn't the government do something about this?* We are going to do it this year because I remember during Pirates Week when I nearly got drowned trying to go through there the water was so deep. I thank God I was in my truck because we know that was swamp so the water table is extremely high. And when you get heavy amounts of rain it doesn't have any place to go to if the water table is three inches underneath the road, you get the accumulation.

While I am on this, Mr. Speaker, Monday afternoon with the assistance of this House, we expect to break ground for the Harquail, Phase 2 Extension which comes

out on the North Side of the Galleria Complex at 4:00 p.m. And we hope all the people that can be there, I know that's a working hour, will come and join us as we break ground for that extension of the Harquail. We hope to see an improved situation of driving into George Town from the West Bay district and Seven Mile Beach area.

We also have further traffic improvements, Mr. Speaker, and when I think of traffic improvements my mind takes me right to the Smith Road/Crewe Road re-alignment. And already, as I understand it, the skeptics are saying, *'It is not going to work.'* And they probably don't even understand it yet, but it is not going to work. Do you know the most dangerous thing for any person including a politician is to believe that they know all the answers?

The reason why we can help people or how we can help people to grow is to give them a chance, let's listen to the technical people. They are going to make mistakes, so did we. But it is by that process that you learn because once you've made the mistake you are going to try every energy and skill in your system to avoid making it the second time. So, let's give Public Works the benefit of the doubt. In about a month to six weeks time, we will see whether it works or it doesn't work.

Another road is the East End main road, the re-routing near Cottage. And I don't have a figure for that but I know it is a substantial figure. I am sure it is well over \$1M, probably closer to \$2M but we will get all those figures.

We also had late last year the reconstruction of Smith Road, another that used to flood when the rain came. The left side of the road in the area by the Smith Road Plaza, you need to be careful, don't drop in that big hole where the drain was, it will damage not only your tyres but probably your rims as well. And I am not at all taking credit for what's done, it was done by the former Minister of Works. I am just listing it as an item that has been completed by this government.

The Smith Road/Bob Thompson Way junction improvement and signals. Everybody I [spoke] to, says, *'Boy, working well, man! Working well!'* Fifty-three seconds coming through, the Minister for Health tells me. Prime time, peak time between 7:30 a.m. and 8:45 a.m. in the morning. Glory be to God!

You know, Mr. Speaker, I better move on to these land purchases, always controversial of course. The First Elected Member for George Town asked me a question sometime ago about the number of parcels of land that were purchased since, I think 1993—1998 and what were the arrangements and how much interest was paid and all sort of things. And I am glad that he did that because actually that piece of information helped me to put this list together. I must thank him for that.

The first one I have on this list is the Breakers Rehabilitation, which we bought, I think, back in 1993 — \$600,000. And on this list that I am looking at it says, Spotts National Stadium, two parcels of land — \$584,350.

There is another parcel of land, which I think is larger — it looks like that in accordance with the figure here, almost \$881,000 for that parcel. It's these two or three

parcels of land that I realise the Minister of Education is looking at to locate the third George Town Primary School. Another item on the list is the Department of Education (DOE) Offices. We had to buy some land for that, it cost us almost \$300,000.

The East End Public Beach, three parcels of land for that — \$521,000 roughly. Swimming pool and I believe this is Cayman Brac in the early days, 1993 or 1994. The cost for that one was over \$208,000. And then there is a playing field also seems to be in the Brac — \$170,000.

The extension of the district administration building, we had to buy some land there too — \$200,000 roughly. A house for the National Trust, \$66,000 — additional land to locate this house. We recently purchased the land and the building that stands on it — that we chuckled about a few weeks ago, the Racquet Club, \$1.8M, roughly.

The Cayman Food Building, almost \$1.5M We purchased land for the additional primary school in West Bay, almost \$400,000. We purchased additional land for Savannah Primary School. I don't presently have the figure for that.

And this playing field that I mentioned which I thought was in the Brac and is in the Brac. \$170,000 was for the Spot Bay Community near the field, not the field. The West Bay Public Beach, it's in the district (and I had to check this figure) but I think it is around \$360,000, the first piece we bought. And we bought a second piece about three years ago, which is a much larger piece for about \$500,000.

I must go on to add that there are many other facilities, various jetties, launching ramps with parking facilities through out all three islands including the bath room facilities in some locations, example, the Blossom Village in Little Cayman. Just trying to make sure that I capture as much information as I can about the three islands and those who know of projects that we did which I have not mentioned, I would certainly appreciate knowing.

The Government infrastructure: The Marco Giglioli Building on the North Sound Road, \$2.3M.

- The Agricultural Pavilion Building;
- The Agricultural Office Building;
- The new police lock-up in George Town;
- The post office for Bodden Town, which is a 1999 item;
- The workmen's facility in Little Cayman;
- The Customs, phase 1 project at the airport; and
- The Customs administration as well;
- The secure remand that we talk so much about during the budget and Finance Committee;
- The drug rehabilitation, phase 1 and 2, which is coming on stream this year;
- The mail processing up at the airport, \$2.6M;
- The Department of Vehicles and Equipment Services fuelling facilities at North Sound compound;
- The Central Police Station extension;
- The Little Cayman Community Centre; to name some of the government's infrastructural items.

And then on transportation, Mr. Speaker, some more items that we did. Just to make sure that we give

the full flavour to the public of the accomplishments of this Government.

- We established an omni-bus depot north of the CIBC Building;
- We established a transportation omni-bus system;
- We increased the number of Caymanians in the taxi service;
- We opened a vehicle licensing unit in West Bay.

And then just to capture a little bit of what the statutory authorities have done, I will begin with mine, the Port Authority. Probably about four years ago now we dismantled the warehouse at the George Town dock. Quite frankly now I am having trouble picturing what it looked like.

Providing a Port Authority office at the airport for customer convenience so that when they go to Customs, you go right around a corner and they pay their port charges rather than running all over George Town trying to do this, the convenience for our public.

We doubled the space at the warehouse, at the cargo distribution centre. We also installed a racking system which allows us to stack up to four high and the ceiling is probably twenty feet high or may be more. So in addition to doubling the floor space we also multiplied the floor space by the number of stacking we could do in that particular — well, it is two buildings now, one joining the other.

We purchased additional land at the cargo distribution centre. Actually we bought two additional parcels of land to the west of it so that if you look at it as you go across North Sound Way and you see the fence that surrounds the cargo distribution centre of the port, all the property between it and North South Way is owned by the Port. We don't want to spend any money to fence it because it is not necessary so we have not done that part of it.

We purchased a crane in 1996, I almost lost my seat over it, Mr. Speaker, but I am going to talk a little bit more about that later. We purchased a second crane in 1998 as a back-up. There is one thing in life that you have difficulty arguing with is success, you know. And I am going to tell the public about that too — not my success, the success of the cranes that we bought.

We completed the south terminal for cruise passengers. That was started during the term of the now Third Elected Member for George Town [Government].

We established a taxi omni-bus dispatch area, we moved it from the port to near the education building up at Thomas Russell Way.

Last year we became responsible for the port operations in Little Cayman.

One of the areas on this list that I am sure...this list is grossly inadequate is the Water Authority. We extended the public water system to Spotts, to Bodden Town, to Pease Bay and Breakers, and I think if my memory is not failing me we are moving on to East End. There is also the new Water Authority Headquarters at Red Gate [Road]. And in the Civil Aviation Authority, the Owen Roberts International Airport Terminal, the custom area was doubled in space.

The immigration arrival hall substantially increase to allow when the passenger enters to allow direct access to all the booths rather than having to go around the corner to some of them. The departure lounge was also increased; the checking area substantially improved and increased for checking counter and lobby space.

Realising that this list is not one hundred percent, it might be questionably seventy-five percent even. All of these changes and projects that have been achieved — they have been simultaneously whilst the Public Service Pension Fund has been increased from \$6.2M to \$49.6M at the end of this year.

The General Reserves have been increased from \$3.1M when we took over. And people want to argue about that — that they had \$10.5M in the General Reserves and they had a deficit of over \$7M in surplus account so when you net the two, what do you have? You have a little bit over \$3M, and know how you can put your political spin or anything on that, you can make it different. I even heard somebody say that the Accountant General agreed with us that, that was the situation — or the Auditor General (I forget the exact person that was being quoted.) The General Reserves have been increased from \$3.1M to \$13.1M and then we will have to add the interest to that as well by the year 1999. All of this has been done and all this talk about borrowing, the debt service ratio remains below 8%, it is around 7.5%.

And when we talk about borrowing, if you don't understand the whole process and many people do not, I am luckily because I was part of it so I understand it. If you possess property, physical things on the ground that values \$200M or more, \$100M is not any real thing to worry about given that you can only take 7% of your income or 7.5% of your income and pay the bill. A lot of people in this country would love to be in that position. When I pay my mortgage, I would love for it to be 7.5% of what I make and I am sure many people in this country are feeling the same way. So no matter how you shout and how you twist, the facts are the facts, will always remain the facts and when you are talking about the Treasury facts, the Accountant General is going to agree with the facts.

You know we have this White Paper and I am not going to talk a lot about it but it has this section dealing with borrowing. What a surprise I got! I didn't know this was here until yesterday because that was when we saw the Paper for the first time.

On page 25 of it, it says, "**Borrowing is a legitimate tool of government policy but must be used prudently.**" And this Government has used it prudently otherwise the UK would have been jumping up and down a long time ago when it felt that we were becoming a contingent liability to them. But every book you read and every piece of correspondence you read about the financial situation of this government and the responsibility of the government today and the governments in the past with minor exception, the UK is pleased because it is managed prudently.

The financial management in this country is what has set it apart from many of the countries in this hemisphere and elsewhere. It is the reason why the investor has

such great confidence because nobody is taking other people's property. The government is not stepping in and taking anybody's property and claiming it so that they can sell it to do something else. The track record of the government of the Cayman Islands over the last thirty (30) years that I have known it in detail has been exceptional. No matter how you try to put any kind of negative to it — it depends on what you are looking for.

There are a few negatives — yes, but I am sure that the positives far, far out weigh any negative that you can come up with.

Mr. Speaker, I spent a lot of time, many years of my life in the Glass House, and I have watched a lot of ministers and members of Executive Council who were responsible for Public Works. I always had a little bit of sympathy for every one of them, but, quite frankly I must tell you today I am pleased to have that responsibility. This country needs action! We have to come to the forefront and say, *'Look the infrastructure in this country, if you don't deal with it, it is going to hamper your future development.'* And anybody who doesn't believe that, they better go and do some reading and analyse some facts and understand to some extent what is the most serious problem that we have that the visitor is talking about.

And this is why I felt so strongly about it during the budget session and I even got accused of bringing two budgets but that doesn't matter to me. If we don't solve this traffic congestion problem in this country, you know, business — you think it is bad now, it can be a lot worse. The people in this country are getting frustrated trying to get to work in the mornings.

Someone was telling me the other day about the opening at Hurley's and the traffic problem that ensued by everybody going there and trying to turn into Hurley's Supermarket. I give great credit to those people who put that building there. I was pleasantly surprised by the facility that they put in place and, quite frankly, when you go inside and begin to understand what's there, after you are in there a little while, you have got to pinch yourself and ask yourself if you are really in the Cayman Islands because that is as modern as any other part of the world when you walk into a supermarket.

I must say I commend and congratulate Leonie and her family for that project — and I know they give good service, Mr. Speaker.

When you are dealing with traffic congestion, you cannot use a Band-Aid approach and hope to achieve anything. It is this reason why we came and asked for \$13M or \$14M; if we don't add a Crewe Road Bypass, tell me what are you going to do to try to relieve the situation when the traffic backs up to the Guard House and Bodden Town? What in the world are you going to do then if you don't try to have another access into the heart of George Town which also allows you to go down to the schools where much of the traffic is headed. I understand too from people who live in that area that when school is out, there is not a real problem but you have to deal with it when the school is in because we have every right to decide how our children get to school.

Anyone who was on West Bay Road today at lunch-time, trying to get back to Legislative Assembly or to George Town understands what the traffic problem is down there too. Now, if you don't extend the Harquail and we don't do the roundabout up at North Sound Junction to make it safer. . . how are we going to solve the problem? Are we going to put up a traffic light? Or are you going to say, *'Well, I will bury my head and it is going to go away'?*

I don't think that is the approach the people are expecting. The people of this country expect us to step up to the plate and not strike out. They expect us to get the job done and you cannot correct this situation with \$2M, and you cannot in any country always fund everything from local revenue, that is a fallacy. Show me which country does it? Certainly not New Zealand, it is certainly not the United States. I know it is not UK and neither is it in Europe.

So let's start selecting the Caribbean countries now and tell me which one. It is not Japan either or Hong Kong. So let's us not try to say anything that causes the public to believe that this government is acting irresponsibly. We hear so much about Singapore and everything that they do and everybody is trying to copy them. They are in real trouble now, you know. And so is New Zealand, in real trouble too.

We know what we have and we know where we have come from. We have people in this country who are as skilled as any other part of the world whether you are talking about accountants, lawyers, trust managers, bank managers or any other profession, even journalists. Give them credit. We are as skilled as any! So we don't have to go copying any system from anybody, we just have to improve our own.

Yes, input from all around is helpful but you have to understand where it is you are trying to reach in order to know how to step off and what course you are going to take to get there.

I have got to make this point (I know I am getting close to 4:30 p.m. but I have to make this point). I hear members and other people talking about roads not being the answer. What is the answer? Some people are saying, *'Too many cars.'* Now tell me what that answer is and tell me which one of us in here (although we might stand up and make all kinds of statements) is going to vote to tell the public of this country that they can't have a car? Your household can only have one car like Bermuda. Tell me which one us is going to say that to the public and hope to win the next election?

And the other side of it, is it right? That's the most important part. Is it right for you to dictate what they do in that regard? But you know, when you are on the hot seat and have to produce it is a lot more difficult than when you are not in the hot seat and just have to do a little bit of talking. The job for those who are in the hot seat could be a lot easier if we all worked together. We are never going to be always right and we know that. You are going to always find on occasions or may be more than occasions that we do things that you don't agree with. That doesn't mean we don't have the best interest of the public at heart, it doesn't mean that at all. It means we

have a difference in our thinking as to what the answer is.

So we have done the transportation system as I mentioned, and we have got a lot more work to do to it. We are going to employ public transport inspectors to help us to monitor the activities of the traffic, of the taxi drivers, of the omni-bus drivers, of the tour bus drivers, of people who just do not do it correctly, who have no difficulty in turning here and turning there when they should not be turning at all. I want to say to all the taxi drivers and omni-bus drivers, and tour bus drivers, let's be vigilant. Let's do what we know is right. We all know that there is a certain thing you should do and another thing you should not do. Let's not take any shortcuts just to make some more money, let's follow the correct route.

Let's not go in West Bay when you are a number 1 bus because you want to make sure your bus is full before you get to town. What about the other guy? Isn't it fair to leave some for him or for her so that they will have some money to feed their children and carry out their obligations as a parent? It's an area in this country that I think we need to pay attention to. Ten to fifteen years ago, you didn't have any major problems in Cayman with the word, greed. Today, regrettably it seems there are many people in this country not satisfied with just their professional job, which is making a lot of money. They have to get involved in this and get involved in that and compete with the local guy in the water sports, in the taxi situation, the duty free shops, in the restaurants and everywhere else.

How is the little guy going to live? Where is he going to get his money? These are some of things that are creating the resentment and I think all of us have to step up to the plate and address this issue. If we are not certain what to do then let's use the select committee process and hear what the public input is on the item. We need to ensure that we hold on to this social harmony that has made us so attractive. Yes, there are little ruffles here and there, we will always have those but 80%—90% is right. The crime situation, pretty good but it could be better. Let's try to help and support the Police and other people involved in the community to make it better.

Mr. Speaker, when I was spoke about this matter yesterday — I just want to correct my statement on the Long Service Award for Public Works. I believe I said around 22, there were 27 men and women awarded for their long service at Public Works and the Department of Vehicles and Equipment Services.

I want to say too that the commitment to this country for the National Gallery by Mrs. Owen is commendable. To physically go out and put her paintings on the market and auction them off in order to raise funds to begin the donation process for this government to be in a position to construct a National Gallery is really altruistic. In all senses of that one word: generous, kind, considerate, willing to do for others. I want to publicly thank her for her commitment not only to the National Gallery but to the support of His Excellency the Governor and her contribution to the people of the Cayman Islands.

Mr. Speaker, I was going to move on to a separate point.

The Speaker: I would entertain a motion of the adjournment of this Honourable House.

ADJOURNMENT

Hon. Thomas C. Jefferson: Then I move the adjournment of this Honourable House until 10:00 am Monday morning.

The Speaker: The question is that this Honourable House do adjourn until 10.00 a.m. on Monday.

Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 am on Monday.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 22 MARCH 1999.

**EDITED
MONDAY
22 MARCH 1999
10.17 AM**

[Prayers read by the Third Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Oath of Allegiance by Mr. A Joel Walton, JP to be the honourable Temporary Acting Third Official Member.

Would you please come forward to the Clerk's table? Would all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE
by Mr. A Joel Walton, JP**

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

The Speaker: Mr. Walton, on behalf of all honourable members I welcome you to the legislature for the time of your service. Please take your seat as the honourable Temporary Acting Third Official Member.

Please be seated.

I have no messages or announcements this morning, so moving on to item number 4, Government Business, continuation of the debate on the Throne Speech delivered by His Excellency Mr. John Owen, CMG, MBE, Governor of the Cayman Islands, on 19th February 1999. The Honourable Minister responsible for Tourism, Commerce, Transport and Works, continuing.

GOVERNMENT BUSINESS

**DEBATE ON THE THRONE SPEECH DELIVERED BY
HIS EXCELLENCY THE GOVERNOR ON FRIDAY,
19TH FEBRUARY, 1999**

(Continuation of debate thereon)

Hon. Thomas C. Jefferson: Thank you.

When we took the adjournment on Friday afternoon, I was really dealing with the comment made by a member about government spending more than \$100 million and what did we get for it. I took the time to outline the number of projects accomplished by this government. I believe that when all the figures are finalised we will find the figure will be much above \$100 million, or much above any borrowing.

Simultaneously while carrying out that number of projects, we have been able to add to the general re-

serve finding it at \$3.1 million net. In the general reserves, there was something like \$10.5 million, and in the surplus and deficit account there was a deficit in excess of \$-7 million. So when we net the two we come up with a net position of a little bit over \$3 million. By the end of this year, God willing, the balance of the general reserve account will be in the range of \$13.5 million. And then there's interest that will accrue this year as well.

All these projects being accomplished, and the addition to the general reserves, and then the sum added to the public service pension fund (which will be nearing \$50 million by the end of this year) is all being accomplished while simultaneously keeping the debt service ratio below 8%. I believe the calculation puts it near 7.5%. So in terms of management of government and fiscal policy, I believe our record will stand up under scrutiny, Mr. Speaker.

Granted, in everything we do whether individually or governmentally (and when I say individually I am not speaking about being an MLA or a Minister, there's always room for improvement) there's a need to point out where the weaknesses are so that we can address them. Having pointed out the weaknesses, if we fail to address them and they are genuine weaknesses, then I think there is room for more talk from whoever is pointing out the weaknesses.

Mr. Speaker, there is always a need to address matters that seem not to be clear to the listening public to ensure that they have the opportunity to hear both sides, and for them to decide which version they wish to believe is accurate.

I want to come now to the Pedro St. James, which I must say the ministry has taken a lot of flack and negative comment about in the past. I even heard a member across the floor talking about "shoddy records." I wonder to what extent he has justification for that statement. The procedure in dealing with the expenditures of Pedro St. James is really the same procedure utilised throughout the government in that work is carried out on a particular project, the project manager certifies that the work is done, the bill is then passed on to the ministry. The ministry scrutinises it and if there is need for additional documentation it calls for it, then it is passed on to the Treasury which, under its obligations under the Public Finance and Audit Law, scrutinises it further. And when they are satisfied they issue the cheque. That is the procedure for Pedro St. James expenditures. So if you are talking about shoddy records, I hope you realise you are making reference to the Treasury's records. I don't believe there is any room for that statement, Mr. Speaker, not in terms of what the Treasury does.

The same member from across the floor also talked about (and I am not trying to quote his exact words, but

really to paraphrase what he said) claims made by the government to Caribbean Development Bank which have not been honoured. I am here to say that that statement is untrue. Every claim that we have submitted to the Caribbean Development Bank has been honoured by the bank. As a matter of fact, the claims that were submitted and the reimbursement totals in excess of \$4 million and there is a further claim being prepared for a further draw down.

It could be that the member was misled. But what I am giving you is the factual position. Information from the Treasury is that all claims submitted to CDB as at 31st December 1998 were approximately \$4 million and that the reimbursement received from CDB (to be quite to the penny) is \$4,024,262.72 in United States dollars, passing through the Treasury and into the government's bank. So that matter is settled and we can put that one to bed.

There was some other comment by a member from across the floor (and I am not going to start calling names, but the public knows who they are and we do too) about the cruise ship passenger traffic that we have arranged for Pedro St. James. Nothing new. It was the entire concept from the very beginning, that we would market the facilities of Pedro St. James not only to cruise ship passengers, but to passengers who arrive by air, as well as all of us who reside here in order to ensure that the project becomes self-sufficient as quickly as possible to cover operational costs and to pay the annual loan amount to CDB. So we are beginning to see a little light at the end of the tunnel in that regard.

And I want to commend all of the staff involved with Pedro St. James. I think it is a fine facility. I believe that we would have to search long and hard to find an attraction facility equal to it anywhere in the Caribbean. And while we have spent in the range of \$7.8 million (construction-wise), if we take care of it, fifty years from today it will still be there earning money.

Someone was telling me about a show they saw on Cayman 27 where the young people of this country were being interviewed on their comments about Pedro St. James. You know, on the one hand we talk about rewriting history (and that is certainly something that I support) to ensure that the history of the Cayman Islands is documented. But projects such as this highlight that history, that culture that we have been talking about. For the life of me, I do not understand why one person can talk about documenting the history, then turn around and bad-mouth this particular project which helps to enhance the documented history putting it in visual form.

But I am satisfied that the public who visited the site and saw the multimedia presentation and the facility we have created over the last eight years are talking about in a very positive way. So, thank God, the message is coming through. Even the skeptics, with the help of Almighty God, will turn around and agree with us for having done so.

Secondly, the Botanic Park, another fine facility—not for the tourists, but for us to capture 60-odd acres (granted we are not using all of those 60-odd acres) of land in its normal vegetation for the people of the Cayman Islands for the next 100 years or more so that we

can say this is ours. However we develop it, that is ours for our children, and for their children, and for their children's children as well. And I have great commendation for the National Trust who stepped off on it in the early days. Everyone who volunteered for this particular facility and who continues to volunteer, as well as the staff who give daily of their skills, their energy and pleasantries to ensure that persons who visit that facility receive a rich and warm educational outing.

We have most recently approved the gazettal of that road to Botanic Park from the main road in Frank Sound, so we should be shortly getting on with improving the road leading into Botanic Park. For the benefit of the listening public, it was not a public road. So, we wanted to ensure that it was a public road before we spent any significant amount of government funds. We had access, but it was not a public road.

I want to move on to the Fire Service. When I mention that I feel a sense of warmth from the Caymanian community for the services delivered by the Chief Fire Officer and his staff. When we think about the domestic needs and what they have created in the Frank Sound Fire Station and the West Bay Fire Station, and then the domestic needs for George Town being managed from the same facility at the airport, I hear warm and appreciative comments about the service delivered by the Fire Service. I am indeed very pleased to have been the Minister of that department over the last six years or so.

When I was speaking last week, more currently on Friday about role models in this community, I think of people like the Chief Fire Officer and the community work that he has done both in the Lions and the National Trust and various other activities. Most recently, I think he is king of the orchid group, to put a little pun to it. But he has that green thumb as well, and I think that is why he has been so committed to the Botanic Park. This weekend there was an orchid show that I was unable to attend, but I understand it was received very well by everyone who attended.

I know too that the Chief Fire Officer is examining the location of a third fire station somewhere within the Lower Valley/Savannah area. The response time may not be satisfactory if the need is in the Bodden Town area if we respond from Frank Sound or George Town. So we are looking at that and we hope that we will be in a position to more justifiably come forward next year with some budgetary approval.

But when we hear about the growth in tourism and in the financial industry of the Cayman Islands and we look at the number of different planes between 12 o'clock and 3 o'clock lined up at the taxiway at Owen Roberts International Airport, we really must marvel. We take a lot of things for granted, and sometimes we don't remember the quality service that is being delivered not only by the Civil Aviation Authority (I believe they are doing a fine job) but also by the Fire Service. Members will recall that we put forward the need for additional fire equipment in the budget for this year.

This afternoon at 4.20 the BA flight is using the new equipment, the 777. It only brings to mind the need to constantly be upgrading our facilities and really com-

mending the Fire Service for the able job and the image it portrays to the outside world. I think it's the leader in the Caribbean in that regard.

I want to turn now to the Port Authority just to look at how the revenues have increased and the capital expenditures, as well as the profits over the years. We began in 1993 when the Port Authority earned in the vicinity of \$5.4 million. It has steadily increased year by year until we hit 1998 when the earnings were \$9.3 million. And the expenditure is tracking somewhat similar. In 1993 \$4.6 million, and 1994 and 1995 were basically underneath that same number, and in 1996 going forward into 1998 ending up somewhere in the range of \$7.2 million.

And we watched the net income grow (which is really the objective of why government made it a statutory authority, to put it out and say to it you have to operate in a commercial way), the profit in 1993 was a bit over \$800,000. By 1994 it was \$1.4 million. And then it varied between \$1.9 [million] and \$1.7 [million] ending up in the year 1998 with \$2.1 million.

And we have made a variety of contributions to the government. In 1993 we paid in excess of \$700,000 as a contribution. And the high point was \$1.5 million in 1997. And we dealt with capital expenditure needs of the Port Authority.

We know that Cayman is growing significantly on an annual basis, so there is always a need to watch our ability to provide the service in an efficient manner. And when we need to plan for the new millennium and secure the facilities for the Port Authority—no matter who the chairman or minister will be—we'll definitely be in a position to deliver the service for the public of this country. And in 1994 we spent roughly \$1.5 million, the majority being the finishing touches to the South Terminal where cruise ship passengers land.

In 1994, we dealt with equipment such as trucks and other things that were needed, approximately \$400,000. And in 1995 we dealt with more equipment but also the warehouse removal at the George Town dock and we spent about \$600,000. In 1996 we spent about \$5 million dealing with the purchase of the crane as well as land development. We purchased approximately two acres of land in 1996 and we also bought the first crane. Those were the major sums in the \$5 million.

Then in 1997, because we had not reached west moving from the cargo distribution centre towards North Sound Way, because we had not reached the road, a proposal came forward to us from the owner of that parcel of land and we decided that made sense. Although we didn't need it right then, we had to secure it for the future so that five or even ten years from today (and I would expect we would get to that need long before ten years) the land will be there for us to utilise. It may even cause the flow of traffic to be different because now we have an entrance from the industrial park area, which is Dorcy Drive. We would also have an entrance from North Sound Way into the cargo distribution centre. So it's common sense to move in that direction.

In 1998 we spent something in the range of \$3.4 million and that \$3.4 [million] really was the purchase of additional land to the north of the George Town Dock,

the land on which the Port building as we all understand it presently sits. And we also bought a second crane for a backup which the business in Cayman was pressing us to do, as well as we were of the view that no matter what the equipment is even the best of cars, whether it's a Rolls Royce or whatever, breaks down at times. And it may just break down at a time when you least expect it. So there's a need for that as well.

And you know, speaking of cranes. . . actually when I reflect on it I remember a cartoon that was done a couple of years ago when we were in the fray of receiving all sorts of flack and negative comments about purchasing the crane. I remember a cartoon which suggested we should use it for bungee-jumping off the dock and charge a fee. I also recall a comment being made by a member across the floor that we should sink the crane for a dive site. I know that was pun. I hadn't intended to say anything about the crane, to be quite honest, but I believe there is a need for all of us to understand, as well as the listening public.

I have gone to the dock on a number of occasions and I have seen things that I didn't expect to see. I have seen the crane loading two containers at one time (empty though they are) onto the ship. I don't recall ever seeing that done here or anywhere else before. So the expertise to operate the crane is in place. And the functioning of that crane, the larger one or the smaller one, seems to be satisfactory to the public as well as to the Port Authority.

You know, there's another little bit of information the public should understand. The Port Authority agreed to purchase a crane because we thought it was in the best interest of ensuring that the service being delivered by the Port Authority continues under their control. And we all had estimates about how viable this operation would be. Well, when we look at the 1998 position we see that the entire operation is capable of paying for all of its operational costs ending up with a profit at the end of the day.

I would think that's what the public wants to hear—that we didn't go out and waste money, but that we have spent money wisely, and that the fruits of our decision are now coming home in terms of the efficiency of the cranes as well as the money being made.

I must say that it's kind of difficult to argue with success. And may I humbly suggest that through all of the public outcry against Thomas Jefferson and the crane that it is really heartening that the decision to purchase the crane has proven to be right. I might go on to say that I concentrate on how the country can make money so that we can continue the good service to the public and I don't need to add (but I will!) that anyone can spend money—but not everybody can devise systems to make money.

I want to say that when we look at the Port operations over the period we are referring to (1993 to 1998) we note the number of ships that are calling (cargo ships) ranging from about 73 in 1993 (and I am talking about annual figures) to in 1997/1998 124. And of the cruise ship passengers and ships that call, 355 calls in 1993; 398 calls in 1998; 480,000 cruise ship passengers

landed in 1993; and in 1998 we saw a much larger figure than that.

When we think of all the activities that take place at the George Town Port and at the cargo distribution centre I have to commend the director of the Port and his staff for the able work they are doing. They also include the little office which was set up at the airport warehouse area for the public so that they don't have to wander between one place and the next to pay their Port charges. They go to the customs office pay their custom duties and then go on next door to pay the port charges rather than running all over town. So as minister responsible for the Port I believe the public is pleased with the performance and I offer my warm congratulations to the director and his staff. And I include Cayman Brac in that.

I want to just turn to tourism. I have a few comments about it. I am reminded of that front page article on 8th February 1999 in the *Caymanian Compass* entitled "Tourism sets new record." I don't propose to read it, but it starts out by saying **"For the fifth consecutive year, stay-over visitor arrivals to the Cayman Islands set a record."**

Actually, I didn't call to make them correct it, but it's six years—1993, 1994, 1995, 1996, 1997, 1998, six years. I know that they had good intentions in making that statement, so I leave it as they have made it.

Then, like everything else, it's not so much all the things you have done right as it is that perception that something may be wrong that catches the marl road and shoo-shoo. But as I pointed out the other day (Monday or Friday) the 40% down in the market (that some MLA as well as people in the business are saying), I have to ask where did this figure come from. All the statistics that I have (and the statistics we are talking about) are taken from the immigration card the visitor presents at the Immigration desk at Owen Roberts International Airport. It's the information on that card that we use. Those statistics indicate that when we compare the 72,000 in January/February 1998 to the 70,200 in January/February 1999, its 1,800 persons. However you calculate that, if you are using that as a methodology for saying the market is down by 40% . . . my calculator don't work that way.

But let me also bring to the attention of members and the listening public that I was searching the Internet over the weekend. And what pops up but an article that says "AMR profit drop deepens on pilot sick-out." Now we know that AMR is the parent company of American Airlines. Just to read two short paragraphs of that—

The Speaker: Before you do that I would like to advise you that you have ten minutes remaining.

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

"The parent company of American Airlines, AMR Corporation, said yesterday that the financial pain caused by the crippling ten day sick-out by pilots last month had been worse than expected and that its first quarter profit would be about half of Wall Street's current estimate." Pretty serious statement.

When they transfer that into another way of describing it, it goes on to say, **"AMR [the parent company of American Airlines] said the sick-out which forced American Airlines to cancel more than 6,600 flights would reduce its sales by an estimated \$200 million."** When we hear those numbers I wonder how many tickets they are actually talking about that didn't sell. I wonder how many people trying to fly within the continental United States as well as on to the Caribbean and the Cayman Islands didn't arrive. This is a serious factor that has to be taken into account when we talk about the market in the Cayman Islands being soft. We can't have American Airlines cancelling 6,600 flights and not be affected. I am not saying that's the whole reason, but I am saying that was an important reason. If you can't lift from the United States and arrive in the Cayman Islands everything else doesn't count.

We are also getting stiff competition from the European area. We hear about flights and tickets being sold from New York to London for \$499. But I have always said (and just to be repetitive), and I still believe that the partnership we have with the private sector and by working together we can solve any problem that we may have in the softness of the market in the Cayman Islands. And I wish to reiterate that point.

I must say too that I realise that the Director of Tourism is on the eve of her fifth anniversary of being in that position. I know that the first nine months of the five years she was serving in a designated position. But I must say that when we look at it overall she has done an able job. She has performed well. She is a bright lady who is committed to these islands and our people and I want to offer sincere congratulations to her and all members of her staff in the Cayman Islands and around the world.

When we talk about cruise ships now people begin to wonder what is it we are going to say. I read an article the other day about cruise lines and profit from Friends in Congress, and I laid it on the Table. Just for our benefit and that of the listening public, we know that while the air arrival numbers may be off a little bit (1,800), cruise ship traffic in the first two months of 1999 is up in excess of 21%.

We know too that when we look at the total arrivals in 1998 by cruise ship, it was 852,527. Of all those passengers when we go with the analysis we find that out of 852,527 visitors to the Cayman Islands by cruise ship, 18,651 came in on a Sunday. So when we talk about losing business, there are two arguments here. One is government's decision to try to preserve the Christian values that we all knew as we were growing up. Sometimes, as I was saying on Monday, they can bring all the psychiatrists from around the world to Cayman, and you can bring all the doctors too, but I bet you they can't solve the problem. The great architect of this universe, Almighty God, is the solver. And if we stay close to Him and we ask for His guidance and His blessings I am sure it will happen.

This decision was taken shortly after Hurricane Mitch. On the Friday afternoon when Mitch was to the south of us, and headed directly north . . . it couldn't miss

the Cayman Islands if it continued on that track. And every church that I know of was praying. And every person in this country who resides here was worried. And even members of this House made public statements, wrote letters to the press, of concern that we should be praising Almighty God for having spared us because it was Saturday or Sunday (can't remember which day exactly) when the direction of that storm suddenly turned left towards Central America. And everybody, although we weren't saying it was going to continue in that direction, breathed a big sigh of relief.

It was in that kind of environment that government said if we are interpreting the views of the community, if we want to continue to build this country on Christian values, let's try to hold this thing in place.

If the Cayman Islands have to survive on a Sunday by having 18,000 passengers, we are in big trouble, if you are looking at it from a business point of view. We are in real big trouble if that is the case. Over 852,000 cruise ship passengers came to this country in 1998. But I know what the play is. I have been around here for a while. All of us need to stay tuned to the activities of that huge industry cruise ship industry and begin to understand how they deal. And I am not looking to badmouth anybody. I am basically saying just understand how they deal. It is not, in my view, in the best interests of the Cayman Islands to allow people to do all sorts of things to us; dictating that we must open up on a Sunday morning.

What happened to our people who go to the beach? How are they going to find a place on the beach if a cruise ship passenger . . . and God knows when they start you got trouble holding them back—

Mr. W McKeeva Bush: We'll have them going to the bars on a Sunday morning.

Hon. Thomas C. Jefferson: Mr. Speaker, we have to try to look out for our people. And sometimes the decision by government will not be popular. We don't expect it to be popular in one sense, but if you have a piece of granite (and let's relate that to Christian values in this country) and you keep chipping away at it with a chisel and a hammer eventually you are going to have nothing. We will end up like the rest of the world—open on Sundays. Families have no values, they don't sit down and have lunch or dinner on a Sunday with their children, and I believe that is wrong if we want to hold on to the values in this country. Family values must come from the Holy Book. Where are you going to get your family values? Not from the Devil! Not from Satan!

Mr. W McKeeva Bush: Close the bars, then.

Hon. Thomas C. Jefferson: Mr. Speaker, I have been around here a little while too. I hear the comment. If the backbench wants to close the bars let them put forward a private member's motion.

Mr. W McKeeva Bush: It's not the backbenchers' responsibility to do that. You lead us!

Hon. Thomas C. Jefferson: It is the First Elected Member for West Bay making that comment. If he wants to open the bar, let him put forward a private member's motion and let's see what happens to it.

Mr. W McKeeva Bush: On a point of order, Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. Roy Bodden: [*interjecting*] His time is up, sir.

Mr. W McKeeva Bush: If the minister wants to do something like that, he just said he's the member making policy. He's responsible to do that! And if he was so concerned about Christianity then he would close bars and everything else that operates on Sunday.

The Speaker: That's not a point of order.

Honourable minister, your time has expired. Will you please wind it up?

Hon. Thomas C. Jefferson: Yes, Mr. Speaker. I want to say in winding this up that the public understands too the comment I just made.

I want to thank you, Mr. Speaker, for your tolerance and for your understanding. I never dreamed that I would be speaking for four hours. But I take my cue from the Great Man above. There is a need in this country to stand up, not for political popularity but for what is right—and I intend to do that. They can vote me out if they want to. I intend to stand up for what is right in this country because I believe that we have a responsibility to the young people and others in this country to set some examples, not to get up in the House and badger each other and say all manner of things about each other because that doesn't set the right example, and we know that. In the heat of argument we say things that we regret and I understand that too. But I think we need to be more cognisant of the example we are setting for this population and we need to stand up for Christian values which is where we come from.

I want to also say that regardless of what people may think, I pray to Almighty God on a daily basis not only for my own needs but for the needs of every member of this Legislative Assembly and the government and the people of this country. The Book says love not only your friends. That's how I would interpret it. And I hear the giggles. I think he understands what I am saying.

Let me say that I want to pay respect to the members of this House, especially my colleagues for the way in which they have supported the things I have put forward. And sometimes they don't always say yes. I have to understand that too. And I know that there will be people outside the House and inside the House who try to divide us. I heard a comment as recent as last week. But let us stand firm for what is right.

I want to thank you Mr. Speaker, and I want to wish His Excellency (I might not get a chance to do that before he leaves) and Mrs. Owen God's blessings as they retire. They have both contributed significantly to this country and I certainly wish them God's blessing.

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

Would you prefer to take a break so he doesn't interrupt his speech? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.20 AM

PROCEEDINGS RESUMED AT 11.43 AM

The Speaker: Please be seated.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you.

In commencing my contribution to the Throne Speech I wish to thank His Excellency the Governor for his fine presentation of the 1999 Throne Speech. Like many others in this honourable House, I was saddened to learn that this was indeed his last Throne Speech as he and his good wife Carol will be leaving the Cayman Islands within a few weeks. The Cayman Islands are a richer place because of the presence of His Excellency and Mrs. Owen over the past number of years of his tenure. They both gave unstintingly and fully of their time and talents to these islands.

His Excellency will be remembered not only for his very friendly manner, but more so for the innovative approach he brought to bear during the period of his administration. I daresay the vast majority of Caymanians share my sentiments in saying that he was one of the best governors to serve in these islands and will long be remembered by the people of these islands. I am personally sorry that he could not have extended his time in these islands for at least another term so that he could have completed the many projects that he started here that are working so well thus far.

His Excellency's re-invention programme launched in 1996 is already showing positive results in the improvement and increased efficiency within the public service. It was in 1996 that His Excellency made one of the best decisions that has been made for these islands in a very long time when he decided to bring needed reforms to the public service. The Governor Owen Awards luncheon held on Friday (19th March) spoke in eloquent terms to the leadership qualities of His Excellency and the seed planted by him in 1996 is already bearing fruit that will benefit the public service in general, but in particular the public service of Grand Cayman.

His Excellency has brought a new style of leadership for the civil service, a more businesslike style. As a result of his leadership the civil service seems to have gotten a new energy to move things ahead in a more efficient manner. It is somewhat unfortunate that more members of this honourable House could not have been present at this function to show appreciation to His Ex-

cellency for his leadership and to those civil servants who received awards for their accomplishments in improving the public service.

May I also take this opportunity to say congratulations to Mrs. Carol Owen, the wife of His Excellency, who in her own right has made a vast contribution to these islands. Through her art and her cultural contribution, she has made this country a better place to live. Up until this morning Mrs. Owen was still pushing to get support for the establishment of a national gallery in these islands. And whether or not that may . . . most of us agree that this is the right priority for the needs of this country. One cannot in good conscience say that Mrs. Owen's commitment is not genuine. So I wish to congratulate her for the personal contribution and efforts and commitment she made to these islands. I trust that before too long they will find it possible to visit us, or perhaps even reside with us on a more permanent basis if that is their wish.

In his Throne Speech, His Excellency the Governor named 1999 as the year of challenge. He named as the two key challenges facing us 1) the OECD initiatives, and 2) the implementation of the Vision 2008. He said, and I quote, **"1999 will be a year of challenges. The two key challenges facing us will be the OECD initiative and the implementation of the Vision 2008."**

"Public interest and support for Vision 2008 has been overwhelming. I am grateful to you all for your support particularly the 250 people in the Round Tables who have been meeting regularly over the last four months and the 30 member Planning Team. You have all invested of that most precious of commodities, time. We owe you all a debt of gratitude. I offer my personal thanks to you all."

I wish for us to take particular note of what he said here, and that is, **"Vision 2008, reinvention of government, fiscal reform, public sector management reform and freedom of information initiatives have given the Cayman Islands the opportunity to break out of the strait jacket of a colonial style system of bureaucracy which seeks to control from the centre."**

He said, **"I am grateful to the Members of the Legislative Assembly for your support of Vision 2008."** Unfortunately there are still certain members of this honourable House who haven't seen fit to support this very worthy project. I trust that they will change their position on this so that we can all unite our efforts in trying to make this become a very successful venture.

He stated that the other challenge (other than Vision 2008) is the OECD initiatives on so-called tax havens. I intend to comment on this briefly later on, but I would just like to repeat what His Excellency said here as a basis for my comments. He said, **"The Cayman Islands government and all the Members of this House are united on the need for Cayman to engage in dialogue with the OECD. But in doing so we need not be defensive. Cayman has a good story to tell. Cayman is putting quality first and continues to be at the forefront of the fight against money laundering."** I want to support that statement 100% because that is exactly what we are doing.

“We should therefore take advantage of the OECD initiative and send a clear message to the world as well as the OECD that Cayman is committed to maintaining itself as a quality jurisdiction, which also acknowledges its responsibilities to the international community.” This is so true.

I would like to add that this will not be done by sitting down and waiting to see what sort of response we get from OECD. We cannot afford to take a reactive posture. Our position should be a proactive position and that is the only way that we can take advantage of the OECD initiative, by telling them the good things that we are doing rather than waiting for them to take action and then reacting to their position.

In regard to Vision 2008, I am pleased to have been appointed along with my colleague the First Elected Member for George Town, and other members of this House, to serve with His Excellency on the Strategic Integration Group Committee which was set up to monitor and coordinate the activities of the various initiatives being undertaken within the Vision 2008 programme.

His Excellency the Governor had this to say about the Vision 2008 programme, and I would just like to also make a brief reference to this. He said **“Vision 2008 is on target. Last week the 16 Round Tables presented 234 action plans to the Planning Team. Based on the action plans the Planning Team is now working on drafting a Phased National Strategic Plan for presentation to Executive Council by early April. The Plan will then be tabled in the Legislative Assembly.**

“When the Plan has been approved by this Honourable House, the Strategic Integration Group made up of senior civil servants as well as politicians from both sides of the House under my chairmanship will ensure that the National Strategic Plan will be implemented and will be integrated with other on going and proposed reform initiatives of government.” I endorse these words fully. We are now perhaps in the middle of the Vision 2008 and later on in my debate I will speak again on the progress being made on this plan.

I support the view that these islands cannot afford to steer an uncharted course into the 21st Century. Thus the reason why the Cayman Islands has embarked on the Vision 2008, the financial and fiscal reforms, and other reforms of government. May I also take this opportunity to congratulate the executive director, Mrs. Joy Basdeo and her team for their contributions to the success of this project thus far.

As mentioned earlier, the timeline for Vision 2008 is on track. This timeline is divided into four phases. We are now in the second phase, which is the planning phase. We have already completed the first phase, which was the awareness phase. The second phase ran from June of 1998 and will end on 30th March (this month), then on 1st April we commence with the first phase which is the implementation phase and that will run to April 2000. The final phase, which is the evaluation phase, will run from May to June 2000 and then on through 2008. There will be regular phases within the evaluation phase of evaluating what has been done to date.

Just so the listening public can be brought up to date and informed, I would just like to state that the planning phase is now involved with the formation of the roundtable groups which will develop specific proposals for action plans for the 16 strategies which form the vision statement as developed by the people of these islands. The third phase, or the implementation phase commences in April (next month) and this will slide into the Vision 2008 Plan together with other reforms including—and this is very important—the reforms of the financial and budgeting sectors of government. I will have more to say about the delay, some of which I regard as unnecessary, in some of the financial reforms which should have been put in place before this.

There is also the question of another most important reform, which seems to be dragging its feet. That is the question of the select committee on Freedom of Information. I would like to see more energy and action taken on this particular committee.

As stated, the evaluation phase of Vision 2008 will commence in March 2000 and the strategic plan will be reviewed and evaluated annually commencing in March 2000.

Much comment has been made in this House, publicly, and within the private sector about the Organisation for Economic Cooperation and Development (OECD), a very powerful group, comprised of the most powerful countries in the world. I wish to say as a citizen of these islands and as a representative of the people that if the OECD initiatives are not handled properly all the reforms in the world, financial, freedom of information and otherwise, will be an academic exercise. It will render the exercise more theory than substance. It is important that top professionalism is used in dealing with the OECD initiatives. It is important that the government's political directorate is involved in every phase of the discussions with the OECD and the UK and other bodies.

In my opinion, the most important task or initiative facing these islands today is the OECD report and other initiatives associated with it such as the EU initiative and the G7 initiative. They are basically four initiatives even though the EU initiatives are usually combined. The first initiative in relation to the OECD report is the report on Harmful Tax Competition. A second is the G7 initiative on Harmful Tax Competition, and the third and fourth are the EU initiatives on the Code of Conduct on Business Taxation and the Draft Directive on Taxation of Interest. They are the main initiatives. The last one is the taxation of interest on savings income.

The Third Official Member, the honourable Financial Secretary, is to be congratulated for his efforts thus far in heading up the delegations that have represented these islands abroad to deal with the various OECD initiatives. I am pleased to have been selected by Executive Council to accompany the honourable Financial Secretary, the Minister of Tourism, the Minister of Education together with Miss Deborah Drummond, on a visit to London in September of 1998 with the first delegation to meet with the UK officials to discuss the possible implication of these initiatives and the effect they could have on the economy as a whole. I am proud to say that during that

visit, even though I represent the Opposition bench in this House, I was able to go with this delegation from Executive Council on this important meeting and we were able to work together in the best interests of these islands.

That is as it should be. I feel that with a matter this important that will have a direct effect on the very life-blood of these islands that we should put aside any political or party or group differences we may have to work in the interest of these islands. I feel that we have shown a good example in the way this was handled in September of last year. Since then various contacts have been made through writing and personal visits.

Because this is so important to these islands on a national level, I feel that the members of this House should be kept informed by those heading up any responses to these initiatives and in particular the Chairman, the honourable Third Official Member. It is his responsibility to call the members together and inform them periodically of what is happening even though these matters may have to be kept in the deepest confidence. This is not just a matter for senior civil servants. This is a matter that must include the ministers and other members of the political directorate of this House.

Whilst I do not wish to go into any details on this subject at this time, I do believe that His Excellency's comments—perhaps even warnings that this is one of the two major challenges facing these islands—cannot and should not be ignored. We should now as a government be taking a firm and proactive position and not a reactive one, as I stated earlier. If indeed the honourable Third Official Member, the honourable Financial Secretary, at any point in time finds that his varied duties may preclude his spending sufficient time on this very important subject, then perhaps he should consider delegating some of it to another member of Council. I regret that the Third Official Member himself is not here today to hear my comments. But I trust that he will take the time to read them from the *Hansards*.

We cannot procrastinate; we cannot delay the process of dealing with this matter as a most urgent matter. It is not going to go away. We should take the example of Bermuda, which is taking every opportunity to make contact with the OECD and UK official. Not on a civil service level, but on a ministerial level. The Chief Minister herself and other ministers have been making contacts with the officials of the OECD and the UK. I am not here knocking the value of input from the official side of the House. I am saying that I am aware, because I was told this in the UK as recently as a few weeks ago, that the UK will pay perhaps more attention to the political directorate of the countries being affected by these initiatives.

As regards the OECD Report, the question that we in the Cayman Islands should be posing today to the OECD official is very simple. Rather than spending hours talking and not accomplishing very much, we should ask one straightforward question to OECD, and that question should be, What do we in the Cayman Islands need to do to be placed on the "approved" list? Not, What will we need to do to *get off* the "black list" if we are ever placed there. Let us approach them in a proactive stance and

say to them "What do you want us to do to be placed on what you consider to be your approved list?" Because I believe, I truly believe that many of the questions that may be lurking in their minds regarding the Cayman Islands would be answered. They would see that we are operating a much better regulated financial centre than they may be accusing us of.

I recall on my trip to London sitting at the table with members of the House of Commons and the House of Lords when a member of the House of Commons, in asking me where I was from, said "Well, you're from the island where they have a lot of money laundering."

Mr. Speaker, I looked him straight in his eyes and I said to him, "I really don't know how I should answer you. It's obvious to me that as a Member of Parliament you should know much more about one of your Overseas Territories. And in making that statement it is obvious to me that you know nothing about the Cayman Islands."

And I proceeded to tell him and the others around the table—and you could hear a pin drop!—about the Cayman Islands. That is the proactive position I am talking about.

Half of those MPs in London do not have a clue about the way the Cayman Islands operate. And we should be making inroads at that level so that when this matter reaches them they will be knowledgeable of the Cayman Islands. It is one thing to talk to the civil servants in London, but they in turn cannot take any significant action. Those actions will have to be taken at the political level. They can make recommendations, but any serious action will have to be taken at that level. That is why you hear about the G7 initiatives. It is at that level that we are concerned, at the ministerial—Prime Minister, Chief Minister level. Later on I will be speaking about the proposals made by Mr. Robin Cook in his White Paper regarding setting up a committee of the heads of overseas territories which will also comprise members of the UK Parliament.

I must congratulate the Third Official Member for what he has done so far. But as I warned, we cannot afford to become complacent or reactive in any way. We cannot underestimate the seriousness of the OECD problem. The upcoming meeting in May of this year will be a crucial meeting and we should ensure without divulging any confidential information that no stone is left unturned in our preparation and the submission that we make of this meeting because the reports submitted will be used by the forum to determine which jurisdictions will be placed on the final list. Unless we are properly prepared, we could be placed on the blacklist, which we do not want.

Once placed on a list, it will be that much more difficult to be taken off of that list. So our major job is at the present time. We should be working very hard and contacting in particular our representatives of the OECD in the United States to have our open discussions with them whether or not they want to talk with us. We should insist on being able to tell our story to them. But to wait could be a grave mistake.

In November of this year the forum meeting of OECD will agree on the adoption of the final tax haven

list. And by May next year, that list will be published. There is no doubt that anyone appearing on that blacklist, the intention of the OECD countries which comprise the most powerful countries in the world including the United States will endeavour to eliminate any countries that appear on the blacklist. I believe that the track record of the Cayman Islands will exempt us from the blacklist. I believe that our regulatory regime, our laws, our rule of law in this country and all that we have done thus far with the introduction of the MLAT in 1986, that the Proceeds of Criminal Conduct Law, more recently, with the Fiscal Reforms, the Re-invention of Government, the 2008 Reforms, all that we are doing in these islands which, by the way, have been made note of by the Foreign and Commonwealth Secretary, Sir Robin Cook, in the White Paper . . . he has recognised that the Cayman Islands is leading out in many of these reforms.

So even though I am warning that there is no place for complacency, I am also warning that we cannot afford not to take a proactive stance. I am saying at the same time that I believe the Cayman Islands presently have a good story to tell. But if we do not make that story known to the people who matter, that story may not be told and may not be heard.

I am disappointed that more effort has not been made to make direct contact with officials in the UK who can challenge our cause and indeed the forum members of the OECD. I know much has been done. This is such an urgent matter that I feel it should take top priority at this time amongst government business. I know that I have spent a lot of time on this subject, but I have only done this because of the level of importance that I place on this subject.

Ever since the OECD report and the various other related initiatives, that is the G7 and the EU initiatives that were published early last year, it has been recommended that Cayman, like Bermuda, like the BVI and other UK Overseas Territories (or UKOTs as they are called) should attempt to make direct contact with their counterparts in the UK and indeed with the top OECD officials, such as Mr. Geoffrey Owens in Paris, and Mr. Philip West in the United States, just to name a few.

Let me say once more on this particular subject that this is a major national issue. Let nobody fool you about that. And let us not push it under the carpet with the stupid excuse that it is so confidential that the people of this country should not be told about it; that they should be kept in darkness. That would be short-selling out people when indeed every other country, Bermuda, BVI and others, are dealing with this as a major issue and keeping their people informed about its ramifications.

As has been practised in the past, the honourable Speaker usually grants a fairly wide latitude in the debate on the Throne Speech, mainly because the Throne Speech represents the State of the Union Address for these islands and it covers every aspect of the operation and development of these islands from the finances straight through to expenditure; from the plans such as the Medium Term Financial or Economic Plan for the Public Sector Investment Programme, which is basically capital and other expenditure of government. It is not a

budget debate. It is more important. It is much wider. It has to do with the operation of the whole country and takes into account plans and objectives of the various ministries and their departments as well as an accounting, bringing into account what has been done over the past year. It deals with administrative policies and plans for the future.

It is an opportunity for the members of this honourable House to ensure the maintenance of good government. A government is only as good as an effective opposition. Accordingly, before dealing with other areas of the Throne Speech, I would at this time wish to thank the local branch of the CPA for selecting me to attend the 40th Seminar on Parliamentary Practice and Procedures at Westminster, London, which gave me the opportunity to broaden my experience and indeed the opportunity to interact with not only the Members of the House of Commons but also the Members of the House of Lords and to interact with the delegates from the 25 countries that were represented at that seminar.

I was proud to see the high esteem in which you yourself, Mr. Speaker, are held by various Speakers, including the Speaker of the House of Commons the Rt. Honourable Betty Bothroy. In giving your greetings to the Rt. Honourable Bothroy, she has asked me to return the same to you, sir. And also from the Clerk of the House of Commons, Mr. Bill McHigh, who has also asked that I return his greetings to you. You are held in very high esteem by your peers and others in the UK.

This seminar was most informative and it was a way of developing a member of this Honourable House and I would definitely recommend it to any member if the opportunity arises, for them to take advantage of it. Not only did we meet with people at that level, but we had the opportunity to visit the Prime Minister's residence at 10 Downing Street, and to also attend a Commonwealth Day celebration at the Westminster Abbey in the presence of Her Majesty the Queen, and HRH the Duke of Edinburgh and to also be presented to her later in the evening at a reception at Marlboro House. I am mentioning this to see the extent to which the UK Branch of the CPA went and will go to ensure that the members of the Commonwealth get as much exposure and as much experience as possible to render them better representatives within their respective countries.

I have made a report on my visit to London on the Seminar, which I handed to the honorary secretary today and I trust that each member of this House and of the CPA, the local branch, will have an opportunity to read it.

I now wish to turn my attention to the long awaited White Paper. This White Paper, believe it or not, was not only something that was long awaited by the members of this House and the people of these islands, but indeed by all of the United Kingdom Overseas Territories. This was expressed in very strong terms at the recent seminar I attended in the UK. Some of those questioning the release of this paper were more interested than we are in some of its recommendations. Indeed, the representatives of the smallest of the overseas territories have been pushing for many years for citizenship in the UK. It would seem to me that this is not a very strong desire of the

people of these islands, even though it has been expressed to me that our people would like the freedom to travel free of any visa or other restrictions to the UK and other European countries.

The White Paper was presented by the Foreign Secretary (I might have called him the Commonwealth Secretary earlier), Sir Robin Cook, of the House of Commons on Wednesday, 17th March, just a couple of days ago. It is entitled "Partnership for Progress and Prosperity." In reading this I believe that the intent of the writer seems quite honourable towards the Overseas Territories. They have made it quite clear that they are not pushing all of these recommendations down our throats.

Because this is a White Paper, and not a final position taken by the House of Commons, I would hope that our government will respond with its views to the Foreign and Commonwealth Office, to Mr. Cook, on the position of the Cayman Islands on this matter. I would have wished to see the decision taken on the basis of a referendum on all these issues. But unfortunately a referendum has not yet been allowed to pass in this House. I know that provision is made in the Constitution so that the necessary legislation can be put in place, and I do hope that this is an issue where the government bench and the opposition can sit together and reach a consensus. It's too important for party politics, for bipartisan bickering. This is a matter that we should sit and discuss in the Committee Room so that we can reach a consensus and put forward our joint views.

Page 3 of the statement that was made by Mr. Robin Cook the Foreign Secretary deals with citizenship. He said here, and I quote, **"There is a strong sense of grievance in many Overseas Territories that their right of abode in Britain was taken away from them and that is felt particularly strongly in St. Helena. The residents of the Overseas Territories are proud of their connection with Britain but often puzzled that Britain appears not to be proud to have them as British citizens."**

He went on to say, **"I can announce today that we will be offering British citizenship to all those residents of the Overseas Territories who wish to take it up."** So it is open to those territories that may wish to take up British citizenship. Further he said, **"This improved status will be welcomed throughout the Overseas Territories. It will give its residents the right to travel freely throughout the European Union and will enable their young people to support themselves through work experience while they study in Britain."** Up to this point that was not possible. One had to obtain a work permit to be able to study as a student.

He said, **"We do not expect this change in status to result in any substantial number taking up permanent residence in the United Kingdom. Seventy per cent of the citizens of the Overseas Territories have a higher per capita income than the United Kingdom and their residents, and they have no incentive to leave on a permanent basis."** This point I am going to make from Mr. Cook's statement is very important. He

said, **"The offer of right of abode will be on a non-reciprocal basis."**

What that means is that even if the people of these islands opted for citizenship which it seems they do not want at this time, at least not the majority of the people I have spoken to, even if they opted for it, the UK would not in turn expect that their citizens could have a right of abode in the Cayman Islands. One of the fears was that as a small country with less than 40,000 people, if the UK with the population level they have allowed their citizens the right of abode in these islands, it could destroy the economy and the lifestyle of our people. And they are aware of our fear in this respect. That is the reason why they are stating—and have stated categorically—that the offer of right of abode will be on a non-reciprocal basis.

The Speaker: If this is a convenient time, we shall take the luncheon break. We shall suspend until 2.15.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.27 PM

The Speaker: Please be seated.

Debate on the Throne Speech continues. The Third Elected Member for George Town, continuing.

Mr. Linford A. Pierson: Thank you.

When we took the lunch break I had begun to speak on the subject of the White Paper that was recently published by the Secretary of State for the Foreign and Commonwealth Office, Sir Robin Cook. I had touched on the subject of citizenship. I now wish to move onto the subject of our international obligations under the White Paper as stated in the White Paper.

The White Paper states the following in regard to the international obligations of the UK Overseas Territories. It says, **"The White Paper demonstrates that the United Kingdom is fully committed to meeting its obligations to the Overseas Territories. Any partnership must have obligations on both parts. The United Kingdom accepts its responsibility for the defence of the Overseas Territories and for their international representation. In return we have to insist on the governments of the Overseas Territories fulfilling their obligations to meet the standards of international organisations in which the United Kingdom represents. There are two issues which are our priority in meeting these obligations."** And these are the words of Mr. Cook, the Secretary for the Foreign and Commonwealth Office.

The first obligation for these territories is to match with international standards in financial regulations. It states, **"Many Overseas Territories have made substantial progress in proper and transparent regulations of their large financial sectors. They have recognised that a sound reputation for financial regulation is a prime asset in maintaining the prosperity of a sound financial sector."**

It goes on to say, **"Nevertheless, some Overseas Territories do not yet fully meet international stan-**

dards. We will therefore be requiring all overseas territories by the end of this year [that is by the end of 1999] to meet in full international standards on money laundering, transparency, and cooperation with law enforcement authorities and independent financial regulation.” I believe that in the Cayman Islands we have covered most of these questions.

“The globalisation of international finance means that we cannot tolerate a weak link anywhere in the chain without exposing investors to risk.”

The second obligation that Mr. Cook referred to is one that the Cayman Islands might have some problems with. This is on the question of human rights. It states, **“Overseas Territories that choose to remain British must abide by the same standards of human rights and good governance that we demand of ourselves. We require our Overseas Territories to maintain legislation that fully complies with the European Convention on Human Rights and the International Covenant on Civil and Political Rights to which the United Kingdom is a party.”**

And here it spells out very clearly what they are talking about. It says specifically **“We require changes in the law in a minority of Overseas Territories which retain corporal punishment and criminalise consensual homosexual acts in private.”**

Mr. Speaker, we have sent a clear message to the world, including the UK, what our position is on tolerance towards open homosexual acts. Here they are saying that this specifically refers to consensual homosexual acts in private. There are many of us, and many of the churches, that would still not wish to see such a provision in any of our laws. But we will have to think very carefully whether Constitutionally we have the authority to prevent the UK from implementing such a law if it is their wish to do so, and we will therefore have no choice but to abide by it.

One can remember the position taken by the UK by Order in Council on the question of the death penalty. In that case there were many in the Cayman Islands who felt that the death penalty should remain on our books. But as long as we were a territory of the UK we had to comply with the same standards the UK set for itself. In a way, one can understand that this is not that unreasonable. If we wish to remain an Overseas Territory of the UK whatever laws are god for them we may have to also accept here in the Cayman Islands, especially as it relates to human rights.

This section goes on, **“Our strong preference is that the Overseas Territories should enact the necessary reforms themselves. But we are ready to make such reforms by Order in Council if they fail to do so.”** That’s very clear. Even though we know that the churches are opposed to homosexuality in these islands or encouraging homosexuals to come here in large numbers, and even though the average Caymanian, I would daresay the average resident here, is opposed to it, in the long run if the UK decides that they are going to accept this in the UK, they have the power, Constitutionally, to force the Cayman Islands and any of its territories, to a certain extent Bermuda, to tow the line if they so wish. I

feel that on the basis of this report, that on the question of consensual homosexual acts in private that we are getting the message, although somewhat veiled, that they will in fact insist that we make the necessary law reforms to incorporate this in our laws.

I do hope that I am wrong on this assumption, but based on the reading of this statement from the Secretary of State, Mr. Robin Cook, I have no doubt that they mean exactly what they say. As long as we are an Overseas Territory of the UK, because of our Constitutional position, the final say will not be ours in these matters.

The White Paper also speaks to the question of modernisation. There is no question that the Labour Government has as one of its principle objectives to modernise not only the political process, but also as far as the UK is concerned to make the UK . . . as they say to re-establish Britain as a leading international player. And in so doing, whatever direction is given to her territories to tow the line, these directives will have to be complied with.

The White Paper states, on the question of modernisation, **“The Government [meaning the UK Government] is committed to modernisation.”** We have already seen the position taken on hereditary peers in the House of Lords. They have taken a very strong position on that. And in a way, I cannot personally say that I object to this for various reasons. I am one who has always felt that if you are going to fill those high political positions then they should be earned. In that regard, I am unable to fault them for the position they are taking in modernising and reforming the House of Lords. But that’s not a direct concern of mine at this time. My major concern is how these reforms and the modernisation will effect these islands.

The Paper goes on to say that **“Modernisation is at the core of the Labour Government’s vision, its direction, and its policies. We are applying this process of modernisation systematically—to the economy, to the health service, to education, to crime prevention and to jobs. Modernisation is at the heart of our approach to renewing the framework of Britain: to new representational arrangements in Scotland, Wales, Northern Ireland, and London, and to new administrative arrangements in England. We are recasting the constitutional settlement to bring power closer to people.”**

It goes on to say, **“We are also reforming our relations with the rest of the world. We have ended Britain’s isolation in Europe, with increasingly tangible results. We have re-established Britain as a leading international player, prepared to take tough decisions to deal with complex and pointed international difficulties—and where necessary, to back them up with action.”**

“Britain’s mutual relationship with the Overseas Territories must be seen in this context: within the overall framework of modernisation and reform, and within Britain’s new international role. As participants in the new global order and the new global economy, the Overseas Territories themselves must embrace reform and modernisation.”

I would like to read that again, **“As participants in the new global order and the new global economy, the Overseas Territories themselves must embrace reform and modernisation. Britain must ensure that its structures and its practices are reformed and modernised. The relationship between Britain and the Overseas Territories needs to be effective and efficient, free and fair. It needs to be based on decency and democracy. Both Britain and the Overseas Territories have much to contribute to each other. They have done so in the past. They must continue to do so now, and in the future.”**

It says here, Mr. Speaker, **“The Territories should administer themselves in accordance with their constitutions and in full respect for those of the UK’s international obligations relevant to them.”** This is basically telling us that any international obligation that Britain has entered into, like the OECD Report, the statements by the G7 ministers, and the EU initiatives, will all have to be respected by their territories. It is also telling us that in addition to any financial obligations that the UK will expect the Cayman Islands to comply with any international obligation they have entered into on human rights. And one such obligation as I have mentioned is the whole question of consensual homosexual acts in private.

Whether this is a White Paper and it is now for our government, if they feel strongly enough about this issue, to petition the Foreign and Commonwealth Office in this behalf and on other matters that we are not happy about. I feel that the Executive Council members should meet with the other members of this House, either in this forum or in the Committee Room, once we have all read this paper, and discuss what position we are going to take on it so that our government can make a representation to the Foreign and Commonwealth Office as soon as possible.

Also, I have been reminded by one of my good colleagues that we do have a committee now appointed to deal with the Dependent Territories. Maybe this is the proper forum to deal with this review. Regardless of what position is taken, I feel that this matter should be dealt with without any undue delay.

It is not my intention to touch on all of the areas of the White Paper, because it is quite a lengthy report. But I felt that I would deal with those two issues because they have been highlighted in the report as the two key issues which are a priority in our meeting the obligations that the UK has referred to. As I stated earlier, the first obligation is the financial regulations, and the second is in regard to compliance with the human rights convention.

There is one section of this report that causes me some concern. Hopefully the Second Official Member if he speaks (or even in private) can discuss this matter. It is on page 24 of the report. It is included in the area dealing with the key components of the regulatory package we wish to see in place by the end of 1999. There are not many, so I will just go through these particular points. They are: legislation for the effective regulation of the offshore sector which fully meets accepted international

standards. I think that we have demonstrated in many respects that we are the leaders in ensuring that we comply and that we enact proper regulations to regulate our financial sector.

We were the leaders with the Mutual Legal Assistance Treaty as I said earlier, in 1986, and more recently government is to be commended for the enactment of the Proceeds of Criminal Conduct Law. Reference was also made in the White Paper of the strides being made by the Cayman Islands with certain needed reforms such as the re-invention, Vision 2008, Financial Reforms, the Information Committee that we have set up and so on. We have been leading out with necessary reforms.

The second point that they are asking for in the package is a comprehensive measure to combat money laundering which extends to all financial institutions and the introduction of legislation to improve regulations of information of company formation, agents and managers. We are way ahead in having led out already with this type of legislation. So we are the leaders. And some of the other UKOTs have followed our example, such as the BVI and, to an extent, the Turks and Caicos Islands. I know that even Bermuda, who is considered to be the senior Overseas Territory, has also examined some of our legislation. Right now I know that they are looking at our Marine Conservation Laws. As a matter of fact, one of the MPs from Bermuda recently asked me to let him have a copy of our law because they would like to model theirs on the basis of our own laws here.

The reason I mention that is to make the point that we in the Cayman Islands are not following, we are leading. We are trying our best to comply with international standards and regulations. I am not going to suggest that we do not have our problems here. But neither can London state that they don’t have problems in their market which is perhaps the second largest in the world. They also have a problem and we are trying our very best to keep our financial sector as clean as possible.

This is the section (which I am going to read) that causes me some concern. It states, **“Powers to ensure that whatever the secrecy laws, regulators and law enforcement in those Overseas Territories with financial sectors can cooperate properly with their overseas counterparts including on investigation and enforcement matters.”**

It states as a key component of the regulatory package that (and I will read this again), **“Powers to ensure that whatever the secrecy laws, regulators and law enforcement in those Overseas Territories with financial sectors [such as the Cayman Islands] can cooperate properly with their overseas counterparts including on investigation and enforcement matters.”**

What I would like to see clarified in that is whether the regulators in London or the United States or any of the OECD countries will be able to demand from regulators in the Cayman Islands that they be provided with information without going through the same procedures that they would have to follow under the Mutual Legal Assistance Treaty. That is a very serious matter. I trust that our Second Official Member, the Attorney General,

is making note of this because I would like to discuss this with him further and we need to have this particular point clarified. It is a very serious matter.

The next two points read, "**Licensing and regulatory regimes for all financial activity that creates conditions for fair competition between Overseas Territories.**" As far as I am concerned, we already have this in place. We are functioning as an autonomous area from other Overseas Territories and we do deal with fair competition.

The last point was the establishment of independent regulatory authorities meeting accepted international standards. Again, we have complied with this in making the Monetary Authority an independent body, which is an autonomous body. So we have complied in all respects with the key components of the regulatory package that they wish to see in place at the end of this year. The one that bothers me, and to have clarified, whether the regulators in London, the United States and other major countries can demand to obtain information from regulators in the Cayman Islands without having to go through the same process they would under the Mutual Legal Assistance Treaty. I trust, as I mentioned earlier that we can have further clarification on this by our legal advisor, the Second Official Member.

There is another area that I wish to refer to and it is on page 12 of the report. It has to do with the political forum, and that is the Overseas Territories Consultative Council, which will be comprised of British Ministers and Chief Ministers, with the first meeting to commence in September or October this year. This is on page 12, chapter 2, paragraph 2.4 and it reads, "**The partnership will be based [speaking on the partnership of progress and prosperity between the UK and the Territories] on consultation and mutual understanding. A new political forum, the Overseas Territories Consultative Council, will be set up bringing together British Ministers and Chief Ministers and, where there is no ministerial system, elected members of Legislative Councils from the Overseas Territories to discuss matters of common concern.**"

Because of our peculiar Constitutional position we do not yet have a Chief Minister. So I guess the closest to that would probably be the Leader of Government Business. No doubt he will be invited to this Consultative Council. But I feel that whoever is appointed through government should make every effort to attend.

It goes on to say, "**It will meet annually. Every other year, the Council will meet immediately before the Commonwealth Heads of Government Meeting to allow our representatives to attend in full knowledge of the views of the governments of the Overseas Territories. We plan to hold the first meeting of the Council in September/October 1999.**" I trust that we will hear more from government on what its position will be on becoming a member of this Overseas Territories Consultative Council. I believe that the unity of these members working together on matters of common interest can only enhance our position on certain matters especially in regard to matters such as the OECD, G7 and EU initiatives.

Regarding the new partnership it also says, and we notice this already, that instead of being called "Dependent Territories" we will be properly known as the United Kingdom Overseas Territories (UKOTs) or Overseas Territories for short.

That will be our name from here on. On the question of financial regulation the White Paper states that a checklist of regulatory measures for the territories to bring their financial regulation up to internationally accepted standards would be drawn up. The Overseas Territories would be invited to present proposals for the independent and properly resourced regulatory authorities. I have already spoken on their position on human rights and as stated by the Foreign Secretary there is no question that the UK is committed to going ahead and honouring their commitments under international obligations such as the Human Rights Convention of the European countries.

I trust that serious attention will be given by government on those particular points I have raised from the White Paper and that they will bring together both sides of this House so that we can discuss this crucial matter. They have also spoken on another important issue which has to do with financial control and in particular on the question of borrowing. I intend to speak on this later on, so I will refer to this particular issue when I reach that particular point. But at this time I would like to make reference to certain points raised by His Excellency in his Throne Speech. I refer to page 10, dealing with the health services.

I would like to take this opportunity to congratulate the honourable Minister of Health for the fine job he is doing in his ministry and the good job he has done in regard to the health services. I have spoken to him privately on this and I think it's only fair that I should also speak to him through this medium, congratulating him accordingly. But there are a few matters that are of concern to me that I will raise after reading what His Excellency had to say here. He said, "**The new Cayman Islands Health Services Complex will be officially opened in March. With greatly improved facilities and equipment and a renewed emphasis on meeting the needs of patients and their families, the community will receive an enhanced level of health care.**"

"**The accident and emergency unit will be physically separated from the outpatient services and the department will be able to provide enhanced general practice service with additional "by appointment" doctors' clinics.**"

I would like to associate myself with the comments made in today's *Caymanian Compass*, where it says, "Lifesavers are prize winners," and to congratulate the Public Health Department team on winning the Governor Owen Award. If for no other reason, I wish to congratulate the minister in that his department, under his watch, was able to do a good for this country that had not been done before. I will read this so that I can be more specific. It says, "**A Public Health Department team has won the \$6,000 top prize in the inaugural 'Governor Owen Award for excellence in public service reinvention.' The team's efforts were directed toward women**"

at risk from cervical cancer. Their goal was to raise from 25% to 90% the number of such women who would have the Pap smear test which can detect pre-cancerous changes that are easily treated before cancer develops.” The public health department is to be congratulated for this lifesaving service they are providing the people of these islands. I think that it was well in order and that they were worthy of being chosen award winners for excellence in the public service reinvention programme.

What I am going to say now, I have already said to the honourable minister so he is aware of the complaints that I have personally received. Notwithstanding all of the good that is being done, there are still certain areas that need serious attention. I have received several complaints on the bad service being received at the hospital, not only from the doctors but also from some of the nurses. Let me make it quite clear that this is only coming and being applied to a minority of the staff because I do believe that the majority of the doctors and nurses are providing a very good service. But the old saying goes one bad apple can spoil the whole keg of apples.

Many of my constituents have told me that they have had to spend very long hours waiting to see a doctor. One patient told me that she took her child up there after the child had fallen and she thought the child had broken or fractured her arm, she sat there for hours and in the end a nurse gave her a prescription for some Tylenol and sent her back home without even having the child's arm x-rayed. I believe this is happening only in a minority of cases because I know that most of the doctors and nurses at the hospital and my experience has been that most of them are very dedicated and good doctors and nurses. But I would ask the honourable Minister if he could look into this matter with his Chief Medical Officer and the Chief Nursing Officer and others to see if this issue can be resolved. We now have new facilities but these facilities will not matter very much if the service is flawed. So I would ask the Minister to please look into this matter. I would also ask him to let them know that a nice smile and answer can create miracles, there is no need for rudeness to any patient who goes to that establishment for help.

I don't want my colleagues on this side to think that I am putting too many accolades on any member of government because they are our opposition. But fairness is fairness, and I feel that it's only fair that I should congratulate the same minister for his strides with the drug abuse prevention and rehabilitation programme. I know, because I have been asked to serve on a committee, that he is personally involved in these programmes. It is one thing to get your staff to do things, but it is another to get personally involved. That is why I do believe that the Reinvention, and the 2008 programmes launched by the Governor were such a success, because the Governor himself has been right on top of everything. Not only is he Chairman of the strategic integration group, but he personally visits all the roundtable functions to see that things are going in the right order. I would recommend this to the ministers and members of Executive Council.

When your portfolios are involved in these kinds of public matters, you should get as involved as possible.

I have said in this honourable House before that regardless of the good work being done on the level of rehabilitation it will become as naught if there is no follow up on these people being rehabilitated. I speak specifically of prisoners who have served their time in Northward Prison and are released back into society, who have gone through the rehabilitation programme, many of whom are fit to be released back into society. Unfortunately, many of those ex-prisoners are not given a fair chance because when they return to society they are not even given the opportunity. And I am not speaking about all cases, I don't know about all cases. I am speaking about those who have spoken to me and I understand that in the majority of cases a number of those ex-convicts, those individuals who come out with a fairly clean slate after being rehabilitated are not given the chance to get a decent job. I also understand that government may be one of the biggest culprits when it comes to this problem. But I know that it is being worked on and I would ask that the ministers responsible, as this may span more than one portfolio, insist that their staff do all within their power to assist these ex-convicts especially where they have been advised that they have gone through this period of rehabilitation and that they have come out with fairly good marks. Give them a chance so that they can be brought back into society.

I think that we also need to recognise the good work that is being done by the churches in assisting these prisoners. I know of a number of the churches that visit on a regular basis. I was so happy a few days ago when I heard that a relative of mine, who unfortunately ended up in Northward Prison, had been baptised by one of the churches. He turned his heart to God and was baptised. I want to congratulate him and anything that I can do personally to help him, I will do. But for the grace of God, any one of us could be in that position. So let us not turn our backs on these individuals when they come out, but give them the right hand of fellowship and help them in every way that we can.

I know that not much mention was made in the Throne Speech about the role that CASA is playing. I would like to say that I know personally that they are playing a very valuable role in this whole process. I believe that CASA is perhaps the leader in the Youth to Youth programme. I also believe that they are making every effort to work with the National Drug Council in accomplishing their aims. I would like to congratulate them for the good job that they are doing, and all other agencies that are involved in the fight against drugs.

I would not wish to forget the contribution being made by the Canaan Land Committee. They are doing a good job indeed.

I now wish to touch on the subject that has been near and dear to me over the years. I am sure my good friend . . . I don't think he now covers the subject of Public Works, but I am sure he won't mind if I touch that subject. In doing so I do not want to become too controversial but I think that even the government bench would not expect me to debate the Throne Speech without making

reference to Public Works and the specific question of roads.

The cry goes up again, no road plan. I am not sure that I need to say much on this because it seems that the Minister of Tourism said much of what I would have said here from the opposition bench. I wondered at one stage whether he was not a member of the opposition! Perhaps, as my good colleague said, he is making a move to dip himself seven times in the Jordan and ask us to take him in!

Mr. Roy Bodden: Aye.

Mr. Linford A. Pierson: I am sure that some of my colleagues would have to think long and hard.

Mr. D Kurt Tibbetts: He's coming in now! I knew that would bring him in!

[laughter]

Mr. Linford A. Pierson: My good colleague, the Honourable Minister, doesn't like the River Jordan. So my colleague has suggested that we take him to Murk River in Jamaica, he might like that a little better.

No roads plan. This is a serious indictment on this government. I remember that ten years ago in 1989 a number of the elected ministers in Council that now make up the Executive Council were then the opposition and they were able to persuade some other good-thinking members of this House (who have since regretted their involvement with them) to scuttle the Master Ground Transportation Plan.

Before I continue on that, let me make it quite clear that the Master Ground Transportation Plan was not a Linford Pierson plan. It was not a portfolio plan. It was a plan prepared by the engineers of Public Works—the same engineers who will prepare the plan (if they ever get around to it) for this government. So when you hear about individuals trying to associate me with the MGTP, I am proud to be associated with it. But I make the distinction that I do not have the capabilities of an engineer to have prepared such a good plan. It was not my plan, but I certainly feel that it was good for these islands.

When the Master Ground Transportation Plan was presented to this House in 1989, it was made quite clear that it would have been taken in phases. The country could not have afforded to put all of the roads in place at that time. It would have had to be done exactly the way they are now trying to do ten years hence. They are using the same bits and pieces of the Master Ground Transportation Plan, the only difference is that it is costing them ten times as much now as it would have cost ten years ago. If that opposition, who are now ministers of government (not all of them, some of them, including my good friend who was then our financial advisor) . . . scuttled this good plan.

Mr. Speaker, I am not sure if you were involved in that, but I know that those members were. Had they left in place the road corridors, . . . that is the important point. Had they left in place in the composite maps those road

corridors we today would not be having the problems we have in trying to find the proper corridors to put in place to alleviate the problems we are experiencing with road congestion.

We hear a lot about the Harquail Bypass. We hear a lot about the Crewe Road Bypass, but they were all part of the Master Ground Transportation Plan, and that is why I was happy to support them because I believe that it will help in alleviating the congestion on the roads. After the Master Ground Transportation Plan was scuttled my portfolio, the ministry, got together with Public Works and we decided to do a modified form of that plan which was then called the Grand Cayman Roads Improvement Plan Study (GRIPS). But again, we did not get the support of the House on this particular issue.

That was out of political vindictiveness and it was short-sighted and ten years hence the government, or the part that was responsible for destroying the Master Ground Transportation Plan and the Grand Cayman Roads Improvement Plan Study has not come forward with a proper roads plan. I am going to leave the blame for why this was not done with the ministers of Executive Council. I heard the present minister responsible for roads taking his predecessor to task. I am not going to deal with that because I think that the honourable minister said enough on that. Only to say that I trust that any government that I may in the future be a part of will not take the position of destroying plans and studies just because they have been proposed by a previous administration. But that we as good representatives will work on the foundations laid by previous governments.

Before moving from the point I was making about the changeover of the subject of roads to the Minister of Tourism, I just want to repeat something that he said. The Minister of Tourism said that their plan was going to be an affordable one. But this really cannot be so if the plan is going to be a proper one, not ten years hence. Ten years of development and the increase in land costs alone dictates that it must cost more in the long run. But I regard that statement by the Honourable Minister of Tourism with responsibility for roads to be mere political rhetoric.

We on this side of the House supported PWD construction phase 1 of the Crewe Road Bypass. We made that quite clear. This will go from near Tropical Gardens Road to Bobby Thompson Way. We are aware that most of the traffic experienced is being caused on school days. When we have the school holidays we see a significant change and reduction in the amount of traffic congestion. So this Crewe Road Bypass will make a positive impact on our road system and in alleviating the road congestion. Also, the Galleria Loop around the shopping centre which will extend the Harquail Bypass will also reduce the amount of traffic on the West Bay Road. What will be very interesting to know at the end of the day, even though a certain budget has been agreed upon for that capital works programme, is the actual cost. I suspect that it will cost considerably more than we have budgeted for.

The Speaker: If this would be a convenient time, we shall take the afternoon break. We shall suspend for 15 minutes. And please, let's be back in 15 minutes.

PROCEEDINGS SUSPENDED AT 3.35 PM

PROCEEDINGS RESUMED AT 4.03 PM

The Speaker: Please be seated. The Third Elected Member for George Town, continuing his debate on the Throne Speech.

Mr. Linford A. Pierson: Continuing on the question of roads, I would just like to say on the matter I raised about the Harquail Bypass and the Crewe Road Bypass, that the Harquail Bypass had in fact been completed by the former Minister of Roads and I think a very good job was done on that. I would like though to see some more streetlights put on that road because it is very dark in the night and it could create accidents if nothing is done.

I want to also refer to the *Caymanian Compass* Editorial of 19th March on the question of planning future roads. I trust that all members of this honourable House read that Editorial. Even though I may sometimes touch the *Caymanian Compass* I think they do have thoughtful Editorials. It says, "**Planning future roads: Government is finally making a start on the preparation of a new roads plan for Grand Cayman. Road plans here do not have a universally happy history—they tend to be intensely controversial.**

"Still, it is imperative that plans are made well in advance to accommodate future traffic volumes.

"Grand Cayman is experiencing painfully where an absence of forward planning can lead."

Mr. Speaker, this is not only in regard to our roads, but in regard to our finances and other areas of the country's development. "**The increase in traffic volume which is causing so much congestion could well have been foreseen. The Master Ground Transportation Plan and the George Town Road Plan did indeed foresee the need for more road space, though not both at the same level.**" As I mentioned, the George Town Road Plan was a modified version of the Master Ground Transportation Plan.

"Road works could have been begun when it was known that the island was about to run out of road for all of the registered cars to drive on. If this had been done, so many people would not have to experience the daily frustration and waste of time in slow moving traffic.

"Road construction is expensive and those who balked at the price some years ago will have to accept an even higher price now. It is hoped that politics and electioneering will be kept away from this new roads plan and its execution.

"It should be a plan based on facts and science and not partisan politics and its execution should be sensible and orderly."

That was a very well-thought-out editorial, and one I will keep because I can see that come next year, God willing, it will come in very handy when I remind the gov-

ernment bench that their stewardship on the road improvement is somewhat lacking. They have, I hope, put in place the long awaited roads plan, the plan we have heard about since they came to power in 1992. It is now seven years hence and we have not seen a roads plan. We even heard from the honourable Minister of Tourism that the plans we had heard were in the making he had no knowledge of.

I trust that the honourable ministers of this government will get their act together and work together in providing the country with the infrastructural facilities we so badly need.

The Throne Speech spoke in general terms about the capital and other needs of the country. Even though much of the capital programme has been budgeted for and is already in the budget, the budget is only as valid as the performance of the economy. In other words, if the economy performs to the expected standards based on previous trends, then the budget will be valid. And I have no doubt that the budget will indeed be valid because we saw from the last budget that was prepared by the Honourable Acting Third Official Member that it was correct within a few hundred dollars. I am just sorry that that honourable individual is not going to be carrying out this function in the future because he did such a very good job before. I would like to congratulate him for the fine job he has done with the budget since taking it over especially regarding the whole question of revenue projections.

As I said, a budget is just that; it is a set of figures based on speculation. It's an estimate based on past trends and future expectations. The reason I mention this is that some of the situations occurring today tend to threaten the whole economic system. Our economy is divided into two sectors, and I will show the threat to our financial industry. I have already spoken of some of them. I will also be dealing with some of the threats within the tourism industry.

I am concerned that we will come to the time for the preparation of the next budget, which will be for the year 2000, without any proper financial planning. The financial requirements of this country will not lessen. If anything they will increase. The increase in our population, the increase in demands for schools, etc., the demand on our revenue structure will increase. Yet, we are now operating under a system that has not kept pace with other infrastructural developments in the public and private sector. The financial system we are using today is the same old system in a modified form that was used from the early 1970s. Presentation is much more presentable. When I say the same system, what I mean is the same items that we placed increase of revenue on, the same items used for revenue enhancement measures. We are still using those items today.

It is a most backward and antiquated system when you compare it with the development we have seen in our overall economy. It was against this background that I suggested some months back that government should seriously consider establishing a think tank. But it seems that the whole purpose of the think tank is misunderstood at certain levels. I think in today's paper reference was

made to a think tank and it said (and it is on the front page of today's paper) "**A think tank was being proposed to consider the information contained in the research** [referring to the research that would be carried out by the Economic and Statistics Office within the portfolio of Finance and Economic Development]. **This body could not function if it did not have research information to deal with.**" That statement is totally wrong. That is not the purpose of a think tank, not to consider information that is collected by the Economic and Statistical unit, the purpose of the think tank is to come up with their own ideas. That is the purpose of a think tank, not to just consider ideas that have come out of the Economic and Statistics Unit.

This is why I recommended to the Finance Department that the members of that think tank should go beyond civil servants. We have a lot of talent in these islands and they should be tapped. We have a lot of brilliant people within the financial sector, within the banking, the trusts, the mutual funds, the accounting . . . you name it, we have the talent there. But I daresay that the next budget will come about and we will still be waiting to have the think tank functioning because if it is going to be established on the basis that they can only consider information that has come through the Economics and Statistical units then it will be a waste of time to appoint such a body. That body should be making recommendations to the Financial Secretary that may be considered by his Economics and Statistical unit, and not the other way around.

It seems that the very basis on which this think tank is going to be set up is flawed. Why do we need a think tank? Much has been said about it, why do we need one? We shouldn't need one because we have a lot of staff within the Economics and Statistical unit of government, a lot of brilliant people there who should have already come up with recommendations to improve the present revenue system. But because that has not been done and we have seen evidence in the last budget exercise of management by crisis it is against this background that I am beseeching them to try to tap the expertise that is available in the private sector to work together with the expertise available within government to try to come out with the best product for these islands.

Could the reluctance be due to the fact that the suggestion came from the opposition? I hope not. Whether that suggestion came from the opposition side or not, no one can dispute that it is a good suggestion and should be put into effect post haste. There is no reason why it should be held up. If I am in this House and the next budget comes around and we have the same old budgetary system, they will hear more from me because there is no reason for us to be just dragging our feet on this most important issue.

One has only to have a quick look at the whole financial process we just went through in Finance Committee and in the budget process to see how badly a proper system is needed. We looked at the rushed revenue measures that were brought through under a system of management by crisis. We know that funds are needed, yet what we are doing is through the system of taxation

being applied in these islands, they tend to call it "revenue enhancement measures," but it's a tax system, an indirect form of taxation. It has the result of pushing business away from these islands because of the high cost of living.

We recently saw an indication of this with the Hotel and Restaurant Association. Everywhere you turn people are complaining about the high cost of living in these islands. What I would like to see, come our new budget (God willing) is that government supported by the backbench would have such a rich and acceptable revenue package that we would be able to reimburse certain individuals on taxation that has been paid by them or at best cancel some of those measures, reduce some of them so that the people of this country will benefit.

That is possible if the Finance and Development Department would take note of the recommendations that have been made to utilise the expertise of people in the private sector. Let's get this committee going so that they can come up with recommendations to submit to the Finance Department and see if we can get a more realistic type of revenue package so that it is not choking our people to death.

We might say if it's increased on certain items it will not hurt us. But what we don't realise is that even though we may not buy those items, because it is being generally increased the trickle down effect will affect each one of us. I trust that it will not be necessary for me to speak at length on this matter again. I trust that action will be taken and that the procrastination will cease because the only people who are hurting . . . it's not hurting me when it is ignored. It is hurting me to a certain extent, but it is hurting the general public.

Lest anyone should get the impression that things are all bad in these islands, let me just quickly clear that up. Compared with our neighbours and our competitors we are still light-years ahead in many respects. This is why I said earlier that this was one of the reasons I am not extremely fearful about our ability to cope with the OECD initiatives. Many of the standards that are required by the international countries are now in place in the Cayman Islands. There are still those areas I mentioned that must be improved.

We have had a long established reputable financial centre. And even though I may at times disagree in playing semantics with the Third Official Member on whether the Cayman Islands is a financial centre or a tax haven, deep down in my heart, as far as I am concerned, I feel that we qualify as a financial centre. The question is until such time as we can convince our friends to the north, until such time as we can convince the members of the OECD group of countries that we are a legitimate and well run financial centre they will continue to regard us as just an ordinary tax haven with all of the negative connotations that apply to such a regime. But within the Cayman Islands we have an efficient and well run supervisory regime, one of the best in the world. I believe that this can be said without fear of successful contradiction.

The rule of law is maintained and manifest in all aspects of our operation. We maintain an independent judiciary. We respect the division of powers. Above all, we

have one of the highest levels of skilled human resources you will find in any financial centre. I believe it is true to say that the Cayman Islands perhaps have one of the highest levels of per capital number of individuals within the financial section compared with the size of our population. This would compare favourably to anywhere in the world.

On my recent trip to London, some of my colleagues were very amazed to learn that with less than 40,000 people we are the fifth largest offshore [centre]. Some people say we are the eighth, but I contend that we are the fifth largest financial offshore operation. I was happy to be able to say that the reason for this is that we operate a stable government and a sound financial centre.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30. I would entertain a motion for the adjournment. The Honourable Minister responsible for Education, Aviation and Planning.

STANDING ORDER 72(8)

Hon. Truman M. Boddan: Mr. Speaker, under Standing Order 72(8), the consent of the House is required for a select committee to sit, the leave of the House rather, during the tenure of the House. I would just move a motion that the House do grant leave and consent to have Wednesday for the select committee on elections and perhaps whatever others that may need to go on that day, sir.

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

AYES.

The Speaker: The Ayes have it.

AGREED: LEAVE GRANTED FOR SELECT COMMITTEE TO MEET DURING TENURE OF HOUSE.

The Speaker: Will you move the adjournment?

ADJOURNMENT

Hon. Truman M. Boddan: Mr. Speaker, I move the adjournment of this Honourable House until Thursday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Thursday, 25 March. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 25 MARCH 1999.

**EDITED
THURSDAY
25 MARCH 1999
10.25 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for late arrival from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Deferred question 14 is standing in the name of the Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION 14

No. 14: Mr. Linford A. Pierson asked the Honourable First Official Member responsible for Internal and External Affairs to state the names of the members of the committee responsible for the government's recent civil service salaries review, which included all elected members of the Legislative Assembly.

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

Hon. James M. Ryan: The names of the members of the committee responsible for the government's recent civil service salaries review, which included all elected members of the Legislative Assembly, are as follows:

1. Mr Joel Walton – Chairman
2. Mrs Joy Basdeo
3. Mrs Jenny Manderson
4. The President or designated representative of the Cayman Islands Civil Service Association
5. The President or designated representative of the Cayman Islands Public Service Managers Association Ltd
6. Mr Graham Wood

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wish to thank the honourable First Official Member for his answer. I wonder if he can confirm that no politicians, that is no elected members of this House were involved in the exercise connected with the recent salaries review.

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

Hon. James M. Ryan: Yes, Mr. Speaker, I can confirm that there were no elected representatives at all appointed to the salary review committee.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: As a result of elected members' refusal to accept the salary increase there was an anomaly created between the salaries of Ministers on Executive Council and their secretaries, and also in connection with the Official Members, with the exclusion of the Chief Secretary, in regard to salaries. Would the Honourable First Official Member state whether government has any intention of trying to correct this anomaly?

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

Hon. James M. Ryan: Mr. Speaker, it is quite correct that there is an anomaly between the salaries of ministers and their permanent secretaries once the salary increase is awarded. Certainly, there is also an anomaly in my opinion because of non-payment of the increase to other elected representatives. It is my view that every man and woman is worthy of his or her hire, and I have always tried to live by the view of an honest day's pay for an honest day's work. I believe that honourable ministers and members of this House are putting in very honest and very hard days' work and should be paid for it. It is my hope that the earlier decision to not pay the increase to elected representatives will be reversed and that they will be paid.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Would the honourable member state whether it is the intention of government to bring this matter back to Finance Committee as early as possible?

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

Hon. James M. Ryan: I expressed a personal view in my last answer. I can only express that personal view. As the honourable member asking the question knows it is a collective decision of the Finance Committee—of which I am not a member. But it is my hope that it will be brought back in the very near future and agreed.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable First Official Member give us an indication of the title of the members he named as being on that salary review committee?

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

Hon. James M. Ryan: The Chairman of that committee is the Deputy Financial Secretary, currently the honourable Acting Third Official Member sitting in the House. The second person is the Permanent Secretary for Education. The third person on the list is the Permanent Secretary of Personnel, and the other two members I named by title already. Finally, the secretary to that committee is the Deputy Permanent Secretary of Personnel.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable member say if the committee is still continuing to assess the pay structure within the civil service and whether or not the continuing review is soliciting input from lower grades in the civil service?

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

Hon. James M. Ryan: No, not the committee that I spoke about earlier. The committee which was the subject of the substantive question was the committee appointed to carry out the salary review. But subsequent to that, a salary advisory group was appointed and that group with the assistance of staff in the Personnel Department and the Budget and Management Unit is still carrying out investigative work in regard to the salaries of individual civil servants.

The Speaker: If there are no further supplementaries we will move on to question 22 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 22

No. 22: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications, Environment and

Natural Resources what caused the cloudiness in the North Sound waters extending from Owen Roberts Airport to Salt Creek on 26th October, 1998.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: All government offices were closed on Monday 26 October due to hurricane Mitch, so the Department of Environment did not directly observe this situation. However, due to prevailing weather conditions at the time and the extended period of heavy rainfall resulting in substantial land runoff carrying considerable quantities of sediment and fine particulate matter, it would not have been unusual for cloudiness to exist in that area of the North Sound.

Additionally, heavy wave activity continually erodes unconsolidated exposed coastlines and dredging activity over many years could all be contributing factors to the cloudiness experienced.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether the Department of Environment monitors such conditions and whether it has been established that these kinds of conditions bear any detriment to either the sea life or the flora of the surrounding areas?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes, the department continues to monitor situations where there are such conditions and takes the necessary action to try to ensure that if it is something that can be stopped it is stopped. But I believe in the instance we are speaking of here there was very little that they could do. I still appreciate the question from the member.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: In the substantive answer the minister addressed unconsolidated exposed coastlines. Can the honourable minister state whether or not it is a preferable situation that there be some type of retaining wall erected where there is reclaimed land on the coastline of the North Side?

The Speaker: I wonder if you are asking for his personal opinion, or a professional opinion.

Mr. D Kurt Tibbetts: Mr. Speaker, sir, I was not asking the minister's opinion, I was asking the professional . . . Well, when I asked it if it was more desirable or preferable, I was talking about what the department's position is on that.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I pointed out, the department tries to work closely with developers especially in cases like the member is speaking of. As far as I am concerned, I believe I am correct in saying that they would endeavour to encourage developers to cap an area like that so that we would not have the silting. But I will give the undertaking to answer his question properly to get that information from the department rather than me standing here and giving an opinion.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I happen to know that from a professional standpoint it is considered the best route to take. My first question was to lead up to this question: This being the case, can the minister then state why Executive Council would hold up an application for almost one year for such a retaining wall to be placed on an area that was dredged and is known to have (as the minister stated in his answer) "substantial land runoff carrying considerable quantities of sediment whenever there is rough weather"?

The Speaker: I understand the question, but I do not think that is a supplementary out of the substantive question. If the minister wishes to answer he may. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources. (pause)

Any further supplementaries? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, I didn't fully understand what you said, could you explain—

The Speaker: I said that the question you posed did not come out of the substantive answer, and that is the purpose for a supplementary question. It is outside the ambit of this question. He can answer if he so desires, and he desires not to. So you may ask another question.

Mr. D Kurt Tibbetts: Thank you.

Can the honourable minister state if the department responsible has at any time made observations to his ministry regarding such substantial land runoff offering any possible solutions for this prevailing problem?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I believe that the department in question has constantly monitored areas such as this and whenever it is seen that an area is actually becoming a detriment to the North Sound, or any other area around the island, they will definitely take the necessary steps to make sure that the developers or whoever in question corrects it. It is my understanding that the de-

partment has constantly done this and that's as much as I can say on it.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I accept that I run a risk here, sir, so I will have to take whatever comes after this from you or anyone else. However, I am going to proceed and I am going to be very specific.

Can the honourable minister state if the application to put a seawall on the piece of property adjacent to the North Sound Dock which was reclaimed by Mike Simmons was passed through the department and if they gave their considered opinion back to the ministry when the application was being dealt with that this was something that was correct and proper to do?

The Speaker: I would like to say that I think this would require a substantive question to be set down if you require an answer.

Mr. D Kurt Tibbetts: Mr. Speaker, that is fine sir. I have been known to wait for much longer periods of time than the next meeting to get answers to my questions. So I will follow your instructions sir.

The Speaker: Thank you.

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you.

I just wanted to ask the minister if there is a law pertaining to the building of these seawalls along the North Sound coast.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Normally the procedure is that applications would go in to Planning, then on to Executive Council and consideration would be given either for or against what the seawall actually entails, distance from the sea, and things such as that.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

Item 4 on today's Order Paper, Government Business. Continuation of the debate on the Throne Speech, delivered by His Excellency Mr. John Owen, CMG, MBE, Governor of the Cayman Islands, on 19th February 1999. The Third Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 19th FEBRUARY, 1999

(Continuation of debate thereon)

Mr. Linford A. Pierson: Thank you.

On the adjournment of this honourable House on Monday, I had covered a number of topics relating to the Throne Speech in my contribution. One small observation in regard to the Throne Speech and the Budget Debate is that breaks, like we've had over the past two days, create a nuisance to the person debating. I speak specifically of Tuesday being used for ExCo (which has been a longstanding arrangement), and the more recent arrangement where Wednesdays will now be used for Committee meetings. But I am sure that we can meet as a House and decide how best we can resolve that matter.

I have mentioned to a number of my colleagues that it was my intention to raise a few matters regarding the operations of the House which would entail an amendment to the Standing Orders, and no doubt in certain sections of the Constitution. I note that very urgent action has been taken by somebody to make some of the same amendments and that this paper has been circulated for members' perusal. I am happy for that because it will indeed reinforce the suggestions that I will make in my debate. I do feel that with all of the modernisation processes and the reforms now underway by government that it is high time that we have a serious look at our Standing Orders. As I mentioned, we may have to also make consequential amendments to the Constitution.

I had touched on some important subjects such as the Vision 2008, and the OECD Report which was published in the papers on Tuesday, and I want to thank the *Caymanian Compass* for the very comprehensive report they gave on that. I trust that they will likewise give a fairly comprehensive report on my remarks on the White Paper that was recently published by the Foreign and Commonwealth Secretary, Mr. Robin Cook. I do see that White Paper as having a major impact on the people of these islands. As I have spoken on that already I will not repeat myself except to say that I trust government will take the necessary action in dealing with some of the key issues relating to that White Paper as soon as possible.

In dealing with the economy I had mentioned the need for the strengthening and expansion of the revenue base and the creation and appointment of a think tank. I had explained the need and the objectives of creating such a committee that would assist the Economic and Statistics Office within the Finance and Development Department.

In my discourse on the economy I mentioned that even though there were certain weaknesses within our financial system—in particular the revenue structure, or revenue base of government—we had many pluses, and that these pluses placed us far ahead of many of our competitors. Indeed, we may be the leaders at this point in time in the region.

One of the areas that I mentioned as a plus for the Cayman Islands was our efficient supervisory regime. But I was somewhat taken aback when I read an article in the *Caymanian Compass* yesterday regarding the position that one of the OECD countries is taking regarding their bank regulatory regimes, keeping a close eye on

the operation of their clients in regard to the concern about money laundering. In fact, the authorities and even the senate took a serious position on this. With your indulgence, Mr. Speaker, I would just like to find that article.

It was on the 5th page of the *Caymanian Compass* yesterday, and it reads, "US Bank proposal draws criticism." I was very surprised to know that the United States—being one of the leading members of the OECD—would take this position, especially in view of the recent report they published in respect to financial centres such as the Cayman Islands and others that they regard as tax havens.

I would just like to refer to this article. It was written in Washington and it reads: **"U.S. banking regulators Tuesday were expected to start dropping proposals that would have required banks to keep a closer eye on their customers to try to spot illegal activities like money-laundering. The proposed 'Know Your Customer' rules drew fire from Congress, the banking industry and the public with opponents saying there would be a serious violation of personal privacy."**

That is coming from the United States! They are concerned about the violation of personal privacy: yet they are attacking the small financial centres like the Cayman Islands.

I would just like to continue to read here, Mr. Speaker. **"They would have extended existing rules requiring banks to report suspicious transactions, making them set up systems to screen customers and monitor accounts for 'unusual' activity."**

"Federal Deposit Insurance Corporation (FDIC) Chairwoman Donna Tanoue said last week she would recommend that her agency withdraw the proposals at its Board meeting Tuesday, and would urge other regulators involved to follow suit. She said the FDIC had received over 200,000 comments on the proposal, most from private individuals hostile to them."

"None of the agencies could have predicted the enormous concern and the volume of comments that would have been filed on a single bank regulatory issue," Tanoue said. 'I think it's the whole notion of personal privacy that so concerned consumers, and that is a lesson that everyone—the bankers and the regulators—should heed as we work on issues relating to privacy.'

"The Office of the Comptroller of the Currency, the chief regulator of nationally-chartered banks, has taken a similar position. Comptroller John Hawke told a House Judiciary subcommittee 4 March the proposals should be withdrawn when the comment period ended. 'Any marginal advantages to law enforcement in this proposal are strongly outweighed by its potential for inflicting lasting damage on our banking system,' he said."

"The U.S. Senate subsequently voted [listen to this, Mr. Speaker] to scuttle the rules, appending a provision to an education bill to prohibit the regulators from implementing them."

Yet, Mr. Speaker, the same people who are telling us it is not suitable for the regulators and the government to interfere in the banking system of the United States are trying to squeeze financial centres such as the Cayman Islands. I regard that as downright hypocrisy. Even though this was published in yesterday's *Caymanian Compass* I would like to table this article so that all members can have a copy of it.

The Speaker: So ordered.

Mr. Linford A. Pierson: The United States of America is one of the key members of OECD and they themselves are objecting to any intrusion within the secrecy of their banking system. Yet they are the first ones (and some of the key individuals) to bring pressure on areas such as the Cayman Islands, Bermuda, and other financial centres to divulge confidential information. That is what I refer to as a double standard.

I also mentioned that in addition to a very efficient supervisory regime the Cayman Islands complies with all of the stated standard procedures followed internationally by banking regulators, such as the maintenance of the rule of law, a respect for the division of powers, an independent judiciary; and we have skilled human resources to support our centre. Above all, we are blessed to be very well located geographically.

There is one particular point that causes me some concern nonetheless, and that is our position in regard to our public debt and our contingent liabilities. This concern is mainly due to the fact that the Foreign and Commonwealth Office has come down with a strict position on the contingent liabilities of its Overseas Territories. The most recent report I have is that our contingent liability (and I am speaking about the 1997 figures, as I have not yet seen the 1998 figures) is somewhere around \$157 million. I would quickly say, before that is taken out of context, that that \$157 million includes \$127 million, which represents the shortfall in the public pension fund. So that should be understood. But I do know that efforts are being made to try to bring that public pension fund up to the required standard as soon as possible. I must say that I am also aware that in recent years a direct focus has been made in this respect.

What is also of concern is the growing public debt, which I am reliably informed is in the region of some \$101 million. Even though, based on the ability of these islands to service the public debt, we are still within the 10% ceiling. Nonetheless, I feel that we should seriously start looking at the borrowings within these islands. I think it would also be important for government to have a look at what Mr. Robin Cook had to say about borrowing in the White Paper.

There is specific concern in the UK relating to contingent liabilities in its Overseas Territories. This was brought out by the select committee on the Public Accounts in their 37th Report which came out sometime in June last year. Again with your permission, I would just like to mention, for the *Hansards* of the House, some of these concerns. The article I am referring to is the 37th Report of the Select Committee on the Public Accounts

of the United Kingdom. It is captioned "Foreign and Commonwealth Office Contingent Liabilities in the Dependent Territories." It is the introduction and summary of their conclusions and recommendations.

"Following the return of Hong Kong to the Peoples Republic of China on 1 July 1997, there now remain 13 Dependent Territories for which the United Kingdom Government has direct responsibility. The Foreign and Commonwealth Office are responsible to Parliament for the good government of the Territories, including their proper financial management.

"Under English and Dependent Territory law, the Dependent Territory governments are answerable for their own actions. If the Territories' resources are insufficient, the United Kingdom Government may come under pressure to provide assistance. It is, however, difficult to draw up a definitive list of all the circumstances that could result in potential liabilities for the United Kingdom taxpayer.

"On the basis of a report, together with two subsequent memoranda by the Comptroller and Auditor General, the Committee took evidence from the Foreign and Commonwealth Office, the Department for International Development and the Department of the Environment, Transport and the Regions. We focused our enquiries on the actual and contingent liabilities for the United Kingdom taxpayer which have arisen, or may arise, in the Dependent Territories.

"The United Kingdom usually has responsibility for the Dependent Territories' external affairs, defence, law and order, the public service and compliance with international treaties. Such responsibilities are significant in themselves and the way they are handled will reflect on the international reputation of the United Kingdom. They can also result in heavy financial costs to the United Kingdom if, for example, the Territory incurs international commitments greater than it can afford to pay out of its own resources, . . ." This is the main concern. I would like to repeat that. Speaking of the contingent liabilities and public debt, ". . . they can also result in heavy financial costs to the United Kingdom if, for example, the territory incurs international commitments greater than it can afford to pay out of its own resources or if it fails to manage its internal affairs prudently.

"We are therefore worried by the mismatch between the extent of these responsibilities and the adequacy of the Foreign and Commonwealth Office's powers, strong in theory but limited in practice, to manage them. As a result of this mismatch, the United Kingdom taxpayer continues to be exposed to very significant liabilities in the Territories and, from time to time, these materialise. More generally, we are concerned at the Foreign Office's admission that everything is not wholly under control and that all risks are not weighed and properly covered."

I will not continue to read this article, but the rest of it continues along a similar line. The United Kingdom Government is concerned that its Overseas Territories will exceed their borrowing powers, or not get into a financial straight where the United Kingdom taxpayers

may be called upon to pay for their excesses. It is against this background that I am so concerned about the very poor financial stewardship of our general reserves.

If we had a catastrophe in these islands tomorrow, the general reserves . . . and I am not speaking about the general reserves for pensioners, as mentioned by one of my honourable friends, I am speaking about reserves that are available to be used by the Treasury. We heard in this honourable House that this amounts to approximately \$12.5 million. That equates to approximately three week's recurrent expenditure. This is a very bad indictment on the government considering that we have contingent liabilities of \$157 million and our public debt is well over \$100 million: Yet, we have only about \$12.5 million in our general reserves.

It is not good enough for government to take the position that when all other expenses are met then whatever is left will be put in general reserves. I feel that the government should take the position like it does, for instance with pensions, that X amount each year will be placed in reserves regardless of where they have to cut expenses. There is no use in government making promises that this will be done as soon as possible. This is an urgent matter that should be given very top priority. This is my concern over the very poor financial position we are in.

It is more of a concern when one considers that we are nearing the end of our boom period. We have experienced a boom period in these islands ever since this present government took power in 1992. And this continues into the present time. This has not been caused through any financial or economic mechanism of government. We have been the lucky recipients of the financial and economic boom in the United States.

If government can state what economic mechanisms they have put in place, the lowering of interest rates or whatever, then I will give them credit. But until they can be specific about what economic and financial machinery they have put in place for the boom, then they should be truthful to the public and not take credit for the economic boom in these islands.

Credit must not go to government because it has sat back and accepted the good times. Like the foolish virgins, it did not use its talents (sic) right. As a result we have a polarised Treasury. Credit must go to the private sector because we have seen a continual increase in the economic growth in these islands. That is another point I am concerned about. We have very little in our revenue department of government to show from the big economic growth in the private sector—not even our infrastructure has kept up to a decent level.

For a country boasting to be the fifth largest financial centre in the world with only 40,000 people (or less) to spend it on, one would think that every road would be properly paved. We shouldn't have to be scratching around to get revenue. I have always said, regardless of which government is in power and regardless of our financial position, we should not be scratching around to find a few dollars to build schools, to complete our hospi-

tal, to build roads, to put water through the country. Things should be much better Mr. Speaker.

One of my honourable colleagues handed me an article entitled "Contingent Government Liabilities—a Hidden Risk." I thought this so important that I would want to include this also in my contribution.

It also points to the fact that more priority needs to be placed on bringing our general reserves up to the three months ceiling which would approximate to \$50 million to \$60 million, and not the \$12.5 million that we have in the general reserves at this point in time. This article, which I will also lay on the Table of the House for any member who would like to read it, states:

"Many governments have faced serious fiscal instability as a result of their contingent liabilities—that is, fiscal obligations contingent on the occurrence of particular events. But these obligations are not budgeted and accounted for, nor are they considered in conventional fiscal analysis.

"If a country's banking centre fails, or its sub-national (state or local) governments find themselves unable to meet their obligations, or a large state guaranteed infrastructure project runs into difficulties, the central government comes to the rescue."

But how can our central government come to the rescue if it has no money available? We have no money to come to the rescue with! If something went wrong with our banking centre, or with our tourism sector, there is no money in our Treasury for the central government to assist with. Three weeks allowance is what we have in there.

It continues to say: **"Whether a government is obligated by law or simply forced by circumstances to provide public finances to cover such contingencies, its contingent liabilities can lead to large increases in public debt."** Even though we are saying they are contingent liabilities, if it comes to the point where government has to cover them, then they may become a public debt of government.

It continues, **"Thus, fiscal adjustment aimed solely at keeping projected expenditure levels down is insufficient to prevent fiscal instability in countries with large, unbudgeted contingent liabilities."** I would like to lay this article on the Table of the House.

The Speaker: So ordered.

Mr. Linford A. Pierson: And I would definitely recommend this to the government because it is indeed a serious matter. Not only is it important for government to keep the financial sector in line and up to the required standards, but indeed it is important for the other sector of our economy—the tourism sector—to keep in line with development.

As we know, the economy is comprised of two main sectors. I have commented on the financial sector. I would now like to turn my attention to the tourism sector. Before doing so I would just like to say that in the past 20 years these islands have experienced phenomenal growth in the economy. But government must examine whether or not our people have benefited in proportion to

this economic growth, and whether the two major economic sectors have made a fair and reasonable contribution to the Treasury of these islands.

I made reference to this earlier, but I would like to reinforce it by asking the question, Why is it that these islands—which boast one of the highest standards of living in this region, indeed in the world—are unable to generate sufficient funds to provide and maintain proper infrastructure facilities in these islands? It seems to me this is a lack of good planning, it is tunnel vision; it is non-compliance with the recommendations coming from this side of the House, in particular from the First Elected Member for George Town, that we should have had a Medium Term Financial Strategy done for these islands long ago with a Public Sector Investment Programme to work along with it. We have been promised over and over that this would be done. But thus far, it has not.

Another pertinent question is, Why has government not implemented a more equitable system for obtaining revenue enhancement measures? I would also ask why is it that the burden of these taxes (or as they wish to call them “revenue enhancement measures”) continues to be passed on to those who can least afford to absorb them, indeed burdening the tourism businesses as a result.

With \$500 (or so) billion passing through our financial system each year we should be able to obtain a bit more towards infrastructure and other needed development in these islands. Despite what has been said by my good friend, the Minister for Tourism, there seems to be a downturn in the tourism industry in recent months. I recently saw a letter from the hotel and restaurant industry, that I would like to comment on.

It was sad to see the position taken by the honourable minister in disputing the content of this letter. He did in fact say that his records did not show the same information contained in . . . and he didn't refer to this letter in particular, but that had been talked about in the public. And I hope I am quoting him correctly, if not, I apologise. I suggest that the ministry needs to take a more thorough look at this problem.

The letter was quite straightforward. It has caused me much concern. The first subheading on the letter had to do with the drop in business. It said, **“Many businesses are experiencing a decrease of 25% to 50% in business.”** And they did make it quite clear that their letter to honourable members of Executive Council and the Legislative Assembly was in no way politically motivated, but one to communicate sincere concerns over actions recently taken by the government.

They said that during the Council of Associations meetings with government two years ago that the National Team Government gave its word. I would like to quote what they said here. **“We would be able to have communication regarding our industries on any laws, duty raises, etc., reflecting on our business.”** I will not read all of these details, but it says, **“Requests for discussions by the industry have gone ignored.”**

This government promised to be open, it promised to deal with these matters. Unfortunately the hotel and restaurant industry . . . and I have heard other people

saying that there does not seem to be that communication promised during the last election and indeed as contained in the National Team's Manifesto.

They also raise the concern on the proposed amendment to section 21 (a) and (b) of the “Minors Law,” as they have referred to it here (Liquor Licensing (Protection of Minors and Need for Licensed Premises) Law, 1998. The concern is that young people leaving school will not have the opportunity to work in the hotels and restaurant industry if this amendment is passed because it will prohibit anyone 18 or younger from working in these businesses. I think that the authors of this letter are quite correct in saying that this law seriously conflicts with government's avowed policy to assist, hire, and train Caymanians.

It seems to be an area of conflict. On the one hand we are saying that we will train school leavers, encouraging them to come into the hotel and restaurant industries; on the other hand we intend to pass laws to prevent them from getting that opportunity. It seems like confusion, Mr. Speaker. And whether this is intended to get votes from the churches or not I think that the churches will view this as very political.

There have been hotels and restaurants established for many years where in order to get to the dining room one has to pass through the bar. To expect those hotels and restaurants to tear their facilities apart and put the bar in some other corner of the building is totally ridiculous. I also do not think it says very much for our young people when we say that they cannot pass by a bar without being attracted to go into it. If that is the sort of policing we plan to do, then we better have a clear look at all the other places and the temptations available to our young people.

But this is one amendment that will certainly receive wide debate if it comes to this House. Unless the government bench can show me good reasons for wanting to make this amendment then I am afraid they will not be receiving my support on it. I like to think that I am a law-abiding person and that as far as being a Christian is concerned, I follow the basic tenants of being a Christian. I try to live that life. But there is one thing in being a Christian and another in being fanatical or using Christianity for political reasons.

I believe that the Hotel and Restaurant Association is feeling the pinch with the recent tax increases levied on these islands—which they have received the direct brunt of most of the taxes. I have no doubt they are feeling the pinch. It is a shame that two years ago when ExCo attempted to bring the increases one of the biggest marches that I have seen around the Lions Centre was brought about. Yet, they have brought it again and inflicted it on the people of these islands. It is having a serious negative effect on the economy.

Some of the excuses I have heard seem silly. We will increase taxes on liquor and cigarettes . . . and let me make it quite clear that I have no major objection to this because I am totally opposed to both of those vices. But what seems silly is to say we are increasing taxes on these items because we want it to be a deterrent, while on the other hand we say the reason we are increasing it

is so that we can get more revenue for government. That is a contradiction and I think that government needs to have a more serious look at its policies.

There are other very important areas of this letter. With approximately 35 minutes left, I will not go into all the details because there are some other points that I want to raise. But I am very concerned because in my opinion sufficient attention was not given to this letter. Let me qualify that, as reported in the *Caymanian Compass*. The *Caymanian Compass* did in fact say that it was the intention of the honourable minister to meet further with these individuals, so I am sure he will do that. I think he says he has already met with these individuals.

[The Honourable Minister for Tourism, Commerce, Transport and Works rose]

The Speaker: Would you give way?

Mr. Linford A. Pierson: Sure.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just on a point of elucidation, I am thankful to the member for giving way. We have met with the Restaurant Association and a representative from the Hotel Association on more than one occasion. We have worked out an arrangement with section 7 of the Minors Law (which is coming forward) which is satisfactory to them. So we will be coming with an amendment to the section that came before the House.

The Speaker: The Third Elected Member for George Town, please continue.

Mr. Linford A. Pierson: I am pleased that I gave way to the honourable minister. I am very happy to hear that something was worked out on this particular proposed amendment. As I said, in its present form I would have found it very difficult to support. But I trust that the revision to that which has been agreed upon by the ministry and the Restaurant and Hotel Association will also be satisfactory to this honourable House.

I did in fact speak of other areas that I feel should be given attention, and one is the proposal to prevent young school leavers 18 years or younger from entering the tourism industry to work in the areas that serve liquor or that sell cigarettes. I think that we need to put a little more confidence in our young people. I know a lot of good young people who would not even consider using alcohol, much less smoke. I think we need to put a little bit more confidence in them and a little bit more respect for their intelligence.

The Speaker: Maybe we could take the morning break. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.45 AM

PROCEEDINGS RESUMED AT 12.09 PM

The Speaker: Please be seated. Debate on the Throne Speech continues. The Third Elected Member for George Town continuing.

Mr. Linford A. Pierson: Thank you.

Continuing on the subject of tourism, I was somewhat appalled to read a letter tabled by the Honourable Minister responsible for Tourism, Commerce, Transport and Works entitled "Cruise Lines Profit From Friends in Congress." What was appalling about this letter was (and I will not go through the whole of the letter) the first paragraph which reads, "**The world's largest cruise company, the Carnival Corporation, earned \$2 billion in profits over the last three years.**" This was written on 19th February 1999. "**But the company, with headquarters here in two multi-storied buildings on Carnival Place [Miami] paid less than 1% in income taxes even though its earnings exceeded those of many Fortune 500 companies.**"

The reason for making reference to this article is that attached to it was some very revealing figures published by Mr. Dan Perry of The Associated Press. This was already tabled on the 18th of this month. It states that cruising casts a shadow. It was basically questioning whether all of the cruise ships coming to the various destinations, including the Cayman Islands, are indeed spending any money here. I won't read all of this because my time remaining is limited, but I would just like to read this last section here which states, "**The problem is that even though cruise ship passengers account for 80% of all visitors coming to these islands [the Cayman Islands and other destinations] they provide only 25% of the total tourism revenue.**"

I trust that government will pay serious attention to this and try its best to improve its advertising policy where the overnight tourists are concerned, that is those who spend their time in the hotels and condominiums. It appears that they are the tourists who put the most into our economy. That is not to say that we should totally ignore the cruise ship passengers, but I think that we should be mindful of the fact that the large number of tourists from the cruise ships are not necessarily putting most into our economy.

During my discourse I made reference to the reforms and modernising process being placed as a priority by not only this government but by a number of governments the world over today, and in particular the UK government. We see reforms, modernisation in the way of the reinvention process in the Cayman Islands, the Vision 2008 ten year programme; fiscal reforms within the financial and economic department, and we also see freedom of information. It was my intention to speak on this question of freedom of information mainly because we have seen so little done in regard to the private member's motion passed during the June meeting of last year.

That motion was brought by the Third Elected Member for Bodden Town, Mr. Roy Bodden, seconded by the First Elected Member for George Town, Mr. Kurt Tibbetts. It basically resolved that a select committee of

the whole House be convened to determine the parameters of the legislation on matters relating to statutory boards after public input. This was in relation to the UK's Freedom of Information White Paper.

The first resolve stated that the Cayman Islands Legislative Assembly enacts a Freedom of Information Law similar that proposed in the United Kingdom's Freedom of Information White Paper. I know that it is the intention of the member responsible for this to give it urgent attention. But he, like many other members of the House, has been bogged down in other urgent matters. I know that his plate has been full with matters to do with Immigration, Elections, and other things. But I would ask that as soon as possible attention be given to discussing these matters in the select committee appointed for this purpose.

As I intimated earlier, there are certain reforms needed within our Standing Orders. I mentioned some of these informally to certain members of the House. But one that deals with Standing Order 75(2), which has to do with the Standing Finance Committee, I do believe that more efficient use of the honourable Financial Secretary's time could be employed if his deputy was allowed to conduct the meetings of Finance Committee. Not only is he capable, but he is highly knowledgeable of all the workings of Finance Committee. The honourable Financial Secretary is precluded from doing this because of the terms of Standing Order 75(2), which reads as follows: **"(2) The Finance Committee shall consist of the Financial Secretary as chairman and all the elected Members."**

Even if the Financial Secretary would wish to allow his deputy or another officer to conduct certain meetings of the Finance Committee, unless there are certain pressing conditions for him to do so, he cannot just put somebody else in his place. He holds a very important role in government not only as the government's financial advisor but now as the Chairman of the Caribbean Financial Actions Task Force. He is also the Chairman of the OECD Consultative Committee. He is also the Chairman of the Financial Action Reforms, and on and on. From my observation he is having to spread himself so thinly that some of these areas could be neglected.

There would have to be an amendment to the Constitution because it does state in section 43 (2) that **"A chairman of a committee established under section 42(1) of this Constitution shall be a member of the Executive Council."** So both of these will possibly need to be amended. I believe that it is very necessary.

I also wish to mention that I would like to see a reform in the times of meetings in this House. I think it has also been mentioned in this paper circulated to members for perusal. But I am sure that members will recall that I did express concern over this. Rather than starting at 10.00 and ending at 4.00, I believe that we would get more done if we started at 9.30 and ended at 5.30, with ten minutes maximum for breaks so that more work could be done in this honourable House. I know that you try your very best.

Mr. Speaker, how much time do I have left now? Nineteen minutes? Twenty? Thank you.

Mr. Speaker, I feel that each member of this House is honourable. I believe that it is the intention of members to cooperate with you, Mr. Speaker. So I ask that when we are called by the Serjeant—and we are fortunate to have a very good Serjeant—we respond. It is only by our cooperating that we can help in moving the business of this House ahead.

I am sure that some of my colleagues will not agree with me on the point I am going to raise now, but I also feel that the time for debating should be amended from four hours to two hours. I am about to use up my four hours, and I would just like to say that if we are given four hours we will use it. Speaking for myself, I am sure that if I were given six hours I could probably use it! But we have to question whether or not all of that time is needed. When we find 15 elected members of the House debating the Throne Speech or the Budget Address and each person feeling he has to use from three to four hours, there must be a lot of unnecessary repetition. And a lot of the fault in this is because of the system of government we have.

If we had a more advanced system where there was an official Leader of the Opposition, with a Chief Minister on the other side we would find that the leader of the opposition could speak on behalf of the opposition rather than each member feeling that he must justify his being in this Assembly. The listening public wants to know that we are properly representing them, but if there was a system where they understood that the leader of the opposition would speak on behalf of the opposition on many matters then the whole process in the House could be expedited.

I don't want anybody to go out of here and say that I am advocating an advancement in the Constitution. But I am saying that we need to take a very serious look at the present system. In my opinion the present system renders the deliberation of the House less efficient than it could be under a more improved system, as I just explained. It is my feeling that under the present system, two hours would be sufficient for any member to deal in a factual matter with any subject coming before this House. That is my feeling, and it is not necessarily shared by my colleagues. If the reform came, including the reduction of that time now provided, I would be one of the first ones to take a very serious look at this.

Much complaint has been made about the time spent in Finance Committee recently. Even though I know that some ministers of government are the first to jump up and say that it was the opposition's fault, the other side of that coin is that had the budget been brought forward in a proper manner, with proper consultation, that would have been avoided. What we need is prior consultation on the budget and we need more and better communication and transparency in the whole system.

It must be understood that what we are doing on this side of the House is exactly what we were elected to do, and that is to be good stewards of the finances of this country. I must say that I congratulate my colleagues for the very minute details we scrutinised in the budget, especially the last budget that passed through this House.

We need to be the watchdogs. I made that distinction. Not hound dogs, but watchdogs. That is our job in this honourable House.

I believe that credit should be given where credit is due. I want to congratulate the Honourable Minister responsible for Community Affairs, Women, Sports Youth and Culture for the establishment of the office for Women's Affairs in 1996. I had intended to speak at some length on this subject because I feel it is such an important subject, and to say that I am pleased to see that even in our society that more strides are being made in the advancement of women. We are fortunate even in this Honourable House to have three very outstanding women who have been making their contribution to the workings and deliberations of this honourable House. Indeed, for the first time in our Parliamentary history we now have a woman sitting on our Executive Council. I hope to see further advancements where the women of the Cayman Islands are concerned.

I was pleased to see that in the last election in the UK in 1997 that the women members in the House of Commons were increased by 100% over the last election. In 1992 the number was 60, but in 1997 that number was increased to 120. From my observation of the workings of the House of Commons recently and in the past, I can tell you that they are making a major contribution to Parliamentary democracy as they are in this House. I particularly want to single out the Member for North Side for her championing the cause of women in the Cayman Islands, and also, as being a strong proponent for the Women's Affairs office. I will go so far as to say that she was indeed the driving force behind that office. But in speaking of the ladies of this House I have to give special attention to that honourable lady.

Also I have noticed in *The Parliamentarian* that there is a special parliamentary committee for women. I trust that at some stage they will be able to hold a forum in the Cayman Islands. If one looks at the private sector and at government one will see that women have been holding their own. Some of them are in the top positions in their organisations. Indeed, in the service clubs, such as the Lions, they now even have their own Lions Club. They are doing a fantastic job. Even though the Rotary Club was slow to admit women, I must say that they have now opened their doors to women and as a result the Rotary has been enriched. It was a good day when the directors of Rotary decided that women should be admitted. I must say that I was happy to be involved in bringing at least three women members into Rotary and that the first woman president will be one of the members that I brought into the Rotary Club of Grand Cayman, Mrs. Sophia Harris. I want to congratulate that lady and all the others for the great work they are doing in the Rotary Club and other service clubs and organisations around the island.

I know that my time is limited, I have just about six minutes left. But I would like to say that I was pleased to learn from the Chief Secretary this morning that it is the intention of government to have another look at the salary review. I was one of the members who decided that politicians would not accept an increase in salary. And

this was agreed upon by the whole House, that is all elected members. But there was an anomaly caused as a result of this. I feel that as good representatives we have a responsibility for good governance. I believe that we would be remiss in our duties if we did not attempt to correct those anomalies. You cannot have a situation where your permanent secretaries are paid more than the ministers in a portfolio. Neither is it right that the Official Members, excluding the Chief Secretary, should be paid more than their counterparts, the elected Ministers of government. That is not right. I feel that it is our duty to correct that. I would definitely support that such a correction be made.

I was happy to hear that government intends to bring this matter back to the Finance Committee. I know that some members might attempt to use this as a political football, but I believe that the listening public will understand that such a correction is needed and that they can differentiate between political rhetoric and what is right. I trust that they will move ahead in having this done.

In closing I would like to make reference again to the timeline that has been given to Vision 2008, and to agree with His Excellency the Governor that the 2008 ten year plan and the OECD initiatives are two of the major problems facing these islands today. As I said in opening, we are now within the planning phase of the 2008, we will start the implementation phase on the 1st of next month which will go through to April next year, after which we move into the evaluation phase. I would encourage each honourable member of this House to give this Vision 2008 his or her full support.

On the matter of the OECD, I trust that the points I have raised will be taken seriously by those responsible, in particular the members of the OECD Consultative Committee. I trust that there will be a greater focus to involve the elected members, particularly the ministers of government in this process.

On the question of the White Paper, I trust that government will take a serious look on the question of human rights. I feel that regardless of the position the UK may decide to take on the question of consensual homosexual acts that this honourable House should have the strength of character to deal with it in the way our conscience dictates and in the way we see fit. We should bring the matter before this House and deal with it and not be afraid of political consequences but do what is right. I feel that the vote on that should be a resounding no!

[applause]

Mr. Linford A. Pierson: Regardless of what position the UK might want to take with making an order in Council on this question of consensual homosexual acts, I feel that the people of the Cayman Islands represented by their elected members and even the official members of this House should say no! We do not want that for the Cayman Islands.

I believe my time is pretty much up. So I want to thank you, Mr. Speaker, for your time and your tolerance.

Again I want to thank His Excellency the Governor for his excellent presentation of his last Throne Speech, and to thank him and his good wife, Mrs. Owen, for the major contribution they have made to these islands.

The Speaker: We have just about reached the hour for lunch, and it's my understanding that it is the intention of the House that we adjourn in order to attend a funeral. If that is the case, I will entertain a motion for the adjournment.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 12.44 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 26 MARCH 1999.

**EDITED
FRIDAY
26 MARCH 1999
10.19 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Acting Third Official Member, who will be arriving later this morning; and apologies for absence from the Fourth Elected Member for West Bay who is ill. I also have apologies from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. He will also be arriving later on this morning.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 23 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 23

No. 23: Mr. D Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning to provide a list of inland mining approvals granted since January 1996 to date, outlining the quantities of fill to be removed.

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

Hon. Truman M. Bodden: The following approvals for inland mining only have been granted since January 1996:

1. Paul A Bodden: Block 47A Parcels 7 and 8 – 900,000 cubic yards approved 13 March 1996
2. Sweetwater Palms Ltd: Block 55A Parcel 53 – 145,540 cubic yards approved 13 November 1996.
3. Midland Acres (MM/111/97) (030/83): Block 47A Parcel 36 Rem 4 – 1,386,820 cubic yards approved 11 February 1998.

Department of Environmental Health (462/90): Block 13C Parcel 1 – 133,000 cubic yards approved 7 November 1990.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state the present policy regarding inland mining approvals? And can he also state when the moratorium on inland mining approvals was lifted?

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

Hon. Truman M. Bodden: May I first just ask the honourable member which moratorium was this? When did that go on?

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: It is my understanding that there was a moratorium on inland mining in effect at least until 1994/1995. When that moratorium was lifted, and what is the present policy regarding inland mining approvals?

Mr. Speaker, so that the minister will fully understand, I am trying to determine if there is a policy which dictates quantities or the number of approvals within a set period of time. That is what I am seeking.

Hon. Truman M. Bodden: Mr. Speaker, I understand that it was lifted in 1995, but I don't have that accurately. If the honourable member needs it more accurately, I would have to consult with the department and get back.

The Speaker: First Elected Member for George Town, I don't think he completed the answer.

Mr. D Kurt Tibbetts: Yes, Mr. Speaker. I also asked about the policy. But as the minister will answer regarding this moratorium, if it was lifted in 1995, perhaps the minister could say on what authority the moratorium was lifted?

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

Hon. Truman M. Bodden: I think I will have to get the documentation on this before I attempt to answer specifically, as it was some time back. I don't want to an-

swer and then find that I didn't give the correct data, authority or whatever.

The Speaker: I think what he requested was the policy as to how many applications were approved and the quantities.

Hon. Truman M. Bodden: This is planning approval done by the Central Planning Authority. The appeal from that is to the Appeals Tribunal and then on to the Courts. I just say that because it is not on appeal to Executive Council, and I just needed to make that clear. They deal with it and they look at individual applications and, I would think, make their decisions on the merits or demerits of that and what is involved in the application, probably over and beyond the mining as such as well.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, let me try to put it into perspective. My original supplementary asked about the policy. I also asked when the moratorium was lifted. If there was a moratorium up until 1995, and that moratorium was lifted, and the Central Planning Authority now entertains applications for inland mining, do they operate in the decision-making process by way of a policy? Or is it first come, first served? How is it done? That is what I am trying to find out.

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

Hon. Truman M. Bodden: The law on this is very clear. When an application is made the Board has to make its decisions in accordance with the law. Each case, as I understand it, is looked at on an individual basis. I don't know what I can say beyond that.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if the Central Planning Authority bases its decisions on some set limitations, or is it simply that once certain requirements are met that any application can be granted? Obviously, if there was a moratorium—and I am not taking any position on it I am simply trying to enquire about it—up until 1995, there was some reasoning behind it. If the moratorium has been lifted, is it simply that the Central Planning Authority deals with any and all applications *ad infinitum*? Or is it that they have said there are certain requirements in the construction industry and they are going to allow X amount of cubic yards to be mined from inland sources? That is what I am trying to understand.

The reason I am asking the question is because if there is no set policy and the moratorium has been lifted then something has to be amiss. Again, I am not suggesting that I am taking a position on this because I know there are needs for aggregate and fill for the build-

ing industry. I am just trying to determine how they go about making their decisions, if there are any directives or anything like that.

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

Hon. Truman M. Bodden: An application for mining is the same as any other application under the law, and it has to comply with the law. I have spoken to the Director of Planning. I stated earlier that the appeals don't come to ExCo because then we are much closer in touch with what is happening. The appeals go into the courts from the tribunal. Each one is dealt with on its merits.

There are criteria laid down in the law, the regulations, and the Development Plan. Those criteria apply to all of the planning applications. But each one is dealt with on its merits within the law, as I understand it. That is the way I think any other application would be dealt with.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: In his answer, the minister gave us the names of three persons in areas that were granted approval for inland mining since 1996. Of these, how many were granted approval to mine specifically for the commercial construction of residential premises within the area being mined?

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

Hon. Truman M. Bodden: I understand that two of them had their own developments in which the marl was used, in other words, sub-divisions. One was purely for sale.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if the Department of Planning monitors the activities to see that persons holding these inland mining permit approvals are doing exactly what the permit allows them to do?

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

Hon. Truman M. Bodden: The Planning Department does monitor these days what is happening in relation to this, as well as other things.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I think the minister said "does monitor these days." In other words, they are now beginning to see that as a critical point.

Can the honourable minister say whether or not that as a result of the recognition of the need for fill where we are always having to reclaim land the Planning Department is developing any kind of perspective as to whether or not this type of inland mining is desirable? Or will we have to look more towards dredging in the water, or importation? What can they say is the situation at this particular point?

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

Hon. Truman M. Bodden: That's a bit of a difficult one to answer in that it depends upon the application. The Planning Department prefers the application to come in, that if they dig out one area of land they are going to fill the other one and turn it into a sub-division or something useful. What I would like to mention on this, Mr. Speaker, is that if government was to do some marl mining or whatever, and could get fill at \$4 or \$5 a cubic yard, instead of \$22 or \$25, then roads could be built at a quarter of the cost.

I thought I would just mention that because when I look at the amount of fill that is coming in here . . . and also the Department of the Environment, for example, has taken a sensible approach. Government owns the marl, obviously in large areas of this, and it seems to me that since it can be dug fairly cheaply, . . . I don't know if \$5 is right, it may be \$6, \$7 or \$8. But that's still a lot less than \$23 or \$25 a cubic yard.

Maybe government should be looking to do one of the three—dig the marl, import it or whatever to try to deal with the roads. I don't know what the cost of that would be. But I do know that the digging of the marl—and government has a lot of land—is bound to be to the public's benefit if it is used to fill government sites, for development, the building or whatever, or marl for the roads. I know quarry rock has to be used below the surface, but up above, by all means, we have our own fill there.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I notice that the minister took this opportunity to make some statements there that I think—

The Speaker: You will turn this into a question before you are finished, please.

Dr. Frank McField: Yes, like I usually do.

What I am saying is that within the framework of the answer, since I would like to ask a supplementary to it, I am trying to put that supplementary that he answered in such a fashion that I can then pose a question to it again.

I am trying to find out if the government has ever considered the cost which Caymanians incur as a result of trying to fill land themselves—not just the government having to build roads—and the fact that government has

been granting permits to persons to dredge and has allowed them to sell this mass fill at this very high price. Has government not also considered how it might be able to introduce a dredging or mining programme that would alleviate the economic hardship which occurs as a result of people having to pay such high prices for mass fill?

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

Hon. Truman M. Bodden: I can't, or I am not in a position to speak on government's policy on this because it's not my ministry. But I will give my personal views, sir. That is that government is the largest owner of marl and fill on the island. It seems to me not to be good economic policy, or money business, to be paying \$20 to \$25 per cubic yard when we basically have it in our backyard for \$5 or \$6 a cubic yard. My personal view—and I point this out, my personal view—is that government should go on its own land in a proper way with the proper studies, environmentally and otherwise, and proper approvals, and go ahead and dig its own marl and use it for government's buildings or government's roads or anything else because it will save the public about \$18 to \$20 per yard.

And if you just think of it . . . take the Harquail Bypass (and these figures may not be right) \$4.5 million worth of fill went into it. Some of that had to be rock. Government also has rock. And if that was purchased between \$20 and \$22 a yard or a ton (I don't remember), it can be done at considerably less and government would have saved maybe half of that. That's \$2 million! We could have built a lot more roads with that extra \$2 million.

So, my personal view—and only my personal view—subject to proper approvals, government must get its approvals like anyone else, must do its studies, but I think the Department of the Environment obviously took advantage of this, the Department of Environmental Health, I'm sorry, took advantage of this and maybe government should look at it to save many, many millions in the building of roads and filling of property.

The Speaker: Third Elected Member for Bodden Town. Two additional supplementaries will be allowed after this one.

Mr. Roy Bodden: Can the honourable minister give the House an undertaking to raise that matter with his colleagues for possible investigation and feasibility, and report back to the House?

We are in a quandary in providing housing, particularly for low-income people. And land costs so much, and much of the land has to be filled. If what the minister says could come to fruition, this would be one way of alleviating costs for persons wanting to build houses who fall into the lower income bracket. I am asking for an undertaking.

Since the government is in such a lucrative position, money-wise, they may be able to sell it to deserving persons at cost.

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

Hon. Truman M. Boddén: I think that is something that government will explore. The Honourable Minister responsible for Tourism, Commerce, Transport and Works who is in charge of the roads, and I would think probably other ministers realise the advantage. The Minister for Tourism has mentioned that he supports the idea of going in and finding out how much of this fill government, at a considerably lower cost, could dig and use for roads, and by all means to assist with housing.

In fact, that is another area that if we can keep the cost of housing down in those income brackets I think it would be fantastic, sir. I can assure the honourable member that I will raise it. All of my colleagues are here, but I will raise it with them anyhow.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I wonder whether or not the honourable minister could say (while he is talking about government having this tremendous amount of marl) if it is ocean bed or inland mining he is talking about?

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

Hon. Truman M. Boddén: I can't give any specifics obviously because it has been floated as an idea. But what I can say is that the Civil Aviation Authority has land given to it by government that we repay back. It is very extensive. It stretches . . . it's a vast amount of acreage. It is in an area that is not near housing, an area where I understand bores have already been done because many, many years ago, not during our time (and I say that meaning the time of the First Elected Member for West Bay or mine), they were looking at doing works for the airport.

In fact, some of the airport marl has been lifted out of there. So there is quite an extensive amount of land there and I don't know the North Sound area, there was a study done. I believe the burrow area . . . the Wickstead Study was actually by the airport, within the vicinity of that. But I do know that government has a lot of land with a lot of marl in that area.

I would also like to say that what I said in relation to the housing would be housing that government would do because government is not trying to get into the private marl or fill business. I just would like to point that out. I think that whatever marl or fill they can find they must use it themselves and they have ample projects, roads and everything to use it on.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Does government have land separate and apart from what the minister mentioned for inland mining?

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

Hon. Truman M. Boddén: Let me just point out that government doesn't have land for inland mining. I am saying that government has land all over the place. All I am saying is that I gave that as an example because I know that studies had been carried out many, many years ago on this and the land is still there. Obviously, government owns land all over the place. If government can, subject to the approvals and the environmental aspects and the impacts of that, go and use its own land for fill at half or one-third of the cost of what we are paying for fill, it has to make good sense for government to do that.

It was quite obvious from the answer to the question that the Department of the Environment has just done it. I don't know where they took that from, Mr. Speaker, but I guess if they can do it there is no reason why the rest of the departments can't do something similar.

One hundred and thirty-three thousand yards of marl . . . if you are saving \$6, \$8 or \$10 a yard, that's \$1,300,000. So we are not looking at small money in that area. And if it is more advantageous to take it from the land or the sea, then that could also be done because at present the suppliers of marl cannot keep up with the private sector, much less with government. Any help could ease the pressure on them and would allow projects to be completed more on time perhaps.

The Speaker: Is this a follow up now?

Mr. W McKeeva Bush: Yes sir, thank you very much. It's not often that you look down this side, but I appreciate this one.

I wonder if the minister would say if government has entered into any negotiations with any entity to look at mining possibilities, any department in government?

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

Hon. Truman M. Boddén: I can only answer for my ministry and my departments and the answer to that is not that I know about.

The Speaker: The final supplementary, the First Elected Member for George Town.

Mr. D Kurt Tibbetts: I just wish to say to you, sir, that while I respect your ruling about this final supplementary, please listen carefully to how answers are given because if they are not given to properly answer the question, certainly, sir, you must allow me to get that cleared up. That's all I want to make sure of. Thank you.

The Speaker: Thank you for that.

Mr. D Kurt Tibbetts: I would like to go back to the question of the moratorium. The minister said that it was lifted in 1995. I was trying to get from the minister whether or not there was any policy that was some type of umbrella situation under which the Central Planning Authority was operating when granting these applications.

Really, what I was trying to find out (and I will ask a question) was if the Central Planning Authority bore in mind that there are certain environmentally sensitive issues that have to be dealt with. That's the kind of thing I was asking for. But going back to the moratorium, and I want to jog the minister's memory . . . The minister stated in his previous answer regarding this moratorium that he would have to get the details about the moratorium. I want to find out whenever there is a moratorium, for instance like there was on inland mining, what is the due process for that moratorium to be lifted?

And in jogging his memory, I want to find out if he remembers specifically writing and signing a letter instructing the Director of Planning that the moratorium was lifted.

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

Hon. Truman M. Bodden: Back in 1995 . . . I obviously will look back. If I signed something then I will come and admit it. But to be frank, for me to remember everything that I did back in 1995 . . . I would need to have a much bigger head than I have at present!

But if the honourable member has a letter that I have signed, I will look at it and admit it. I have no problem with it. But I will check back and see when it was and what it was. I will give the honourable member whatever particulars he would like on it.

The Speaker: Moving on the question 24—

Mr. D Kurt Tibbetts: Mr. Speaker, I don't mean to be rude, sir, but that's why I said to you what I said before. I asked the minister in the question about the process that takes place for a moratorium of the nature of the one we talked about to be lifted, and he hasn't answered that part of the question, sir.

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

Hon. Truman M. Bodden: Mr. Speaker, the only thing I can do is go back to 1995 and look up and see what the circumstances around . . . I don't know at present. I guess what I am saying to the member, . . . obviously he expects me to remember everything back then. I don't.

The only thing I can do is look it up. If he is saying that I signed something lifting the moratorium, then I will look it up.

[Inaudible interjection]

Hon. Truman M. Bodden: I don't know the process obviously.

[Laughter]

Hon. Truman M. Bodden: I don't understand what he is getting at.

Mr. D Kurt Tibbetts: You knew the process when you did it!

Hon. Truman M. Bodden: He's asking me for process. I am going to go back and refresh my memory. At this stage I don't know. I will go back and look up the file. There is probably a file note saying somebody from, you know, Planning or somebody from the private sector or . . . I don't know.

But I will have to look up the facts. I don't know the process at this stage and I will refresh my memory and I will come back to the honourable member. I am a human being, you know. I can't be expected to remember everything.

The Speaker: Moving on to question 24, standing in the name of the Third Elected Member for George Town.

QUESTION 24

No. 24: Mr. Linford A. Pierson asked the Honourable First Official Member responsible for Internal and External Affairs to state: (a) the number of hurricane shelters in the three islands and their locations; (b) whether all the shelters are built and equipped to hurricane specifications; and (c) the standard specifications and equipment required for hurricane shelters.

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

Hon. James M. Ryan: The total number of hurricane shelters in Grand Cayman is 19. There are three in Cayman Brac and one in Little Cayman. Attached is a schedule of hurricane shelters in the three Islands and their locations as well as the other information.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wish to advise that I do in fact have a private member's motion (4/99) dealing with the question of a civic centre and hurricane centre in George Town. So I will be very careful not to pre-empt the possible outcome of that, even though by provision in the budget government has already given its indication to approve this.

Nonetheless, I wonder if the honourable member can state whether any property has been located for a hurricane shelter in George Town and, if so, can he given an indication of when this building will commence?

The Speaker: I think that that is somewhat outside the ambit of this question. But, if the honourable First Official Member has the information, he may give it. The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you. I think you are quite right, Mr. Speaker, I don't have that information.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In the substantive answer, the honourable member stated that there are a total of 19 shelters in Grand Cayman with three in Cayman Brac. Can the honourable member state if he is aware that the population of Grand Cayman, based on the most recent statistics, shows that George Town has 58 percent of the total population in Grand Cayman, with only 950 spaces, with a total of 2,500 spaces for Grand Cayman? I wonder if the honourable member can state if he is aware of that, and whether he recognises the urgency in having the hurricane shelter commenced as soon as possible?

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

Hon. James M. Ryan: Yes, I do recognise the urgency. But I think the member will recognise that I have responsibility for the utilisation of hurricane shelters, not the construction of hurricane shelters. While I can encourage my colleagues—including him—to be proactive in adding shelters, at the end of the day I can only make use of what is approved by the Finance Committee and built.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noticed from the list the honourable member provided that there are in fact only four of these shelters which are built and equipped to hurricane specifications. I wonder if I could ask the honourable member for an undertaking to impress upon the government (I know it is not his responsibility for the building and equipping of these) and the relevant ministry this fact and to see what can be done to bring these shelters up to specification and equip them so that they can meet the criteria for being hurricane centres. It is perhaps difficult in the building, but for an assessment as to any improvements that can be made to the physical structure to achieve this standard.

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

Hon. James M. Ryan: Yes, I am quite prepared to impress on my elected colleagues in Executive Council. In fact, I have for some time been doing so and there is a

certain building under construction. Although not being built specifically as a hurricane shelter, a decision was taken by government to build it to hurricane standards at a considerable additional cost.

Regarding the current shelters, the buildings have in the past been inspected and as far as possible certified. But at the end of the day, it is extremely difficult when the structure is put up to do very much about it. I call to the member's attention a building that in 1988 had been certified to be up to hurricane standards and in that hurricane it did not stand up. So I think he understands the problem we are all facing with buildings that were not really designed to stand up to a hurricane.

Of course, I would also like to say that should we have a hurricane the magnitude of hurricane Mitch last year, any and all of our buildings are likely to suffer substantial damage even if they are designed for hurricane use.

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

The Speaker: I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: I move that the resolution be entertained.

The Speaker: Do we have a seconder?
The Elected Member for North Side.

Mrs. Edna Moyle: I second the motion.

The Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I believe that the honourable First Official Member, in answering a supplementary raised by me on the question of his being aware of when the George Town hurricane shelter will commence, and whether there was any property for that, indicated that that was somewhat outside his purview and that this was not basically his responsibility.

I wonder if he could state who is responsible for the subject of the hurricane shelters, and whether that person is kept informed of any development of hurricane shelters in the three islands?

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

Hon. James M. Ryan: I think the honourable member knows that we do not actually build hurricane shelters per se. Normally buildings such as civic centres are constructed and the secondary but nevertheless important use is for hurricane usage. The building that I think he is referring to would no doubt be a civic centre that would be designed to hurricane specifications to be used as a hurricane shelter.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the honourable Member for that answer, but he did not answer the question as to who is responsible for the subject of the hurricane shelters. I am aware (and I will turn this into a question) that in the past buildings have been used as hurricane shelters—and this is most unfortunate as they are not equipped for that purpose. I was referring to the provision that has already been made in the budget for a hurricane shelter for George Town. I was asking if he is aware of who is responsible for that subject, whether it is he himself or some other minister. I am just seeking information.

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

Hon. James M. Ryan: I thought I had answered that earlier when I said that I have responsibility for the use of hurricane shelters. I do not have responsibility for the construction of buildings used as hurricane shelters. I can only encourage, in the case of my elected colleagues on Executive Council, the minister who has responsibility for public works. And, in the case of George Town, the Minister of Education who is an elected representative for George Town, to give the construction of a building that can be used as a hurricane shelter priority.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I appreciate the problem the honourable member has mentioned, but from this side of the House it is important that we are kept abreast of the developments in these matters. I can only direct my question to the member who has responsibility for the subject. I wonder if he would give an undertaking to keep us abreast of any development in regard to the new hurricane shelter.

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

Hon. James M. Ryan: Yes, Mr. Speaker, as soon as I know I will inform the House.

The Speaker: If there are no further supplementaries question 25 is standing in the name of the First Elected Member for George Town.

QUESTION 25

No. 25: Mr. D Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if the Port Authority has a capital development programme; and what time period it spans.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just for clarity, in attempting to answer this question I will focus on the words “capital development programme.” And the answer is that we do not have a capital development programme, per se. The answer is no, the Port Authority does not have a capital development programme. It is all part of the annual budget.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I am certain, even though the minister has given the answer in this format, that he is quite prepared to answer other supplementaries which will relate. Can the honourable minister state if, as he just stated capital works is part of their annual budget, there are any medium to long range plans which involve capital works? And are they set with specific goals and objectives and time periods? Notwithstanding the fact that capital works is only dealt with annually in the budget.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer, as frank and as honest as I can be, is that we do not have a medium term financial plan. We have been looking at building up a history of what has taken place in the Port Authority over the last five or six years in order to get a handle on what has been accomplished. But I think that can also serve as the basis for projections and to help us to focus on what it is we need to be doing in the next three years in particular.

It is a direction that as chairman of the board I intend to take, but we are not there as yet. We are in the throes of commencing, I would say—and I am not saying this just because the member has asked the question—but we are about to commence that exercise as we have a Master Port Development Programme. So we have some input or factual estimations which lead us down the road.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state what drives the Port Authority at present in what they perceive as meeting the needs and demands and the services required of them for these islands?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think what drives all of us is that we have an understanding of the capacity that we presently have, whether we are dealing with the warehouse, or the trucking situation or anything else. We understand the capacity we are dealing with. We see the increase if we follow the statistics of importation, and we see the increase of cargo coming to the Cayman Islands over a period of time. And we can more or less project when we should be doing some amount of work, whether 12 months down the road or in some cases 24 months down the road at making some decisions.

It is a reason why we decided about 12 months ago to double the size of the warehouse at the cargo distribution centre in addition to providing a racking system which will get us four times the floor space in that particular accommodation. And the doubling of the warehouse space would also take us down the road probably five, six, ten years depending upon the volume of cargo being imported into this country.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: So, if I am understanding correctly, the minister is saying that to this point in time the Port Authority has basically, for lack of a better term (and I am not trying to castigate or anything like that), been feeling its way and doing what it sees at present, not necessarily with any strict format or any medium to long term projections.

But, is it the case that from here on in the board and management of the Port Authority will be looking at it in a more structured fashion in order to ensure that they are on top of things and will be meeting the needs and demands of the country in that area at all times in the future?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe it would be correct to say that although we have visualised the needs in the past ahead of a 12 month situation, we haven't actually put it in a document and called it a capital development programme. Basically what we have been doing in recent times is looking at the needs of the Port Authority five to ten years down the road. It's the reason why we have bought several acres of land that causes the cargo distribution centre to be expanded to the west and border on North Sound Way.

It's the reason why government has taken the decision not just to fix the Finger Pier, which is 142 feet long

and 60 feet wide, but to extend it and widen it so that we are looking to the future. Because as we see the *Morrant Bay*, for example, docked alongside the present 142 feet of the Finger Pier, we note that the ship is quite some distance beyond the pier itself.

We will make some information about this decision available shortly as well. I think some information has gone out before, but our view is to look to the future in whatever we are doing. And whatever money we spend, we spend it as prudently as we possibly can with a view of not just using a Band-Aid approach, if I can use that expression, but to look to the future. And when we spend money, we are dealing with fixing something for the next ten to fifteen years.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister then state (and this is just for purposes of clarity) that in taking a fresh look at the way the Authority operates, included will be proper fiscal policy regarding timing of projects, weighing the cost of the projects, the income of the authority and also bearing in mind that the authority is under obligation to allocate certain of its revenue annually to the government?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Maybe I should begin to answer this question by saying that the George Town dock and the Port Authority of the Cayman Islands are deemed to be models in the Caribbean by the Caribbean Development Bank, not only in terms of efficiency in performance but also the fact that it has consistently year by year—long before I got there as chairman—paid for its operations, paid its loans and made a reasonable profit at the end of the day. So we will continue that same good fiscal policy.

What the member is searching for, if I understand him correctly, is what he wants to see. And we as a Port Authority do not want to run ahead of the government's financial reform and try to put something in place to later on have to come back and change. We want to move side by side, or hand in hand with the government's movements so that when we make the change it's one change and we will be done with it.

But every member in this House, as well as the listening public, can have my assurance that it is going to be done. And we are going to look in a comprehensive, global exercise at the Port Authority's operations, whether you are talking about capital items, operations, salaries, the income that's earned by the Port Authority or whatever the case may be. We will be doing that.

The Speaker: If there are no further supplementaries question 26 is standing in the name of the Third Elected Member for Bodden Town.

No. 26: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works what is the government's policy regarding testing of private roads constructed to service sub-divisions.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Currently the Public Works Department carries out a set of visual inspections on the base course of all subdivision roads. These include quality of material, levels of final grade, and drainage and height above mean sea level. The design and construction specifications for subdivision roads are currently being reviewed and amended. It is envisaged that in 1999 the changes will be implemented and this will allow staff from the Public Works Department laboratory to undertake a variety of physical tests in accordance with American Society for Testing and Materials (ASTM) specifications.

Mr. Speaker, this question was passed from the previous ministry responsible for Works. And in talking to the executive engineer, I understand that the design and construction for specification of subdivision roads has already been done. These set specifications have already been passed to the Planning Department so the developers understand clearly what the specifications and needs are when they are dealing with subdivisions.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the honourable minister for that added bit of information. May I ask the honourable minister whether the government now undertakes any laboratory testing of these materials and samples from roads thus constructed?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I must confess that I am a little weak in answering that question. My understanding is (and I haven't verified it) that they are in a position to carry out this testing and laboratory work. But I undertake to check it thoroughly and come back to him in writing.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if these new specifications will mean that developers will be incurring additional cost with road construction, or is this simply to do with methodology?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: With the concurrence of the member asking the question, I would prefer to get an assurance from Public Works and pass that on to him in writing. I wouldn't want to speculate as to what it is.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I realise that the honourable minister is in somewhat of an awkward position because he has most recently been entrusted with this new responsibility. I would ask the honourable minister for an undertaking to ensure that all of the appropriate tests are done and standards met because I notice increasingly government is being asked to take over roads which were poorly constructed in the first place. It becomes six of one and half a dozen of the other where the developer may not be living up to his responsibility in constructing the road properly in the first place. The government then has the added expense when it takes over the road of reconstructing it and so it serves no one any good purpose.

I am asking the minister for an undertaking to ensure that all the standards have been met prior to government assuming responsibility and also that landowners who purchase lots in these subdivisions can be afforded their due protection.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I agree to undertake to discuss the matter with Public Works and to come back to the member with whatever assurance they can actually give me. But let me go on to say that while we are talking about subdivision roads, I want to ask the members for their support in dealing with the major roads. A number of times we see people cutting roads. If we spend the amount of money we have in the budget for resurfacing and some member of the public then comes along and cuts the road, I think we are all going to be very annoyed.

I intend to bring an amendment to the Roads Law to put some penalty for cutting roads when you don't have permission and the agreement of the Ministry or Public Works. I thank you for your understanding in allowing me to make that statement.

The Speaker: The First Elected Member for George Town, two more supplementaries.

Mr. D Kurt Tibbetts: In his last answer, the minister went on talking about cutting roads. The reason I am explaining what I am saying is because this may be outside the ambit of the substantive question, but I think it warrants attention. There has been talk about synchronising the efforts of the various entities which may have to cut the roads, like Cable & Wireless or the Water Authority, and there has been a thought dangling in the air for many years about having the Public Works Depart-

ment be the sole agency responsible for roadworks and maintenance and simply making assessments to the various entities who cause any damage to the road by their works.

Perhaps in the minister's overview to any amendment to the Roads Law, he would consider looking into this situation. Certainly, there seems to be some merit in having one agency totally responsible for the road and simply having the cost defrayed to the various agencies who cause the damage to the road, that is to simply have uniform quality of the road.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me thank the member for making his suggestion because I agree wholeheartedly with what he just said. I believe the time has come for us to ensure that the quality of the work in terms of restoring the cut in the road is of the standard that we expect. I believe that we will, with the support of the House, make sure that that comes into place.

But let me just say that there is a committee which is chaired by Public Works and has representation from Cable & Wireless, CUC, the water company, and that is the Water Authority as well as Cayman Water Company, that deals with this particular matter. But I just want to be sure that the government sends the correct message: While there is a committee and we are willing to sit down and deal with you in a personal and businesslike manner we also reserve the right to say that if you cut the road without our permission you are going to have to pay for it.

The Speaker: If there are no further supplementaries question 27 is standing in the name of The Third Elected Member for Bodden Town.

QUESTION 27

No. 27: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works what is the number of excavations and quarries currently developed in the Cayman Islands where explosives are used.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Explosives are currently in use for excavations at the following locations (and this is another question that has been passed on to my ministry):

- ◆ Quarry Products
- ◆ Sweet Water Springs – west of Frank Sound Fire Station
- ◆ Tarpon Springs – north of Breakers
- ◆ Midland Acres
- ◆ Marl Pit – north east of Meagre Bay Pond
- ◆ Pedro Castle Quarry – Caribbean Stone Limited

- ◆ occasionally at Admirals Landing, Red Bay
- ◆ occasionally at Heron Development, Red Bay
- ◆ Jennifer Bay Quarry – Scott Development, Cayman Brac
- ◆ Little Cayman Quarry – Scott Development, Little Cayman.

On three occasions in 1998, explosives were used to excavate material at Pineapple Development on West Bay Road. This work is now completed. Also in 1998, a very small blast was used to remove a rock in the canal at Patrick's Island.

The Chief Engineer of Public Works Department investigates all complaints received regarding noise or vibration alleged to be due to the use of explosives. The explosive in common use in the quarries is ANFO, a mixture of ammonium nitrate and fuel oil. This low explosive is inherently safe to store and use because it cannot be set off accidentally, even with a detonator. It can only be detonated by using a detonator, together with a small amount of high explosive.

The four licensed blasters all use modern "delay" detonators. In blasts involving dozens of holes these delay detonators ensure that only one or two holes go off at one time. This technology has made vibration damage of a thing of the past. For the same reason, residents will hear a prolonged rumble rather than a sharp bang. Seismographs are in common use to check vibration and noise when blasting close to buildings.

The importation, transport, and use of explosives are controlled by the Explosives Law 1975 and the Explosives Regulations 1976.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House if the importation of this explosive material is limited to the four licensed blasters who then undertake work for other persons needing work to be done? Or is it an open importation where anyone in the business can import the explosives?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I would be grateful if the member would allow me to come back to that question in writing from the Public Works Department.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if there have been any problems reported at any one of the locations mentioned in the answer regarding blasting and/or quarry excavation taking place beyond that property into property owned by other entities?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am not absolutely sure that I am able to answer that question verbally. I would prefer to do that one in writing also, sir.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I tried to be as generic as I could, but I will be very pointed. Can the honourable minister state if there have been any reports to the government regarding the activities at Quarry Products extending into adjacent property owned by the government of the Cayman Islands?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My answer to that is yes, there has been some report.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if this has been verified to be a fact?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it, it has been verified that he has moved into a certain area of government land which is more or less adjoining the parcel that Quarry Products owns.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state what action government has taken regarding this infringement?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that the matter is being investigated by the Auditor General, as well as other arms of government, in order to bring rectification to this particular matter.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if there is any knowledge at present as to some idea, not necessarily the exact measurement but some idea, as to how many cubic yards or tons, whichever one is used, of material was taken from the government's property?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I don't have that accurate information available to me, and I wouldn't want to guess what the amount was. I undertake to provide it to the member in writing if he will allow me.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether there is any practice which allows the Public Works Department, which I gather is the administering department, to examine the sites blasted prior to and immediately after so as to ascertain that the damage is contained within the desired blasting area?

I have received numerous complaints from persons, some of whom are homeowners whose walls, foundations and other structures got damaged and cracked as a result of vibrations from blasting near to at least one site mentioned in this list.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I can only add that I am happy to check that because I am not absolutely sure. I would rather check it and then come back to the member in writing or verbally if he wishes.

The Speaker: Two additional supplementaries.
The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Just getting back to the supplementary I was asking, can the honourable minister explain the procedure to ensure either restitution or restoration of the property involved, or compensation for the property? What steps will government have to employ to exact restitution?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In my time in government, this is the first occasion that I am aware of where this has taken place. There really isn't any precedent to follow in that regard. To the best of my knowledge, the matter involves some legal advice from the government. I wouldn't want to make any particular declaration at this time, but certainly, to caucus with the respective individuals in the government and then with their concurrence come back to the member with a written answer.

The Speaker: Final supplementary. The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Well-timed, Mr. Speaker, thank you.

Can the honourable minister state given the extent of the encroachment onto the government's property, if

government is convinced . . . and I am not asking for your personal opinion I am asking the government's state of mind, generally speaking. What is government's position bearing in mind the extent of the encroachment with the thought that it is obvious that the perpetrators were well aware that they were encroaching into government property?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I would be very hesitant to answer that question simply because the "government" hasn't taken any decision on it as yet, because the matter is still being processed leading up to that decision. But when the decision is reached, I will be happy to give the answer to the First Elected Member for George Town.

The Speaker: That concludes Question Time for this morning. At this time we shall suspend for 15 minutes. But I ask honourable members . . . this is a short day so let us come back in 15 minutes please.

PROCEEDINGS SUSPENDED AT 11.44 AM

PROCEEDINGS RESUMED AT 12.17 PM

The Speaker: Please be seated.

Item 4 on today's Order Paper is Government Business, continuation of the debate on the Throne Speech, delivered by His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands, on 19th February 1999.

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

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR JOHN OWEN, CMG, MBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 19TH FEBRUARY, 1999

(Continuation of debate thereon)

Hon. Julianna O'Connor-Connolly: Thank you.

I rise to give my contribution to the Throne Speech delivered by His Excellency the Governor some weeks ago. And I would like to go on record by thanking His Excellency for the very keen interest that he and his good wife have placed in the Cayman Islands and in particular in Cayman Brac and Little Cayman.

I can honestly say that His Excellency the Governor was a true friend of Cayman Brac and Little Cayman as well as the island we now work and speak from. From the very beginning His Excellency recognised that Cayman Brac and Little Cayman made up the family of the three Cayman Islands. I can vividly remember in his very first Throne Speech, he referred to the islands as family members, going on to indicate that whenever a particular

member of that family was hurting that it was a moral and to some extent a legal obligation to come to the aid of the hurting family member. And he has done his very best in this regard.

I can also say that since his arrival I found him to be most sympathetic in regard to the needs of Cayman Brac and Little Cayman. He went further than just making mere statements, but was instrumental in having the various economic incentives put in place a couple of years ago which have greatly benefited Cayman Brac in particular and to a lesser extent Little Cayman.

Last week when His Excellency the Governor and his wife visited our constituency on their very last official visit, we were thrilled that they were able to be there to meet with our people for the unveiling of the monument sign at the Spot Bay Community Cove. Over 400 of our residents attended that occasion. At the same time you will recall that his wife graciously accepted the request to plant a tree, which I can respectfully submit will assist the residents throughout the island to remember her for a very long time, and the enthusiasm with which she went about carrying out that official duty.

In these times when we hear so much about reform, whether it be financial reform or public service reform, I believe that His Excellency's tenure of service during the past three and one half years here within these Cayman Islands was very timely indeed. I believe he has shown that he is a man of vision with the character willing and prepared to carry out the vision not of himself or from the top, but which incorporated and sought to encompass a very wide range of views and ideas from all three of the Cayman Islands.

As far as Cayman Brac and Little Cayman are concerned, I am reminded of the Thatch Tree and the important role it played in the development of the Cayman Islands in years past. If I may be permitted to expand the reason why I chose to use such imagery, thatch rope was used to bind things together. His Excellency's leadership, integrity, honesty, wisdom, and humility served to bind these three Cayman Islands together.

Thatch rope is also made from three strands of string, which are bound together by a wooden cog and used to make a rope. This can, I submit, represent the three Cayman Islands.

When His Excellency first arrived, the islands were perhaps somewhat segregated by various economic factors. Through Vision 2008 he has successfully used this as a tool to bring the people of these three islands together. Vision 2008 was a tool that forced us to think together as three islands as to where we wanted to see our country in ten years' time and even beyond. I am grateful for the time that my constituents invested in Vision 2008 whether by their time generally speaking, or by way of their expertise. They look forward to the implementation stage of Vision 2008, as we do.

Thatch was also used to weave baskets, which carried many a load, be it ironwood or sand or even ground provisions. And the Governor too, I submit, has carried the administrative role of government quite ably for the past three and one half years.

Thatch was also used to make string which sewed together baskets and many other things, and in this respect also His Excellency the Governor has in his own humble way, together with his wife, attempted to make each of our residents feel very special, very unique. In so doing I believe that they have successfully brought together the six electoral districts of these three islands in peace and harmony.

I am also happy that the Governor in formulating the policy for Vision 2008 saw necessary to incorporate Cayman Brac and Little Cayman in this visionary exercise. Like the Good Book tells us, any country without a vision shall surely perish. I believe that the Cayman Islands are in no way an exception to this Biblical principle. I am glad to see that, although somewhat late, the government proper as well as all honourable colleagues on the backbench will surely agree that it's better late than never, and it's good that a visionary exercise has now taken place and is in its final stages. I trust that it will be for the betterment of all of the people of the Cayman Islands.

On behalf of my constituents, and your constituents, Mr. Speaker, I would like to personally thank His Excellency the Governor and his wife for all that they have done. I pray, sir, that the protecting hand of Almighty God will keep and sustain them throughout their future endeavours and that in all their goings and comings they would continue to acknowledge God, for in so doing He shall direct their path.

If I may now be permitted to turn to the various responsibilities falling under the Ministry of Community Affairs, Sports, Women and Culture, I will so do. In addition I have responsibility for District Administration, that is Cayman Brac and Little Cayman. Indeed, it has been a pleasure, an honour, and a privilege to carry out my responsibilities for the past two and one half years in such a high calling in regard to these two islands whom we both love very dearly.

As you know, sir, the needs of our constituents of Cayman Brac and Little Cayman are varied and many. But thanks, sir, to the kind assistance of my honourable colleagues in this House—including the members of the Finance Committee—several needs of Cayman Brac and Little Cayman are continuing to be met. In particular I am grateful that the Public Works men have been able to work on a much more consistent basis thereby enabling them to provide for the economic well being of their families.

I really take my hat off to these hardworking and dedicated men at the Public Works Department and their management. While visiting the projects, I sat for several hours and really observed the hard work they have had to do in the hot sun and other less than desirable conditions, and the extent of avidness with which they go about carrying out their duties. Again this year it is my hope that the various roadworks, the buildings, the recreational facilities, and any other projects we were successful in having approved with the blessing of Finance Committee, will be sufficient to provide the necessary labour and work needed for the people of Cayman Brac and Little Cayman. While at the same time being able to

carry out the dual function of providing necessary infrastructural and developmental needs for both of these two islands.

This year as well, the Minister of Education with the support of the majority of the honourable members of this House was able to provide for the commencement of the Spot Bay Primary School hall which we both agreed was badly needed for a very long time, and were both anxious and eagerly awaited the commencement. I am sure the staff, the parents, the students and the wider community will gladly await the completion of this project.

Thanks to the policy of Sports for All—which I must say was implemented by the past minister and is being continued by the Ministry—the Brac has been included in this policy as well. This year, God willing, we will continue to work on the football field which, too, is another long-awaited project for the constituents of Cayman Brac in particular. Thanks to the provision of a coach and other hardworking volunteers like Mr. Garfield or Teddy Ritch, and Mr. Raymond Scott, the children and even those young at heart are seeing the tremendous benefit of having organised sports in the islands and taking a keen interest in our young people

I am happy to report that last year the Cayman Brac football team won the second division championship held here in Grand Cayman. This year again we were all pleasantly surprised when our junior football team which was a newcomer to the junior league, took away the championship cup as well. We were extremely proud to see the achievement of these young people in Cayman Brac and other districts of Grand Cayman.

When His Excellency delivered his Throne Speech, he made mention of efforts being made to diversify the tourism industry in Cayman Brac and Little Cayman. And over the past several months we have been able, with the help of Mrs. Bradley and other persons, to add to the five various sites of interest on the Brac for nature and ecotourism. We have now commenced placing appropriate signage at these sites.

We have also been able to clean up the saltwater pond on the south side as well as commence with the construction of one of three nature paths on the south side which I can also report have increased in popularity as they are excellent photo sites for birds and other environmental causes.

We have also been able to upgrade some of our marine facilities and parks, which improves the quality of life for our constituents. We have seen an increase in the construction industry, as well as the real estate industry. I believe this is a direct result of the economic incentives which were put in place a couple of years ago. Also, as a direct result we are now seeing more and more Brackers returning home either to build a second home or to retire.

We are seeing an increased amount of activity in the amount of Caymanians coming across to Cayman Brac and Little Cayman to build and take up residence, be it on a temporary nature on these two islands. But it all has a very positive economic spin-off within the community. However, there are still not enough white-collar jobs within the Cayman Brac community, and many of our young people are still being forced to come to Grand

Cayman or other attractive and lucrative jurisdictions in order to seek employment.

I dream of the day when our young people can return to Cayman Brac and Little Cayman and be in a position to take up job opportunities that do not presently exist on those two islands. His Excellency also indicated that there was a civil service working group being set up with one of the purposes being to identify office work which can be transferred from Grand Cayman to Cayman Brac. I fully concur that this is an adventure worth exploring.

In particular, because we now live in a computer age where there is fax and all sorts of advance technology, I think it is time for this committee and government to look at the possibility for example, the computer department to see if there are any aspects of their operations that can be transferred to the Brac to provide some of these badly needed jobs.

The Speaker: If you have reached a point that you can, the Minister for Education has asked that we take the luncheon break at 12.30. So we shall suspend proceedings until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.34 PM

PROCEEDINGS RESUMED AT 2.45 PM

The Speaker: Please be seated. Debate on the Throne Speech continues. The Honourable Minister responsible for Community Affairs, Sports, Women Youth and Culture, continuing.

Hon. Julianna O'Connor-Connolly: Thank you.

Before we took the luncheon break I was saying that on the Brac we still have not reached a position where we have sufficient white-collar jobs to offer our high school graduates or others who may wish to return to the Brac to take up the occupation of their choice. Nonetheless, it was still my desire, and that of your good self, that one day this would be the case and that the economy of the Brac could flourish as was the case in years past.

As mentioned before the break, His Excellency the Governor intimated in his Throne Speech that a civil service working group would be set up. I proposed that perhaps one of the areas that could first be looked into would be the area of the computer department to see whether there was any possibility that some function of that department could be transferred to the Brac.

I was also delighted, as were other members, when we were able to pass the motion which dealt with the increase to ex-servicemen from \$200 per month to \$250, subject to the final passage through Finance Committee, with a further commitment with a maximum of \$400 per year by January of the year 2000. I am sure that all respective veterans will be forever grateful to all honourable members of this House for such consideration.

The veterans on the Brac, and here in Grand Cayman as well, are becoming more and more involved in various community activities. For example, on Remembrance Day, they marched therein, as well as various

church services. I believe that on at least one Sunday per month they visit various churches throughout the island. In recent times in the Brac they have also been participating in the funeral services of their fellow veterans. I believe this is a good move in that it helps the younger generation to appreciate the role of the veterans. Plus, it shows the degree of respect and honour they have for their fellow veterans.

I am also aware that requests have been brought before Council and subsequently approved for the veterans on the Brac to have a piece of leased property. That will be coming to the honourable House in due course by the relevant minister and speaking both for myself and the Second Elected Member for Cayman Brac and Little Cayman we are both extremely grateful for government's favourable consideration in this regard and would also like to thank those persons who had responsibility for such a venture.

The veterans on the Brac see a need for an office and are working quite diligently. Many Saturdays when I am across on the Brac they are volunteering their time clearing the property and moving forward with the creation of a plan with the optimism that the construction will be as smooth and cost effective as possible and that in the very near future they will be able to have a nice facility to serve more than one purpose.

It is also a dream of mine for the veterans to have what I would term a veteran's park similar to the hero's park that was established by the past minister (now the First Elected Member for West Bay), whereby we could erect statues of people in wartime and put a plaque that would serve to cement their achievements, while at the same time expressing the country's gratitude to the veterans. Perhaps this dream can be realised sooner rather than later.

Moving on to the aspect of Community Development, a Community Development office has recently been appointed for Cayman Brac and Little Cayman. This officer, as mentioned by my colleague, the Minister for Health the Hon. Anthony Eden, previously worked with the Social Services Department and will do an extremely good job in this new capacity as she has the ability to be enthusiastic and energetic and quite charismatic. I am looking forward to seeing good things coming from this new position. Both the Second Elected Member for Cayman Brac and Little Cayman and I pledge to her our full support in this regard.

I believe the need has existed for quite some time. As we have seen from the recent report on the family study, the level of alcohol abuse in Cayman Brac in particular is extremely high. I am looking forward to some positive inroads in preventing this alcohol abuse by offering some positive community activities for persons in this category.

There is still much work to be done in the various communities, that is, all six of the communities within the three islands. But it is going to take all of us working together for the betterment of our people. I may be able to make a very small contribution. But I am sure that if all members were assisting together—and I am sure members are so doing and I congratulate them for their ef-

forts—the task would be that much easier. So I would implore all ministers and all other honourable members that this is a very big issue and that our country will long be grateful for full participation or consideration in our assistance wherever and whenever possible.

The ministry continues to support the churches throughout the three islands. There were a number of good programmes started by the past minister, which are continued by the ministry. For example, there were after school programmes where we still support the youth worker grants. There have been various recommendations made by the Auditor General which the ministry has endeavoured to meet as far as practical, and yet still be able to meet the needs within the community.

Many of these young people unfortunately come from broken families. I believe that the government has a moral and legal responsibility to cater to these needs. If it is left to be swept underneath the carpet, it is going to create a very profound negative impact on our society and community as a whole. Some of these same children come not only from broken homes, but homes where even if both parents are in the home, they are under much economic stress and strain for various reasons. As a result they often have to work very long and arduous hours to make ends meet.

We are finding that there are a number of children unsupervised especially after school dismissed until parents returned home at the end of their working day. So the after school programmes have worked quite well and we are committed to fund it as far as our financial constraints will allow us.

I would also make a special plea to the churches or other similar charitable organisations to continue to identify these needs in the community. I believe that this is but one area where a positive partnership can be struck between the private sector and government so that these children who often lack attention and love in their lives . . . we can get back to the principle of doing unto others as we would like to have happen to ourselves.

As I move around the various districts in Grand Cayman, Cayman Brac and Little Cayman it really pains my heart to see some of the young children in particular who are left to raise themselves and are going down the road of destruction. It would amaze us what one word of kindness or act of generosity would do to make a positive change in the lives of these young people. And I congratulate those persons who have taken it upon themselves, often out of their own pockets . . . I know the Lions Clubs and Rotary and other such organisations have made a tremendous positive impact on the lives of many persons in this category.

I believe that although there should be a separation of church and state as it were, that the church has a very significant role to play in the positive development of role models for these young persons. By that I mean up until the age of 25 and even those young at heart. I really congratulate the church for the rich Christian heritage they have given and continue to give us even in this New Age generation.

I firmly believe that if there is any area that this country has gone wrong it is the area of Christianity. By

that I can remember not so very long ago, having gone through the primary, secondary and high schools in Cayman Brac, that religious education was a very fundamental and intricate part of our school curriculum whereby Christianity was what we were taught—the Bible and God's Holy Word. Nowadays there seems to be a dilution whereby all sorts of religions from around the world are taught.

I believe that there is an appropriate time for that to be done. But if we are saying that we are a Christian nation—and I believe all members would adhere to that statement—then I believe that that is what we should teach. And once the children are of the educational cognisance then they should be open to the other religions and be in a better position to make a choice.

So often, even with the schools that I visit, I notice that it is just a casual thing. And without appearing to be criticising any particular person (because I don't believe this has just started in the past six years but for some time now), I believe it would do the country good if we got back to the basics when it comes to religion. Maybe it would cut down on some of the deviancy we are now seeing in our communities.

The Caymanian community has been under a number of pressures. My personal view is that unless we strongly adhere to the Christian values and heritage, the success we now enjoy will be jeopardised in years to come. Again, I stress that is my personal belief.

While on the topic of Community Affairs, I wish to refer to the White Paper recently made available to us here in Cayman, dealing with Partnership for Progress and Prosperity—Britain and the Overseas Territories. In particular, I wish to deal briefly with chapter 4 dealing with encouraging good government and the subhead dealing specifically with the extremely controversial issues of human rights.

In my humble opinion the White Paper clearly states Britain's objective. With your permission I quote, **"In those territories [which includes the Cayman Islands] which choose to remain British should abide by the same basic standards of human rights, openness and good government that the British people expect of their Government. This means that Overseas Territory legislation [again this includes us here in Cayman] should comply with the same international obligations which Britain is subject, such as the European Convention on Human Rights and the United Nations International Covenant on Civil and Political Rights."**

The White Paper also goes on to say (regarding the issue of Human Rights) that there are still some necessary changes or reforms required in the UKOT's—Cayman being one said jurisdiction. The White Paper identified three basic areas dealing with human rights that Britain indicated she would like to see reform in. These are 1) judicial corporal punishment; 2) legislation which outlaws homosexual acts between consenting adults in private; and 3) capital punishment. For purposes of my contribution I will deal specifically with the second issue dealing with legislation outlawing homosexuality between consenting adults in private.

When one looks at the White Paper one will see (on page 21) that Britain believes that all Overseas Territories should enact legislation similar to what is now in the UK, that is, the UK Sexual Offences Act 1967 which in fact legalised homosexual acts between consenting adults in private. The paper went on to say that in some Caribbean communities there is still a particularly strong opposition to homosexuality—and I am glad to say that Cayman is one of those jurisdictions based firmly on our religious beliefs.

On page 20, the White Paper goes on to say that Britain's preference is for us to enact local legislation to legalise this aspect of the reform dealing with human rights and homosexuality. But it went on to say that in the absence of our taking local action that legislation could be imposed in the Caribbean territories by an order in Council, that is the British Council. It is with interest that when the Honourable Robin Cook made his presentation to the UK Parliament that he chose to raise the standard from *could enact*, by using the words "that the UK *is ready* to make such reforms by an order in Council" if we fail to do so.

Consequently, there is absolutely no doubt in my mind that it's the UK's intention to legalise homosexuality between consenting adults in private, and for those territories that choose to remain British. To me, sir, this is a very important matter and certainly not a matter where we should remain silent. Nor is it a matter that we should sweep under the carpet or invoke the ostrich syndrome and say we can do nothing about it because it will come by an order in Council.

For starters, the White Paper is just that, a discussion paper. It is not yet law or an order in Council. At the risk of being accused of trying to legislate morals, I believe it is prudent and necessary for us to pause and look at the very foundation of our Christian nation, that is, God's Holy Word the Bible. We will see when we take the time to do so that in Leviticus 18:22, using the *Living Bible* version, homosexuality is absolutely forbidden for it is an enormous sin.

And the *King James* version, in the same reference, Leviticus 18:22 says, "**Thou shall not lie with mankind as womankind. It is an abomination.**" We see also in Leviticus 20:13 that "**if a man lies with mankind as he lays with a woman both of them have committed an abomination and a sin.**"

The world being as it is, some may say 'Well, those are all Old Testament references. We are now under the dispensation of Grace.' So out of an abundance of caution let me provide at least one New Testament reference. At Romans 1:24 it reads, "**Wherefore God also gave them up to uncleanness through the lust of their own hearts, to dishonour their own bodies between themselves: who changed the truth of God into a lie, and worshiped and served the creature more than the Creator, who is blessed forever. Amen. For this cause God gave them up to vile affections: for even their women did change the natural use into that which is against nature: and likewise also the men, leaving the natural use of the woman, burned in their lust one towards another; men with**

men working that which is unseemly and receiving in themselves that recompense of their error which was meet.

"And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whispers, backbiters, haters of God, spiteful, proud, boasters, inventors of evil things, disobedient to parents, without understanding, covenant breakers without natural affection, implacable, unmerciful: who knowing the judgement of God that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them."

The White Paper in my humble opinion seeks to set out the difference between homosexual acts carried out in private between consenting adults and similar acts carried out in public. My Bible tells me that homosexuality is sin. It seeks no distinction between private and public. And I believe to do this would be to fully concur with the homosexual's agenda which is to desensitise the public to this abomination, this sin.

I believe that if we would take some time to think even five years ago what our own individual reaction would have been to such a mandate, or such an indication, it would have been much stronger than it is today. But over the years, . . . and a lot of this has come, unfortunately, out of America. Even the Methodist Church . . . I was looking at an article that came out in March of this month where they ordained two lesbian women as bishops in their church.

And when we think of the fundamental religions that they came from, such as the Church of God Holiness and the Pentecostal and other such beliefs, it really shows us how this desensitisation is occurring. The article went on to refer to a show called "Ellen" and how millions of people across America tuned in when she publicly declared that she was a lesbian. It just shows the extent of depravity and the state that this world is now coming to.

The article was written by a man who was also homosexual, and it went on to say that there are many empty graves around and they felt that they could not desensitise this generation but their agenda was to attack the children because they felt that if they could wipe away this generation then the children that came afterwards would be in a better position. It went on to say that they were using music, television, magazines and a lot of games that perhaps some of our children are being exposed to.

That is what I mean by the psychological word of desensitisation. Even I was amazed to hear the comments from some persons whom I thought would have known better as if to say well it's in private so it's not really our business, and the UK will send it down so it's really not our business. I believe when I spoke about a country not having a vision and perishing . . . this would be one area that we certainly need to have a vision in and one area that politics would not seek to divide. If we

don't decide at this point in our history to stand for what is right then I submit that we will fall for everything.

I further submit that this very important matter is one in which the country should go in much prayer and fasting. I know from personal experience that if we put God first in our lives that He will direct our ways provided we lean not on our own understanding. Solomon, the wisest man who ever lived admonished us in the book of Proverbs that God will laugh at our calamity and mock us if we do not accept His laws and do not fear Him. It is only then that we can dwell in safety and be quieted from the evil that is to come upon us.

Speaking for myself—and I trust it will be a conscience vote if it comes to that—I would like to go on record here in this honourable House today and say like Joshua of old, “As for me and my house we shall serve the LORD.” The last time that I dared to be bold enough to speak about God and prayer in this honourable House I was quickly reprimanded—let me hasten to say not by members of this House—with words to the effect that someone as educated as me should not be referring to prayer or God or the Bible because it does not sound like an educated person.

But let me say like Paul did in the New Testament, I am not ashamed of the Gospel of Christ because it is the power of God unto salvation. If we cannot come into the House that God has blessed us with over the years, with freedom and democracy, and exalt His name and lift it up, then we really have been desensitised in these Cayman Islands.

The White Paper categorically states that this new proposed partnership—and I really like that word it's so ironic it is not funny—between Britain and its Overseas Territories must be a partnership for progress and prosperity. It further states that this partnership between Britain and its Overseas Territories must be “effective, efficient, fair, free and based on decency and democracy.” These are the words found in the White Paper. I concur with it all, but for the life of me I have not been able to find anything decent about homosexuality whether it's in public or in private. And I would further submit that we as legislators have a legal obligation not to condone such demands.

I realise that we have a mandate from God himself that we are to love homosexuals—but not to condone their acts. That is the position that I take.

In regard to British citizenship, the White Paper states that the citizenship and the right to abode will be offered to people who now enjoy it in the UKOT's and who meet certain conditions. On page 18 of the White Paper it says that this British citizenship will not come with an obligation to introduce British tax regimes or tax rates, nor will this British citizenship in any way restrain any of the UKOT's from going the way of independence if that is their desire or in any way inhibit their constitutional rights to determine their future constitutional outcome.

The other important issue that was brought out in the White Paper is that the UK Overseas Territories or the British Dependent Territories citizenship . . . and this can be found on page 19, and I quote “**British citizenship**

should be on a non-reciprocal offer as far as the right of abode is concerned.” I submit that to do otherwise would result in an influx of people from other similar jurisdictions and this could have been very negative and could dramatically alter the social cohesion and character of our Caymanian community.

My understanding as set out on page 17 of the same White Paper is that any British Dependent Territory citizen who does not want to take it up will have that discretion and they will then remain British Dependent Territory citizens. So it seems as if we are creating two types of citizens within the one jurisdiction. All of this will require Britain to put in place the necessary legislation for this principle to become a reality.

Then one may reasonably ask the question, What advantage is there to taking up this new offer, when it is fully legalised, that is, of becoming a British citizen? As I am sure you have heard from fellow Caymanians, many of us would not wish to go to the UK to take up permanent residence. We would prefer to stay here in the Cayman Islands. According to the paper, it is purported that one of the examples would be that such persons would be able to gain work experience in the UK and some people may wish to exercise this option of going to Britain to live and work permanently. I know that is not an option that will be speedily taken up by me. I am quite happy being here in Cayman.

Another purported advantage is that it would offer freedom of travel within Britain, as one would be able to enter Britain at the same ports that Brits do as well as other European nationals. This would give the British Dependent Territory citizens certain European community rights of free movement and residence within the European community and the European economic area in other member states.

In the White Paper Britain also proposed to make it possible for children of persons taking on the British citizenship of qualifying parents to automatically get this right at birth or at adoption. But they also intend to put a discretion in so that such children would have a right to choose to be British or not to be British. The White Paper also proposes several other types of reforms in the area of the environment, financial services, audit, borrowing and tax savings which the government will address in greater depth by way of either a statement or a press release in very short order.

The Ministry of Community Affairs, Sports, Women, Youth and Culture, continues to formalise policies which will seek to support the community activities. And we are also striving to ensure that there is a holistic implementation of community development in all three of the islands. It is still the Ministry's mission to promote a sustainable level of community life and to ensure that there is sustainable economic level of development on Cayman Brac and Little Cayman as well.

Over the past year or so there have been several areas where we have made strides. I will briefly turn to those at this time. Under the area of Sports, we were able to almost complete the work at the Old Man Bay playfield and the Bodden Town playfield. And we hope to open the Bodden Town playfield in the very near future.

The George Town School canteen as well as their toilet and changing room facility at the Smith Road oval was also opened and is being used.

We were able to do a number of things at the Truman Bodden Sports Centre. We completed the steeplechase, the storage and hurdle, and water jump equipment area. And work has also started on our Sports Association offices on the main grandstand at the Truman Bodden Sports Complex.

The sports office staff has also been working in conjunction with the staff of the Education Department with a view to establishing a curriculum for physical education in the schools for the Cayman Islands. We found that within the primary schools, for whatever reason, there was not enough personnel dealing specifically with physical education. Although in football the primary schools seem to be making much progress when they reach the middle school they did not seem to have any set structure for such teams to continue. So we have been working to try to remedy this loophole. I must say that the education staff have been extremely cooperative and have assisted wherever possible.

We are also looking to see whether it would be practical and feasible to have a user fee structure to be able to recoup some of the expenditure. We are often being accused of being the ministry that spends and spends and does not have a lot of obvious monetary results. But I would say in defence of the responsibilities under the ministry that a lot of these things are social development programmes and we cannot expect to see X amount of dollars. But when we sit down and look at it from a preventive perspective then I believe that money spent in this area is money well spent. It has to be better to utilise positive catalyst and reinforcement in the lives of these young people through sports rather than trying to rehabilitate them at a much later stage when some of them could have been saved by such curative measures.

We also provided financial assistance to various groups including the Cayman Islands Olympic Committee which will enable them to attend the Central American Games in Venezuela and also for the teams that went to the Caribbean Games in Malaysia. We were also in a position to award the second recipient of the sports scholarship and that person commenced studies at the University of Tampa pursuing a Master's Degree in adaptive physical education. And we are continuing to give financial assistance to those athletes who perhaps could not afford it or got partial scholarships from overseas institutions. This was a policy put in place by the past minister and we saw fit to continue with the policy for it has proven itself and made some very positive results in the lives of these young people.

Moving on to the area of women, where we have also made strides, we now have a fulltime gender trained person with a Master's Degree. We were able to put a Caymanian officer in the Women's Resource Centre who is coordinating various programmes and seeing that the centre is used to its maximum potential. We hosted an open house at the Women's Resource Centre honouring women. And His Excellency the Governor graciously proclaimed March as such a month and we have been

getting very good response throughout the entire month. I should also add that we had the occasion to honour three women on the Brac, which was very well attended, and we will do the same in Grand Cayman where a number of women will be honoured.

We had originally planned to have the event this coming Monday. But, because of conflicting events in Bodden Town and George Town we didn't want to force members to make a decision between their district events and the one for the women, so we decided to re-schedule it. We will be making members aware of the new date as soon as the venue has been confirmed.

We also honoured women with an exhibit at the museum called "Our Islands' Daughters." There were numerous television and radio advertisements and appearances throughout the year. We are trying our best to develop and maintain the Women's Resource Centre by coordinating a number of varied activities. We now have in place a group of core volunteers who are assisting us with the daily activities and programmes at the centre. I am grateful to the two honourable lady members, who had the vision and the foresight to bring a motion highlighting the issues of women, and to the past minister for taking up the mantle and getting it started.

I would really like to thank my staff, not only in this regard, but also in all areas. I am sure it must have been somewhat awkward to have a new minister come in mid-stream, but they have been of tremendous help and assistance and I would like to give them my deepest thanks and appreciation for their efforts in that regard.

As it relates to culture, the director of the National Archives and the History Monitoring Committee have been advising and monitoring the progress of the author of *The New History of the Cayman Islands*. The last briefing I received said we were up to chapter 10. I am looking forward to seeing the completion of this piece of history and I am sure our children for many generations to come can learn not only what happened in our past but be able to learn not to repeat the same mistakes over and over again.

We were also able to complete the conversion process of the North Side and East End district libraries. I understand they are being utilised within the community. We received a request from the residents of the East End community to make the opening hours somewhat more flexible so that persons working outside the district could have an opportunity to go to the library after 5.00 or 6.00. I have brought that up with the head librarian and she is putting in place new flex hours to accommodate that request.

As far as I am aware, we have not had a similar request from North Side. But if and when the need arises, we will do the very same and try to accommodate the needs within the district.

We are also working toward the reformation of the facility in Bodden Town so that they too can have their own district library. While I am disappointed that after some 37 years we don't have a national library per se to match the economic success of this country, I am grateful for the policy that sought to put in place various dis-

trict libraries. This can help to alleviate the deficit of not having a national library.

Suffice it to say that this year will be some 60 years since the establishment of the George Town Library and we are planning a 60-year celebration. I trust that before I am out of the ministry we can get together and identify sufficient funds to put a proper national library in place. I believe that this is a very necessary infrastructural need within our country.

For the second year, we sponsored the summer music camp. From all reports, it was again a success. The London Chamber Players graciously performed last year on the Brac and Grand Cayman. They assisted for almost one week with the music camp, and it was an absolute delight to see the performance at the St. Ignatius Church where our young musicians came together with the professional musicians and really gave a splendid performance. I believe that exposure of this kind is the right direction to go.

We also put in place a manager of special projects. That person has been hired by the Cayman National Cultural Foundation and his main function is to coordinate the Children's National Choir and the Cayman Islands Big Band, and they held their first combined concert.

The National Gallery opened some 1400 square feet of office space last year, albeit temporary office space. They are now able to have various exhibits, and they have begun a number of programmes and various workshops. They have also played a significant role within our education system, holding various seminars and lectures free of charge throughout the school system.

We have also been fortunate enough to provide a second art scholarship. This person commenced studies at the Atlantic College of Arts and is now pursuing a Bachelor's Degree in Interior Design and Fine Arts. Once again, we sponsored the local Musician's Association to attend the Caribbean Music Market in Miami. It is our intention to do the same again this summer. And we had representation from the Cayman National Cultural Foundation both having a booth at this huge music market.

Turning now to the area of labour. As all honourable members know there was a tremendous backlog of labour complaints and we have been trying our very best to have those cases dealt with. We have now put six labour tribunals in place with the labour appeals board having been appointed. Members have been aware that there are amendments to the Labour Law before this House (on which I will go into more detail), which will give the ministry and the department more flexibility as to the quorum, the amount of membership with the tribunals.

There is great difficulty in forming a quorum and in persons volunteering the huge amount of time that is now required to deal with all of these complaints. Some of the complaints have been settled, but most remain unsettled unless dealt with by the tribunals. A tribunal should be meeting every day of the week, and one of the tribunals is making up the six which have been appointed for Cayman Brac and Little Cayman to deal specifically with their labour issues.

In Cayman Brac and Little Cayman we have also put in place a labour inspector. Government will be seeking to make a committee stage amendment.

The area of gratuities still remains problematic and there are concerns. As mentioned in His Excellency's Throne Speech, it is our intention to put a qualified accountant in the Labour Department to help with investigations and will hopefully be the first step in solving some of the disgruntlement in regard to gratuities.

In respect of the pension legislation, the National Pension Board was appointed in March 1998 and the Superintendent of Pensions commenced work. He has put in place the necessary registration for the pension plans as required by the law, and he will also amend the Golden Years booklet to reflect the various changes made to the Pensions Law back in 1998. This booklet is now available to the public for their information.

For this year the ministry has many areas where it would like to see improvement. We hope that we will be able to report on improvements in the year 2000. One area we are particularly keen about is the construction of a new swimming pool. All members who have been around the Truman Bodden Complex in recent times have observed that our swimming programme has been very successful. Many children are on a waiting list to get into the programme.

It is the ministry's intention, subject to the blessings of Finance Committee, to put in place a pool with a view to a three-year programme with subsequent years so that we can have sufficient facilities to take on the load. This is an area where the policy of sports for all is being applied, and we believe it is a necessary area that can actually save someone's life, enabling him or her to swim.

It is also our intention to further develop and maintain the Women's Resource Centre and to continue programmes such as we had this month honouring our women. We hope to support the 16 days of Activism Against Gender Violence campaign. When one looks at the police report one will see that the area of domestic violence is ongoing in these Cayman Islands. I believe that we must continue to move towards zero tolerance in this regard because it is causing such a negative impact not only on the receiving end, but also on the children who have no choice in the matter at all. I urge the police and other agencies dealing with this very sensitive issue to take all steps to treat it as a crime because that's what it is.

The days where we considered robbery, assault and battery, and those things falling under our Penal Code as more important than domestic violence are over. Unless that attitude is taken, we have no hope of ending domestic violence.

The Speaker: Excuse me, would this be a convenient time for the afternoon break?

Hon. Julianna O'Connor-Connolly: Yes sir.

The Speaker: We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.37 PM**PROCEEDINGS RESUMED AT 4.07 PM**

The Speaker: Please be seated. Debate continues. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, continuing.

Hon. Julianna O'Connor-Connolly: Before we took the break I was saying that the ministry will continue with its development of the Women's Resource Centre and its programmes. Just as we have the policy of sports for all, the policy in the ministry as it relates to women is for all women—not just the poor women or the elite women, but any woman in need that the ministry can help, either by way of information or otherwise. That is our ultimate goal.

I would say that as it relates to this matter, again similar to the other community issue, it will take all of us working together in unity and in full cooperation if we are to solve these issues in a practical manner. These days every little bit helps. And one or two of us women cannot accomplish all of these very varied goals unless we have the help of the churches and other organisations, even the men.

I was especially delighted at the function over on the Brac where we had some brave and courageous men come out to honour the women. We had some asking whether or not men could come. I am sure all that know me know that while I am in the ministry it is going to be a gender issue. While realising that there are issues relating to women, there are similar issues relating to men. Being the minister responsible for community affairs I believe that I have a responsibility to deal with all gender issues and to do whatever within our power to put the requisite policy in place.

I believe that we come from a history where we learned that unity is still the best tool for a successful community. It is neither the ministry's intention or mine to create any policy that would be prejudicial or divisive, but to try to bring our community together. Again I stress that in order to do that we need the cooperation of all.

I believe that women have played a very significant and important role during the development of our history in Cayman. Even today we have many women in top positions making important and significant decisions. Having travelled around the world, I say that the rights our Caymanian women enjoy are by far above the rights of many other women around the world.

We recently had an artist recognised at the Women's Resource Centre. It was heartrending to hear of her experiences in South Africa with the really terrible things happening to the women there because of their culture. But, thank God, again because of our Biblical beliefs, we have not had to go through such terrible times in the Cayman Islands. With our seafaring men and with the women having to run the country for some time, we have a culture of unison and I seek to keep it that way.

As stated, there are still strides to be made in respect to domestic violence and the ministry is continuing to work in that regard. We are grateful for the kind assis-

tance we have received from the Business and Professional Women's Club. We will assist them this year financially and otherwise in their endeavours.

The ministry has responsibility for the training of ex-prisoners to enable them to come back into the job mainstream. We have put in place a dedicated Caymanian women officer who deals specifically with this area within the labour department. And from the briefing received, she is doing an excellent job and has been able to reform some of the ex-prisoners who have come out of Northward Prison.

Just looking at the name of the ministry one can see there are a number of responsibilities falling within the ambit. We have been doing everything possible to address these issues taking into consideration the amount of time we have had to spend in the House, which is also a vital part of the responsibility; and the shortness of my tenure thus far. We are open to constructive criticism. We are open to assistance where it can improve and help the ministry because at the end of the day it is my objective to improve the entire community within the Cayman Islands, politics not being one of those considerations.

I have not made an attempt to cover every aspect within the ministry because of the time and the volume of business before this honourable House. But with the remarks that I have made thus far I chose to highlight certain issues spending the majority of time dealing with community affairs and the White Paper which recently came out and the potential effect it can have. Even if it is mandated through an order in Council from the UK, our community has to be prepared. If there is any one issue I believe my Caymanian people would make a life and death issue, it is this issue.

So we each have a responsibility to prepare our people to let them know exactly what is happening, to be transparent yet accountable, and also not to be afraid to let them know what the word of God says. I believe that we have arrived where we are today because of our belief in God Almighty. I do not believe it is a coincidence that the financial reforms are coming at the same time as the human rights reforms, and if we are faithful to God's word, and put it as a paramount consideration, then perhaps it may be the solution to our financial reforms.

I believe when we made the decision about homosexuals on the gay ship it was not a popular decision. But adhering to God's commandments is not based on popularity it is based on what is right and what is wrong. I believe that we still have statesmen and stateswomen within this parliament who are prepared to stand up on those principles.

With those words, Mr. Speaker, I thank you for your kind indulgence.

The Speaker: The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate does any other member wish to speak? (Pause)

The Elected Member for North Side.

Mrs. Edna Moyle: It was not my intention to debate the Throne Speech, seeing as there is not much more that can be said. But seeing that I am the only representative in this parliament for the district of North Side, I am certain that my people would like to hear my feelings on the Throne Speech delivered by His Excellency the Governor.

I too would like to join all other honourable members of this parliament in congratulating His Excellency on the presentation of his farewell Throne Speech. As other members said, His Excellency said in his introduction that the two key challenges facing us will be the OECD initiative and the implementation of Vision 2008. These words are very true.

I will not go into the OECD White Paper. I feel that it was the right of all other members who dealt with it, but I believe that this parliament set up a committee specifically study the White Paper when it was received to go back to the United Kingdom and the people of these islands with recommendations on what we are prepared to accept. I personally believe (and I have not discussed this with any other member) that this White Paper . . . if it is one time that this country should look at a referendum law, it is to deal with this particular paper. There are issues that we must allow our people to make the decisions on—not us as their representatives. They must voice their opinions, they must say what they are prepared to accept or not accept and this must be forwarded to the UK government.

I would like to congratulate Mrs. Joy Basdeo on her commitment to the 2008 project. It may be said that I tend to commend women too often, but I will as long as I am a representative in the Legislative Assembly of the Cayman Islands. I feel she has done a very good job. I am happy that the Governor took the decision to put this on the shoulders of a woman who is prepared to see it through.

I thank the people of these islands who have contributed to the Vision 2008 project, particularly the 250 people in the roundtables who have been meeting for some four months and putting their ideas forward to where they would like to see this country go down the road. As I said in another debate on the Throne Speech, we have had contributions from sociologists, accountants, economists, you name it, that this parliament has. But my comments will be more along the line of a commoner, and I will deal with particular paragraphs of His Excellency's Throne Speech.

I would like to congratulate the new Chief Justice on his commitment to improve the listing of cases in summary court and to dispose of the more than 50 outstanding criminal cases over two years old by 1st July 1999. I feel that it is not good for cases to stay before the courts for too long a period in a country like the Cayman Islands. I congratulate him also on looking at eligibility of clients for legal aid and alternative ways of recovering legal costs that will be reviewed.

I think the courts were questioned on this particular legal aid during a meeting of Finance Committee. It was felt that it was being extended beyond persons who really needed legal aid. I think it is time that we really

looked at it and I feel that if there is any way that we can recover some of these legal costs that this should be done. The Cayman Islands needs whatever money it can collect, as we have seen clearly from one budget to the next.

I would like to move on to the Royal Cayman Islands Police (RCIP). I would like to congratulate the new Commissioner of Police. I feel he is doing a good job. I feel that he is listening to the people when he attends these police meetings held in the districts on a monthly or quarterly basis.

One item under the RCIP that gives me great concern is the managing of crime. I live in the district of North Side, a very quiet, relaxed area of Grand Cayman. In the past six weeks there have been, as I understand, some 39 cases of burglary in the district of North Side. These burglaries are taking place in the Cayman Kai area where we have a lot of retired Americans, or persons who have winter homes there who spend the winter with us. To me it sends a bad signal to those people.

We hear, when we question the cause of these burglaries, that it is just by a handful of young people paying for their drug habits. I think we have to look at this situation very closely. If this is the problem there needs to be some coordination between the police department and the portfolio responsible for drug rehabilitation to see what can be done. It has always been my belief that if we are able to save one or two of our young people from the drug habit we are achieving. We cannot just put them behind bars. Some, when they return to the public after two days, are back behind bars.

Just recently in the district of North Side at the boat ramp, four cars were burglarised between the hours of 10.00 and 12 noon. It is my understanding that a young man who just came out of prison two days before turned himself in with some of the jewellery that was removed from one of those cars because he said he wanted to return to Northward Prison. We must find out why these young people want to return to prison. We must assist them in whatever way possible to change their ways.

I remember in the district of North Side when one could go to bed at night and leave the doors and windows unlocked without worry. It is the job of the police to find these persons who are committing these crimes and take them before the courts. But I stress that there must be some coordination, and let us get some help. Let us find out why they want to return to Northward Prison.

The Commissioner of Police also spoke of community relations and community problem solving. I must thank him, for at last a community officer will be appointed for the district of North Side. My people are calling for 24-hour police service in the district. I have been calling for 24-hour police coverage of that district for almost eight years now. I can agree with the Commissioner of Police when he says he would rather his policemen be on the roads than in the police station. But it is comforting to the public when they dial the local police station that someone answers. I ask members and ministers of Council to do whatever possible for 24-hour coverage of the eastern district police stations.

I would like to turn to the capital construction programme for new roads. I would like to commend the honourable minister for taking the decision, as supported by the backbench, for the Crewe Road Bypass. This is a much-needed road to assist persons in the eastern districts travelling to George Town daily. A 24-mile drive takes one hour and a half.

I would ask the honourable minister if the Crewe Road Bypass could be given preference over the additional Harquail Bypass extension. We know both roads are needed, but I believe the Crewe Road Bypass is very necessary to assist persons from the eastern districts.

I feel that if we look at having compulsory bussing for children in Grand Cayman it would help alleviate the traffic problem. I have said this before. We will get the Crewe Road Bypass, but what happens when the traffic reaches George Town? That is a big problem. During the summer holiday when schools are out, travel from the district of North Side can take 30 to 45 minutes staying within the speed limit. It is my suggestion to the honourable minister that we look to see if compulsory bussing of school children is workable.

The Ministry for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation—

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you for one moment?

Before you go into that, maybe it would be the correct time to take the adjournment. I would entertain a motion for the adjournment of this honourable House.

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

ADJOURNMENT

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY 29 MARCH 1999.

**EDITED
MONDAY
29 MARCH 1999
10.19 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Minister responsible for Tourism, Commerce, Transport and Works who will be arriving later today. And from the Fourth Elected Member for West Bay who is ill.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 28 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 28

No. 28: Mr. D Kurt Tibbetts asked the Honourable Third Official Member Responsible for Finance and Economic Development to give an update on the ongoing financial reforms.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Honourable Members will recall that the financial reform initiative began approximately ten months ago and has involved periodic briefings and seminars for members of the Legislative Assembly as well as the civil service.

Following the diagnostic study, which was presented to members of the Legislative Assembly and to civil servants, we are now at the stage where drafts of the detailed design of the reforms and implementation plan are being finalised. It is the intention to provide a full briefing to the members of the Legislative Assembly on these drafts as soon as they are finalised and available.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable Third Official Member explain the relationship of the financial reforms with the Vision 2008 exercise?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: An integral part of the Vision 2008 exercise is the financial reform initiative. It will look at the reform initiative right across the public sector of government not only central government but also statutory authorities as well. It will take into account the components such as the Medium-Term Financial Strategy, the Public Sector Investment Programme. It ties all of the areas together because the financial reform is an integral part of the overall reform process. Unless that is in place the effective and efficient management of governmental resources will not be achieved.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable Third Official Member state how these reforms will affect the budget process?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: First of all, we are moving away from what is referred to as input based budgeting, which means looking at the requirements in terms of money amounts by departments. What will be looked at is what can be expected in terms of the range of services, or quantifying the range of services that will be provided by a given department or entity within government. It will go further and look at the utility in terms of why these services are being produced? How will they be consumed? And in terms of how this fits into the overall macro-economic management of government.

This is what will essentially happen. This is a significant shift in the budget process from what currently exists.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable Third Official Member also explain the significance of the move from the cash-based accounting system to the accrual accounting system?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: At this point in time the cash-based accounting system provides limited information to honourable members of the Legislative Assembly, the decision-makers of government, controlling officers and the community at large.

For example, if one takes the providing of a given service in the Education Department, the amount of money for the services to be provided looks at the cash expenditure needs. It doesn't take into account, for example, the depreciation of equipment, the depreciation of buildings, and it doesn't take into account other relevant charges.

What it also does is distort the accuracy of financial information in a given year. For example, we have recently completed a new hospital facility which has a life based on a period of 40 years. Based on how the financial information has been presented, the write-off of that expenditure would have taken place from the time the project commenced (two and a half years ago) up to the point where expenditure ceases on that facility which, in terms of its development cost, would be in 1999. Surely, if it were done on an accrual basis what would be looked is the developmental cost being aggregated and we would have an asset value.

Let's say from the year 1999, if this is when the facility is put in use, the depreciation of that hospital would have commenced and what would really be reflected in the budget for the year 1999 would be the value of that building that would be used up in terms of the providing of medical services for the community.

So we wouldn't have instances where the budget for 1997, 1998, and 1999 would have been bloated because of the sums put in in order to cover the developmental costs of these facilities. That would not be the case. So what it does is take into account the direct expenditure, the notional expenditure, and at the end of the day it provides a very good understanding as to what the overall expenditure for a timeframe really is.

Take for example another area, insurance. Often times some of these policies go beyond a period of one year. But instead of treating these as prepaid assets to be used up over a defined period, what happens is that from the very time the expenditure is incurred, this is when it is booked as having been spent, no consideration is taken in terms of extending the benefits into future periods.

We also have certain expenditures that are not being recognised, yet they are accruing, such as the liability for the public service pension. That is not a contingent liability; that is a direct liability. This will develop a financial statement position that will allow government to see what its asset base really is; it will look at the potential revenue because this will be provided through the income and expenditure statement. It provides complete financial information, which is not being provided at this time.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I totally agree with the honourable Third Official Member, that the accrual system will improve the presentation of the financial statements and give a better position. I am sure he would agree that it will not reduce the expenditure of government, if anything it will increase the expenditure because there will be certain expenses involved. Can the honourable Third Official Member say whether or not the revenue base restructuring that we understand is now being done by the Economics and Statistics Unit will also be given equal priority?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: First let me say that I agree with the Third Elected Member for George Town when he says that it will not necessarily decrease the value of the estimates presented to the Legislative Assembly. We have certain expenditures outside of what is shown in the estimates, and this may not necessarily be shown in terms of disbursements made, but from the very minute that liabilities are accruing and not being recognised. This will bring about a change in terms of the completeness of information because all of this information will have to be assembled and presented to the legislature for consideration.

The revenue side is an integral part that needs to be revisited. This exercise will have to be given top priority. We have quite a range of services now being provided by government that are subsidised and up to this point in time, the relevant information as to the cost of these services cannot be accurately presented under the cash accounting system. Every item of revenue will have to be looked at. This is where the research is being carried out at this time in order to develop the background information so that further policy decisions can be taken in regard to revenue.

What is important is revenue maintenance. That can be described in terms of the process that will be put in place to make sure that the revenue base doesn't experience significant diminution over a period of time. It has been suggested in this House (and also commented on in the papers) that we could look at various ways of making sure that revenue items are indexed to the cost of living index so that wherever there is an erosion as a result of inflation these can be corrected immediately. But we cannot leave any aspect . . . the quantification of assets and liabilities, everything will have to be looked at because we are talking about a full picture.

Also, what will be different in terms of the budget process, and again we are going to look at the specific legislative requirements for this, where the budget is now being brought to the House in November, we are going to have the budget preceded by the budget policy statement where members of the Legislative Assembly will be provided with an overview in terms of government's expenditure or financial programme for a given time frame

and to examine issues. These issues will embrace the funding of expenditure, looking at the revenue stream, all relevant areas of government's finances.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: My thanks to the honourable member for that answer. Based on the accrual system which takes into account a lot of expenses which are not included in the cash system, such as depreciation and other accruals, would the honourable Third Official Member not agree that if that accrual system is introduced that he might have to cut back on other expenses or otherwise increase the revenue if he is to maintain the current expenditure profile?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I take note of what the member has said, but we will have to look in terms of the impact on the other side as well, the receipt or revenue side. Let us say, for example, that there are significant receivables due, payable and collectable that are being excluded at this time. From the very minute that we start to show receivables in our financials, it will put a different impetus entirely in terms of the revenue collection mode within departments and right across government as a whole. At the end of the day this will be a part of the basis on which performance will be assessed.

For example, where a government department has the potential to collect X million dollars, and is collecting less than X, this will allow for members of the Legislative Assembly to raise questions as to why, for example, 20% of the revenue due, collectable and payable for services rendered is not being collected. It will allow for full transparency right across the board.

We will see favourable impacts on the revenue side and also on the expenditure side. What we must bear in mind is that where we have a capital development budget now, for example the most recent one, we are looking at expensing major items with a significant life within a short time frame. We are still going to have significant capital budgets, but this will take into account the portion of facilities that will be used up during an accounting period. It will take into account depreciation and all of the charges relevant to that. But one of the things we will get away from is where, for example a 40 year facility is being developed and expensed in one year.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the member for that answer. But I am sure that he will agree that receivables are really not taken into the revenue side of your income and expenditure accounts. It is an asset item. I am not really speaking of receivables that would produce cash. My trend of question has to do, really, with the bottom line regarding your surplus and your deficit on the in-

come and expenditure side of your accounts, not on the asset side.

Bearing in mind that on an average of 5% of building and equipment that your expenditure side in depreciation is going to increase significantly and that you may not have sufficient revenue to cover your present expenditure plus the additional accrual expenses such as depreciation, the question is, Do you feel that you may have to consider looking at other types of revenue, in other words, decrease the present recurrent expenditure mode? I understand the position of receivables that produce cash, which is a totally different issue from what I am dealing with at this point. I am dealing with the surplus and deficit account.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I respect the views of the member, but I will differ to one slight extent. Not to say that we are not thinking alike in terms of the structure of government's finances, but we cannot factor out the receivables from the income and expenditure statement for the reason that a receivable is a claim that exists.

Let's take the Immigration Department for example. If it has the potential to collect \$1 million for 1999 and it only collects \$750,000, under the present cash system, the only part that would be counted as revenue is the \$750,000 collected. What will not be factored into the income statement will be that \$250,000 due. When that is factored into the income statement it creates an item that shows the department that government has built up an asset because of monies that are due through services rendered by this department, but not yet collected.

I think the member will agree with me on that point in terms of what has given rise to the receivables. Then it affects the asset side. It's an asset item in the balance sheet and also an integral part of the income and expenditure statement.

We will have to look very carefully in terms of expenditure. First of all, we are changing the mode. We are making a shift from input to output. If a given department is now getting \$2 million to defray annual expenditure and this only takes into account the direct expenditure needs, when other expenditure items are added and that brings it up to \$5 million, the focus is going to shift. It is going to take account of the \$5 million. But the question is, What is that department providing to government for \$5 million? How are these services being used? How do they dovetail into the overall macroeconomic programme of government? How does it roll up what happens at the portfolio level? And what happens in terms of the mission statement of the portfolio and the overall programmes of central government? All of these will have to be looked at.

There could be a need for cutbacks, not necessarily to reduce expenditure but if the services being provided were previously regarded as useful and are now found to be less than what the government was seeking, it will mean that the whole process will have to be revisited.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable Third Official Member tell the House what significant factors transpired to persuade government to change its position from that taken in 1995—when a private member's motion was brought to the House to investigate the feasibility of operating under a system—to the radical position taken now where government is prepared to study and implement the accrual system?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The late Miss Annie Huldah Bodden said at one time in this Legislative Assembly it's either a dead person or another category that could not change his mind on issues. I said to the Third Elected Member for Bodden Town that the motion moved by him and the Second Elected Member for Cayman Brac and Little Cayman was very timely at that time.

This has created a part of the backdrop for the initiatives that are now being considered. We have also looked and considered very carefully the type of questions that have been posed by members of this House in Finance Committee. When we are talking about a budget in excess of \$300 million, this requires having to look very carefully and having to bring on board the best system that will optimise the utilisation of that amount of resources.

Part of the dynamics of life is that life is constantly changing. Something may be relevant and applicable today, but it could change tomorrow. We have to put ourselves in that mode. Up to this point in time accrual accounting . . . the optimum level of transparency, the best basis on which information can be provided, the best basis on which judgments can be made and the best basis for allowing for the accuracy of information to be gleaned is where we have now moved to. We all, including myself, recognise the deficiencies and we have done this for quite some time on the cash basis accounting. If we don't start now to make sure that we optimise the utilisation of resources that are available that plan of securing the future of these islands will not be achieved.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the honourable member then saying that the reasons which existed in 1995 are the same reasons which exist today and the only difference was one of expediency?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development. I think he's asking for your opinion. You may answer if you wish.

Hon. George A. McCarthy: The reasons that exist today are the same reasons that existed in 1995. But the

member will appreciate that I will have to restrict my comments to what I have just said.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, this is the last supplementary to my good friend. The point I want to make, and I want to clear this with the Finance Department, is that my understanding under the generally accepted accounting principle is that on an accrual system receivables do not enter into your income account. The way receivables come about is that if you sell an item for \$200, that sale is entered into your income account. If the cash paid on that was \$100 then you have a balance of \$100, that is your receivable.

So the point I was trying to make earlier is that the receivable would have already been taken into account on the sale or revenue item. What appears as a receivable is the amount of that sale that is not received by the government. That is the receivable for government and that comes through as cash. Would not the member agree with that explanation?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: As I said earlier, I respect the views of the Third Elected Member for George Town. First of all, if we look at what type of industry government is in, government is a service industry. If we are going to have receivables they are going to come about because of claims created for services rendered. When a service is provided, let's say the hospital medical health services at this point in time, we find that the value of services provided on an annual basis amounts to \$4 million or \$5 million. We see this by the amount of receivables outstanding for a specific time period at the end of the year.

We are told that the range of services provided amounts to X, but only a given sum of that money is collected. When we have \$5 million worth of services provided by a department and only \$3 million collected, we cannot allow the \$2 million (that would otherwise constitute the receivables claim to monies that are due and payable) not to impact the income statement. It will, because the value of services at \$5 million will have to be brought in.

Now, what is going to show as going through the cash, because you would have already realised a part of that asset of \$5 million (being the \$3 million in cash collected), and you would have claimed the \$2 million for future settlement whereby government has a right. We agree on this point. So if government is in the service industry and we do recognise that we have a combination of trading concerns such as the Water Authority, and we have the service activities and so on, but we cannot allow for the \$2 million that would otherwise be listed as receivables not to impact the income and expenditure statement.

So, it seems to me that we could be agreeing, but probably we may have a difference in thinking on this.

The Speaker: The First Elected Member for George Town, two additional supplementaries, please.

Mr. D Kurt Tibbetts: Yes, sir, thank you.

Can the honourable Third Official Member state (if he is prepared to answer this question) what will be involved in regard to training in the public sector in order to accomplish the financial reforms?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: To a limited extent the training has already commenced in that we had two workshops that were run earlier this month. We had the broad design workshop where we brought together controlling officers from different departments and we then held the output specification workshop where we found there was a need to bring controlling officers together to start thinking in terms of what the outputs will mean.

First, it will start with the members of the Legislative Assembly, which includes members of Executive Council. It will require bringing together all heads of departments within government, permanent secretaries, heads of departments, deputies, senior assistant secretaries, in fact right across the entire spectrum of government.

When we understand what accrual accounting will do, it's a more manageable process than the cash accounting system because the accrual allows for the implementation of specific disciplines to be put in place. We are going to bring together (and this is where the trainers are now being trained) all relevant persons and we are going to say to them that this is not a process where one should be intimidated. It should be a training-friendly environment where some will be stronger in some areas than others and we are going to be making available resource persons to go around to assist departments after putting them through the training exercises.

But this is an integral part of the whole process because there has to be a shift from how we are presently thinking in terms of the management of government's resources to exactly where we want to go and training is an integral part of that. It's not a one or two day . . . it's getting people into a training environment and making sure that they have an understanding, one that can be demonstrated in terms of how the process works.

The Speaker: The Third Elected Member for George Town, and this is the last supplementary.

Mr. Linford A. Pierson: Thank you. I think if I am not misquoting the honourable Third Official Member he said that the contemplated accrual system is easier than the present cash accounting system. I beg to differ with him. I think that he will go through a period of nightmares when the accrual system is put into effect (and I will turn this into a question) because the accrual system will entail having to schedule all of government's assets, depreciating them and making sure that all accruals such as receivables are kept in place.

He said earlier that if you sold X amount of medical services at the hospital, which would have to be your sales or revenue, that you would then have to keep an account of the cash received and the receivables. But what he didn't say is that a proper billing system would have to be put in place to ensure that that \$5 million is eventually collected. Would the honourable Third Official Member not agree with my summary of this point?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Let me deal with the questions in two parts. When I said it's an easier system to understand, probably that is an understatement. I will say, to clarify the point that I wanted to make, that it is a more intelligent system.

A significant point of interest in this honourable House is the lunch being provided by Anita. Just use her for example. Let's say that the budget allows \$24,000 to pay her on an annual basis, and \$24,000 for food. That amounts to \$48,000. Let's say that a stove has been bought and it cost \$1,000 and we are going to depreciate it on a straight-line basis. First of all we are going to take one-tenth of the value of that stove, which is \$100. So where the budget prepared by the Clerk of the Legislative Assembly would show a value of \$48,000 being put in to defray the provision of beverages and the occasional lunches, now it becomes \$48,100.

Let's say that pots and pans are there and they have a value of \$500 over a period of ten years (this is just an example), then we add another \$50 on to that. So we have \$48,150. Let's say she uses 100 square feet in terms of space that is provided. Let's say the remainder of the life of this building is 20 years and a given value is put on that. When we factor the depreciation into it we find that what was previously shown as a budget of \$48,000 becomes in excess of \$50,000. This allows for one to see with greater clarity the cost of providing these services.

Let's say the \$48,000 was taken to be the value of providing the services, and to average it out in terms of the cost in providing snacks it came out to be X. Now when we move to an accrual basis it's going to become X plus Y.

Now, going on to the second part in terms of the receivables or the system now in place at the hospital. I agree with the member that, as I pointed out earlier, an integral part of the financial reform is to have a proper billing system in place in every department. He himself is a chartered accountant, and a very good one as we hear from the questions put and it is known throughout the islands. Where this honourable member sits back and sees that the earning potential of the hospital is \$5 million but only \$3 million is collected, he is going to raise a question, What is happening to this \$2 million? What has happened to a previous period? What is going to happen in subsequent periods and so on?

We are talking about interlocking every significant aspect of the system to make sure that everything functions so that we can optimise the entire process.

The Speaker: Moving on to question 29, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 29

No. 29: Mr. Roy Bodden asked The Honourable Third Official Member Responsible for Finance and Economic Development what duty free concessions does Cable and Wireless Ltd and Caribbean Utilities Co Ltd receive from the Cayman Islands Government.

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

The Speaker: Before I call upon the honourable Third Official Member, I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

Mr. Linford A. Pierson: I so move.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I second the motion.

The Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Under the terms of its franchise, Cable and Wireless Ltd is exempted from customs import duty on all telecommunications equipment, apparatus and machinery required for the operation of its telecommunication installations and business.

Under the terms of its licence, Caribbean Utilities Co Ltd receives full concessions on specified capital assets (being the core generating plant) and a rate of 10 per cent import duty on all other capital assets, goods, materials and supplies imported for use in connection with the Company's operations and business, excluding fuel.

I would respectfully direct any supplementaries to do with the respective licences to the Honourable Minister for Agriculture, Communications, Environment and Natural Resources by way of a substantive question in a subsequent meeting.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I believe that under the CUC franchise there is a built in 12% return on capital employed. Can the Third Official Member, or the Minister with responsibility say whether there is any consideration to attempt to amend this return on capital employed since this has been in place since the company was established many, many years ago? And, if I may say, it was my understanding that this was put in place to encourage the company to establish itself here, and since that time they are really making some really huge profits. I wonder if the honourable member can say if it is being considered by government that this matter will be revised at some future date.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The return on capital that is guaranteed is not 12% but 15%. But as the honourable member can appreciate, this subject falls under the Honourable Minister for Agriculture, Communications, Environment and Natural Resources. In terms of communicating government's policy initiative on this, it would be advisable for this information to be provided by the minister.

As I said earlier, this may be done by way of a substantive question at a subsequent meeting of the Legislative Assembly, or if the minister would want to intervene in terms of those questions he is able to respond to. But it would not be appropriate for me as this does not fall under the portfolio of Finance and Economic Development.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the honourable Third Official Member for that correction. It is indeed 15%—which makes it even worse than I had thought!

Can the member or the minister say whether this return on capital employed has been reached by the company in recent years? Or has the government had to meet the shortfall by increasing the cost of that utility to the public?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Within the past two years or so I am not aware of any request being put forward for any shortfall to be met. But it may be better, and it is not that I am trying to evade the question, but in terms of the implications this could have for the honourable minister responsible for this subject, I think the member for George Town will appreciate if I attempt to limit my responses. It's not that I am trying to be evasive, but the member at one time was himself the minister for that ministry, so he can appreciate the predicament I am fac-

ing in terms of dealing with questions falling under another ministry.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wish to assure the honourable gentleman that I will not attempt to put him on the spot. I take note of his suggestion and I certainly will avail myself of that opportunity. My question is, Are there any other entities operating within the Cayman Islands enjoying such duty free concessions?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: There are numerous entities enjoying concessions in one form or the other. A report has been done on this and the matter is under review by Executive Council. The legal implications of these concessions are being considered by the Attorney General's office.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable Third Official Member give us an idea of what is meant by this 15% return on capital investment?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I can say that it is a return on the capital employed in the generating of electricity. But as I indicated earlier in terms of the specifics of that, it would be useful if that were embodied in a substantive question to be provided by the honourable minister.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: The Fourth Elected Member for George Town was trying to get information as to what was meant by return on capital employed (and I will turn this into a question). It is the net profit expressed over the assets used in the company, especially the capital assets used in a company to produce the net profit and that's the percentage.

I wonder if the honourable Third Official Member would not agree that this is the position. And what position has government taken in recent years to ensure that that capital base is correct? What I am trying to get at is whether any of that capital base should be written off because the bigger the capital base the harder it is for the company to produce the 15%.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I can appreciate the attempt by the member to explain what the return on capital ratio is, and I will not differ with that. But when he says that it is the net profit over the value of capital employed, it is not strictly the net profit because the honourable member is aware that it is the net profit minus certain allowable expenses. This is why I said earlier that in providing the breakdown of this (in terms of what those allowable expenses are) it would be useful for the minister to go into that.

Mr. Speaker, I looked very carefully at this question on Saturday, but I did not have a copy of the franchise agreement available at that time as I had just returned to the island on Thursday afternoon. I wanted to go through the franchise for Cable & Wireless and also CUC, but I was not able to access those documents. So I am not able to get into the specifics in terms of allowable expenses and further details now being sought.

If it is a question of going into the specifics in terms of allowable expenses and non-allowables and also the asset base, because everything has been developed along certain procedures for qualifying and being recognised as part of the rate base . . . It could be that there are certain assets on the books. But the member will recall that from the time he was there the company provides what is called an interim report. That would be confirmed at a subsequent date by a set of audited financial statements.

I am not trying to be evasive. What I am trying to do is not provide misleading information. I would not want to do so to any member of this honourable House.

The Speaker: Do you have a follow up? Third Elected Member for George Town.

Mr. Linford A. Pierson: Yes, Mr. Speaker. I totally agree with the honourable Third Official Member on the allowable expenses. I guess once he takes off the allowable expenses he would call the net profit a net, net profit.

But that was only part of the question. He keeps referring to the time I was there, but when I was there I knew that a proper accounting system was in place. I don't know about today, but I assume that it is still in place.

Part of my question was if the honourable member could give an indication of what assets . . . Mr. Speaker, when he is finished consulting with his deputy I will continue my question because he needs to hear what I am saying.

I just wondered if he could say if the list of assets in the asset capital base have been checked by the finance department and whether or not they can categorically state that all of those assets are employed or if some of them might have been written off.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: At one point in time the checks used to be carried out by the portfolio of Finance

and Economic Development. This was done on behalf of the ministry. At a period in time there was a request by the ministry that the returns from CUC should be submitted to the ministry for examination and the work that was being carried out by the portfolio of Finance and Economic Development should, in effect, be carried out by the ministry.

We know that the ministry has assigned an officer to carry out this examination and I would imagine it takes place at all levels. First there is an interim report submitted by the company. When this interim report used to be done by the portfolio of Finance and Economic Development it would have been gone into in line with the provisions of the franchise agreement to make sure that only the schedule of assets that would be recognised in the rate base would be considered. If there were any differences it would be sorted out with the company and I imagine that this is still being done.

This would be confirmed at a later date by the audited financial statements provided. We have two audit processes in government: the Internal Audit Unit and the Auditor General's office. I did not consult with both of these entities to see if a review had been carried out by any of them but the financials are there. This is all based on properly documented information.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the honourable Third Official Member would be in a position to give the Legislative Assembly some idea of the monetary value of these exemptions on an annual basis.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The financials that are submitted to the Ministry of Agriculture, Communications, Environment and Natural Resources, . . . there is an officer assigned. And part of that officer's duty would be to carry out an analysis. What I spoke about earlier was not intended to mean that it is not being done. I can talk about what used to be done in the portfolio of Finance and Economic Development.

I said that I wanted to believe that the same process is being carried out by the ministry and I have been advised that it is being done, so this will be useful for honourable members to hear. There is no breakdown there.

At this point in time it will be difficult to say off hand to the honourable member for North Side what the value of the concessions are. But I can undertake to provide that information as best as it can be quantified.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I look forward to receiving that information. I wonder if the member could say if motor vehicles for these two companies are included in these exemptions.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I will have to check on the exemptions on vehicles for CUC, but those for Cable & Wireless are included in the exemption. I should point out that when we say vehicles for Cable & Wireless are included in the exemption, that is one aspect of it. And while a question has not been posed, it would be useful to hear.

At this point in time, members are aware that there is a certain payment made by Cable & Wireless under the terms of the revised agreement to government. For the year 1998 the revised figure on receipts from the company would have been in the region of \$7.5 million. This is expected to increase upward to approximately \$10 million for the year 1999. This is based on a calculation, a given percentage of the company's profit, which is approximately 20%. I am not sure if that is net or gross. That would have to be confirmed.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

Moving on to item 4 on today's Order Paper, Government Business, continuation of debate on the Throne Speech delivered by His Excellency Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on Friday 19th February 1999. The Elected Member for North Side continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR JOHN OWEN, CMG, MBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY 19TH FEBRUARY, 1999

(Continuation of debate thereon)

Mrs. Edna Moyle: Thank you.

When we took the adjournment on Friday afternoon, I was making some comments on the Crewe Road Bypass, and moving into the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. Over the weekend I felt that it would be an injustice to the past minister responsible for Public Works if this parliament did not pass on its thanks for his contribution to the Crewe Road Bypass which has now become a reality.

I think it was the past minister who put in place the road corridors for the Crewe Road Bypass and for the Harquail extension. I think he deserves thanks for the traffic lights, which I think are being successful at the present time, particularly on Monday mornings.

Coming from the district of North Side, I wonder if it is the traffic lights or if people have decided to arrive at work later on a Monday morning. But I must say that the traffic is flowing much freer now than it was before. So the traffic lights are now a reality and I am certain that they could not have become a reality just overnight. Cer-

tain work had to be done a long time ago for us to have been able to switch on those lights just a few days ago.

I still have some concerns about the Crewe Road Bypass because from Northward to Tropical Gardens there are some 50 to 60 side roads that feed into the main Bodden Town/George Town road. There are three schools with entrances and exits and there is a fourth school about to be constructed in the Spotts area. I don't want to preach doom because whatever assistance can be given to persons travelling from the eastern districts to speed up their time of arrival in George Town (which sometimes takes up to an hour and one half) I appreciate very much and I am grateful.

I would like to say that we cannot always take the praise for things that are working when someone else has contributed, and we must pay thanks and praise to whoever has contributed. I would like to say to the past minister, Thanks for putting in place the Crewe Road Bypass particularly, to ease the travelling from his district and mine, and the district of Bodden Town.

At this time I would like to turn to the Ministry for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. We saw in the Throne Speech, "**Amendments to the Health Services Fees Law relating to the cost of new services will soon be presented to the Legislative Assembly.**" I am sure there is a need for these fees to be looked at because of the new facility, which became a reality Saturday with the official opening. But we must look at the increase in these fees carefully to make sure that the health insurance that has been put in place will cover these costs. I don't think that some of our people can take much more of a burden in the cost of health services or any other service government provides.

On the other side, we Caymanians are proud of their new hospital and we know we have to be prepared to pay. We must look toward receiving the service in the Cayman Islands if it is offered at our hospital rather than looking to travel overseas.

The honourable Minister for Health must be an awfully proud man this morning seeing that a project the size of the George Town Hospital has now opened its doors to the people of the Cayman Islands. I am proud to have been associated with the decision to build the new George Town Hospital. I assure the honourable minister that he has my support wherever needed to make this facility work.

But I have had a number of people from my district complain about the attitudes of some of the staff at this hospital. We can provide the most gorgeous building in the world but if it is not properly run by staff prepared to care for the sick, it will not work. I have confidence in the honourable Minister for Health. I know he will look into this problem because I am certain they have visited him with these complaints also.

I note that under the Health Services, one paragraph read, "**Health care surveys of prevalent diseases will be conducted in order to assist the department to further improve the level of patient care and types of treatment provided.**" I wonder, in reading the newspaper and hearing of cases of whooping cough

in these islands, if it is not time for us to require public health certificates (if we do not require them at present) from persons travelling from areas that have these diseases in order to protect our people and stop an outbreak.

I would ask the honourable minister to look into this, and if this requirement is not in place now that we do put something in place so that we can protect our people.

Social Services: I was a bit disappointed that the United Nations has declared 1999 the year of the elderly and there was no mention in the Throne Speech as to what we intend to do for the elderly of these islands. The North Side Senior Citizens Health Care Centre is one of the projects appearing in the capital development projects, with an estimated total cost prepared by Public Works for the building thereof. Unfortunately, it was one of those projects removed from the capital projects for 1999. I would ask government to reconsider this facility.

The Family Study has shown that the majority of our elderly live in the district of North Side. It shows that the majority of those elderly are women. And the majority of those women are widows. So I will say that whatever consideration given to bringing this project back in 1999 would be more than appreciated by the people of the district of North Side.

The honourable minister has said that the architectural design will commence on the adult care centre this year for the elderly in the district of North Side. I don't know whether to hope or not because there was \$90,000 in the budget for 1998 and there were no plans drawn up, as I understand it. And the provision this year is only \$25,000. So if we didn't achieve the plans in 1998 with \$90,000 I wonder how we are going to achieve it in 1999 with only \$25,000.

I will touch on education very briefly because I feel that education was covered by every member who spoke before me. My comments will be to ask the minister to keep in the forefront the projection of the number of children coming of school age so that facilities will be provided in advance, and not come to the point we are at now where we need some \$54 million to upgrade facilities for education. I will ask the honourable minister . . . and I have to say now that whatever my requests have been for the primary school in North Side the minister, his ministry, and the education department have made provision for those needs.

But I am still concerned that the North Side Primary School has a double class being taught by one teacher at present. I think the attitude is that it's a small school with a small number of children. But when we have 25 children of the lower ages it is pretty hard for one teacher to teach while keeping control. So I ask the honourable minister and his department to give the North Side Primary School an additional teacher as quickly as possible.

Someone told me that they visited that school and said that it has facilities that no other school in the island has. I am proud, and I am thankful that the North Side Primary School has reached that stage because between the years 1988 and 1992 the North Side Primary School was totally forgotten. I also am thankful for the

school being air-conditioned. I know this is a project that has been undertaken for all primary schools in the island, and it is well needed.

I am looking forward to hearing that the site-based report of the North Side Primary School has been completed. If there are problems, this study will tell us where they are so that we can find solutions.

I now turn to the Ministry of Agriculture, Communications, Environment and Natural Resources. I have one concern under Agriculture. **“The year 1999 has been designated the ‘Year of Agriculture’ by the Ministry of Agriculture, Communications, Environment and Natural Resources. During the year a review and evaluation of the roll over Agricultural Plan (1996-2000) will be conducted.”** I don’t know how the government expects the honourable Minister for Agriculture to achieve the Year of Agriculture in 1999. I have looked at the budget document and the estimates and all I can find is \$120,000 for agriculture programmes. I find no funds for agricultural roads in Grand Cayman and I think that one of the proposals in the agriculture plan some time back was a recommendation to continue to open up more farmland by providing roads for farmers.

Some people may argue that the old Caymanian farmer did it on horse or on donkey or by foot. Those days are long gone and farming in the Cayman Islands is done under adverse conditions. We know that we do not have acres and acres of nice soil that can be ripped and planted. We have very rocky, very limy soil to deal with. Coming from the district of North Side where there are a lot of farmers who contribute to the Farmers Market with their produce, I would ask government to look at providing the ministry and the agriculture department with a realistic sum of money to enable them to say that 1999 is the Year of Agriculture to encourage our farmers to produce more.

We are now self-sufficient in green bananas, but I believe a lot can be done where we can become self-sufficient in more areas.

Under the Ministry of Health I missed the Mental Healthcare Law. Since 1993 I have been asking in this parliament for a facility for our mental health patients. We can no longer allow these people to walk the streets without a long-term care facility. I think there are provisions for these persons in the new hospital but it is the long-term facility that is a priority in these islands. I think we intend to turn the old West Bay Health Clinic into a mental health care facility, but I am certain that this will be an outpatient facility.

On the eve of the 21st Century, and speaking of the best standard of living in the region, we can no longer put our mental health patients in the downtown lockup. That is not the place for them. We can no longer allow them to roam the streets and sleep on the dock or under the trees. I think government needs to look at this problem urgently. Many of these have been drug abusers, but whether or not that is so, they are our people.

The Hawley Estate is about to become a reality, and I know that this was one of the pet projects of the First Elected Member for West Bay, the previous minister. I

would say to the minister now responsible that whatever it takes to provide this facility, let us do it.

I now turn to the Ministry of Community Affairs, Women, Sports Youth and Culture. Before I get into the meat of my contribution on this portfolio, I would like to congratulate the minister on her achievements in her district. But I would ask that the ministers in Executive Council look at the district of North Side in the same light as they do Cayman Brac and Little Cayman.

Mr. Speaker, I remember before you took your seat where you are now, whenever I asked for certain funds for the district of North Side in Finance Committee you would always say Cayman Brac needs the same amount as North Side. I now say to the government that the district of North Side needs the same consideration. We have the most elderly people in the islands, as stated by the Family survey. But the young people of my district are leaving. I can say that since January 1999 probably five young people have left that district. So the district of North Side does need special attention.

One of those needs is a shorter road to cut down the travel distance to George Town. I look forward to seeing a public library in the district of George Town that could be considered a national library for the islands.

Sports: We have gone a long way in providing sporting facilities for these islands. I would like to thank all persons—and this started when the First Elected Member for West Bay was in the ministry—for the upgrading of the Old Man Bay playfield, for the provision of the basketball court. I was a bit disappointed, and maybe I did not hear correctly, but I thought the minister said she would be opening the Bodden Town playing field shortly. But I heard no reference of the Old Man Bay playing field. That district has no other area for the young people to go and play.

Our North Side Primary School children must travel to the Truman Bodden Sports Complex to practice for inter-island sports day to get used to the finish on the track. They must travel to the district of George Town to the Truman Bodden Sports Complex to have their sports day. I think the time has come for some consideration to be given to schools in the eastern districts, to be given a facility where they can practice and be able to compete at the inter-schools sports day at the Truman Bodden Sports Complex.

I am thankful that the Frank Sound Park will hopefully become a reality in the year 1999. I noticed that some fill is being dumped on it at the present time. Frank Sound is an area where the young children . . . and I think it is one of the fastest growing areas in the district of North Side with young families. And those children have nowhere to kick a ball. Many an evening you will see them playing on the road, which is a 50-MPH zone. So when this Frank Sound Park is completed I am sure they will be most grateful.

I would now like to touch on Women. I want to make it very clear that it is not my intention to criticise for the sake of criticism, and it is not my intention to embarrass anyone. My sole intention on the subject of women is to deal with the problems affecting women. Had I not been interested in problems affecting the women of these is-

lands I would not have brought a motion in 1995 to set up a Women's Affairs Office.

I think these entire islands realise that the needs of our women differ from those of men. I have never said that domestic violence must not be dealt with on a gender or partnership basis. I think if we research the motion I brought, it said plainly that we would like to do this in partnership. I have here statistics—

The Speaker: May I interrupt you for just a moment? Would this not be a good time to take the morning break before you start with your statistics?

Mrs. Edna Moyle: Yes, Mr. Speaker.

The Speaker: We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.47 AM

PROCEEDINGS RESUMED AT 12.19 PM

The Speaker: Please be seated.

Debate continues. The Member for North Side continuing.

Mrs. Edna Moyle: Thank you.

When we took the suspension I was about to look at some statistics relating to domestic problems. In January 1996, we had a total of 80: 47 for assault, 7 for damage to property, 26 for domestic abuse. In February we had 68: 27 domestic abuse, 35 assault.

In March, we had 61: 28 assault, 26 domestic abuse. (I am not reading damage to property because it's a small number). In April 1996 we had 78 total: 45 assault, 26 domestic abuse. In May we had 72: 38 assault, 29 domestic abuse. In June we had 67: 36 assault, domestic abuse 30. In July we had 55: 19 assault, 34 domestic abuse. In August we had 62 total: 36 assault, 25 domestic abuse. In September we had 56: 23 assault, 31 domestic abuse. And in October, November, and December 1996 there were none.

My reason for mentioning these statistics is because the matter of domestic violence in this country is now a serious problem. Whether we deal with it as just a woman's issue or we deal with it as a gender issue, it matters not to me. My only concern is that we address it before it escalates any further. I think if my memory serves me correctly, that we have had two or three deaths related to domestic violence. In my opinion, that is too many deaths for a country as small as ours.

A place of shelter for the abused is a priority. I see nothing in the Throne Speech about government's commitment. Maybe I missed it.

Anger management for those who commit the crime, male or female, is a priority. We must stamp this out. I think the studies will show that this is a cycle and we must break it. Maybe we have our young people who grew up with grandfather and grandmother because of domestic abuse, so they think it is the way of life. We can no longer continue along that road because we will end up in disaster.

I have a list of international agreements and conventions on women and children. I am not aware of any of these being extended to the Cayman Islands. I am sure that the United Kingdom is a signatory to these conventions or agreements. I would ask the honourable minister responsible for women's affairs to do whatever she can to get the conventions that apply to our situation here extended to the Cayman Islands.

We have the Convention on the Elimination of all Forms of Discrimination Against Women. We have the Nairobi Forward-looking Strategies for the Advancement of Women Towards the Year 2000. We have the World Declaration on Education for All. We have the Convention on the Rights of the Child. We have the Declaration of Child Survival Development and Protection. We have the Declaration on Violence Against Women.

When I enquired as to why the Convention on the Elimination of all Violence Against Women (and this was not from the honourable lady minister) was not extended to these islands I was told because women would have more rights than men, because there is no human rights law, or no Bill of Rights. I do not see that as an argument that we cannot protect the women of these islands against violence.

I will read from the Beijing declaration and platform for action. **"To promote an educational setting that eliminates all barriers that impede the schooling of married and or pregnant girls and young mothers, including as appropriate, affordable, and physically accessible, childcare facilities and parental education to encourage those who have responsibilities for the care of their children and siblings during their school years to return to or continue with and complete schooling."**

I know there are a number of women in these islands who are in the hotel industry being paid very little. I am sure that if they were given the opportunity to go back to school . . . but not in a setting like the community college. We would have to work out some other facility to allow them to go back to school and get better educated where they can demand better jobs to care for their children. Let us re-train every woman in these islands. Give them the opportunity to make a better life for themselves and their children.

I argue that we can bring a national youth policy to these islands, and I look forward to that. I hope it is earlier rather than later. But I do believe that until we solve the problems of the women in these islands, we cannot honestly solve the problems of the youth. Why is there no provision in the Throne Speech or in the Budget for a specific unit of the Royal Cayman Islands Police Force with trained police to deal solely with domestic violence or problems? It is a necessity and I am certain that it is most welcomed by the people of these islands.

We hear of sexual molestation of our young girls. I had the opportunity of having young mothers come to me asking 'Where do I go?' We need a facility where these young mothers can go to get help. It is obvious, when we put ourselves in their shoes, the embarrassment they go through. We must offer assistance to them.

God in His Omnipotence realised that He couldn't be everywhere all the time so he created mothers. We must take the necessary action to put in place appropriate legislative, administrative, social, and educational measures to protect the girl child in the household and in society from all forms of physical and/or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. We must put legislation in place to protect girls from all forms of violence, incest, sexual abuse, sexual exploitation, child pornography, and develop age appropriate and safe and confidential programmes, medical, social and psychological support services to assist girls who are subjected to violence.

We hear too often of the situation where these young girls are being molested. I read from the Beijing Declaration and Platform for Action, of which I think the United Kingdom is a part. I have yet to find out if the Cayman Islands government has accepted this platform. If we have not, we need to. There are sections that do not apply to the Cayman Islands. I know that. But we need to accept the sections that apply to the problems in these islands.

It is time that we bring about mandatory minimum sentences for sexual molestation of young girls, for incest. Whatever the problem, we must not allow these predators to walk into our prisons where there is no hard labour any more and walk out in nine months, or in four or five years. I say the punishment must reflect the deed that has been committed by these people.

In talking to some of these young mothers who come along with their suspicion of sexual molestation, . . . is it in our schools? Are we giving courses to these young children? Remember when we were growing up? I do not know if it is correct to say that we were not as mature or advanced because we didn't go to school until we were six years old. Our children are entering school at three years nine months, four years. Are there any subjects in the curriculum that will teach these young girls and boys if they are being molested where they can go?

These are the services that we as a concerned government, as concerned representatives of these islands, must put in place. What happens to the young child? Are there counselling services? What happens?

In my opinion it is time that this country published the names of people who commit these crimes so that other women can protect their young girls from such disasters. In my opinion, sexual molestation and things of that nature are attempted murder because it has killed that young lady. We must put a stop to it!

It would shock this country to know that we have stalkers. Several years ago a young mother came to me in tears over the situation of her young daughter. The boyfriend (from whom the daughter had decided to move away from) had held her daughter at gunpoint in her own home. We cannot allow this to go on any more. We can no longer sweep it under the carpet and expect it to solve itself. These are the things I am asking for. Let us reach those persons most in need of the help. Let us provide the help and let us reach those who are too embarrassed to come forward.

When I was president of the Business and Professional Women's Club back in 1995, there was the 16 days of Activism Against Gender Violence. The club put forward several ideas to the minister then responsible for women's affairs. Some of those were a specific domestic violence unit within the Cayman Islands Police Force, the extension of legal and personal counselling provision to encompass the following: the establishment of a crisis line that operates for 24 hours per day (I think that is in place); the provision of rehabilitative counselling for victims of abuse; the provision of mandatory and voluntary counselling for abusers focusing on issues such as anger management and the dynamics of abuse; the provision of support groups for those wishing to avoid or recover from the negative side effects of domestic abuse; the provision of support groups for women wishing to move from learned helplessness and to develop their inner strength, self-respect and dignity; the provision of free bi-monthly workshops at which legal counselling and additional personal counselling is offered; the provision of free first-contact counsellors and attorneys who are willing to provide initial advice to victims of domestic violence receiving hospital or medical treatment. I do think that the women's resource centre, through the befrienders, now offers this service.

The provision of a wide range of educational experiences and educational material including, but not limited to, information leaflets on legislation, a section in the public library for abuse related issues; further work in schools on the development of positive personal relationships; the further involvement of the churches in an educative and supportive capacity towards the abused and the abuser; changes in legislation relating to domestic violence legislation and related Mr. Speaker, I could go on and on and read these things.

The changes in the implementation of legislation to include police guidelines, guidelines relating to the bail law, 24-hour emergency legal service, legal aid. Mr. Speaker, it goes on and on and on.

I was kind of shocked to realise that the Summary Jurisdiction Domestic Violence Law, 1992 (maybe this has been changed or the regulations put in place, I don't know) at that time the BPW Club expressed concern that no regulations had been prepared. The regulations are required for this law and should be promptly issued for all amended and new laws.

Maybe it is time for us to put in our legislation that the court orders for counselling . . . it's time for us to put a no drop prosecution. At the time when I was the BPW Club president, I got some information from Canada on the legislation that they have in place for domestic violence. We all tend to say that the woman reports this incident to the police, but when it comes to prosecuting, she doesn't want to go as a witness. Canada has in place legislation that once the police arrive and see that a criminal act has been committed there is no necessity for them to insist that the woman or man (whoever reported the incident) attend in court. These are the things we need to look at.

If the honourable minister does not have a copy of this, I would be more than happy to let her have a copy. I

encourage the government to accept the sections of the Beijing Platform that will be workable in the Cayman Islands as soon as possible.

There are young fathers in these islands who are concerned about what is happening to the girl child. A young father handed me these words of a song that he wrote. Mr. Speaker, we need to take note: **“Father’s lust for a daughter he should love so much. His passion far too strong to bear. Her skin taught from an innocent touch. Her sweet smiles can hide her increased fear. From the pimp to the poster, he life is so confused, with a spirit that’s so badly broken and bruised. What childhood sin could have caused this terrible curse? Life for this young child could not have been any worse. Stop the violence, break the cycle, our children are rare gifts.”**

When we read newspapers and see what is happening, we should listen to those words, sir. I mentioned earlier the district of North Side and what is happening with people moving. I call upon the government to look into this situation as a priority. We would hate to see all our young people leave this district. Maybe it is time that we looked at what the Fourth Elected Member for George Town has said. It is time that we start moving to the eastern districts with more development that can keep our people employed.

Maybe it is time for government to move sections of the government that can ably go into the eastern districts and provide jobs for the people of those districts. Help with the traffic situation in downtown George Town by sending some of the traffic to Bodden Town, North Side and East End.

At one point I had suggested that maybe the place for the Agriculture Department could have been on the Frank Sound Road, seeing that the majority of our farmers come from East End and North Side. I think I am correct in saying that. But whatever we can do to keep people in those districts employed so that they too can stay in the district that they live in and be able to make a decent salary and not have the hassle of travelling to George Town everyday leaving their children from 6.30 in the morning heading to work so they can get there on time, and not getting back until 6.00 and 7.00 in the evening, we should do Mr. Speaker.

On the matter of women, there was one item that I missed that I would like to ask the honourable minister to look into, if she would be so kind. I think that our Maintenance Law says that a child must be maintained to age 16. I think our school age has been increased by one or two years, so I feel that this Maintenance Law should be amended so that we are in sync—that the child will be maintained up to school leaving age, or let us say age 18, and that assistance with that child, should that child go off to college, will also be given.

Before I sit down, I would urge the government . . . because when I heard the reply to the question here on hurricane shelter safety I was a little bit shocked. When out of 19 hurricane shelters in Grand Cayman and three on Cayman Brac and one in Little Cayman there are only four built and equipped to hurricane specifications. I know that if we experience a hurricane like Mitch, which

just stayed there doing his damage, we are going to suffer a great loss. We may not have a hurricane the strength of Mitch, but we may have one like Gilbert. So I feel that we really need to look at the provision of hurricane shelters in these islands that are built to hurricane specifications as soon as possible.

When I think of the district of George Town, with some 8,000 residents; West Bay with some 5,000 or 6,000 which do not have proper hurricane shelters, it concerns me Mr. Speaker. I would like to throw out a challenge to the honourable Financial Secretary and the entire Executive Council that we can no longer delay a national disaster fund for these islands.

Mr. W McKeeva Bush: Hear, hear!

[Applause]

Mrs. Edna Moyle: That is an absolute necessity and a priority!

It is a priority because it is for all the residents of the entire Cayman Islands. So let us look carefully at what projects we now have in capital development that, in my opinion, are political projects to re-elect representatives. Take those funds and provide a national disaster fund for the people of these islands.

Priorities are priorities. We all know the meaning of the word. We would all like to get re-elected in the year 2000. But if I go down to the polls in the year 2000 because I didn’t provide a specific facility in my district, but I did provide a national disaster fund for the people of these islands, I would not have lost the election I would have gained because my people would have been protected.

Thank you, Mr. Speaker.

The Speaker: Proceedings are suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.43 PM

PROCEEDINGS RESUMED AT 2.45 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech. Does any other member wish to speak? The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you.

As other members have done, I would also like to congratulate the Governor on what I consider a very comprehensive Throne Speech. I am pleased to know that after being with us for some time we have presented to us a Throne Speech that tells exactly what is taking place and shows the Cayman Islands in a very, very good position.

I would also like to thank His Excellency and his good wife for their contribution to the Cayman Islands and our people and especially their involvement with the youth. We can all say ‘thank you for a job well done.’ I believe I am correct in saying that Mr. Owen actually

worked slightly different from other Governors by leading us into Vision 2008 for the betterment of the future of the Cayman Islands.

The individual areas under his portfolio, such as the Royal Cayman Islands Police, we have to give credit for. While I believe each one of us in here would like to see a lot more happening in that area we have to give credit that certain things have been done for the betterment of these islands. I wish God's speed for him and his wife and I trust that they will be back with us in the Cayman Islands in the future.

A lot was said on the Throne Speech and I will not try to repeat things that have already been dealt with. But I must say that I will be dealing with the areas concerning my ministry. I would like to start off with what everyone knows is my favourite subject, and that is agriculture. May I say that I have been very pleased with the progress in agriculture over the last four years? We have seen improvements not only in the farms, not only in the crops or our animals, but we have also seen improvements in the services which the department and the government offered to the agricultural sector of the Cayman Islands.

It is a known fact that the agriculture show has become a national event, one which is also a family event, an event where tourists and our people alike are privileged to come to a beautiful island to enjoy a wonderful day. The last show spoke for itself. We have been offered through the Agriculture Society, the Department of Agriculture and the work of my ministry . . . although there are some who believe that certain things have not been done through my ministry, but I will deal with that later.

I am proud and pleased to know the various departments under my ministry have done so well, and with much less funds. What we have had we have dealt with in the interest of the populace of the Cayman Islands. We provided an excellent show.

When I receive letters of commendation on behalf of the society and me, it makes me proud. That event is not an event of alcohol and cigarettes, and it is held on our soil. It is the participation of the people of the Cayman Islands with our good friends from foreign territories that make that event a success. I speak on behalf of the Department of Agriculture. I speak on behalf of the Agricultural Society and last, but very important, I speak on behalf of the people and families of the Cayman Islands who enjoy that very special day.

We have tried our endeavours (my ministry working in conjunction with the department and the society) to provide services to our farmers. We can go to the Farmers Market or to individual farmers and it makes us all proud, at least those who will tell the truth! But you know we have some that find it hard to do that. At least those who will tell the truth will admit that we have today an advanced system in Agriculture here in the Cayman Islands whereby, thank God, we have been providing crops and meat to our people. As I said, this has been through the participation of the people of the Cayman Islands and their money and not through cocktail parties or wasted funds.

Let me say that I have been ridiculed heavily for many things. But in the area of agriculture I stand firm. The persons whom I have helped are definitely not the black-tie people. They are the little people we talk about sometimes, persons whom we must continue to assist in this country. As I have said many times, I also happen to be a farmer, I know the hardships. But those who sit behind desks and are prepared to say '*Yes we are going to have this here and that there*' with government's funds.

In the case of agriculture it's different. It is because of blood, sweat and tears that the farmers of this country are able to put food in the Farmers Market, the supermarkets and feed their families. So I stand behind them 100% while others try to ride my back.

In my ministry we are also responsible for communications. Today I am proud to know that we have a system of communications such as we do here in the Cayman Islands. It is not something that is 100%, but God knows that we continue to work on it. And we can compare the Cayman Islands to any other islands within our territory. I guarantee you that we have surpassed them in many ways. But, of course, it is very seldom that the good things that anyone or any ministry does get mentioned. But I can stand here and say that I am justly proud of the second department in my ministry—being communications—and the country can be proud of it. It is because of the dedicated personnel who have worked long hours when others might have been at cocktail parties. We work in our departments, and I am coming down further, Mr. Speaker.

You know, Mr. Speaker, a few days ago I heard . . . and the Bible tells us about people like this but today I am trying not to take my little Testament out. But when you hear certain hypocrites talk about standing up for what is right and Christian rights and beliefs, what is right what is true, I believe that the saying is look in that crowded backyard and you will find where the snakes are. I say this without fear of contradiction that I have found many times, and have seen it happen before. God knows I will see it again—you tap snake he bite you. I say no more.

My Christian belief is that I should do exactly as I have done for the past 20-odd years when the same persons who tried to ridicule me and my ministry and my departments were not even participating. I am going to say this because it's a fact that there were people like Craddock Ebanks, Truman Bodden, and God bless my colleagues who have passed on, who were in here with me when we were paid nothing! But we were here because of dedication.

And, Mr. Speaker, that is why John McLean is here today. Regardless of what is said about me let me say that I am going to leave here as I came in—with my country and my people first in mind.

To come back to communications, I would like anyone in this Chamber, or outside this Chamber, to tell me when we have experienced communications throughout the Cayman Islands like we have today. I need not say what took place prior to now because we know. But having proper communications has been the success of this country. We can boast of tourism and our financial sec-

tor, but if we did not have this we would be exactly where we were before.

I say again that as long as I am responsible for the ministry I was given by His Excellency the Governor the things I have done and have tried to do—and most times trying to help others while I received nothing in return . . . That is okay because I am not somebody who is actually looking back over my shoulders hoping something is not following me. I believe as portrayed in the Governor's Throne Speech that we in the Cayman Islands are in a good position, we are on the right track, and I will have to say now that if we could stop trying to divide each other within our own camp and work together, the Cayman Islands would be a better place.

I hear where there is concern in regard to other nationalities coming into the Cayman Islands and their closeness. We should use that as an example instead of trying to cut each other's throats. We should try to work together for the betterment of the Cayman Islands.

I have been very proud to be the captain of all my departments, especially two departments that have actually helped each and every member of this Legislative Assembly in one way or the other. I speak of Public Works and the Department of Vehicles, which we know play a very important part.

The Department of Public Works under my guidance, regardless if some like to hear this or not, did much for this country over the years. When I look back and see the progress, especially with the Harquail Bypass—which we were able to open about one year ago that is serving the West Bay area—I wish that the government had only assisted me with the recommendations to go ahead and do the Crewe Road Bypass as suggested by my ministry and the Public Works Department at that time. And the members of our team know that I am correct because we had an estimate for the Crewe Road Bypass and the Harquail Bypass and additional funds when we would be able to continue to do the work in the various districts.

But maybe some people may be better off than me, because I did not have the funds at my fingertips. And I was able through the Public Works Department do to as much as I could. I claim no glory from it. But I put the praise to the hard workers in the Public Works Department who worked with the funds that were actually provided to them.

I will say this much: It is a fact that had we bitten the bullet at that time and built the Harquail Bypass, built the Crewe Road Bypass, I know for sure we would have saved this country a lot more money than it is going to cost now. But I cannot tolerate to hear that there was no sort of national programme in place for roads. If I am wrong, then it must be the director of Public Works who advised me at the time when I was responsible for Public Works that the Harquail Bypass and the Crewe Road Bypass would form a part of the national programme. Common sense would tell us that because the Harquail Bypass is the area that is going to open up West Bay and the Crewe Road Bypass has to be the link to the eastern districts . . . Unless we are planning to build another road parallel to that, I cannot see how we can do it.

I recall the figures that were put forward to the group who called themselves at that time (which was a very close group) the government of the day . . . what I would have thought would be a government, a group that would have stayed together. The figure that was put across was \$14,600,000, \$6,500,000 for the Harquail Bypass at the time and \$6,500,000 for the Crewe Road Bypass. But I am not as rich as other people are. I do not have the contacts that other people have. I couldn't take it out of my pocket. I couldn't make the contacts that other people may make. Therefore, all I can say is that it had to wait until the funds were provided for the Public Works Department to carry out the work.

But to say the corridors were not actually put in place is incorrect. How is it that the one on the Harquail Bypass is the one we have utilised? Who was the minister who tried and did negotiate with the Westin part where I didn't even have an invitation to come for the groundbreaking, and the same with the Crewe Road Bypass? Mr. Speaker, I have walked properties all over the Cayman Islands including the two I mentioned. As far as I am concerned, I look at it as a slap in the face to my ministry when I know that we have done so much for roads in the Cayman Islands.

As I pointed out, and I say this with the greatest of respect, I have tried my endeavours as minister to help every person in this House who represents individual districts. And if the truth is told they know I am correct. But it is a true saying, Mr. Speaker, what goes around comes around. I was raised poor—but with pride. It only takes time to watch it, and it happens. And that is exactly what I am doing, sir.

I ask the question, Who was the minister in the ministry that started making sure that the long serving people in the Public Works Department were acknowledged? I am not patting my shoulder because I am not that kind of person, but it happened when I was there. I give credit where credit is due, and I expect the same in return. To me it is like water off a duck's back. But I have to mention it.

The Department of Public Works was not only provided during my tenure with some funds which were reasonable and within the budget, but we were also able with the cooperation of certain persons in this House to provide other departments not only with buildings, not only with construction or vehicles, but with technical support. I cannot think of any time that I was called upon when I said to anybody that we couldn't do it. I have always tried to accommodate them.

I would also like to congratulate and thank the persons in that department who work so hard to make sure that the street lighting system in Grand Cayman became a reality. That was something that each and every one of us benefited from politically and everyone asked for support that they received. I would like to publicly thank the individuals in the Public Works Department who worked so hard to make that a reality. I only hope that it will continue and that we will continue to make sure that that area will be serviced properly.

I would like to make it abundantly clear that my ministry has always been heavily laden. As far as I am con-

cerned we will still have to provide some services in conjunction with the Public Works Department which we are happy to do. But as my good friend, the First Elected Member for George Town says, I had to get that off my stomach. As far as I am concerned, the department has done an excellent job under my ministry.

Common sense would tell the people of this country—and they have that, Mr. Speaker. And I am sure it's going to speak soon at the polls that especially with street lights and the junction like Thomas Russell Way and all other roadworks, that is not something that happens over night. If the plans were not in place for things such as the junction by the airport, the Thomas Russell Way, it could not have happened over night.

[Inaudible interjection]

Hon. John B. McLean: Thank you, sir.

That has always been worked on and thank God . . . and I support it because it is something we needed. But the time that it even takes to do drawings for junctions and roads like we have there now, . . . we have to use our common sense. It could not have happened over night.

I am pleased to see it there. I know the situation. I know exactly what takes place. I have dealt with too many junctions as far as streetlights are concerned. I know the time it takes to order them, the time it takes for them to get here, the work on site, the purchasing of property, the laying out of the roads, the whole works. Yet, when my ministry was relieved of public works it happened overnight and the group that did it got no praise for it. That's unfair.

Like I said, one thing that I have never done in my life, . . . I was raised poor but I have never, and excuse the words I am going to use, but I have never kissed around, and I will never do it! I am too much of a man for that. And if that is what it is going to take to make John McLean popular, it will never happen. I can hang my gloves up anytime against anybody else.

I only hope that we will try, especially in the area of public works, to look at the needs not of individuals but what is necessary for this country. Everybody knows that where we were trying to do the roads over especially district to district with hot mix we had that in place. I hope that will continue. I hope that we will recognise the request of each member here because I am sure that we are all thinking the same, looking for the benefits and good results for our districts. I hope that nobody will be victimised in that area.

[Inaudible interjection]

Hon. John B. McLean: Well, Mr. Speaker, I have been asked a question that I don't know. I know for sure that the records will show that I certainly asked for it.

It seems as if I have some friends on the other side. And I know the one speaking right now, my good friend from West Bay, knows what I am talking about.

Mr. W McKeeva Bush: Yeah.

Hon. John B. McLean: I would like to briefly say a few words in regard to the environment. I would like to say that this is another department that this country can be justly proud of. I take my hat off to all of the hardworking personnel who are actually employed there.

No area is an easy task within the environmental department. I would like to pay tribute to the person in charge. I am sure the lady member for North Side will like what I am going to say. There is a lady in charge there and she is doing an excellent job.

This country can be justly proud of our progress over the years. But we have to stop and think because if we could not offer to the tourists, our financial centre and everyone else a clean Cayman, we would not be able to boast of the large figures in tourism. It is one of the hardest jobs, and with the staff we have employed the equipment we have at our disposal I consider the job well done.

I wish to my good Lord that I only had a couple of million dollars that I could throw into that department to make sure that we had more garbage trucks and more staff so that we could service this country better. At the same time, I feel that I am correct in saying that we would see an increase in tourism to these islands. If we can increase our services in that area we would definitely make the visitors to our shores happier.

Along with that I am sure that my good friend the Minister for Health has to agree with me, we will be keeping our country clean and quite free from the diseases we find in other areas that cannot afford such a service as we offer here in Grand Cayman.

[Inaudible interjection]

Hon. John B. McLean: Mr. Speaker, my good friend on the other side is really prompting me and he would like me to repeat that this is definitely good for the tourist industry. And that is a fact. We have a clean country and we have a lot of visitors to our islands. We have hotels, restaurants that we can be proud of. Thank God for that.

I would like to comment on the prison department. Yesterday I had the chance to visit the prison. Sometimes it actually hurts my heart to have to visit the prison. But I do so and the reason for saying this is that when you actually visit there and you see the individuals who are actually in the prison, youngsters who are so promising, persons so talented, it can really get to you when you think about it. I enjoy going there and speaking to a few each time I go, but I still believe that we have to do something more than what we are doing. I believe that preventative measures are much better than actually having our young people put into prison.

I am not here to say that if someone commits a crime that they should not be penalised for it. What I am saying is that I would like to see when we could surpass that and actually have the situation reversed. I believe that with our advancement here in the Cayman Islands we can actually dedicate ourselves . . . and I would again call upon the churches of this country to work closer together with not only the youth, but all aspects where by

now we realise have been creating the problems which end up in a prison sentence.

As you walk around today and hear the talk of the town, it's very serious especially when it comes to break-ins and other types of serious crime. We have families and churches that are disturbed because of it, communities that were once known as chosen communities and today when someone leaves his apartment he must make sure that the doors are locked. I am not here to say that the police are able to do everything because we know that's not correct. We would need a policeman for each person in this country and that's impossible.

I believe that the people of this country must be more aware of what is taking place and that we must cooperate and work together. When we see things happening in our communities, instead of going back into our shell (as the saying goes) we should come forward as a united community and make sure it's corrected. I think this is very important and until we are prepared to deal with issues such as I have mentioned, it won't get any better.

It saddened my heart a few days ago when I heard a story of a young person who I am sure will be ruined for life. Each and every one of us as parents must feel quite sympathetic to this person. It is cases like this when it is seen that the spoken word should be said. If we are not prepared to do that then I believe we are looking at a community that will go down the chute.

Morals are one thing, communication is another. And the two can work together if we are prepared to communicate and make sure that in our Christian community the morals such as I have just mentioned are maintained. Let me say that I am not blaming any one individual. I am stating facts. We as a Christian community must work together to preserve what we have enjoyed in the Cayman Islands and to make sure that we can continue in the next years to boast of our forefathers who actually have laid the groundwork for us, who showed us the way it should be and who we should try to follow.

I would like to just go on to other areas in my ministry. I would like to touch on the MRCU Unit and Natural Resources. I am pleased to know that they continue to do a good job. Today we have staff in that department who have dedicated themselves to making sure that Again I must say that everything in my ministry continues to surround the continuation of finances and tourism in the Cayman Islands. If MRCU should collapse we can look forward to tourism and finances also collapsing.

But, thank God, we have dedicated people there. I would like to pay tribute to those who worked and are still working for most of their lives in that department to ensure that we do have in place a system and a continual dedicated group to carry out the works necessary to make sure that we do not have the infestation of mosquitoes in the Cayman Islands like we had before.

As we did before with the Agriculture Department we are trying to do the same thing with MRCU. We are trying to construct a facility where they will be able to serve the public in a better fashion. I am asking each and

every one in here to give me the support necessary to achieve that goal.

If I did not comment on my good friend and colleague, the Minister for Health, I would have been out of place. But I must offer congratulations to him for his dedication to this country and our people in making sure that we have a facility that many people thought would never ever become a reality. I speak of the hospital, a place that all of us by just driving across (you need not go in) can feel justly proud knowing where we have come from and seeing exactly where we are today. It is my hope that the staff of that facility will give their best in supporting not only the minister and the ministry, but this country. The first in the history of these islands that we can boast of such a facility for the betterment of our people and their health today, thank God, we can do so.

When we look at the present facilities, we can think back to elections where we were told by other persons trying to form a government that it would never become a reality. I recall many times when we stood up on platforms (the minister and some members of the backbench today) and we preached what has become a reality—that we would provide a service for the people of this country that would actually improve what we have had in the past. We are not only speaking of a hospital here in George Town, but we have provided a service in all districts. That is something that was never heard of because with the exception of my district we only had very tiny clinics. It makes me proud to drive around these islands now and know that in most areas we have facilities that can cater not only to the people of the Cayman Islands but to visitors also. I come back again to another handout to our friends, visitors, and tourists to our islands.

I was part of a government that took a lot of criticism because of our stand in trying to provide medical facilities for the Cayman Islands. But I will say this much: If our government has done nothing worse than what it has done in that area, each and every one of us can give ourselves a great hug because we have taken care of those who needed us. The people who actually need medical assistance in this country no longer have to rush from their districts to the central hospital. They can walk in some cases to the clinics. And the facilities and assistance surpasses a lot that I have seen in other islands.

Thank God for the Cayman Islands, and thank God that we as a government had the foresight to put all of this in place. I hope and trust that the medical staff will now give the government the assistance it needs to properly operate and put forward the services the facilities offer to the people of the Cayman Islands.

Of course, I must speak on education. I would like to say that any country that has a good medical system and a good educational system is a country that with God's help must progress. We can look back to the good Lord and say "thank you" because we have been blessed with both. I know that sometimes in heated debate we will hear certain of our members make remarks in regard to one thing or the other in education. But that is the sort of thing that I call politics.

Each one of us in here knows exactly where he or she is coming from and what this country offers. We are aware that even if we sometimes play politics that the educational system in place here today is something we can take our hats off to. We can be proud of it.

I recall when we actually sat in a town hall. We didn't have fans. Sometimes we were under trees. Today we have qualified teachers in all fields. We have facilities. We have computers. And most important, we have dedication from persons who have actually worked along in this field, and who continue to work along to make sure that our communities surpass other areas. In here we have persons who have actually taught in schools and done a wonderful job. So they are quite knowledgeable in the needs of this country. Of course, even if sometimes we get a little heated we are all here for the common cause, and that is to make sure that we continue to offer to the people of this country, the youth of this country, a system of education that our people one day can rise to the top.

Nowadays when you are in a primary school you actually can speak to a child there who can hold a conversation with you because of the calibre of teacher teaching him on a daily basis. But as legislators we must all appeal to the parents of these children because a teacher cannot educate a child. The education starts at home. If a child is not tutored at home it is simple of one to send him to school. As the old people used to say, the bringing up is the brought up in the school.

I am pleased to know that we have in place a wonderful educational scheme. The schools are supplied, and I am not saying that sometimes there may not be a shortage of something, but overall this country can be justly proud of the funds we have actually spent on education and health.

I have said before, and I will say again, when you talk of education and health, an educated and healthy country makes a good country. And all of us bear that brunt on our shoulders. We must continue to encourage the young people of the Cayman Islands not just to go to school, but when they go to school to make sure that they take every opportunity passed on to them.

Nowadays if kids don't have lunch, they can have lunch. They are all trucked in by buss. When we went to school we didn't have somebody on the bus guiding us from the time we got on till we got off. If you go to the principal and say you don't have any lunch, there's no problem. We have a system here. And we must give credit to Mr. Truman Bodden, the Minister for Education because he has dedicated the last years of his life to education in this country. That is a fact. Today this country is paying off for it.

It makes me proud when I go around from the Public Works Department straight back to Finance, straight through Tourism, and I can see our young people coming in gradually. In insurance, you look at the Monetary Authority, all places we never thought about when we were going to school. Top positions are being filled because of the educational system we have in place preparing our people. It is unfortunate that we have some who have drifted away.

I will just go back to what I said a while ago. This is where this country needs to come together. Instead of having them sent to prison there is another area they can still fit into. And we can work on that, each and every one of us to make sure that we complete a system that is so good in the Cayman Islands.

I don't think that I have ever spoken on a Throne Speech where I didn't touch on Cayman Airways. But it has always been in support of Cayman Airways.

The Speaker: Would this be a convenient time to take the afternoon break? We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.47 PM

PROCEEDINGS RESUMED AT 4.18 PM

The Speaker: Please be seated.

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources continuing.

Hon. John B. McLean: When we took the break I was about to move on to another area in my ministry. I referred to the postal services. I would like to say how pleased I am with the department. Once again we have somebody in charge who has been working very hard to ensure that all of our postal services are carried out in a very prompt and high calibre, not only here in George Town but also throughout the Cayman Islands. Miss Mona Banks has been doing an excellent job.

As mentioned here in the Throne Speech, in 1999 it is our hope that we will be renovating and refurbishing the East End Post Office and constructing a new post office in Bodden Town and we will also be doing the architectural design for the West Bay and West End post offices of the Cayman Islands.

Since falling under my ministry, this department has gone from strength to strength. I can recall when it was taken over. It was a department that each and every one had a complaint about, but at the same time the solutions were not there. First of all, I would like to thank Miss Corrine Glasgow for the good work she did during the time she was there, and the present Postmaster General.

Today we have a facility that is dealing with mail throughout the Cayman Islands. We were able to construct and put into operation (with the help of the British Postal Services) a new facility at the airport here in Grand Cayman. This has proven to be one of the greatest things that has happened in the postal services since it was started here in the Cayman Islands. We have a sorting centre there and we are able to offer to the people of the Cayman Islands a much more efficient service than we were able to do in the past. That is more or less the headquarters where the mail is received and sorted and it is the distribution point. From that point we must make sure that not only here in the Cayman Islands (the five districts) and the satellite centres we have but that we are producing the same calibre of services to our people in the sister islands.

I am so pleased to know that we were able to acquire the services of the British Postal Services in England to be consultants to the Cayman Islands Government and to recommend and stay with us until we sorted it through . . . that we have such a facility and indeed the recommendations for other facilities throughout the islands.

I await the day when in Breakers, for example, we will no longer be the islands that time forgot. I want to see that the postal services will be offering to our people the necessary facilities that will allow them to have the services throughout each settlement that we offer at the George Town Central Post Office. This is our goal. We have achieved some and we are working steadfastly with a dedicated staff and good guidance from the department and ministry. We are hoping we can bring this as far as it can go and to once again put in place for our people all of the necessary services they lacked over the years.

We presently have in the district of East End a little area within the civic centre. We are hoping to open up and facilitate the area there and also in the Old Man Bay area we are hoping to do something there. We are also doing something in the Breakers area. In Bodden Town we are definitely going to have a new post office and West End Cayman Brac and all areas of Cayman Brac and Little Cayman will also be looked at.

The same service that we have here in Grand Cayman will be throughout the Cayman Islands and whatever is offered here in Grand Cayman will be also offered in Cayman Brac.

I am pleased to know that this service today has actually been bringing revenue into government which we did not receive in the past. I think it was in the first or second year that we had certain improvements that we were able to show greater revenue to the country than what we had in the past. Let me say that revenue is one thing, but what pleases me is when I can actually speak to bankers and trust company managers and hear that they are so pleased with the services we presently offer in the post offices throughout the Cayman Islands. This we intend to improve upon and with God's help and the support of the Legislative Assembly we shall do so.

I would like to move on to the Water Authority of the Cayman Islands. In the annual report, I paid tribute to the last Chairman, Mr. McKeeva Bush, who was then the minister responsible for the Water Authority. I will do so today and say thanks for the work and his dedication when he was responsible for the subject.

Today I am pleased to know that the Water Authority continues on the same basis it started, that is, people first. They have shown this throughout. While some people may believe that water is expensive in the Cayman Islands they must realise it is a service equally as important or more important than even electricity. When we talk about drinking water, we are talking about health. I am so happy to know that just prior to the last Chairman's departure, put in place with government's assistance was the assurance that water would be piped into the eastern part of the island. That includes my district of East End and North Side.

The East End district has the largest resource of fresh water. We have kindly allowed the other areas of the islands to have water from that source. With the good works of the Water Authority and the cooperation of the Cayman Islands government, thank God, today I can say that we have the necessary pipes on the road and the system is now being put in place to facilitate that district and thereafter we will be doing the district of North Side.

Of course, as everyone knows we already have a small facility in Cayman Brac. It is my hope that under my chairmanship the Water Authority should be able to try to facilitate that island too. As I pointed out, the Water Authority and the Cayman Islands government try their best and most times with the support of members of the backbench facilitate not only Grand Cayman but Cayman Brac and Little Cayman. We look upon it equally as important for Cayman Brac and Little Cayman as Grand Cayman.

So we will definitely be looking at whatever can be done there and I only ask that I get the continued support of my fellow colleagues in government and members of the Legislative Assembly to make this a reality.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: If you are coming to the end of a subject, we are coming to the 4.30 mark.

Hon. John B. McLean: Yes Mr. Speaker.

The Speaker: I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Thursday, 1 April at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Thursday 1 April. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 1 APRIL 1999.

**EDITED
THURSDAY
1 APRIL 1999
10.14 AM**

[Prayers read by the Elected Member for North Side]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper is Questions to Honourable Members/Ministers. Question 30 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**QUESTION 30
(Deferred)**

No. 30: Mr. Roy Bodden asked the Honourable Minister with responsibility for Tourism, Commerce, Transport and Works . . . Mr. Speaker, I noticed that all three questions are addressed to this Honourable Minister who is not here at the moment.

The Speaker: I note that and I also note that the mover of that the following question (33) is not present. So that concludes Question Time for this morning.

Moving on to Government Business. I would ask for the suspension of Standing Order 14(3). The Honourable Minister for Education, Aviation and Planning would you suspend Standing Order 14(3), please. Today is Thursday.

POINT OF PROCEDURE

Mr. Roy Bodden: Are we going to defer the questions or are we going to just strike them from the business of the House?

The Speaker: We will defer them to a later sitting.

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman Bodden: I move the suspension of Standing Order 14(3) for the continuation of the Throne Speech in priority to Private Members' Business.

The Speaker: Thank you.

Mrs. Edna Moyle: Mr. Speaker, I think that a motion has to moved so that the questions on the Order Paper this morning can be deferred.

The Speaker: I shall now do that. The motion of Standing Order 14(3) has been moved. I will put the question to that, that Government Business will take precedence over Private Members' Motions. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(3) SUSPENDED.

DEFERRAL OF QUESTIONS 30, 31, 32 & 33

The Speaker: I will now entertain a motion for the deferral of these questions to a later sitting.
Member for North Side.

Mrs. Edna Moyle: I so move, Mr. Speaker.

The Speaker: Seconded by....

Mr. Roy Bodden: Seconded, Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town. Thank you. The motion has been moved and seconded that these questions be deferred. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The questions have been deferred to a later sitting.

AGREED: QUESTIONS 30, 31, 32 AND 33 DEFERRED TO A LATER SITTING.

The Speaker: Moving on to Government Business. Continuation of debate on the Throne Speech delivered by His Excellency, Mr. John Owen, CMG, MBE, Governor of the Cayman Islands on the 19th February 1999. The Honourable Minister for Agriculture, Communication Environment and Works continuing the debate.

GOVERNMENT BUSINESS

**DEBATE ON THE THRONE SPEECH DELIVERED
BY HIS EXCELLENCY THE GOVERNOR
ON FRIDAY, 19TH FEBRUARY 1999**

(Continuation of debate thereon)

Hon. John B. McLean: Thank you, Mr. Speaker. When we took the adjournment, I was about to move on to deal with the Turtle Farm. I would like to say how pleased I am with what has taken place there since responsibility for the Turtle Farm was actually given to me. I think it is the first time since the Turtle Farm became the Cayman Islands Turtle Farm 1983 Limited (owned by the Cayman

Islands Government) that we can honestly boast that not only can we here in Grand Cayman receive turtle meat from the farm at just about at any time it is desired, but also in the Sister Islands.

I am pleased to say that we have a very, very strong Board of Directors at the Turtle Farm. We have very knowledgeable business people. We have lawyers and we are very proud to know that we also have input from our Financial Secretary.

Much has been done over the last few years with the new management of the farm, and I am pleased to know that certain decisions taken by me with the assistance of the Board were correct decisions. Today, we can look back with pride on certain actions we took, although I as Chairman at the time was ridiculed for those actions. There are many of us today who will look back and say, *'I am glad that he took those decisions because of what has taken place since that time.'*

At present, we are trying to do a face-lift on the farm. We have already started with renovations to the new pump station. And we are also now in the process of repairing a very essential part of the farm—the tanks in which we keep the turtles.

I must also pay tribute to a very dedicated group of individuals who form a part of the staff of the Turtle Farm. We can be justly proud of the day-to-day management because we have one of our Caymanians, a West Bayer, assisted by another Caymanian who has been doing an outstanding job in the operation of the Turtle Farm down in West Bay. We have co-operation among our staff and, of course, this can be seen from the progress it has made over a very short time. As Chairman, I am happy to have a Managing Director such as Mr. Kenneth Hydes.

Mr. Speaker, a few days ago some questions were raised with regard to our landfill here in George Town and I would like to give a little background and make a few remarks on that.

At present, the Cayman Islands Government owns a parcel of land in George Town, which is approximately 58 acres, utilised for waste management. Landfill, storage, processing of recyclable materials and incineration of assorted special waste is all carried out on this property. Sometimes we have to resort to open burning. But let me say that with what we have had over the last few years to operate with the management there has done their utmost to make sure that it was done in the safest fashion possible.

I am aware that there was somebody who was on the island who actually spoke to us with regard to recycling certain items that were taken to the dump. But the truth has never been told in full by this individual as to what he was really intending to do. It is my understanding that he has in recent times disappeared from the island.

First, I am aware of the individual. I had an opportunity to meet with the person. My ministry did and so did the department. But we should not be fooled, as it seems as if the individual was trying to sell a complex waste management system to the Cayman Islands Government.

We have heard stories of surrounding islands that have actually ventured into this at a cost they were not able to maintain. Again I will refer to that saying that we have in place a very competent individual who has been much more exposed to this sort of thing than someone that I would call a salesman. She has been involved in the day-to-day running of landfills and management of landfills not just running around as a salesman.

However, I think the point that was alluded to was leeching from the dump. And I am not here to say that we may not have some leeching. But the fact remains within the ambit of what can be done and what we would do, we took every necessary precaution to make sure that this was curtailed as much as was possible.

I believe, Mr. Speaker, that the time has come when we will definitely have to bite the bullet and decide on one thing or the other where we will have to close the present dump and open another. And, of course, the fact remains that no one wants a dump in his back yard. That is a fact! So I think we will have to look at other technical ways of dispersing with garbage that is accumulated here. But what we must keep in mind is that it is something that we will soon have to take a firm decision on. This is not something that can actually wait any longer because there are projections as to how long the facility presently used can remain in operation.

Sometimes knowing the extent to which such a department has been going to make sure that things are done right, to know that we can find certain individuals like I have mentioned coming in and first of all giving false ideas to individuals. . . The first thing that was said was that we and government did not actually meet with the company or individuals—and that is incorrect. But I believe from what has taken place since that time perhaps meeting with the individual was the correct thing, but I am surely glad that we did not enter into any agreement.

Mr. Speaker, I would like to also pay tribute to another department that falls under my ministry and that is the Lands and Survey Department. This is a department that many individuals and areas of our community depend upon heavily. As we know, we have the Survey Department, we have the LIS Department, and this is something that we must continue to give the necessary personnel while at the same time the necessities to continue at the high calibre in which it has performed over the last years. We have some very competent staff in that department and again, I am aware that not everyone has been satisfied with regard to the times when surveys have been carried out. But we have to realise that the work there becomes very technical and there are not a large amount of persons to carry out the job.

Overall, I am happy to have the various departments I have mentioned under my ministry and I hope and trust that we will see no difference in the performance as we have seen thus far. I would like to ask each of my colleagues here to continue to offer whatever support they can. I am not saying that sometimes we will not see things in different directions but at least when credit should be given, I would trust it will be given.

Mr. Speaker, I would like to say that it has been a pleasure for me to make some remarks on the Governor's Throne Speech. Once again, I congratulate him and I would like on behalf of the people of the country to offer special thanks to him and his good wife for the term that they have actually put in here in the Cayman Islands.

The Speaker: The floor is opened to debate. Does anyone wish to speak?

The Honourable Third Official Member.

Hon. George A. McCarthy: [Part of tape inaudible] to comment on the Throne Speech but I think since this is the last Throne Speech of such to be delivered by His Excellency the Governor, and considering the contributions that have been made by His Excellency during his tenure in office in the Cayman Islands, it would be somewhat remiss of me not to share my gratitude especially for the reform initiatives that have been spearheaded by His Excellency the Governor.

In effect, he will be leaving behind for the Cayman Islands a very good legacy from which we will benefit in years to come.

Mr. Speaker, His Excellency said in his introductory remarks, **"1999 will be a year of challenges. Two key challenges facing us will be the OECD initiatives and the implementation of Vision 2008."** I would like to comment just briefly on the OECD initiatives. With your permission, I would like to quote another paragraph, which is to be found on page 1. It is the third paragraph from the bottom of the page, and it reads, **"The other challenge is the OECD initiative on so called tax havens. The Cayman Islands government and all the Members of this House are united on the need for Cayman to engage in dialogue with the OECD. But in doing so we need not be defensive. Cayman has a good story to tell. Cayman is putting quality first and continues to be at the forefront of the fight against money laundering. We should therefore take advantage of the OECD initiative and send a clear message to the world as well as the OECD that Cayman is committed to maintaining itself as a quality jurisdiction, which also acknowledges its responsibilities to the international community."**

I think this paragraph is so profound especially the very last sentence, **"We should, therefore, take advantage of the OECD initiative and send a clear message to the world as well as the OECD that Cayman is committed to maintaining itself as a quality jurisdiction. . ."** Mr. Speaker, I have been made to understand that there are quite a number of persons within the community, especially the financial industry, who, by some unusual ability to look into the future, have been making statements to the effect that the Cayman Islands as a financial centre will disappear within a period of five years. It is quite unfortunate that we have individuals who will be cultivating this level of pessimism.

I will not be overly critical of them, because when one is bombarded by the amount of information that is put out in the international media, often times one does

not have the other side in terms of what is happening with these initiatives, in terms of what is being done in order for proper assessments to be made as to what is happening. These conclusions are likely to be drawn. But, Mr. Speaker, I should say that the Cayman Islands stand very tall in the international financial community as one of the prominent and leading international financial centres. This has been built up over the past three decades and I am optimistic along with the majority of people in our community that we will continue as an international financial centre for a long time to come.

This Honourable House will recall that at the June Meeting of 1998 held in Cayman Brac, we became aware of the OECD Report that was published under the title of "Harmful Tax Competition Initiative." I went to the United Kingdom at the invitation of the Caribbean Financial Action Task Force (CFATF) to deliver an address at a workshop that was sponsored by the Commonwealth Secretariat on the operations of the CFATF, and what was being done with anti-money laundering initiatives that were being promoted in the region and the workings as such of the CFATF.

I became aware of this report and I took the decision that it would be useful to secure a profile with the assistance of our public relations firm in the United Kingdom. We managed to get about 18 – 20 copies. I packed them in my suitcase and brought them back to the Cayman Islands where I handed out a copy to every Member of the Legislative Assembly. At that point, the government recognised that this initiative when combined with those of the European Union and the G-7 warranted serious attention.

From the discussions that took place over the OECD Report, we have established an advisory strategy group. This was put into place in August of last year and this group has examined various aspects of the initiatives both internally and with the benefit of external information papers and advice. This is through the engagement of consultancy services that we have perused since that time of individuals we know who have the capacity to inform these initiatives. We know that we have spent a lot of time in the legislature up until now, but time has been taken by the government to pay serious attention to what these initiatives entail.

Mr. Speaker, honourable members will recall that there was also a meeting held in the United Kingdom in September last year at which a delegation from the Cayman Islands together with delegates from other overseas territories were in attendance. The meeting was opened by Baroness Simons. She gave the opening remarks and various questions were put. What is of interest is that in a short while, in fact next month, there is to be a follow-up meeting taking place in the United Kingdom, which will be round two in terms of discussing these initiatives.

It is hoped that the same delegation will visit the United Kingdom to be updated in terms of where we now stand or where the United Kingdom now stands in terms of dealing with these initiatives and what will be the likely implication for the Overseas Territories.

I should point out that in the early part of last month, a delegation comprising the Honourable Attorney General; Mr. Bill Walker; the Assistant Financial Secretary and me, travelled to the United Kingdom. The purpose of going there was to meet with individuals at the Foreign and Commonwealth Office. In fact, I had a brief meeting with Baroness Simons in which I spoke to her concerning a meeting that was planned in Paris with the OECD. Also, we had meetings with the Treasury Department and the Inland Revenue.

Mr. Speaker, those meetings were very useful and we are at this time finalising the report in terms of the discussions that took place. There will be a meeting of the Government Private Sector Consultative Committee next Wednesday together with the strategy group, where we will be reviewing the findings in terms of the observations made.

The meeting in Paris with the Committee of Fiscal Affairs, comprised of Mr. Jeffrey Owens, Miss Frances Honner, an adviser that they had by the name of Mr. Hugh Halt, and another Canadian adviser who was very helpful. . . Ww spent three hours in discussions with these individuals. Mr. Jeffrey Owens at the commencement of the meeting opened discussions, and if you will permit me just to read a paragraph from a report that we are now working on.

The Speaker: Sure.

Hon. George A. McCarthy: Noting that face to face informal dialogue was welcomed, he referred to the success of the tax competition initiative to date in terms of the endorsement from the OECD members and the G-7, which was seen as signalling a change in political attitudes reflecting globalisation and liberalisation. He stressed that the report was not about tax harmonisation, setting minimum acceptable levels of taxation, protection of government and setting one fiscal standard for all countries, that is, in respect of globalise fiscal sovereignty. The report was about encouraging fair tax competition, level playing fields, and transparency in the international tax community.

Mr. Speaker, with your permission, I would just like to share a few of the remarks passed on by the Caymanian delegation. I started off by setting out the delegation's position. I shared these remarks with the group, and I quote: **"On behalf of the Cayman Islands delegation, I would like to thank the entire delegation from the OECD [which was present] for making [themselves] available to meet with the Cayman Islands delegation."**

It was pointed out that the meeting was of particular significance as we do recognise that there is a certain level of misunderstanding in some sectors of the international financial community as to how the Cayman Islands conducts business as an international financial centre. I went on further to say, **"We would like to assure the group that the Cayman Islands is a well regulated financial jurisdiction having the institutional and legislative capabilities to effectively monitor the wide range of financial services activities**

conducted in the Cayman Islands. In addition, we do take our international obligations quite seriously recognising that we are a significant part of the global financial community and that whatever is done in our islands impacts upon other economies and financial markets of the world.

"It is, therefore, incumbent upon us to ensure that the quality and range of financial services activities allowed within our borders are of the highest standard and at the regulatory level we maintain the capacity to judge the substance over the form of such business activities conducted within our shores."

I went on further to point out that in satisfying our local and international obligation in subscribing to the principles of sound business practises, the Cayman Islands has allied itself to the offshore group of banking supervisors, the offshore group of insurance regulators, the emerging group of mutual funds regulators which is now in formation; that we fully subscribe to the implementation of the Basle Guidelines, that we are one of the founding members of the CFATF.

At this point in time, we should also add that discussions are underway for the setting up of an academic programme at the graduate level in collaboration with the University of London for the training of regulators in the region. We will be having talks quite soon on this subject at the Community College through the Ministry of Education because this is a programme that will not only benefit the region but will benefit the international financial community.

In terms of the CFATF, we do recognise that of the forty-seven countries that have been identified by the OECD as likely to be perpetuating harmful tax initiatives or practises, twenty-one of those countries are within the Caribbean region. What is quite interesting [is that] the CFATF to date has a membership of twenty-six countries, and of that twenty-six, twenty-one are deemed by the OECD to be practising or perpetuating harmful tax practises. That puts the percentage of the CFATF membership that has been so identified in the region to 90 percent.

The Cayman Islands spearheaded a motion at the CFATF that was held here to form a sub-group in order to study these initiatives and to report to the Ministerial Council of the CFATF. This resolution was reinforced last week by the passing of a further resolution at the CFATF (Plenary 8) in Trinidad, which I Chaired. [This position was reinforced by] seeking a meeting with the Committee of Fiscal Affairs to represent the regional interests and also to bring these initiatives to the attention of the Caricom Heads of Government. This is underway.

When we look at these initiatives . . . and it may be useful if I were to just read a few short paragraphs setting out the Cayman Islands' position. I think it will give precision to where we are at this time. As I said earlier, this honourable House will recall that I conveyed the views in June of last year that the OECD Harmful Tax Competition Initiative and Allied European Union and G-7 initiatives warranted serious attention. This view has

informed of all activities to date, which since that time have encompassed in particular:

- the establishment of an advisory statutory group in August of 1998, which has examined various aspects of the initiatives both internally and with the benefit of external information papers and advice;
- preliminary representations to the United Kingdom Government in September 1998;
- establishment in November 1998 during the commencement of my Chairmanship of the CFATF (which is the Caribbean Financial Action Task Force) of a sub-group of the CFATF to deal with the implications of the Harmful Tax Competition initiatives as they intersect with the regional anti-money laundering concerns; and
- the establishment of a secretariat over the period, January through March 1999, to provide dedicated, ongoing monitoring, reporting and analysis on relevant issues.

In addition to this, a sustained series of contacts and consultations have occurred and will continue to occur on key fronts including direct contact with the OECD and with the United Kingdom Government on the tax competition issues.

In the latter regard, I would like to advise this honourable House that during the early part of last month (March) a series of meetings in London and Paris were held where we established direct channels of communication with the Fiscal Affairs Division of the OECD (that is, the division charged with pursuing the initiative), and with the United Kingdom Government officials who represent the United Kingdom in these matters. In doing so, we have put on record our willingness and ability to engage in genuine constructive dialogue, our intent to protect our legitimate interests, and our requirements to be kept fully informed of the initiatives as they develop.

While the process employed by the OECD to date has had its shortcomings (and this has been acknowledged by the group we met with in Paris and elsewhere, it can be seen in terms of the discussions and the exchange of communication to date), we have reason to believe that a better understanding has been reached which we expect to inform of the process as it progresses.

Members will recognise that we are not in a position to control what the OECD does. However, I can assure this honourable House that we have made all the appropriate and available moves to open and maintain important channels of communication. We have used, and intend to continue to use these and any other available channels to secure access to advance our views, to influence the agenda as it develops and provide substantive input.

Mr. Speaker, the government is aware that clear minded incisive thinking, coupled with decisive action is required to position the Cayman Islands properly for the long term in the face of these changes which are occurring within the international environment. We have responded successfully to such challenges before, such as the Mutual Legal Assistance Treaty or what led up to the

introduction of that piece of legislation. We have a profound responsibility to continue to protect our financial industry and to monitor these initiatives thus securing the way forward for the future.

Mr. Speaker, in quite a number of my comments, I have used the pronoun "I." But when I say "I," firstly, I should correct myself and say "the government" because the government has been fully supportive of these initiatives. The delegation comprised of official members that went off as a fact-finding delegation. We have since (the Attorney General and I) spoken to Executive Council and we have spoken informally to several members of the Legislative Assembly just giving a brief overview of some of our observations from the meetings that were held during the recent trip to the United Kingdom and Paris.

Mr. Speaker, at this point in time it would be a bit premature to extrapolate what we can glean as the likely outcome from some of the meetings that were held both in London and Paris. But we are in a very favourably position. When we get a chance to talk to honourable members, they will be able to glean for themselves that it is very likely that whenever this list is published that the Cayman Islands may not be on it.

We are well known within the international financial community as to where we stand as a leading financial centre. We have subscribed to all of the international conventions as I mentioned earlier. We have spear-headed key legislation that has allowed us to have dialogue with the international community. Most recently we have entered into a Memorandum of Understanding with the Government of Brazil or the Central Bank of Brazil because we do recognise the level of the Brazilian [community] that is here in the Cayman Islands. The Brazilian community is very happy in terms of this Memorandum of Understanding having been entered into.

Where we now stand with all these initiatives . . . and I must say that I welcome the views that have been shared by honourable members in this House. It is for us to continue to stay abreast of developments that are occurring.

We know that we have many avid readers here and we have to look very carefully at the White Paper. At this point, I will not comment on the White Paper because as you are aware a select committee of this House has been set up and you have appointed the Financial Secretary Chairman of that committee. Hopefully, within the next fortnight we will be having our first meeting to look through the White Paper and to start to formulate our views.

The way forward is not one that should be based on pessimism. We have to be very robust. As the Governor said in his Throne Speech, **"It is an opportunity for us to enlighten the international community."** Members would have seen quite recently, where mention has been made of a study to be carried out by the United Nations in which the Cayman Islands has been invited to participate along with three or four other territories. The idea behind that is, first of all the United Nations has approached us as a leading international financial centre to get a sense of how we operate. Hopefully, they will be apprised as to how we conduct business in the Cayman

Islands, how the international financial centres work and also to create a list amongst themselves. According to them, they have decided to give it a colour [but] I am not into the black and white issue. According to them, they are going to.... Let's say a favourable list, one that will reflect upon those jurisdictions that have introduced or implemented prudent practises.

We have reason to believe that we will feature very prominently on that list of jurisdictions that have introduced prudent legislative regimes as we have the capability in place (as I said earlier) to monitor very carefully the type of business that is done on our shores; to send a very good report to the international community as to where we stand and to say more importantly on the issue of secrecy that our legislation, the Confidential Relationships Preservation Law.... This piece of legislation has been used by quite a number of people to probably send information to the international community that anything goes in the Cayman Islands. That piece of legislation allows for guided disclosure; it protects legitimate business but it does not shield deviant activities.

When we look in terms of the range of gateways that have been approved through different pieces of legislation by honourable members of this House, we can see that there is a commitment within the legislature right across government, right across the financial industry for us to operate a credible international financial centre. This has not been done by just members of the Legislative Assembly that are here today, but by quite a few that have gone. Some of them are now deceased but they left a very rich legacy.

We have to be thankful especially to our previous Financial Secretary, Sir Vassel Johnson, for the work that he has done. We have to be thankful for his deputy at that time, Mr. Linford Pierson, followed by Mr. Tomas Jefferson, who then succeeded Sir Vassel. All of these people together with members of the private sector have made their contribution. We have to be thankful to members of Executive Council, longstanding members such as the Honourable Truman Bodden, the Honourable John McLean, the Honourable Anthony Eden, the Honourable Julianna O'Connor-Connolly. We have to be thankful to all of those members. We have to be thankful to the Honourable Chief Secretary, Mr. James Ryan, and more recently, the Honourable Attorney General.

I must say that Mr. Ballantyne made me very proud of the way he handled the meeting and the legal issues at the OECD conference in Paris. He stood up very well right across the board. And we could see that it was quite evident to the team on the other side that they were taking note of what was being said because he went into the depths of the legal issues.

Mr. Speaker, what is very important is that we have put in place arrangements for future dialogue. In fact, while not wanting to make a premature statement, one of the senior members around the table indicated to us that he would be quite willing to come to the Cayman Islands for further dialogue.

Our gratitude will also have to be given on behalf of the Assistant Financial Secretary, Miss Drummond. She has been doing an excellent job in terms of following up

these initiatives. More recently, she has been joined by Mr. Langston Sibblies.

We have in place the secretariat and this secretariat is being headed by Mr. William Walker, he also performed very well in terms of the relevant questions that were raised. At the meeting with the senior officials in London and in Paris as well.

Thanks will also have to be expressed to Mr. Anthony Travers, who took time out to not only attend the meetings in Paris but also those in London with us. There is goodwill within our community in terms of supporting the financial industry and for strengthening the economy. We have had quite a number of persons within the private sector who have given of their valuable time. A number of them have taken time out to carry out research and to develop reports that have been forwarded to our office and also considered by the Private Sector Consultative Committee.

Mr. Speaker, we know that there is goodwill in this House in terms of continuing to do what is necessary to protect and to strengthen the Cayman Islands economy, to look very carefully at these initiatives and their implications for the Cayman Islands, to sit down and to engage in constructive dialogue with whoever it is necessary for us to talk to in order to explain what we are about and to hear what their concerns are about and to address those.

We have been quite fortunate to enter into a preliminary understanding. We are hoping to firm this up into a contractual arrangement with one of the very senior persons who recently retired from the Inland Revenue Office and has been carrying out consultancy work on behalf of several other countries. His name is Mr. Ian Spence. He is very much in depth in terms of what these initiatives are about and he is also one of the persons involved from the very early stages. We are hoping to have him in the Cayman Islands to meet with members of the legislature, to meet with members of Executive Council towards the middle of this month.

So, Mr. Speaker, a lot is happening. There is no element of complacency. Too much is riding on this. If need be, we have to expend the energy and the time to commit the necessary resources in order to make sure that the Cayman Islands does not lose a benefit that would otherwise accrue by staying abreast of these initiatives. We know there is full commitment right across the board.

Not only are we looking to what is happening on our shores but there is a commitment on our part in terms of supporting the initiatives of the Caribbean Financial Action Task Force. What we found interesting was that when the resolution was put at the ministerial meeting in November of last year, there were quite a number of countries that were represented at that meeting who did not know that they were on this preliminary list or had been written to. We have managed through this process to heighten awareness within the region. There will be a meeting with the Committee of Fiscal Affairs within another month or so and that's a group to discuss the way forward on these initiatives.

Mr. Speaker, there will be a meeting of the strategic group that has been formed next Wednesday afternoon, a joint meeting between the strategic group and the Government Private Sector Consultative Committee. An update will be provided as to the details of the meetings that took place in London and Paris. More importantly, the secretariat is planning to put in place a work programme and we will have to identify a day and time each week when meetings will be held with our office strategic group. The strategic group will be apprised of developments occurring on a weekly basis by the secretariat.

We have now engaged the services of Mr. Langston Sibbles, and he has very much taken up the mantle and will be introduced to the members of the strategic group and the Government Private Sector Consultative Committee at the meeting to be held on Wednesday afternoon.

We are now talking to another prominent individual within our local financial community who has very good banking experience. This has come at the suggestion of the Honourable Attorney General who thinks that it is a good idea. I have to be thankful to him for advancing this suggestion that we should not be attempting to analyse it from the legal side but we should also look at the economic implications of all of these initiatives.

This individual is well known to quite a number of members of the Legislative Assembly. I will not run the risk at this time and mention his name because we are now discussing contractual arrangements, but we are hoping that he will be on board before the end of April.

It is not a question in terms of just dealing with these initiatives. This is an opportunity for us to do an audit of where the Cayman Islands now stands as a financial industry, and decide on what has to be done. We have talked about the fiscal reform side. We have to look at what is happening on the financial industry side.

The Third Elected Member for George Town has mentioned the setting up of a board in order to make recommendations to government on the revenue initiatives. We are hoping that this individual will also play a prominent role on that side as well, but we are looking at it very carefully. There has to be synchronisation in terms of moving forward. But, as I said, I think what I am most elated about is the commitment of our financial industry, the commitment of the entire community and members of the Legislative Assembly in terms of raising questions as to exactly what is happening. It is important whenever the opportunity comes up to share and to provide an update in terms of where we now stand on these initiatives and we will continue to do so.

More importantly, the secretariat will be operating with an open door policy. Members of the community that are travelling overseas—especially from the private sector—who will have to give speeches and make addresses to various forums can always go to the secretariat and get information as to where we now stand on these initiatives and be enlightened in terms of what we can expect, for example, in terms of future outcomes. This is to make sure that our financial industry is properly apprised so that they can correctly inform the international community in terms of what level of dialogue is

entered into, in terms of where we now stand. It has taken some time for us to get to this stage but I think quite a lot has been accomplished.

Once more, I would like to say thanks to the government for supporting this setting up of secretariat. I want to say thanks to honourable members of the Legislative Assembly for supporting this setting up of the secretariat and also for their interest in terms of what is happening with these initiatives.

And lastly, mention has been made of the Cayman Islands hosting the Commonwealth Finance Minister's Meeting. This will be in September of this year. We know that there will be over 54 Commonwealth countries represented at this meeting. We know that quite a number of Prime Ministers will be coming to the Cayman Islands. In fact, the primary lead person at the conference will be the Chancellor of the Exchequer, in terms of being the primary Chair. Cayman will also be in the Chair as well.

We can expect over 250 overseas delegates to be coming to the Cayman Islands. This is an opportunity for the government to combine its energies with the financial community to show off our financial industry. To take the Ministers of Government, Prime Ministers, Finance Ministers and others that are coming along across to the Monetary Authority. To meet with the Members of the Legislative Assembly, to go into some of the offices in the private sector and to see that Cayman has got the capacity to talk complex international financial language. When it comes on to this, Mr. Speaker, it is not something that we are lacking in.

And we have seen evidence of this before. We know that we have got the capacity to match the ability or abilities of the international community at any level in terms of complex financial transactions and we see this. This is why today when the question is put in terms of no value added to business done in the Cayman Islands . . . that is ludicrous! It should not be believed by the international financial community or the local community. There is no value that can be placed in terms of intellectual ability.

We see today that head-hunters are paid substantial sums of money to identify individuals with the requisite expertise to provide leadership to companies all over the world. We know that we have got this capacity within the Cayman Islands. When it comes on the mutual funds industry, we have been so innovative. We have been the first in the region to introduce legislation regulating the mutual funds industry. Companies that were reluctant to come to the Cayman Islands before are now coming here in droves.

At the end of these initiatives, this should give us the opportunity to seek for OECD recognition markets that we cannot access now, in terms of the marketing of our mutual funds we should be able to do so. We are hoping to get recognition for our stock exchange. All of these things as far as I am concerned represent a whole lot of stars on the horizon.

So those individuals that are saying that Cayman will disappear in the next five years . . . what I would say, if they are so pessimistic, is shift to one side and make way for individuals with optimism and the capacity and

willingness to work with the government, the financial industry and the Cayman industry as a whole to protect what we have developed and worked so hard for over the past thirty years.

Thank you very much, Mr. Speaker.

Mr. W. McKeeva Bush: Mr. Speaker, before the Honourable Financial Secretary sits down, will he say what is the government's intention on the Committee that the House set up to deal with the White Paper in London on Dependent Territories? Some of the issues that he spoke about are contained in that White Paper.

The Speaker: He mentioned that earlier, I think you were out of the Chamber.

Mr. W. McKeeva Bush: Okay, thank you.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you for allowing me to say something. I basically wanted to offer my apologies for being a bit late this morning. I did ask my staff to call and say that I was dealing with an urgent official matter that I could not just drop. My apologies.

The Speaker: Does any other honourable Member wish to speak?

The Honourable Second Official Member.

Hon. David Ballantyne: Mr. Speaker, I realise this is perhaps a break with tradition, but I do have one or two matters that I wish to bring to the attention of the House.

You may note that the Portfolio of Legal Administration had a relatively short contribution and I would like to update the House in relation to one or two of those matters. I am providing information first of all and, secondly, I want to add some comments on issues that are pertinent I believe.

In the first place, the commitment was given that resources would be added at a senior level to augment legislative drafting capabilities. And that was with the view to enabling a fast track, as members may recall, for financial services laws and also to the scheduling of laws on a legislative calendar rather more in a managed fashion than perhaps may have been the case with a view to timely enactment. This is particularly important when the country faces the challenges of initiatives such as the OECD.

I am happy to tell the House that a senior legal draftsman has been recruited and will be joining my complement in the middle of the year.

I would like to mention briefly criminal matters, as they were mentioned also. International co-operation in criminal matters is a necessary component of an outward looking modern country, and in that regard I am conducting a review of these arrangements with a view to ascertaining the adequacy of them and to recommend any necessary improvements. The criminal lawyers within my portfolio are also focusing on asset forfeiture and confis-

cation in relation to the proceeds of crime and particularly drug offenders' assets. It is my understanding that cases are being brought before the courts in this regard.

Probably the single largest issue facing the country, facing the House—facing us all—is the initiatives to which the Third Official Member has referred relating to the OECD process and related initiatives. I simply want to add what I can for the understanding of the House and people at large that the primary commitment of the government's legal service is to offer sound and timely legal advice and services. I am pleased to have been afforded an opportunity to play a part as a member of the team on the OECD initiative in particular.

I think I can without fear of contradiction say that the OECD process, from what the officials involved say, is not about setting minimum levels of taxation. It is not, we are told, to protect big government. It is not about the harmonisation of taxes and it is not about imposing one set of values. What they say is that they are trying to promote fair tax competition, a level playing field and transparency. And the two words that were emphasised on the occasion of the visit to Paris were transparency of process and the need for effective dialogue.

It is not my place to comment on the Third Official Member's portfolio or matters pertaining to it, and I don't propose to do so. But I liken this process to a negotiation whereby that dialogue will hopefully produce results. I think the expectation on the OECD members' part is that their concerns should be addressed in some way. But we have also had the opportunity of making it clear that the Cayman Islands expects that its legitimate economic interests be addressed also. I would like to say that those interests include maintaining confidence in the jurisdiction and in the financial services industry in particular.

It is my opinion that rapport at an official level has been established with Her Majesty's Government in the United Kingdom and with the OECD Officials. I acknowledge and trust that the political input will come at the appropriate point in time. All that we are seeking to do at this stage is to ascertain what the arrangements are and to carry out an analysis of the issues so that those who have the responsibility—including us—for the administration of the country and this honourable house can be fully informed and can take informed decisions.

I think I don't wish to dwell on this beyond saying that on the strength of what has occurred so far, I think there are grounds for cautious optimism, provided that there is substance to this dialogue and that a proper course is laid out and adopted by government and the islands as a whole.

This is all I wanted to say, Mr. Speaker. I am grateful to you for the opportunity, even if it is unusual, except to add that I want personally to offer my thanks to His Excellency the Governor, Mr. John Owen, for his commitment and his initiatives during his tenure here and to acknowledge the support that he has had from his wife and her part in the life of the community. I wish him and his wife a successful and happy future and no doubt a happy return.

Mr. Speaker, thank you.

The Speaker: I think that concludes debate on the Throne Speech. No other Member wishes to speak.

The question before the honourable House is: Be it resolved that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for his speech delivered at this meeting. There has accordingly been debate, and I shall put the question that this honourable House record its grateful thanks to His Excellency the Governor for the address delivered at this meeting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

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

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.27 AM

PROCEEDINGS RESUMED AT 11.53 AM

The Speaker: Proceedings are resumed. Item number 5, Other Business, Private Members' Motions, Private Member's Motion No. 1/99, standing in the name of the Second Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/99

AFTER-SCHOOL PROGRAMME FOR BODDEN TOWN

Miss Heather Bodden: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 1/99 entitled After-School Programme for Bodden Town, which reads as follows:

"WHEREAS between the hours of 3.00 p.m. to 6.30 p.m. is the time when most children are left alone or unsupervised;

"AND WHEREAS the Government, over the past several years has accepted the policy of supporting 'after-school' programmes in the various districts;

"AND WHEREAS the district of Bodden Town has no such programme;

"BE IT NOW THEREFORE RESOLVED THAT the Department of Social Services, through its Community Development Officer, establish such a programme for the district of Bodden Town."

The Speaker: Do we have a seconder?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I second the motion.

The Speaker: Private Member's Motion No. 1/99 has been duly moved and seconded. Does the mover wish to speak to it? The Second Elected Member for Bodden Town.

Miss Heather Bodden: Thank you, Mr. Speaker. Before I begin my debate, let me just pause here and thank the First Elected Member for West Bay for seconding this Motion. I am aware of this member's association with these after-school programmes while he was the minister. Much of what has been achieved so far with these programmes that are now in place would not have come about had he not utilised the churches and assisted them by way of grants to get youth workers to help with these after-school programmes.

Like me, the First Elected Member for West Bay has his heart in the right place when it comes to our youth. The welfare of our youth has been a keen concern of mine since the earliest years of my involvement in community services. It is a concern that has been a driving force in my life and a motivating factor in my work. Our young people represent the future, and when we look at them, we see a glimpse of what things could be like later on. That is why in my response to the 1996 Throne Speech I indicated my commitment to setting up an after-school programme in the district of Bodden Town.

In my debate, I said that I would be approaching the minister about setting up such a programme, as it is very much needed. For these reasons, this motion is especially near and dear to my heart.

I also believe that paying attention to our youth during these critical after-school hours is more urgent today than it has ever been before. Unfortunately, there is more today for them to experience—drugs, sex, pornography and violence.

Touching on violence, Mr. Speaker, TV is a big problem today in the lives of our children. The number of potential negative influences that a young person may be exposed to on any given day is frightening. Many parents may not even be aware of the dangers lurking in the form of so many temptations that can easily turn into actions which may later be regretted for years or even a lifetime.

An after-school programme is a preventative measure designed to keep this from happening. In addition, it can be so much more. The old saying, "An idle mind is the Devil's playground," is just as true today as it has ever been. Without supervision, it is too tempting for young people to fall into the trap of a life without values.

Most of Cayman's culture and history is built on good moral values. When we were growing up, we seldom had to worry about the kinds of negative influences that have become commonplace today. Moreover, even if they had been there, we were seldom left alone long enough for temptation to take over. When we came home from school we had our parents, our grandparents, or another family member to take care of us. That is cer-

tainly not the case anymore, Mr. Speaker, everyone's obligations have grown. In most families, both parents work—sometimes two and three jobs. Even grandparents often work today.

By process of elimination, the responsibility for taking care of the children after school falls to the helper, who may or not consider it a priority, or worse, to the children themselves.

Mr. Speaker, these problems arise from a lack of parental guidance and involvement in the lives of the children. Today, it is very difficult for one parent to manage alone. It seems that all too often when a child begins to have problems, the parent or parents give up and the children are left to fend for themselves on the streets. Here they find an atmosphere that is full of negative influences and opportunities to go astray.

Sometimes parents are too tired and may be too quick to give in to the child's demands. Parents need to spend more time supporting and encouraging their children. A parent's words and actions are two of the most important influences on a child's self-esteem. With love and diligent effort like supporting an after-school programme, parents can help develop solid self-esteem that will serve them through out their lives.

Mr. Speaker, this is where the after-school programme steps in. It means peace of mind for parents and a new opportunity for children to find a positive outlook for their energy and talents. It gets the children off the streets and into a safe and controlled environment where growth and learning are encouraged. This programme will encourage a partnership, so to speak, between parents and the government, whose primary goal is to help produce productive and well-rounded citizens for our community. It will seek to enhance and optimise an outside of the classroom environment for educational and recreational opportunities for our children's development.

As you know, after-school programmes are already in operation in West Bay and George Town. Their success is an encouragement to us. Today, Mr. Speaker, Bodden Town continues to be the fastest growing district in the Cayman Islands. Everywhere you look, you see new construction and housing going up as more families move in. This incredible growth rate makes the need for an after-school programme even more urgent.

Having said all that, I would like to turn now to some of the considerations about the organisation and running of such a programme in Bodden Town. This programme will target children up to the age of approximately 14. These are the ages where children are most vulnerable and in need of a structured environment. Discipline is very, very important. Everything we know about young people points to the need for discipline in their lives so this will be a key part of the programme.

Fun is also important. After all, this is not meant to be school. There will certainly be a variety of activities to keep the children occupied. I would like to see this programme opened with devotion and singing. Also, a healthy and nutritious snack will be provided. For many, the after-school programme will be a time to delve into new creative pursuits or to explore subjects that may not

be offered in the traditional classroom setting—things like thatch weaving and other crafts come to mind. It can present students with opportunities for self-discovery and allow them to choose their path rather than a one-size-fits-all approach.

Mr. Speaker, it will certainly allow the students to discover and strengthen their individual skills and talents by presenting them with choices at an earlier age. Don't get me wrong, completing homework assignments will also be a priority, but the programme will also offer an opportunity to bring our children into greater contact with their culture and historical past. This is why activities such as art, crafts, drama, and music are all welcome.

Finally, I would like to stress that although the programme will make life easier for parents, it will rely very heavily on their support to make it work. Scheduling and organising will be critical to the success of such a programme. The current school bus system can be used to provide adequate transportation for students thereby increasing usage and attendance. A register will be set up to register children as they are dropped off. Parents and guardians will be responsible for collecting the children on time at the end of the day.

Most of all, Mr. Speaker, the programme will require the care and commitment of concerned adults, be they parents or anyone else who has a love for young people and a desire to make a difference in their lives. In this respect, I would strongly encourage some of our senior citizens to become involved. Our children are badly in need of wise and understanding parents and guardians who can anchor them during their time of personal crisis.

Mr. Speaker, you need not have a college degree to be a good parent, guardian, or youth worker. It is just a matter of doing simple things every day—praise and encouragement when due, and discipline as required. Acceptance of our children for who they are and not what we want them to be will allow our children to accept and respect themselves. We will count on committed adults in our community to build relationships with our young people and to pass on to them the values that we learned growing up. Children need to be inculcated with the sense of responsibility not only for their own actions but also for the actions of their peers and a healthy respect for others and they will have to be disciplined. It is not always easy but my experience in working with teens and other young people in Cayman has taught me that however difficult it can be sometimes, these rewards are always greater in the time and energy you put into the task.

Today, Mr. Speaker, as the saying goes, "*It takes a Village to Raise a Child.*" That's why this programme will need the commitment of the community but I feel we have everything it takes to achieve our goals.

Mr. Tony Scott, Bodden Town's Community Development Officer, is an expert at setting up an after-school programme. Everyone here will recall how he set up a two-week summer camp for kids at the Bodden Town Civic Centre last summer. The success of the programme gives me tremendous optimism with respect to what we can achieve with this after-school programme.

Mr. Speaker, as I said earlier, our young people represent our future. I know we will all be proud one day when we can look back on this programme and say, 'We did the right thing.' Our youth today are important. Whatever needs to be done to ensure a brighter future for them, I want parents to know they can count on me to help achieve. I also want parents to know that I am here to provide solutions that will make life a little easier for them. If it means taking that stress away from them for three hours knowing their child is in a safe environment, then that is what this motion is all about.

Mr. Speaker, too often while I am at the Bodden Town Civic Centre I see so many children in that area doing things I know their parents would not approve of and truthfully this bothers me. I ask the government to look at this motion favourably.

Thank you.

The Speaker: Does any other Member wishes to speak?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I rise to associate my efforts with the call to establish an after-school programme in Bodden Town. Sometime ago I was approached with a proposal by two interested members of the Committee, both with some experience in teaching. I passed on this proposal to the Second Elected Member for Bodden Town, and at least one other minister of government.

I read the proposal myself and I thought that it was a very good rudimentary proposal. The only conspicuous absence was no mention of a physical facility that could be utilised, and I am going to say more about this later because if there is a challenge to be met, it would be in this area.

As an educator myself, and as someone who has been involved with youth in the community of Bodden Town since 1970—well before I knew that I would be politically inclined—I noticed that one of things sadly lacking is a sense of self-esteem and self-importance. I have to say that I had a fortunate upbringing because my mother, God rest her memory, was really excellent at inculcating in us a sense of self-esteem and a sense of self-importance. On numerous occasions since I have been in this House I have complimented her on that and I can only regret now that she is not around to hear a further compliment. But be that as it may, Mr. Speaker, what I want to say now is more important than purely my own personal experience.

I believe the reason why this area is not developed is because the demographics and the society of the Cayman Islands now has changed in such a way as to not afford parents to be full-time parents. My mother was a full-time mother and housewife. So her responsibilities were exclusively geared for taking care of her family and for bringing up her children. In that sense, if she had failed, her failure to my mind would have been a greater failure than some of the failures that take place now.

Unfortunately, to be a full-time exclusive mother and housewife now is a luxury that not many people can afford. Society and economic demands necessitate that

both mothers and fathers have to work. As a result, much quality time is not afforded to spend with the children.

What happens is that the school is *in loco parentis*—the school then has to take the place of the parents. That is an awesome and added responsibility at the school that has the children legally from about 8.30 a.m. till 3.00 p.m. The school then has to begin earlier and carry on later, so already the teachers and the staff of the school are taxed. It would be fitting if we could arrive at some other kind of arrangement to take some of the burden for the upbringing off the school and place it solely in some organisation which would not have to worry so much about teaching the three R's, but could concentrate on other things which are also of vital importance in creating and moulding a well-rounded individual. It is in this regard that an after-school programme would be very effective and is certainly much needed.

Mr. Speaker, I too noticed that there are quite a significant number of youngsters around Bodden Town who are obviously not constructively involved for long enough periods of the day. We have some organised activities: soccer, basketball for the boys; and there are some activities for the girls. The churches play a very significant and important role in providing some activities. But there is a core of youngsters who fall within the range of about seven to ten where there is a dire need for some kind of organised arrangement. These are the most formative years of a child and these are the years in which he should be able to have some kind of organised setting where he can meet with his peers.

They can be supervised, they can have fun, they can take part in learning even if those activities are relatively unstructured when we compare them with formal schooling.

Now, as I have said before, the challenge I find in Bodden Town is a two-fold challenge because by its very nature the community is extended in terms of the Cayman Islands. And we have at least two large significant areas of settlement. In the ideal, I believe that we would need to have two physical facilities. To have one that contains all of the children in the programme would mean that it would be so large almost as to be prohibitive when it comes to staff and to organising and setting up certain activities.

I would, however, like to say from the outset that if we go the route of having two physical settings, I would like to see some kind of amalgamation and some joining together for collective activities. Even if it's, say, monthly or even a twice monthly or on a thrice-monthly basis so that no particular element feels left out or exclusive. What I would like to see developed is a programme where there could be some mutual feelings that all belong to a community, albeit the numbers may preclude having only one centre.

Now, in order to meet that, the challenge would be to finding a physical facility that currently exists either in the Bodden Town or Savannah area. I have scratched my head many times, Mr. Speaker. I have failed to come up with a facility, which would be adequate to accommodate such a programme. Adequate, that is, in terms of

the physical space available, and adequate also in terms of a central location. We are, therefore, left with the added challenge of having to procure such a centre.

It may well be that we can interest and co-opt services of one of the churches in our constituency. That would be good. But I am not sure if one facility alone would be significant. We may have to get two or even three.

We who support the motion recognise that the motion is not without its challenges. But I am confident that these challenges can be overcome by those of us and the government if it is so minded. The proposal is a good starting point. From what I have heard and understood cursorily there may be one or two church congregations interested also in becoming involved in such a programme, and that itself is excellent. I certainly would encourage that, since the churches are eminently equipped to offer some kind of training and already have in place by virtue of their formalised youth programmes and their Sunday school programmes certain programmes that can be adapted to help these children along in certain ways.

I see the church as an important tenant in this whole business of socialisation. Certainly, Mr. Speaker, we like to claim that we are very cognisant of our religious and Christian background. So, I think definitely that the churches will have a complementary role to play and I will certainly encourage them to become involved.

Mr. Speaker, I am sure that parents will be supportive of this programme because many parents work until 5.00 p.m. And when they come home, one or either of the parents have to assume the responsibility for supervising the homework, that is in addition to preparing the evening meal and preparing the children for bedtime. Now, in a household with two or three children this is quite a significant effort Monday to Friday, coming from a job where parents have to work from 9 a.m. to 5 p.m. sometimes under rather stressful conditions. So, relief by way of an after-school programme would ease the burden physically and emotionally.

I noticed that the Second Elected Member for Bodden Town mentioned that one of the items in the programme could be some kind of supervision of schoolwork. Certainly, I would hope that the facilities could be such that assignments and homework could have some place and the children could be able to get some help and some supervision in this so that they would not have to rely exclusively on the parents.

Another important facet of such a programme would be that it would arrest this whole habit of having the television as a surrogate parent. I have always been suspicious . . . and I remember in my earlier years here, I lamented substituting parental love, concern, and supervision with the television. I would adapt the cliché that the television is a good servant but a bad master. It is like fire, a good servant but a bad master. An unsupervised television as far as children are concerned is a weapon as dangerous as a firecracker or any dangers that destroys our children. Indeed, it may be worse than a firecracker because once a firecracker has exploded you cannot explode that same firecracker again. One bad

idea or one bad notion gleaned from the television embedded in the mind of a young child or a young person can be repeated over and over, and worse can be shared, can be dispensed, can be dealt to any number of young people and children. I see far too much unsupervised watching of television by children.

I want to say that as an educator and as a parent, one practise I have is that I try to educate my youngsters to the positive qualities of television. I have a little son who is six years old, and I encourage him to watch the news with me in the evenings and we discuss things and he now knows about Kosovo and he can talk about Belgrade, the United Nations and President Clinton. But, Mr. Speaker, I never allow him to watch violent cartoons, never. So Tom and Jerry and all that kind of stuff even though people say, *'Well, it is a cartoon and what is wrong with that?'* No, Mr. Speaker, I tell him, "Listen, it is news time."

And he can even tell me . . . we had a little quarrel up to yesterday afternoon because I like the BBC and he is a CNN man. So, Mr. Speaker, we have to face the facts. Television is here to stay. I would not advocate trying to live without it because it would mean depriving ourselves of a certain educational tool. But once we understand that it should be kept in the realm of an educational tool and ensure that when our children come in contact with it, they are properly supervised and trained to use it in constructive ways then it is all well and good. It is the unsupervised use.

Similar with computers: Any unbridled and unsupervised use of the Internet by children is a danger and a weapon. I am saying all these things to stress the importance of a supervised after school programme. I might add that I would expect that television and computers be an integral part of any such programme particularly where it applies to children in the upper age brackets of 12 to 14. This is a fact of life. They are going to come into contact with this at school and at the wider world of work and when they travel.

Television is a cheap babysitter; but it is not a good babysitter. I believe that if we had more of these after-school programmes it would be more beneficial in the sense that it would ensure that our children come into contact and be taught and trained in specific and positive ways which will allow them to be better informed citizens, more productive citizens and also develop and inculcate in them a sense of self-esteem and a sense of responsibility. But, it also has cultural benefits too because one of the problems that we are struggling with—particularly the young people—is that we watch so much American television and we believe we are Americans.

These programmes will allow our children to learn, practise, and participate in activities that are, strictly speaking, cultural and country based. And that is not to say that it won't allow them to develop an appreciation for what is outside of our geographical borders. But they should serve as an emphasis point and a launching pad for an appreciation of what is Caymanian and inculcate what it means to be a Caymanian.

Mr. Speaker, I believe that there is significant merit in the motion. I believe that the government can accept

this motion and I believe and I hope that they are so minded. Certainly by so doing, it will add to those communities where these kind of programmes are already well established. It is only fitting that Bodden Town—which according to the last census is the fastest growing residential community in the Cayman Islands . . . It will enhance that reputation of Bodden Town as a desirable growing congenial, tranquil residential community, and it will meet the needs of many young couples who will be relieved in more ways than one when there is supervised after-care for their children.

Mr. Speaker, I believe that the government need not act alone in this. It could harness community efforts. And mention was made of the Community Development Officer. There are other people as well as Mr. Scott, who I am sure would give of their services and who are eminently equipped to help. Some of these people are already involved, but I am sure they would be willing to stretch their efforts even a little more. Significantly, too, we can tap into the resources of the churches—both their physical resources and their personnel.

I would encourage the government in its examination of this to view it in the broadest most comprehensive and community oriented light. Mr. Speaker, I give my support to this and I don't know what is going to become of the proposal made by the gentleman and the lady whom I mentioned already, and the proposal which I shared with the member moving this motion because, of course, the ultimate decision will lie with the government.

I hope, however, that some consideration could be given to entities in the community that have expressed a desire and a willingness to participate in these exercises. I certainly would be willing to lend my support and my efforts both from the viewpoint as a representative and not the least of which from the point of view as an educator who has some insight into these things. I trust, Mr. Speaker, that the motion will be accepted and I hope before long—possibly before the end of the summer—that such a programme is established in the community of Bodden Town incorporating, that is, Savannah and Bodden Town.

Thank you.

The Speaker: Does any other Member wishes to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I rise to give my support to the private members' motion seeking to establish an after-school programme for the district of Bodden Town. My contribution can be very short.

I would like the government to take into consideration the fact that the whole concept of schooling is changing, it's evolving. We need to recognise that in our society today parents are very much occupied with trying to earn a living and, therefore, the question of how we take care of children that are only legally required to be in school between the hours of say, 8.00 a.m. and 3.00 p.m. is becoming more and more of a question.

Although the State might have conceived its responsibility as being between the hours of 8.00 a.m. and 3.00 p.m., the employment of a great majority of mothers

today means that the State must again look at the question with regard to its involvement with the socialisation, and the education of its future members.

I am one of the supporters of the Rehoboth Programme, which operates now from the T.E. McField Youth and Community Centre. I would also like to very much recognise the contribution of the First Elected Member for West Bay who was the Minister for Community Development at that time. He was in fact responsible for bringing this very progressive concept into our social thinking. The Rehoboth Programme in particular is always grateful to the First Elected Member for West Bay for what he did in getting the government to the point . . . and it seems at that particular time it was no easy job to accept that programme and to begin to give that programme the kind of recognition that I believe the Second Elected Member for Bodden Town is asking for Bodden Town.

I believe that if we use the Rehoboth Youth and Community programme after school, based upon very strict religious values, we can begin to understand that discipline has to do with values. And only when strong values are inculcated into the minds of our children will we be able to elicit from them behaviour that is desirable.

So we have watched the tremendous fruits of success with regard to the George Town experiment and we would like to encourage that this concept of after-school education be extended nationally. It is a national concept rather than a concept that has to do with just one, two or three districts. And I believe that this was the intention of the First Elected Member for West Bay when he was the Minister for Community Development. But good ideas take time to establish in the Cayman Islands.

I would also say that the government or the education department needs to reconsider this monopoly with regard to educational facilities, with regard to the buildings. We find that the school buildings are left vacant between the hours of 3.00 p.m. until 7.30 a.m. the following morning. So, for many hours, good government property is left unused when it could be used by the community for continual education programmes during the evening.

In other words, we don't really need to build after-school centres. We don't need to be paying rent for after-school centres when we have the schools. Now, this means that we would have to get some kind of agreement between the education department and the ministry responsible for the after-school centres where they could come in with their separate kind of teachers. Because it would be rather expensive for the government if it ran the programmes itself paying for these highly qualified teachers to run the after-school programmes.

And you really don't need highly qualified personnel. You need people who have good values, who are willing to establish a regime within the particular environment that would cause the kids to behave in such a way has to exhibit the type of concentration necessary for learning.

Now, there is no reason why we cannot continue to encourage people to get involved with the after-school programmes as volunteers. In fact, we could do this in some of the districts by using the primary schools. I don't

see the point of saying we need separate facilities for after-school centres, when the kids coming from the schools are leaving empty buildings. I would hope that my recommendations of how it will be possible to utilise the schools in a much more aggressive type of after-school approach would be taken into consideration. Therefore, I would like to commend the member who brought this particular motion.

Mr. Speaker, that is my contribution. Thank you.

The Speaker: We shall suspend proceedings until 2:15 p.m. for lunch.

PROCEEDINGS SUSPENDED AT 1.45 PM

PROCEEDINGS RESUMED AT 2.41 PM

The Speaker: Debate on Private Member's Motion No. 1/99 continuing. Does any other Member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. This private member's motion dealing with after-school care is one that the government supports. As other members have mentioned, we also believe that it is not just a government item. For example, the Department of Social Services, I am sure would be happy to assist in the development of an after-school care programme for the district of Bodden Town. But (and this is information the minister has passed on to me) the Department of Social Services is not staffed sufficiently to take sole responsibility for this initiative. I am sure that they are willing to assist the process in terms of training and other activities that are going to be required.

They also feel that it is imperative that the Education Department be involved from the beginning with this programme as it would be an extension for those who are involved with the school day. I think it was the Fourth Elected Member for George Town who reminded us that the school facilities throughout the country are available from about 3.00 p.m. until just about 6.00 a.m. Therefore, we need to ensure that the Education Department is part of whatever proposal for implementation comes forward.

We agree too that the excellent work done by the churches—not just today or yesterday but for the last fifty or more years in this area of care for members of the society, be it young people or otherwise . . . that the churches would be asked to be involved. I know that some of them if (not all) are already involved. Maybe not to the extent that we are talking about here, but I feel certain that they would rise to the occasion if asked to assist.

We know that there is a programme in George Town that the good member has referred to as well. It has already been in operation. Since we are in agreement, Mr. Speaker, I do not propose to make it a long speech. But I think if we look at the country in a global sense and the needs that are evident within our community . . . and I believe some other Member may have made this point as well. Prior to the early sixties, mothers

were at home raising their children. And with all of this development that came afterwards, it put pressure on the respective families for the wife to also work which means that the children then do not have that parental supervision like we did.

And we as the government, have to as they say in baseball—step up to the plate—and do what is necessary to work together to ensure that the society as we know it and that we wish to see years down the road is in essence the same wonderful place to live. And we see little items popping up here and there, Mr. Speaker, which we believe need to be addressed. A programme such as what is put forward in this motion is a step in that direction and I believe that we need to address it perhaps in a global context and deal with it along those lines.

So the government is in support of the motion seeking to establish after-care in the Bodden Town district for members of the society who live in that area.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wishes to speak?
The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I rise to add my support to the resolution. I don't think that much more can be said. I believe that the contributions made from this side by the Fourth Elected Member from George Town, the Third Member from Bodden Town, and the mover, the Second Member from Bodden Town, were very good in summing up the situation as it exists.

As minister, one of the things that I put much emphasis on was getting after-school programmes in our communities, recognising the many problems that we were having in and amongst our young people. Times certainly are different from when were growing up. There is a need for positive programmes in the time frame from 3.00 p.m. - 6.30 p.m. or when children are left alone.

Members have referred to churches and the tremendous [work] done from some fifty years ago, as one member has said. And certainly, we want to say a word of thanks to the churches for the work that they have done in our communities. But it was not until we got assistance from government for youth workers that we put the programme in place. Churches have that at their disposal, if they need it and many of them avail themselves of it.

Mr. Speaker, there are some seven or eight programmes presently in operation. I am little bit saddened to note that there are no new ones since I left as minister. And there is room for them as the members from Bodden Town have identified and I trust that the ministry will be up now and about getting this one in place. And for those others that have applied, I do know that they are people who have applied and have not been able to get off the ground. The ministry needs to move quickly in that direction.

I am sorry that the minister who should have been answering this is not here for whatever reason, Mr. Speaker. I would have loved to hear a response as to why some of the applications made to the ministry are

not yet processed. As I said, since 1997 there have been none created. And if there is this need, as everybody has said—even on the government side—then there should be some urgency in getting programmes started.

I would hope that the policy has not changed. But I will wait to hear how they will move in that direction to create the one for Bodden Town. Mr. Speaker, I just want to congratulate the mover who has spent some time on this motion. Thank you very much.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. As the First Elected Member for West Bay just said, there is not much more that can be said on this motion. I too would like to congratulate the Second Elected Member for Bodden Town for bringing this motion, and I would like to particularly congratulate her on her presentation.

I offer my support to the motion, but I am going to state here that I am little bit concerned, if it is a policy of the government, that the government did not move an amendment to this motion to provide a similar service for the district of North Side and the district of East End. I do not think that an after-school programme is provided in these two districts.

I don't think that we should have to come here each time there is a need to set up a programme if it is a government policy to provide this service in all the districts. We heard from the Second Elected Member for Bodden Town (moving the motion) of the needs of our young children, the hours that they spend alone, both parents working to make two ends meet. I don't think the district of North Side and the district of East End are any different from the other districts that require an after-school programme.

So, Mr. Speaker, I would ask the government in accepting this motion to provide an after-school programme in the district of Bodden Town, to also look at the district of North Side to provide a similar programme for those children in that district. Thank you, Mr. Speaker.

The Speaker: Does any other Member wishes to speak?

Mr. W. McKeeva Bush: Mr. Speaker, perhaps what can be done is to move an amendment to the motion to include consideration for East End and North Side if the government would accept it. If they don't want to accept it, I won't bother to put it. But I don't see any reason why not to, because it is just a consideration.

[Inaudible interjections]

Mr. W. McKeeva Bush: I am hearing from government that it would accept that. I so move, Mr. Speaker, if somebody would second.

Mr. Roy Bodden: Mr. Speaker, I will second that, sir.

The Speaker: An amendment to the motion has been made by the First Elected Member for West Bay and

seconded by the Third Elected Member for Bodden Town. Does any member wish to speak to it?

If there is no debate, I will put the question that the motion be amended.... You will prepare an amendment or...?

Mr. W. McKeeva Bush: Yes.

The Speaker: Maybe we will take that at a later time then. I will wait to put the question later then. The only thing I see for us to do is to suspend proceedings for a few minutes while the Clerk prepares the amendment.

We shall suspend for ten minutes.

PROCEEDINGS SUSPENDED AT 2.52 PM

PROCEEDINGS RESUMED AT 3.10 PM

The Speaker: Proceedings are resumed. Before we took the break . . . and I have waived the two days' notice on the amendment. Would the First Elected Member from West Bay now move the amendment as written? Do you have a copy?

AMENDMENT TO Private Member's Motion NO. 1/99

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. The amendment is as follows: That we delete the words "**such a programme for the district of Bodden Town**" as they appear in the resolve section and substitute therefor the words "**such programmes for the districts of Bodden Town, East End and North Side.**"

The Chairman: Is there a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I wish to second the amendment, sir.

The Speaker: The amendment to Private Member's Motion No. 1/99 has been duly moved and seconded. Does any member wish to speak to it?

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

AYES.

The Speaker: The Ayes have it. The amendment to Private Member's Motion No. 1/99 has been passed.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 1/99 PASSED.

The Speaker: If there is no further debate, I shall now put the question that Private Member's Motion No. 1/99— The Honourable mover wishes to exercise her right of reply?

Miss Heather Bodden: Thank you, Mr. Speaker. First of all, I would like to thank the government for accepting

this motion and also my sincere thanks to my colleagues for their support as well on this motion.

I am sure every honourable member in this honourable House realises how passionate I am about this motion. I took specific note of what my colleague, the Third Elected Member from Bodden Town, mentioned regarding a place to house such a programme. It is our intention to seek the assistance and the involvement of churches in the Bodden Town district. In fact, Mr. Speaker, I have been approached by church members who have indeed expressed interest in assisting. This is the whole idea of why this motion was brought, to get the churches and the community involved.

I look forward to working with my two colleagues, the First Elected Member and the Third Elected Member for Bodden Town. I know the three of us are very community-minded and it will go a long way to make Bodden Town a better district, assisting our young children in setting up this after-school programme for their benefit.

Mr. Speaker, the new amendment also has my full support. Anything I can do to assist the member for North Side . . . she knows she can count on me when it concerns youth and the elderly.

I thank you very much, Mr. Speaker.

The Speaker: I shall now put the question that Private Member's Motion No. 1/99, as amended, do pass. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 1/99, AS AMENDED, PASSED.

The Speaker: Moving on to Private Member's Motion No. 8/99, Prayer of Thanksgiving for the Cayman Islands and Comfort for Victims of Other Jurisdiction to be moved by the Fourth Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 8/99

**PRAYER OF THANKSGIVING
FOR THE CAYMAN ISLANDS AND COMFORT
FOR VICTIMS OF OTHER JURISDICTION**

(WITHDRAWN)

Dr. Frank McField: Mr. Speaker, I rise to ask permission to withdraw Private Member's Motion No. 8/99, Prayer of Thanksgiving for the Cayman Islands and Comfort for Victims of Other Jurisdiction. Just allow me briefly to say that part of the reason for withdrawing the motion is that the motion was for the last sitting of the Legislative Assembly—during the period we had been experiencing these hurricanes.

I feel, Mr. Speaker, as it had to do with it being discussed and resolved at a specific time, I ask now for the permission of this honourable House to withdraw this Motion.

The Speaker: In accordance with the regulations of Standing Order 24(14) permission is being sought to withdraw this motion. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion has been withdrawn.

AGREED: PRIVATE MEMBER'S MOTION 8/99 WITHDRAWN.

The Speaker: Moving on to Private Member's Motion No. 4/99, Civic Centre/Hurricane Centre in George Town, to be moved by the Third Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 4/99

**CIVIC CENTRE/HURRICANE CENTRE
IN GEORGE TOWN**

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 4/99 entitled, Civic Centre/Hurricane Centre in George Town, standing in my name, which reads:

"WHEREAS budgetary provision of CI \$100,000 was made in the 1997 Estimates under Head 51-104 (34-451-1) to commence the construction of a Civic Centre/Hurricane Centre in George Town;

"AND WHEREAS budgetary provision of CI \$25,000 was again made in the 1998 Estimates under Head 22-550-1 (54-103) for preliminary designs and costing of the George Town Civic Centre/Hurricane Centre;

"AND WHEREAS there is an increasing demand for such a facility within this the most populous district of Grand Cayman for various civic events including school graduations, etcetera;

"AND WHEREAS there is an urgent need for additional hurricane shelters in George Town;

"BE IT NOW THEREFORE RESOLVED THAT Government consider taking immediate steps to secure and/or earmark suitable property for the construction of a Civic Centre/Hurricane Centre in George Town and that such construction commence as soon as possible, but no later than June 1999.

The Speaker: Is there a seconder? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am pleased to second the motion.

The Chairman: Private Member's Motion No. 4/99 has been duly moved and seconded. Does the mover wish to speak to it?

Mr. Linford A. Pierson: As in the case of the previous motion, this motion was submitted during the fourth

meeting of the 1998 Session of the House. At that time, it appeared as Private Member's Motion No. 27/98. Due to the protracted meeting of Finance Committee, it was agreed by the honourable House that this motion would be brought forward to the first meeting of the 1999 Session.

Mr. Speaker, also because of the delay in dealing with this motion, the period in the resolved section dealing with the commencement of construction of the building, where it states that **"...such construction commence as soon as possible but no later than June 1999"** that section is not realistic because it would be too much of a short period for government and the developers, the builders, Public Works Department to be able to get this building on track. If it had been dealt with as was envisaged for the last meeting then this would have been a much more realistic proposition.

As in the case of the previous motion, I trust that this motion will get the full support of the House. There is already a sort of tacit support from the Minister for Education who is also a Member for George Town and other members. It is not asking for a completely new situation or proposition, as budgetary provision was made in the budget as far back as 1997 for action to be taken on this facility. I trust that members will not find it necessary to enter into a political or adversarial debate on this, but that indeed, because of the obvious need for this facility, it will be met with the unanimous support of this honourable House.

Mr. Speaker, a similar situation was brought to the House as far back as 1995 in the form of Private Member's Motion No. 16/95 entitled "Disaster Relief Fund." It was brought by the then First Elected Member for Bodden Town, my honourable colleague who is now the Third Elected Member for Bodden Town. I read through that motion and I felt that it was somewhat unfortunate that it was not approved at the time. It was obvious to me from reading through the motion that the honourable mover had, as is his usual style, done his homework and much research was done.

He made a very convincing argument in support of a relief fund, and much of that debate centred on the need for a disaster relief fund in the form of a fund for the aftermath of a hurricane, similar to the terms of my motion.

I wish to point out that notwithstanding the structural integrity of most of the buildings here in the Cayman Islands, that is, those approved by the Central Planning Authority in Grand Cayman and the Authority in Cayman Brac, I share the view with some of my colleagues that if a hurricane the magnitude of Hurricane Mitch were to hit the Cayman Islands that we would see very substantial and serious damage to many of our buildings. The question could therefore be asked: Is anyplace safe in a hurricane of the intensity of Hurricane Mitch? That question notwithstanding, I feel that it is our duty and responsibility to ensure that shelters up to hurricane specifications are provided for our people.

It was certainly frightening to learn from the Honourable First Official Member with responsibility for this subject (in answer to a parliamentary question brought by myself) that of the 23 hurricane shelters available in

the Cayman Islands—19 in Grand Cayman, 3 in Cayman Brac and 1 in Little Cayman—that only four are built to hurricane specifications. These four, for the information of the listening public, are the Civic Centre in East End; the emergency medical centre in West Bay, which is not properly equipped to be used as a shelter for the general public; the Aston Rutty Civic Centre in Cayman Brac; and the North Side Civic Centre. So, Mr. Speaker, having excluded the emergency medical centre in West Bay I think we could reasonably and safely say that there are only three hurricane centres available to the public built to hurricane specifications.

In addition to the alarming statistics provided by the Honourable First Official Member—which showed no hurricane shelter in the two most populous districts, George Town and West Bay, up to hurricane specifications—we also found that in George Town, which has 58% of the population of Grand Cayman had only 38% of the hurricane shelter spaces available to the people of Grand Cayman.

Just for the record, I would like to quickly say that there are four hurricane shelters in George Town, and none of those shelters are up to hurricane specifications. I will not go through the list of these, but if honourable members would wish to have it, I would be happy to provide this information.

Also, in West Bay, there are four shelters and none of those shelters are up to hurricane specification. In East End, there are three shelters. One in the primary school and one in Gun Bay at the Civic Centre, with the civic centre being the only building that is up to the specification.

In North Side, the Adventist Church and the Civic Centre are used with only the Civic Centre being up to that standard. The Breakers Community Hall is not up to the standard and none of the Bodden Town or Savannah area is up to the hurricane specification. Similarly, in Cayman Brac, West End, and Spot Bay, there is only one in Cayman Brac and that is the Aston Rutty Centre.

So, Mr. Speaker, when we look at the very alarming statistics we can see the serious situation we are in, not only in George Town—the most populous district—but indeed throughout the island. We also have to bear in mind that Bodden Town is the fastest growing district in Grand Cayman. That district should also be given very urgent and serious attention.

Mr. Speaker, when we look at the information on the George Town Hurricane Shelters, we see that of the 2,500 spaces available in Grand Cayman, only 950 spaces are available in George Town. This represents 38% of the total shelter spaces in a district that boasts 58% of the total population. This is based on 1996 figures as I was unable to obtain any later figures, but I believe that these are fairly accurate. So I do not believe that these figures, the proportionate figures would have differed very much.

I would just like to mention on this that recent experiences with Hurricane Georges and Mitch have shown that we could easily have in the order of 3,000 tourists to shelter in the event of a major hurricane. And that there may not be sufficient time to evacuate all our

tourists depending on the nature of the storm, etcetera. There are typically 6,000 to 7,000 air tourists in the Cayman Islands during the hurricane season.

During Hurricane Gilbert ten years ago, in the order of 2,000 persons were accommodated in government shelters. The members of the National Hurricane Committee who were involved with the provision and management of shelters are of the opinion that we are extremely low on hurricane shelter spaces and that a more appropriate number of spaces would be in the order of 5,000 to 7,000 spaces. This can be achieved over the next approximately five years by constructing new government buildings and particularly new school buildings to hurricane shelter standards. But that will leave us short of spaces for a few years to come.

During my short presentation on this motion I will not attempt to deal with the technical minimum hurricane shelter requirements. That can be better dealt with by the National Hurricane Committee and the engineers of Public Works and the private sector. However, in considering the development a civic centre to be used as a hurricane shelter certain basic requirements must be met, such as the proper location for this structure, the electrical power requirements, the emergency medical centre and so on and so forth.

There are certain basic things that government must bear in mind when considering this. The shelter should be located a sensible distance from the sea—ideally no closer than around 1,500 feet—and it should be located in an area that is not prone to flooding. Because of these basic requirements regarding location of the centre, I would request that if government gives this motion its full support (which I understand it will) it seriously considers trying to locate appropriate property for this needed facility.

In discussing this with members before coming here, certain members rightly raised the point that if a hurricane the magnitude of Hurricane Mitch hit the Cayman Islands that perhaps no shelter would be 100% safe. But, Mr. Speaker, I think that the basic requirements would have to be somewhat below that standard. I understand that the National Hurricane Committee will be looking at a facility that could withstand a basic wind speed of something like 110 miles per hour rather than trying to build a facility for over 200 miles per hour wind at this point. This is something that we will need to seriously think about because unless we are in a facility that is adequate, then we might as well not leave our own homes or other areas of abode.

The government has (as I said earlier) given its support to this motion in a way by providing token provision in the 1999 budget under the capital budget, under the account centre, 22-551. There is an amount of \$10,000 that is provided in the budget for this project. However, if we look on that page of this year's budget, we will see that there is an estimated total cost of something like \$4M that was approved for this project. I trust that the \$10,000 approved in 1999 is not a sign that this project will eventually fade away because it started with \$100,000 in 1997 then it went to \$25,000 in 1998, now it is down to \$10,000.

I trust that by accepting this motion government will also give the undertaking to the public that it will see this as a priority and that funds will be made available to start the development of this project.

It might also mean that there is already land that could be used for this purpose. I understand that a particular school might be interested in utilising some of its space for that purpose. But if a school is going to be used for that purpose we would have to ensure that the school is built to the basic hurricane specification. Otherwise, as I said earlier, we might as well not use the facility.

Plus, there are also other requirements especially for the handicapped that must be placed within the facility. So it is not enough to say we have an open space that can be used for a hurricane shelter and as a civic centre. That open space must also be equipped for use by the handicapped as well as other individuals.

I need not remind the honourable House, and in particular the government bench, that this project is too important to be placed on the back burner. Government should locate the necessary property post haste. I believe that the project should be a customised building built to certain specifications. It should not just be housed in some open space because that space might be available. I believe that this is such an important issue that government should form a committee to look at the logistics of such a building, the sort of designs and configuration of the building. The same way that another government building would be built to certain specifications and designs we should also invite the experts from Public Works and the private sector to advise us on the building of this facility.

I have not said a lot on the need for a civic centre—even though this motion addresses the need for both a civic centre and a hurricane shelter—mainly because I regard the hurricane shelter to be of greater importance at this point in time. But this is not to minimise the need for a civic centre in George Town to accommodate such things as very large conferences, school graduations, and other civic and social events. We now use the Lions Centre and some of the church halls, but I know that certain conferences would not be easily accommodated in some of those areas so we may have to look at building a more adequate facility.

As intimated earlier it is important that an organising committee be appointed to advise government on the plans and logistics of the development of this civic centre and hurricane shelter. Whether as a joint venture with the private sector or as a government facility, this must be done with the advice of an organising committee. Such a committee would be responsible for overseeing the design and configuration and suggest the necessary equipment for the facility. If this motion is accepted—as I hope it will be—I trust that the project would proceed as a matter of priority and would not be delayed any longer.

I would also recommend that to head up this organising committee, government consider somebody of the calibre of Mr. Kirkland Nixon. Not only because of his knowledge in matters to do with hurricanes, but he is a senior member of the National Hurricane Committee.

I would also request that government consider including but not necessarily limiting the members to individuals such as the Director of Social Services, the Chief Engineer, the Chief Education Officer and the Hospital Administrator. I am sure there are others that should be included but those individuals come to mind as some of the key individuals within the government sector that should be included. I am sure that there are certain key people in the private sector that should also be included.

Mr. Speaker, the terms of reference of the organising committee should also authorise them to be able to make recommendations for suitable property or suitable accommodation if that is the way that they plan to go.

It was brought to my attention that there was a recommendation that we look at a particular school that might have certain accommodation available. But, as I said earlier, if we do take that route to look at a school it is not enough to say that there is available space. The space must be able to accommodate a cross-section of individuals including those that are old and incapacitated. It is not just enough to say we have a space. Also, it must provide for trip-in generators so that if the electricity is off that these individuals will have a certain degree of comfort.

Mr. Speaker, I will not say a lot more on this motion as I hope that government will see fit to support it. But I would just like to say that, in reference to a joint venture, it had been mentioned to me by a minister of one of the churches here in George Town. His church would be very willing to enter into a joint venture with government whereby his organisation, his church, would provide with the understanding that they would be involved with the management and the maintenance of the facilities. This is one of the advantages, of course.

As he rightly pointed out also there are possible concerns that may be considered by some members of the public. If it is under the management of a church then there could be certain religions that may not be too comfortable with that arrangement. Be that as it may, I do feel that this is within the purview of the organising committee, I have suggested. This is something that they could look into in their recommendations to government.

Mr. Speaker, what we now need is a tangible and realistic financial commitment by government, not just a token provision. I trust that if the government is minded to support this—which I hope it is—that in doing so it gives a commitment that this will indeed form a major priority of government.

Thank you, Mr. Speaker.

The Speaker: The floor is open to debate. Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddan: Mr. Speaker, the honourable minister in charge of this has given me the opportunity to speak on this as it is a George Town matter.

I would like to begin by commending the mover of this motion. There is a very obvious need for a civic centre, and even more so for a hurricane shelter in George

Town. In relation to the hurricane shelter, this is something where we are dealing with people's lives. It is important that we build whatever is necessary to deal with our population during a hurricane. The worry that the mover of this motion has had to the wind strength of the buildings (and we recently had a list of them) is one that is also well founded. I think it was not really until Hurricane Mitch—which had winds in excess of 200 mph—moved through the region that the force or of that category of hurricane was realised.

The hurricane shelters under the Florida Code, which is the southern building code that we are under, deals with buildings to take winds just in excess of 100 miles per hour, I think it is 135 miles an hour maximum. So, while it may only be once in a century or half century that we get a hurricane the strength of over 200 miles per hour, I would strongly recommend that, at least in relation to the big shelters, there be a construction either of steel or of reinforced concrete that can withstand winds in excess of 200 miles an hour; and of a size that would be necessary to put people in for perhaps 12 to 18 hours or whatever that force would last. Once the people are in there and the heaviest part of the hurricane goes by, obviously they would be able to come out.

Now, there may be no other structure there when they come out, but I believe to try to build a building large enough for people to occupy of that structure it is possibly cost prohibitive. We are looking at really basically a hurricane bunker, if you could call it that, in which people could withdraw to for short periods in the event of a very heavy hurricane.

Now, that may never happen again for another fifty years. But I believe that it is something, sir, that the Honourable Chief Secretary who is responsible for the Disaster Committee and the islands preservation (if I may put it that way) . . . it is something that I think we all should look at. It does provide a solution to that force of wind. Obviously, I support a civic centre for George Town and I also support that it be a hurricane shelter.

The mover of the motion mentioned that he hoped government would make tangible and realistic commitments, not just a token. Mr. Speaker, for some time now I too have been trying to find a solution to this matter. Within the past few days I believe that subject to this legislature agreeing I may be able to come up with a solution to this problem.

Mr. Speaker, the Community College is about to build a hall that is 13,600 square feet. It will be built to hurricane strength, and that will cost us an extra one-third to do. It will therefore be built as a custom-built hurricane shelter.

I take the point that the honourable mover made, that we do have some shelters that were built very long ago. I think perhaps updating . . . and I know the Honourable Chief Secretary has ensured that many of those have been reinforced with hurricane straps put in and everything. This will have handicapped facilities in it. I believe if we could spend a bit of time when we get back in a week's time (because I need a bit of time to try to put together what I would need to show to the honourable

mover and my other two colleagues from George Town, and members of the House) . . .

It has the handicapped facilities in it. It would be air-conditioned, it will have a kitchen, changing rooms, a storage room, a sports arena, a balcony, a drama room and most important, it is very central. It is in the vicinity of the sports complex, the schools, and the other sporting facilities that are there, the hard courts. And while there is adequate parking on the Community College's land (because there is quite a bit of land that the college owns), it also would have access to the massive car park for the Truman Bodden Sports facilities there.

It will have an emergency generator and all the necessary hurricane facilities in it, and it would obviously have the storage for hurricane supplies. We can ensure that there is a built-up area for functions outside the main building because this at times can be very important during months when we don't have a lot of rain. Sometimes it is more pleasant to have functions outside.

The area itself . . . and it is hard to explain this but I think we would really have to get together on it because I really think that this may be an acceptable solution with putting out very little money unless modifications would be needed. Like I said the square footage is 13,600 square feet—

[Inaudible interjection]

Hon. Truman M. Bodden: The cost (I am going to come on to that in a couple of minutes)

Inside as well, there will be a balcony with seats so there would be seating below and there could be seating on the balcony, which would be mainly used for sports really.

Mr. Speaker, it would also have a sports floor to it; it will be a typical school hall. I have spoken with the President of the Community College and also it is something that have been offered by the Board and I believe that this could well be a quick answer.

The other point I wanted to make, sir, the road that now goes to the College, the Crewe Road Bypass will be coming and joining into that road so there would be access from the new bypass. Failing that, one of the things (subject to my three colleagues from George Town agreeing) I believe we should do (and it would not cost very much at an early stage anyhow) is run a road in from Walkers Road. I think it is about 11,000 to 12,000 feet or maybe that is yards, I don't know. Anyhow it is not very far because we are basically only going in front of the Hurley's Shop and that would then connect the College to Walkers Road and avoid a very long distance of going all the way around the George Hicks School.

I know some of the land is cliff so it seems like most of the ground in that area is fairly solid. I think it is, well, I know it is well inland so it could be placed sufficiently high to ensure that it is a proper hurricane shelter and civic centre. Like I said, it is very central because it is into an area where there are a lot of other school and sports facilities.

[Inaudible interjection]

Hon. Truman M. Bodden: The size of what? Well, I said 13,600 square feet.

I think we have 15 acres of land in total so there is plenty of land for that. There is a massive car park beside it that could be connected instead of coming all the way around. Perhaps, a 10 or 12 foot walkway from the easterly part (which is rarely used) of the car park, walking straight across to the hall. But whatever amount of parking we need, there is the acreage.

Secondly, there is parking for the Community College and also at present between the John Gray High School and the Community College there is further parking in front. So, I really think that this is probably one as central as we are going to get it. While I don't know exactly where it is going, I do know there is a lot of cliff there. So it is probably good land to build this type of facility on.

Now, the cost, Mr. Speaker. The cost is already provided for as we know. But, obviously, I think further down the line we would want, you know, government to relieve the College of some of that debt. The cost is estimated at \$2,348,000 and for this we get a loan of about \$1.3. There is sufficient money in the college now to contribute maybe about \$1M and the plans are all ready, in fact they are just about ready to go out to tender. But I think we need to look at this because it just seems to me that this is something being done anyhow.

The President said that this is a Community College, why not a Community Hall? And I think that this could be a very good solution to the problem we have.

Now, negotiations are going on and I must say the President is a very good businessman, he is a very good negotiator. Negotiations are going on to reduce this price. I know this is something that government would normally do on its system but hopefully there will be savings on that amount. Government, by the way, quite a while back, required the College to do this as a hurricane shelter. Like I said it added a third to the cost but it will now be a purpose built hurricane shelter that is useable for a civic centre and for their hall and I am sure that it can be shared. No matter how we go, the building is going to cost in this area anyhow.

If honourable members are happy, once I can get stuff put together on it, then it seems that we could have a solution to what the honourable mover on this motion has quite rightly put forward. I think that we could really get literally no better location because you need a lot of land, sir, and there is nowhere in the middle of town obviously. We will never get as central as the Town Hall, not in George Town. It is not very far and it would be linked, sir, to Walkers Road ultimately. Well, it is linked now to the Bob Thompson Way and Crewe Road because you can go up through and back of the school. The bypass would be connected into the road, which would give even further access to it.

What I would do is to pull together the relevant parts of the plans and that sort of thing for honourable members to look at. If they saw fit, then we could proceed on that line or if necessary, I guess there should be a better time if modifications are needed.

So, government is happy to support it. I commend the honourable member for bringing it. I must say that we have talked about this, all four of us, for a long time and it is the first time that I have really seen a solution. And solutions that don't cost money are rare in this world. So I think we should grasp on this really and.... Sorry?

[Inaudible Interjection]

Hon. Truman M. Bodden: No, I don't mean build it for nothing. But we were going to build it anyhow for the College.

My colleague has asked me to explain. . . I am not saying we are going to build it for nothing. We were going to build it in any event as a hurricane shelter with the handicapped facilities and everything in it—generators, supplies and the whole lot. If the size and that sort of thing is okay then I think we could find an early solution.

Executive Council some time back (a couple of years back, I guess) took a decision that all new buildings unless they are in areas that are subject to flooding . . . we had that with, for example, Red Bay. We know that is a very low-lying area that may have to be evacuated. I think that is probably the only new building in recent times that was not built to hurricane strength. The decision was taken because it was not the appropriate area to spend the extra one-third of the money on.

I am not certain what the hurricane strength moves it up to when it is built this way. But I would still strongly recommend, sir, that we look at what I would call the hurricane bunkers in the event that another 200 MPH storm comes close to the shores. I think it would save a lot of lives.

I would like to thank the minister in charge for allowing me to address this matter, because it is in my district, and also to thank the honourable mover of the motion for bringing this. It had really spurred a lot more intense thinking—at least on my part. And as you can see I have the Community College President here with me. So we will sit down and put together as much on this as we can and when we come back, we could just meet and have a look at it.

Thank you.

The Speaker: Before I call on the next member we have about twenty-three minutes before the hour of interruption. Do honourable members want to take a break or shall we just continue right through.

It is the wish of the House that we continue?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, in what is a relatively short contribution, I want to say that I am happy that I have lived to see the government accept a sensible motion. I wish to commend the mover and the seconder.

I say this in all seriousness and not tongue-in-cheek because as the mover mentioned, in 1995 when I brought the motion (which was seconded by the then Second Elected Member for Cayman Brac), calling for government to establish a disaster relief fund, we spoke at great length about the necessity to set up these kinds

of shelters and to have some kind of organisational plan whereby we can dispense with funds. I still think that it is necessary to have such a fund established.

I have been speaking with one of my colleagues, the Elected Member for North Side, about bringing back such a motion. There are those of us on this side who deem such a fund of crucial importance given the experience of Hurricane Mitch and given the predictions by climatologists that for the next decade the hurricanes will be of greater intensity and greater frequency.

It is a pity that these kinds of motion have to be embroiled in the political arena where the government thinks that it must play political one-upmanship and deny the nation and the country the infrastructure it should have just because it is deemed that some poor struggling political soul may gain creditability which the government begrudges them. I am happy to stand on my record to say that as a proud son of the Mico College, I don't sit here and cut my ten. My being here is purely constructive. And, if one has any doubts about that, he just has to look at the litany of motions I have moved since I came here in 1988 to see that I am thinker destined—certainly if not in this forum, in another forum—one of these days to be a leader.

I believe that it is worthwhile encouraging a joint venture. I say that for many reasons. I certainly don't believe, with economic developments and all these kinds of things that impinge on the government's coffers, that it is fair to expect the government to provide all this infrastructure particularly when we have a society where there are other entities just as eminently equipped. I would certainly encourage the government to scrutinise and to examine with an open mind any proposal to develop a joint venture. I believe that if we have corporate minded entities that this is the way to go. Such a hurricane shelter/civic centre, if it is to be constructed properly, would stand somewhere in the vicinity of around \$5M to construct. And I am not even talking about equipping it, because you would need a sound emergency medical centre and you would need all the equipment that goes with that. So we are talking about \$5M for construction alone. Staffing and equipping then would be a significant incidental expenditure.

I heard the minister speaking for the government mention something about bunkers. Certainly it is feasible to inspect the establishment of hurricane bunkers, but I have a particular concern about that in a low lying area prone to tidal waves and flooding if the bunkers are on the ground. We have to really deal with that—

Hon. Truman Bodden: Mr. Speaker, if I may just explain something.

The Speaker: Would the Third Elected Member for Bodden Town give way?

Hon. Truman Bodden: I didn't mean an underground bunker. I would say the bunker has to be about 20 feet above sea level. I use the word "bunker" because of the type of building. Do you follow what I mean?

It will be above ground. . . well, up above the tide, but steel . . . a bunker type of building but not on the ground, sir. I am sorry if I misled.

The Speaker: Thank you.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I thank the minister for that explanation and I concur with him that certainly such a proposal would bear examination and we should check into the feasibility of constructing it.

If we really reflect seriously on the damage of Hurricane Mitch in Central America, I mean these kinds of hurricanes have ominous proportions and present dangers far from what we have thus far conceived in the Cayman Islands.

I want to say in closing that I have received numerous requests from my constituents in the Savannah area about the construction of such a hurricane centre/civic centre. I believe that these requests are legitimate because Savannah is a rapidly growing area. Even though the standard of housing throughout the Cayman Islands is by international standards excellent, if not among the best in the world—barring no country—I believe it is worth the while for us to cursorily examine the construction of such a centre. A hurricane centre in these kinds of residencies offers the security of numbers and is especially attractive as a place where the elderly, children, and those who may be physically disabled can be housed together. Those are the persons in the event of this kind of emergency that would be at greatest risk.

So I want to say in recognition of these requests that I will, in my capacity as one of the representatives, try to impress upon the government, finances being kind of tight right now . . . I would not expect the government to take it upon itself now. But I certainly will encourage them to look into this and I would encourage my colleagues in the honourable House to take these matters seriously. I am happy that the government has seen fit to accept the motion. I commend the mover and the seconder and I look forward to rendering any assistance that I can render as a member of the Parliament in support of this and other such worthy undertakings.

I want to say finally that I was impressed by the knowledge and concern of the Honourable First Official Member during question time a few mornings ago. And I don't have to speak for him. He is certainly knowledgeable and articulate enough to speak for himself. I don't want to be so presumptuous as to say that he be co-opted, I would rather say that he be kept apprised of all such developments, since the whole business of the National Hurricane Centre is administered from his office. And, that office is responsible for putting out the various bulletins, etcetera, to see that the nation on a whole is prepared.

Finally, I want to say that as we approach (because soon it will be June again) another hurricane season we cannot be too prepared and I am happy that at this time in our busy schedule we are talking about such important matters. I give the government my undertaking that they

can expect constructive input and support from this honourable member.

Thank you, sir.

The Speaker: Does any other member wish to speak?

The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. I offer my support for Private Member's Motion No. 4/99, which calls for a Civic Centre/Hurricane Shelter for George Town.

As the Chairman for the National Hurricane Committee, I have had a great deal of concern, particularly for the area of George Town, in the event of a hurricane. As honourable members have seen recently from the statistics, there are very few spaces available in what we do have as shelters in George Town, and it is incumbent on us all to correct this.

Mr. Speaker, Grand Cayman is relatively flat with the exception of a few areas, and relatively low. This, of course, is also of great concern. As other members have mentioned already, we must try to identify a suitable area, hopefully the highest possible area, as far away from the sea as possible for whatever facility we choose.

As chairman of the National Hurricane Committee, I have attended a number of the Annual National Hurricane Conferences held in the United States. In fact, this year's National Hurricane Conference is taking place this week. Traditionally, it comes the week of Good Friday. In fact, it concludes at 12 noon on Good Friday. Tomorrow at the conclusion, Dr. William Gray, one of US leading authorities on predicting hurricanes, will give his prediction on the tropical storms and hurricanes for the Atlantic and the Caribbean. We all await his predictions.

Mr. Speaker, one thing that has come out of the National Hurricane Conference (and it was the first time I heard it, and it was a sobering thought) is that statistics for the last hundred years have proven that water kills more people than wind. I use to think years ago that wind was the biggest killer, but that is not supported by statistics. The hurricane surge along with torrential rain is the major killer in a hurricane.

For many years, the Cayman Islands have been amazingly fortunate. We have been able to escape almost unscathed during the hurricane seasons while our neighbours to the east, north, and most recently to the west have been severely hit. We should not gamble with the fact that we have been lucky in the past and I am so very pleased that this motion has been brought and that it has been so well supported. I believe it will be supported by everyone here.

It is incumbent on us to take the matter seriously and to find the means to construct, or adapt as the case may be, a facility that can be used for George Town.

Mr. Speaker, whatever is built must be equipped with a suitable standby generator, as the mover mentioned earlier, complete with automatic starting and the many other necessities. About two years ago, maybe three, the National Hurricane Committee decided to add two new sub-committees. One was called "Mitigation" and the other "Recovery." We subsequently combined

them into one committee, and we do have a considerable amount of support from private sector, individuals, most of whom are professionals who have been able to contribute a great deal.

One sobering thought is if the George Town area gets severely hit many of the commercial buildings do not have their own standby generators. I know this is slightly off the subject but there is a lot of food for thought. Should this island have a major hit from even a moderate hurricane, the economy can be crippled for a period of time until electricity can be restored.

Mr. Speaker, on a more positive note, I authorised earlier in the year the purchase of computer software to assist the National Hurricane Committee in dealing with models which will identify flood-prone areas not only in George Town but in of all the three islands. I expect that software will be in hand fairly shortly and this information will I believe prove invaluable in taking another look at the hurricane shelters we now have, not only in George Town but in all districts of this and the other islands.

We will be able to better determine and better advise the public on areas that are safe or areas that are not safe in the event of a hurricane. We hope that this software will be along shortly and we can better work towards dealing with this situation.

Mr. Speaker, I don't think I need to say much more except that I am delighted to lend my full support to this motion. I am glad that it has come and I am glad that we are going to work together to see a facility in George Town that will be a big improvement over what we have today. I want to commend the mover and the seconder and all those who have spoken on this.

I thank you, Mr. Speaker.

The Speaker: Does any other member wishes to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, my contribution should be brief, but I would like to say first of all that it would be absolutely impossible for mankind to completely safeguard himself from all the elements of nature. We as human beings are at a certain degree of risk with regard to diseases and natural weather conditions.

However, I think it is quite obvious that Caymanians have testified to the fact that their greatest insurance policy has been their Christian heritage and belief. And it is this rather than any construction of any building which has provided them with the security so badly need. I think those of us who subscribe to those principles need to therefore remember in trying to create the physical protection that spiritual protection is still the one that we should rely heavily upon.

In believing somehow that there is this faith that is well founded, that we are blessed by God and, therefore, that we have protection from the hurricane, I would begin to say that hurricane shelters are important but we have to look at the fact that we will not be able to create this type of modern structure to protect everyone, especially when society is growing so rapidly.

I believe that the business community has a specific responsibility to provide shelter for persons here be-

cause a large number of people that are living in the Cayman Islands are not Caymanian but they are working here for institutions that may not even bring tax back to the Cayman Islands society. So I am thinking when buildings are being built, banks are being built . . . we see these big business buildings that are going up in George Town, why shouldn't these buildings be built to a kind of specification that would allow them to at least provide shelters for their own employees if nothing else. We need to think about that as a possibility in terms of preparing for a hurricane. We need to encourage the business community to evolve within their own designs protection for their people.

Mr. Speaker, I see that you are moving.....

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: I would like to interrupt you for just a moment. We have reached the hour of interruption. I don't know if it is the wish that we continue on, but I imagine that a few of you have to go. The honourable mover has the right to reply and other members may wish to speak, so I would entertain a motion for the adjournment if that is the wish of the House.

Is that the wish of the House?

[Interjection: Mr. Roy Bodden: Yes, it is]

The Speaker: Because they were telling me no. Please continue Fourth Elected Member for George Town.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman Bodden: Mr. Speaker, I move the suspension of Standing Order 10(2) to finish the debate and voting on this motion.

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

AYES.

The Speaker: The Ayes have it. The debate continues. The Fourth Elected Member for George Town.

AGREED: STANDING ORDER 10(2) SUSPENDED.

Dr. Frank McField: Thank you very much for allowing us the possibility to finish this motion. What I have to say is not very much. I just want to basically call to the attention of members of this House that it is impossible for us to design and pay for a system that would afford everybody protection from severe hurricanes and storms. The real protection has to come from our faith, that we are protected by the Almighty God.

Secondly, once we have that understanding, we would go towards the situation of trying to encourage the private sector when building their banks, when building their business houses to include spaces for, if not the general public, at least their employees to protect them

from hurricane disaster. So some degree of assistance can come by this way.

If we are looking at that what I am saying, we have to look at separately the civic centre concept, the town hall concept. I know that we are interested in trying to combine the two but it is important to understand that civic centres have specific social functions and we need to see this. I for one believe that George Town has now grown with regard to numbers and with regard to the specific identification of individual communities within George Town with the emergence of specific community consciousness within these particular areas, that George Town would be best served at this particular time by having more than one civic centre. I would say that we would have one perhaps in the Scranton area, we would have one perhaps in the Rock Hole area and we would even consider the one that the Leader of Government Business/the Minister of Education is suggesting, the larger one.

I do believe at this particular time in working towards developing the civic centre concept, we need to combine that somehow with the whole concept that we have of community policing, community workers, community committees. We need to integrate some type of facility by way of making them available for these groups to use. And if we revisit this whole concept again, I believe that we will not only do what the Minister of Education is suggesting we would also at the same time look towards developing some centres that might be the size of the T.E. McField Youth and Community Centre.

Those things don't cost \$1M. We could probably put them together with the assistance of service clubs or something of this sort for \$200,000, \$250,000, \$300,000. I would suggest that at least two of these similar types of facilities be erected within the district of George Town as soon as possible. So, I am supporting the motion, supporting the contribution the Minister of Education has made with regard to combining that with his Community College/Community Hall concept. But at the same time I am advocating that we look towards establishing smaller civic centres within some of the communities in George Town that would not serve necessarily as hurricane centres but would have a much more immediate social role at the moment.

Mr. Speaker, thank you very much.

The Speaker: Does any other member wish to speak? If the no other member wishes to speak, does the honourable mover wish to exercise his right of reply?

The Third Elected Member for George Town.

Mr. Linford A. Pierson: My comments will be rather brief. I wish to thank the members who got up in support of the motion and those who did not speak by their silent support of the motion. I know that even though the First Elected Member for George Town did not speak on the motion he has told me many times, we have discussed this, that he is also in support of this motion as is the seconder, Mr. Bush. And, I am sure all honourable members of this House support the motion. I believe that we in fact have a unanimous support for the motion.

I would particularly like to thank the Minister of Education, Aviation and Planning for the very good suggestion raised by him and that we may be able to have this dream realised much quicker than we had thought. And I do hope that we can get started on this very soon.

I also thank the Honourable First Official Member who is a very knowledgeable person when it comes to the logistics of the National Hurricane Committee as the Chairman that has been there for a number of years. And getting his solid support behind this is very, very encouraging indeed.

I thank all honourable members those who spoke in support and those who by their silence have also supported the motion. And, Mr. Speaker, I trust that we can soon see action taken to get this facility on the road.

Thank you, Mr. Speaker.

The Speaker: I shall now put the question on Private Member's Motion 4/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION 4/99 PASSED.

The Speaker: I will now entertain a motion for the adjournment.

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday, 12th at 10:00 a.m.

The Speaker: Before I put the adjournment I have given permission to the First Elected Member for George Town to raise a public matter for which Government has responsibility and to elicit a reply from a Member of Government response.

The First Elected Member for George Town to be followed by the First Elected Member for West Bay.

RAISING OF PUBLIC MATTER

STANDING ORDER 11(6)

QUARRY PRODUCTS

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. As I have discussed with you, I have a matter that I believe requires the urgent attention of the government. The purpose of me seeking your permission this afternoon was because I hold the view that the matter should have been dealt with prior to this and it seems like the government cannot find the way in which to deal with this matter.

I am going to, as quickly as I can, go through a sequence of events which have taken place over a period

of time and perhaps the government will be minded either to give a response or some type of commitment at the end.

Mr. Speaker, on 26 March during Question Time, I asked supplementary questions of the Minister of Tourism, Commerce and Works regarding Quarry Products and its operations. And I was asking the minister if there were any reports to the government regarding the activities at Quarry Products extending into adjacent property owned by the government of the Cayman Islands.

The minister then answered me that it was affirmative that the mining of aggregate had extended into the government's property. Now, on investigation as my understanding is, here are facts:

On September 5, 1980, planning permission was given to the company which was then called, I think, High Rock Aggregate to do mining or the quarrying of aggregate. There was only one relevant condition attached to that approval. That condition was that there was to be no mining or quarrying of aggregate on that piece of property below two feet above the water table. That simple means that they were to stop any excavation, blasting or digging of aggregate when they reached 2 feet above the water table.

Mr. Speaker, that was in 1980. Obviously, the company has continued to mine aggregate since then.

In 1985, the Water Authority Regulations were passed, on February 5. And quickly as I can, section 22(1) of the Water Authority Regulations, states: "**A permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.**"

In those Regulations section 41(1) says, "**All discharges of sewage effluent, trade effluent or other waste into or onto the ground, into ground water or into the territorial waters, and any quarrying operations which were in progress on the 11th March, 1985 shall have been, within twelve months of the said date, registered with the Authority in the form issued by and obtainable from the Authority.**"

Number 41(2) says, "**All applications for the registration of [existing discharges or of] existing quarries shall have been accompanied by the registration fee prescribed in the Second Schedule. No application under this subregulation shall have been entertained by the Authority until payment of the prescribed fee has been effected.**"

[Number 41(3) says,] "**Upon receipt of an application under this regulation, the Authority shall have issued to the applicant a waste discharge permit or quarry permit....**"

So, Mr. Speaker, these regulations of February 1985 literally gave people who were operating as a quarry twelve months in which to make an application for a permit and to comply with these regulations.

In 1992, Mr. Speaker, a separate company called East End Aggregate entered into negotiations with the government of the Cayman Islands regarding permission to mine a piece of property which is unclaimed and is vested in the Crown. What transpired during those nego-

tiations is as follows (and I want to be listened to carefully because it seems there are some people who do not know what went on):

The negotiations were such that the government was prepared to give permission to the company called East End Aggregate to mine this said piece of property. There was some stipulations in the discussion telling them how deep they could mine the property and also that there was to be a royalty of 50¢ per ton of aggregate rock mined. Rock, is the right word, to be mined. The principals of the company tried to get the government to change that fee from 50 cents to 25 cents; the government stuck to its position of 50 cents because that was the government's view that it was fair royalty at the time.

When the principals calculated how far down they could blast and dig the rock and also what quantity of top soil they could reap during the process, the principals decided that paying 50 cents per ton was not feasible for them to enter into such an arrangement.

The matter died as a result of that. So, basically, regardless of what correspondence transpired before that the principals made a conscious decision not to pursue the matter because it was not financially feasible. That was in 1992.

Very recently within the last two years, the Water Authority, the property which as originally been mined by the company which was High Rock Aggregate and is now called Quarry Products Limited. And after their professional examination it was discovered that more than 75% of the terrain that was blasted and mined was mined below the two feet above the water table that they had received permission for. In fact, more than 75% of the property was mined below the water table.

There are also reports that the said property that was being negotiated for mining in 1992 which adjoins some of the property that was originally being mined by the company has been encroached on and mined into. The knowledge that has been passed on to me is that this is a fact which the Minister for Works verified that to me on Friday, 26th March 1999 when I asked him the question. He could not answer me as to what degree or to what degree the infraction or infringement into the property was. But, Mr. Speaker, without being exact I can stand here today and say that it is approximately 25 acres of this piece of property that has been mined without permission.

When the Water Authority made the examination and determined that the vast amount of property was mined below the water table, they tried to do something about it. Let me explain why this is so important and no one is doing anything about it to this point. That property is above the largest water lens in this county. When you expose a water lens to nature, that is, when you go below the water table that you can see the water physically, what happens with that is especially during the times of year when we have what we call the dry season, which we are experiencing now and has been for several months, that water evaporates from that water lens. Ground water is always holding above salt water because it is not as dense and the situation there is dangerous and it has to be repaired. It must be repaired! If

we lose that water lens while a lot of people are not appreciating it, that area is where the majority of farming is done in this country. And, the farmers may not be aware of the danger they face but it is very possible that contamination can take place with the salt water which will not allow them to be able to raise their crops and reap the type of crops they have been reaping in the past and still reap in that area. People might think that is not important and I know I have very limited time but that is a very, very important issue.

Now, the facts are that in 1980, the planning permission, which was given, was that it was not to go below 2 feet above the water table, it is obvious that there is a breach of that planning permission. Mr, Speaker, my understanding is there has been no application to the Water Authority at no point in time for a permit which is under the regulations as I quoted. There has been no application, there has been no permit granted and no fees have been paid. There have been no royalties paid for any of the mining that has been done whether on the property that permission was granted for or on the property which has no permission. And everybody else who is doing inland mining today is paying royalties prescribed by the Government of this country.

Mr. Speaker, the piece of property that is unclaimed, I understand there is still some claim that is outstanding for that piece of property. It is unclaimed but it is vested in the Crown at present. There was no blasting licence granted to do the blasting into that property so if perchance some poor soul had been there at any point in time when there was blasting done, I don't know what the Government would have done. But any way.....

It is also my understanding that of this 25 acres that has been mined illegally on this property, the vast majority of the aggregate that was produced from mining of that property which is Government Crown land was sold back to the Government. It is my understanding that has been to the tune of millions of dollars. Now, my purpose to raise this, this afternoon has no bearing on any one individual whether they sit on the government bench or whether they are part and parcel of the ownership of this company or not, I couldn't care less. But it is obvious that there are irregularities and those irregularities must be rectified. The Government is the authority who must see that this is done. It is my understanding that some arms of Government have made attempts to get this done in prior times but I don't want to venture what has transpired why it has not been done but nevertheless it has not been done.

Mr. Speaker, I run risks I know standing here this evening saying what I have said but I have said what I have said based on all information that I could gather from the various arms that are involved. It is obvious that this cannot be allowed to continue. I want to say one more thing because I have already heard since I have asked the question of the Minister who is responsible for Works today that it is possible that I live in a glass house and I must not throw stones but I want every human being who can hear this to hear this. I don't live in any glass house and neither do I throw stones but anyone who wants to believe that they can make me believe I live in a

glass house to shut me up for what I know my responsibility is as a representative of the people in this country then he can throw a stone or a rock or a boulder at my glass house any time.

Now, I am saying to the Government that I want this matter dealt with not for my case, not because I am getting up and demanding it but it is only right it must be dealt with. There are people who are going to say from what I am saying that I am making attempts to close down this place. I don't want no place to close down but if it was anyone else they would have been hung, drawn, quartered, boiled in oil and crucified. I want everyone in this country to understand me. This great pretence about being great philanthropist and everything else, don't wash with me, my country must not be run like that. I hope the Government is prepared to deal with the situation because it is obvious that what has to be done to get it regularise is not an impossible act. It is simply a matter of going through a check list and meeting whatever criteria is set out or requirements. But no one must be made to believe that they can operate in this country and don't care who it is that is telling them what is right and what should be done, that it doesn't matter.

In summary, let me also say this because I understand that the Auditor General and the Minister answered me on Friday saying that the Auditor General is investigating the situation. I am calling on the Government as soon — if it isn't, I don't know if it is completed yet but as soon as that report is made, if it has been made to please table it on the floor of this House and if it has not been made yet as soon as it made to do so. Because that report should have at least given us the facts. I am calling on them to determine the facts, to get the situation rectified that everybody can go on about their business.

I also hear that there is a thought about giving a mining licence for the said piece of property that is unclaimed and vested in the Crown to be able to make this whole thing go away, I hope they don't attempt it like that.

Thank you, sir.

The Speaker: In accordance with Standing Order 11(6) his time is up and I call on the Member of Government if they wish to reply. The Standing Order says, “.... **the Member of the Government shall be called on to reply.**”

If there is going to be no reply, please indicate that to me because I will move on to the other Member. There will be no reply....?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I think it is a little bit unusual that the government is replying to something that it is unaware was going to be raised this afternoon and the subject I think is so significant that it would be wise for the government to examine the position and if necessary come back to this House.

The Speaker: First Elected Member for George Town, I don't want to get into a long debate.

Mr. D. Kurt Tibbetts: No, Mr. Speaker, I am not going to do that, sir, but I remember our discussion this morning and I just want you to know that I did what you said or what you suggested that I do. So never let it be left in the [minds] that are here that I did not do what you suggested I do, sir.

The Speaker: Well, please state it.

Mr. D. Kurt Tibbetts: You asked me to advise the member of government who I thought it would fall under that I was going to do it and I want you to know that I did that, sir. Okay?

The Speaker: Thank you. If there is no reply then I call on the First Elected Member for West Bay. You have twenty minutes.

PEDRO CASTLE

Mr. W. McKeever Bush: I don't intend to be that long. I rise to ask the government what is happening at Pedro Castle. There is much public speculation and many constituents are asking for a clear statement on the situation. This project we must be reminded cost these islands \$10M, that is a lot of the public's money. We know that the manager was suspended from his job, we know or we believe we know why. We know that he was banded or ordered not to go to the project again. We have to ask why?

We know and we have heard that the Auditor General's team went and locked the manager's office. We must know, Mr. Speaker, what is wrong? Is the Auditor General's team doing an investigation? What kind of investigation and for what reasons? Is the investigation about missing artefacts? Is the investigation about missing money? Is the investigation about abuse of authority? When will this honourable House get a report from the Auditor General? Who is managing the project and if someone is who are they reporting to daily?

Mr. Speaker, this honourable House needs to know about the situation rather quickly.

The Speaker: Again, in accordance with Standing Order 11(6) I ask if a Honourable Member of Government will reply.

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am also willing to provide some information to members of this House but we know that matters are also being dealt with through the court and I am reluctant to delve into and dive into areas that perhaps I am faulty to do. I undertake to provide details to members of the House when I am able legally to do so.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeever Bush: The matter I raised is not before the courts. The matters that I asked about are not matters being dealt with by the courts of this country. These are matters on-going daily. I asked about who is managing the project. Who are they reporting to daily? Is the Auditor General is doing an investigation? What kind of investigation? Is it about missing artefacts? Is it about missing money? Or is it about abuse of authority? These matters are not before the court. Did the Auditor General lock up the manager's office? Why was the manager banded from the project?

Mr. Speaker, these are not matters before the court. We do know that the manager has a problem or we understand he has a problem that is before the court. That is separate and apart from Pedro Castle project. That is a project that cost \$10M and this honourable House deserves an answer.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There are two matters here. One is the court matter and the other is that under Section 11 of the Tourism Attraction Law it says that every employee out there shall be deemed to be a civil servant. So the civil service process as regards disciplinary action is being followed.

I am not going to jump over board just to answer this and jeopardise my own self.

Mr. W. McKeever Bush: Mr. Speaker, I understand the law and regards to personnel. The matter that I am raising here is not personnel per se. The questions are very straightforward. What is the Auditor General doing? Is there an investigation going on? Was the manager's office locked? Was the manager banded from the project, not to go back to the project? Is the investigation about missing artefacts, missing money or abuse of power?

These are not personnel matters. I understand the law and the Minister of Tourism has a responsibility to answer those questions whether he wants to do it this afternoon or whether he wants to come back another time. But I have asked questions in the Finance Committee about Pedro Castle that are not answered yet and this is very disrespectful to the House whether he feels that he does not have to answer me or whether he does not want to answer the House now. Say so! But as a member of this Honourable House I am demanding that something be said about this situation.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Based on what I have already said, my intention is to inform members of this House when I can. All the questions that he is asking he will get an answer to but I need to be careful how I go about doing so.

The Speaker: That concludes this matter. I will now entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until... I am sorry, I have the motion already.

The Speaker: You have already moved it. Yes.

I shall put the question that this Honourable House do now adjourn until Monday, the 12th of April. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until Monday, 12 April at 10.00 a.m.

**AT 5.10 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, APRIL 12 1999**

**EDITED
MONDAY
12 APRIL 1999
10:18 AM**

[Prayers read by the Third Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oath of Allegiance to Mr. Donovan W.F. Ebanks, MBE to be the Honourable Acting First Official Member.

Mr. Ebanks, will you come forward to the Clerk's table? Would all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

Mr. Donovan W.F. Ebanks, MBE

Hon. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth 11, her heirs and successors according to law. So help me God.

The Speaker: Mr. Ebanks, on behalf of all honourable members, I welcome you to this Assembly for the time of your service. Please take your seat as the Honourable Acting First Official Member.

Please remain standing. We now have Oath of Allegiance to Mr. Arthur Joel Walton.

OATH OF ALLEGIANCE

Mr. Arthur Joel Walton, JP

Hon. Joel Walton: I, Arthur Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth 11, her heirs and successors according to law. So help me God.

The Speaker: Mr. Walton, on behalf of all honourable members, I welcome you to this legislature for the time of your service. Please take your seat as the Honourable Acting Third Official Member.

Please be seated.

Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: We have apologies from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture who is sick, from the Honourable Minister for Agriculture, Communications, Environment and Natural

Resources who is also sick; and the Member from North Side will be arriving later this morning.

Item number 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 30 standing in the name of the Third Elected Member for Bodden Town. This question was deferred from Thursday, 1 April 1999.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 30

(Deferred 1st April 1999)

No. 30: Mr. Roy Bodden asked the Honourable Minister with responsibility for Tourism, Commerce, Transport and Works to state the procedure to be followed when importing heavy equipment into the Cayman Islands.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. In order to import any type of heavy equipment into the Cayman Islands, the importer must first complete the requisite application form. This form seeks to obtain such information as the company's name, list of directors, nationality, and description of equipment to be imported.

Additionally, a current Trade and Business Licence must also be provided. Once this information is obtained, the application then goes to the Advisory Committee on the Importation of Heavy Equipment, which was recently established by my Ministry to advise Executive Council. This Committee meets once a month. The Committee reviews each application and makes recommendations to Executive Council. The application is then considered by Executive Council and the decision is conveyed to the applicant and the Collector of Customs.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Minister tell the House the names of those persons who form the advisory committee.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Yes, Mr. Speaker. The Senior Assistant Secretary in my Ministry is the Chair-

man, Mr. Charles Clifford. Other members are Mr. Culbert Scott, who is the Chief Engineer of Public Works; Mr. Phillip Tatum, who is the Acting Head of Department for the Department of Vehicles and Equipment Services; Mr. Anthony Scott, who is the representative from the Heavy Equipment Organisation (HEO) and there is a police representative. It could be the Commissioner or it could be the superintendent in charge of traffic.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the minister tell the House approximately it takes from the time an application is made until word has passed down as to whether the application is approved or disapproved?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I don't believe that I have an accurate handle on how many weeks or days it may take. I do know that on some occasions equipment is imported and we are informed of it when it is on the dock and we try to act accordingly, to give the decision as quickly as we possibly can.

In discussion with the Chairman of the Committee, I indicated to him that I believe depending on the number of applications that the committee should meet twice a month. And even if we don't have sufficient applications then there would be no need to have a meeting. But I think if they structure it every two weeks I think that would probably be more in line with the applications at the moment. I think there might have been some amount of back-up as a result of the change over from one ministry to the other but I believe at the moment we are presently on top of it. If you know of any particular case that is out there that we have not dealt with, please bring it to my attention.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister say if the procedure as outlined in answer to the question is one which was inherited or can he tell the House whether there were any modifications made since he took up the ministry and this particular responsibility?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The committee, which is an advisory committee to Executive Council, I think prior to us establishing this committee there was another committee. I think the majority of the items I included in my answer are in conjunction with the way it was before — we may have added one or two items.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Can the Minister state if there is any policy followed by the committee regarding the age of this heavy equipment? Does it depend on the different categories of heavy equipment? Are any restrictions regarding the age?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the committee has a guideline that basically tries to allow equipment coming into the island that is less than ten years old. It, however, depends on the type of equipment because we do know that cranes, for example, can be 25 years old and still in good working order. So it is a guideline that is being used.

I think it depends on the particular piece of equipment. Sometimes we have pieces of equipment landed at the dock that has not been approved as yet, and in some cases that piece of equipment is examined by a rather well known mechanic who certifies that it is good order. I think it is in the best interest to use the guideline but there are exceptions.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, is it fair comment to state that while there is this policy of equipment not being older than ten years, individual circumstances and situations will be examined on their own merit for pieces of equipment older than ten years?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the member has categorised that correctly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While I know he has inherited this situation and it existed prior to his being in charge of that subject, can the honourable minister say why the importation of heavy equipment is different from how it used to be before when individuals simply imported as they needed?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe this all came about back in the early 1990s when there were a number of taxis, tour bus and Omni-bus operators. You basically came to government and asked for some action to be taken. I think most of us will recall the three buses that came in and I think most of the people in the transportation industry were quite upset about it as well as people in the heavy equipment services.

They were also concerned about the number of pieces of equipment that were coming into the island and wanted government to more or less get a handle on it, in essence to try to be as fair as we possible can with this particular area of service offered in the country. I believe it was also a time when the water sports operators were also concerned so it dealt with vehicles, heavy equipment, boats, and it also dealt with other vehicles other than private cars.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In his answer, the minister stated that there was a requisite application form seeking to obtain such information as the company name, the list of directors, nationality and description of equipment to be imported. He also mentioned that a current Trade and Business Licence must be provided. Is the reasoning for this that not everyone (even if they provide this information) is allowed to import heavy equipment?

To try to make it a little bit clearer, are there certain categories of persons who will not be able to import any types of heavy equipment? And, if so, what are those categories?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the system more or less captures the need to know for the government as to who is importing the particular pieces of equipment and basically to offer some amount of protection, if you wish, to Caymanians who are operating in that area. We do know that there are substantial amounts of equipment in the island and we are trying to avoid a wholesale importation which obviously will damage those people who have spent hundreds of thousands of dollars in equipment, be it water trucks or drill rigs, or cranes, or heavy duty equipment, or any vehicle of that sort.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: What kind of reasoning would the committee use to not allow the importation of a specific type of equipment, bearing in mind the factors that the minister just mentioned a while ago?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: If you hypothetically have 25 cranes already operating in the country and certainly you saw an application wishing to import ten more and perhaps the individual was not a Caymanian, then I think the recommendation coming from the committee would be not to approve.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I think that is fair, I do get the picture. Can the minister then state what method is used by the committee to monitor? Or is there a list of pieces of equipment imported for specific tasks and for specific time periods which should then be sent back off the island once the task it was imported for is completed? Does the committee have a list of these pieces of equipment, and if so, how do they monitor that?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that the representative from HEO supplies that input to the committee which basically says the number of pieces of equipment that are on the island at the present time. And as a result of that input, the committee is guided as to whether to approve or not approve.

If I have not answered the question to the wish of the member, he may—

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Let me perhaps try to make it a little bit clearer. From time to time, we hear of equipment that is imported. For instance, to use a hypothetical situation as the minister did previously, there may be a specific type of development taking place and the principals are allowed to import certain pieces of equipment relative to that development. On completion of the use of the equipment for that development, they are supposed to be sent back. Is the committee responsible for that? And how does the committee ensure that this happens?

Should people who have such types of equipment wish to sell that equipment on island rather than send it back, is there any method by which it is decided as to who can purchase that or can anyone purchase that type of equipment?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We have not so far this year run across any situation of that sort. But I do know that from time to time we have seen such applications. And normally what happens is that the conditions on importation are stated so that the Customs Department will then follow through on that particular piece of equipment.

The Speaker: Two additional supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state if, when such equipment being imported is going to be sent out, duty is then waived? Or is the duty paid up front and then on exportation there is a refund?

The reason I asked the question is because if the duty has been waived on such equipment and it is sold on the island rather than sent back out then government will be losing on the importation duty. I just wanted to find

out if there was some check and balance to ensure that this does not happen.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My experience with this suggests that if the equipment is sold locally duty would have to be paid if it was waived. I have not seen too much waiver in recent times.

The Speaker: First Elected Member for George Town. Final supplementary.

Mr. D. Kurt Tibbetts: To try and wrap it up so that I get the answers I am seeking, I understand what the minister has just said but my question is: How does any arm of government know if the piece of equipment is sold if the duty had been waived? And, how would government know in order to ensure that the duty is collected if this is what happens?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the question as posed by the First Elected Member of George Town and my answer suggests that there are conditions attached to the importation. One of the conditions that I was thinking about is that the item would have to be exported back out of the country after a particular time. If, however, that is not done then the Customs Department will follow-up and ensure that custom duty is paid, if it was waived.

The Speaker: Moving on to question number 33, standing in the name of the First Elected Member for West Bay. That is to be answered by the Honourable Minister responsible for Agriculture, Communications and Environment and Natural Resources.

Earlier this morning, I tendered an apology as the Honourable Minister is sick. I would appreciate someone moving Standing Order 25(5) in order that that question can be deferred to be answered at a later sitting.

DEFERRAL OF QUESTION 33

Hon. Truman Boddin: I move under Standing Order 23(5) that the question be answered at a later stage.

The Speaker: Thank you, the Honourable Minister for Education. I put the question: Those in favour please say Aye....

Mr. W. McKeeva Bush: Mr. Chairman, sorry.

The Speaker: Go ahead.

Mr. W. McKeeva Bush: Did the minister say answer at a later date? Not answer in writing, right?

The Speaker: At a later date, orally – yes.

Mr. W. McKeeva Bush: Thank you.

The Speaker: When he is well to do so.

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

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 33 DEFERRED TO A LATER SITTING.

The Speaker: That concludes Question Time for this morning. Moving on to item number 5 on today's Order Paper. Government Business, Motions. Government Motion No. 2/99 to be moved by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 2/99

THE HEALTH INSURANCE LAW, 1997 – THE HEALTH INSURANCE (AMENDMENT) (INDIGENT PERSONS) REGULATIONS, 1998

Hon. Anthony S. Eden: Mr. Speaker, I beg to move Government Motion No. 2/99 which is entitled, The Health Insurance Law, 1997 – The Health Insurance (Amendment) (Indigent Persons) Regulations, 1998.

The Speaker: Government Motion No. 2/99 has been duly moved. Does the Honourable Minister wish to speak to it?

Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. The motion before this Honourable House is: **“WHEREAS Section 19(2) of the Health Insurance Law, 1997 provides that regulations made under this law are subject to the affirmative resolution of the Legislative Assembly;**

BE IT THEREFORE RESOLVED THAT the Health Insurance (Amendment) (Indigent Persons) Regulations as attached be hereby approved in accordance with Section 19(2) of the Health Insurance Law, 1997.”

Mr. Speaker and members of this honourable House are reminded that the Health Insurance Law and Regulations 1997 came into force on the 1st July 1998. And that the Health Insurance Regulations provide inter alia, **“For the establishment of a segregated fund to cover medical cost for indigent uninsurable and indigent partially uninsurable persons.”** The fund is

administered by the Cayman Islands Monetary Authority and has been duly receiving regular payments from approved providers of health insurance coverage since the commencement of the legislation.

For the information of this House that fund is up to approximately three quarters of a million dollars. Also, as a side note, there are approximately 26,000 people now covered by health insurance. The good part about this is that most of them are above the standard required by government. When we look at the approximately 10,000 others covered by government, we have come a long way and I think this House should be proud of the coverage that we have been able to establish. As I have always said, I see health insurance as an investment, especially in recent times when we have seen some of the tragedies that have happened in these islands.

Whilst the legislation provides for the establishment of the fund by government in order to cover the medical cost of the indigent uninsurable and indigent partially uninsurable persons, it does not set down in specific terms which entity is empowered to make claims upon the fund. The Health Insurance Regulations provide for medical treatment for this category of persons to be provided by a government health facility or at any other health care facility upon reference by the Chief Medical Officer.

Essentially, therefore all benefits to be provided to this category of persons will be provided directly by or under the auspices of the Chief Medical Officer. It, therefore, appears reasonable that the Director of Health Services should be empowered to make claims upon the fund. It is recommended that the Health Insurance Regulations be amended accordingly.

Mr. Speaker, it is also recommend that in order to ensure greater clarity in the Health Insurance Regulations, the opportunity be taken to amend Regulation 5: (a) by inserting the word, "indigent" before "partially uninsurable", wherever those latter words appear; and (b) by inserting the word, "indigent" before "uninsurable person" in Sub-regulation 2.

Mr. Speaker, these amendment were approved by the Governor in Council in accordance with Section 19 of the Health Insurance Law, 1997. Nevertheless, the amendments are subject to the affirmative resolution of the Legislative Assembly.

There are a number of things that we continue to work on to make this a better product, but as we come upon situations that will develop with the support of this House and my ministry we hope to deal with these accordingly. I, therefore, urge members of this honourable House to approve the amendments as set down in the Health Insurance (Amendment) (Indigent Persons) Regulations, 1998.

Thank you.

The Speaker: Does any other Member wishes to speak?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I am going to support these amendments, therefore my contribution is not going to be long. But I feel that there are some important

points that I have to make to explain my position and also to bring to the attention of honourable members some concerns I have.

Ever since the first efforts were made to introduce this health insurance coverage, I exercised some concern, if not alarm, over the fact that the providers were in such a powerful position as to be able to control the clients and the business they wish to take.

Right now in the United States, President Clinton served notice on health providers that they will not be allowed to be so selective as to disadvantage any particular socio-economic element of the population. These providers have a wholly captive audience. I can say from experience that some of them, if allowed to get away with things, will disadvantage those elements in our population who are least capable of dealing with these kinds of health contingencies.

Case in point, I know firsthand of a situation where a group policy was entered into and when the individual's information was submitted to the provider, they sent back one out of a group of about thirty rejecting it saying that the person was ineligible because the person was too obese. Were it not for persistence, obstinacy and at one point downright threat of legal action that person would not have been accommodated.

Now, I have heard from the elderly. I know of at least two cases whose identity I won't divulge here because it is not necessary. Suffice it to say, however, that these persons were refused coverage because of a health condition that occurred while they were covered. I know of a case where one of my constituents who is an elderly gentlemen paid three months premium and had not been feeling well. When he went to the hospital after paying three months premium, he was diagnosed as a diabetic. When the gentleman, being honest and forthright, reported that to the provider, they sent back his three months premium (this discovery didn't come until the fourth month), saying that if that condition obtained, they would not be extending coverage to him. Not only is that morally repugnant, it is downright callous and these kinds of incidents are by no means apocryphal, they are true.

When it happens to the elderly, people who are borderline indigents, I am alarmed that these providers (not all of them I might add) could be so disregarding as to treat the potential clients and the people of this country in that way when there are so few providers and they have this country as a wholly captive audience.

I implore the minister to stay on top of these situations. He has my support in this amendment and he knows that he has my support in any efforts he brings that are constructive. I implore him to use his department and the other arms of government to keep his eyes open for these kinds of situations.

Mr. Speaker, for what it is worth, I might add that the situation concerning my constituent is by no means over because I am right now in the process of trying to access advice as to how best to handle it. But I consider it downright morally repugnant for an organisation to do that to an individual when in the first instance they accepted the person's premiums for three months in good faith.

I can only say, if they are allowed to get away with it, that the Cayman Islands will be the only country in the civilised world where such a practise would be allowed to go unchallenged. I say this in the hopes that the minister may sharpen his perception with regard to these kinds of practises. I believe that it is a progressive step to provide this kind of avenue for our people because we have to get away from the position where the government is the be all and end all. I think we have progressed beyond that route.

I see the government's role now as that of a watchdog ensuring that people get what they pay for, and ensuring that no one—irrespective of colour, class, social status, or economic position—is disadvantaged. I commend the efforts to provide health insurance in the country and I am supportive of these amendments. I would only ask that the Government use this machinery to ensure that our constituents particularly the elderly, the indigent and those whom we may classify as uninsurable are not left out in the cold when it comes time for them to access proper medical attention.

Thank you, sir.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: I would like to just make a few comments on this government motion attempting to allow the Director of Health to take monies from the fund that is now accumulating with regard to indigent persons.

I too believe that the government has taken the right direction. But I have had quite a few complains from persons that have sought health insurance. I know that there are a lot of complaints that might not be necessarily legitimate, but I would like to ask the minister to look into what the Third Elected Member for Bodden Town was speaking about because I have been confronted with persons that are aggrieved by this situation in a similar manner.

Apparently, when a person goes to an insurance company to take out insurance—as is required by the law—the insurance companies fill out the applications. Persons believe that at that particular time they become insured, when in fact they are not insured. It has to go to a head office someplace else and it has to be approved by the head office and sent back here before those persons receive the insurance. So, we need to begin to look at that whole process of how the head office in these countries make the decisions as to who receive insurance and who do not receive insurance.

A lot of the people that are selling insurance themselves have complained behind the scenes about the practices of their own insurance companies. They have seen no reason why certain persons should be excluded. They have gone ahead and given the persons more or less the positive go ahead that there should be no reason why they shouldn't get health insurance only to have it sent off to Trinidad or someplace like that and to have these head offices make the decision that the person does not qualify to be insured because of some reason.

Weight has been an issue. They are saying that the person is too heavy and, therefore, could be a health

risk. I don't think that the minister will allow for insurance companies to come here and pick the best, the healthiest people in our population and just insure them, minimising their risk and causing government to have to be responsible for the majority of the cost for the other segments of the population. Insurance means that we throw everybody into the same package and we somehow take risk.

If the insurance companies are not taking any risk simply because they are going through a process of choosing the healthy people and leaving the people that might have health problems later on then I don't believe that insurance companies are taking a risk. Not only does it have a captive audience but also it has a risk free clientele. I don't believe that is fair! I know that the government's intention was to provide better health care for the people and to minimise the cost that would be on the Treasury of the country by legislating compulsory health insurance—not legislating a defined and exorbitant profit for the insurance companies.

I am just going to rely upon the good judgment of the minister to see that he goes into this a little bit more to see that it is not abused. At least, in the beginning it was being abused by the insurance companies because of the types of complains that I was getting from clients of these insurance companies and by workers in the insurance companies. If we could get that ironed out, I would be grateful. In the same instance, I do say that I support Government Motion No. 2/99.

The Speaker: Does any other member wish to speak? If no other member wishes to speak, does the honourable mover wish to exercise his right of reply?

Hon. Anthony S. Eden: I would like to take this opportunity to thank those who have spoken and supported the motion, as well as those who indicated support but have not spoken. I really appreciate the pointing out by both the Third Elected Member for Bodden Town and the Fourth Elected Member for George Town and I will certainly be looking into this. It has been one of the most difficult things of the whole process trying to deal with the elderly and we certainly will not encourage cherry picking.

And as the Fourth Elected Member for George Town said, it certainly should be incumbent on the providers to educate the public. Let them know what transpires after an application is put in, how it works. I think this is something they should take on board. And as good community citizens, this should be done through the media so it has wide and proper coverage so that nobody has any doubt as to what happens.

It is sad like in the instance that was drawn that after collecting three or four months premium that the person was notified that they were not accepted. This is not going to be tolerated, Mr. Speaker, and whatever we need to do will be done.

Once again, I want to thank everyone for his or her support.

The Speaker: I shall now put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: GOVERNMENT MOTION NO. 2/99 PASSED.

The Speaker: Moving on to Government Motion No. 3/99 to be moved by the Honourable Minister for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 24(5)

Hon. Truman Bodden: Mr. Speaker, I move the suspension of Standing Order 24(5) to allow this motion to be taken. While it was filed back nearly a month ago, it wasn't put in five days before the session started. It is just that the notice was not prior to the meeting.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 24(5) SUSPENDED.

The Speaker: Honourable Minister for Education, Aviation and Planning, please continue with your motion.

GOVERNMENT MOTION NO. 3/99

AMENDMENT TO THE DEVELOPMENT PLAN 1997

Hon. Truman Bodden: This motion is one of several that I have brought over the years. It deals with amendments to the Development Plan. In this case, it relates to four categories of parcels of land that are set out in the letter.

It alters one from public open space to low density residential and this was a mistake that was made as is set out in this. Instead of designating the blowholes with public open space, it designated land that was somewhere in the vicinity of it.

The other parcel relates to property from hotel/tourism back to low density residential. And, the other area is from neighbourhood/commercial to hotel/tourism and that is in a tourism zone area.

The other one is from public open space to beach resort residential.

These have all gone through the full process under the law as is set out by the Central Planning Authority. There have been no objections to these and they recommend that these zoning changes be made, sir.

The Speaker: Does any other member wish to speak? Does any other member wish to speak to this motion? If not, does the honourable mover wish to exercise his right of reply?

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

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: GOVERNMENT MOTION NO. 3/99 PASSED.

The Speaker: Moving on to Bills, First reading, the Electricity (Amendment) Bill, 1999.

BILLS

FIRST READINGS

THE ELECTRICITY (AMENDMENT) BILL, 1999

The Clerk: The Electricity (Amendment) Bill, 1999.

The Speaker: The Electricity (Amendment) Bill, 1999 has been given a first reading and is set down for second reading.

Bills, First Reading.

THE LABOUR (AMENDMENT) (TRIBUNALS) BILL, 1998

The Clerk: The Labour (Amendment) (Tribunals) Bill, 1998.

The Speaker: The Labour (Amendment) (Tribunals) Bill, 1998 has been given a first reading and is set down for a second reading.

Bills, First Reading.

THE BILLS OF SALE (AMENDMENT) BILL, 1998

The Clerk: The Bills of Sale (Amendment) Bill, 1998.

The Speaker: The Bill of Sale (Amendment) Bill, 1998 has been given a first reading and is set down for a second reading.

Bill, First Reading.

TRAVEL TAX (AMENDMENT) BILL, 1998

The Clerk: The Travel Tax (Amendment) Bill, 1998.

The Speaker: The Travel Tax (Amendment) Bill, 1998 has been given a first reading and is set down for a second reading.

THE NATIONAL GALLERY BILL, 1998

The Clerk: The National Gallery Bill, 1998.

The Speaker: The National Gallery Bill, 1998 has been given a first reading and is set down for second reading.

THE EURO CONVERSION BILL, 1998

The Clerk: The Euro Conversion Bill, 1998.

The Speaker: The Euro Conversion Bill, 1998 has been given a first reading and is set down for second reading.

THE NATIONAL PENSIONS (AMENDMENT) (SELF EMPLOYED PERSONS AND PRESCRIBED MAXIMUM) BILL, 1998

The Clerk: The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998

The Speaker: The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998 has been given a first reading and is set down for second reading.

THE COMPANIES (AMENDMENT) (EURO) BILL, 1998

The Clerk: The Companies (Amendment) (Euro) Bill, 1998.

The Speaker: The Companies (Amendment) (Euro) Bill, 1998 has been given a first reading and is set down for second reading.

THE PUBLIC SERVICE PENSION BILL, 1999

The Clerk: The Public Service Pension Bill, 1999.

The Speaker: The Public Service Pension Bill, 1999 has been given a first reading and is set down for second reading.

THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999

The Clerk: The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

The Speaker: The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999 has been given a first reading and is set down for a second reading.
Bills, Second Readings.

SECOND READINGS

THE ELECTRICITY (AMENDMENT) BILL, 1999

The Clerk: The Electricity (Amendment) Bill, 1999.

The Speaker: The Electricity (Amendment) Bill, 1999. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, I move the second reading of the Electricity Amendment Bill, 1999.

The Speaker: The Electricity (Amendment) Bill has been duly moved. Do you wish to speak to it?

Hon. Truman Bodden: I also wish to move or wish to mention an amendment that has been circulated and will be raised at the Committee stage.

The amended bill deals, firstly, with the establishment of a Board of Examiners, which really replaces what was called the Board of Examiners and operated since 1978. There were some technical problems that arose, some doubts in relation to it, and this now seeks to clarify that. Along with the amendment to the Bill it actually ratifies the past acts of the old board and establishes this new one.

Secondly, there is an Appeals Tribunal set up and prior to this when the Board of Examiners made a decision, the only recourse people had would have been into the course under the prerogative risk and it increases the fines in section 22. It also just sets out the hours and duties of the board.

So this is the first of what will probably be several or probably a further amendment later on to this Bill to try to bring it up to date. It is a very old law, however it is a very important area for the islands. It is one that has come directly under my ministry and we will be endeavouring to update the law, the regulations for this, sir.

The Speaker: The question is that a Bill entitled, the Electricity (Amendment) Bill, 1999 be given a second reading. The motion is opened to debate.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: While I understand and appreciate the efforts being made by the Minister to streamline and modernise the practises of the Board, I have to raise some questions—some of which I previously raised in debate in this honourable House regarding the practises of the Electricity Board of Examiners.

I vividly recall making a suggestion to the Minister that perhaps an ideal situation would be to streamline this practise and place it under auspices of the Community College which is eminently equipped for carrying out these functions. I can say that over the past months (and up until the present time) I received numerous complaints from persons who sit the examination and are dissatisfied with various aspects.

From information I have received, the process as it exists is rather confusing. I would say, from the point of view of an educator, that it is illogical. I will go on to explain why, but let me say why I believe that moving these functions under the Community College would be the ideal situation. First of all, the Community College could provide the teaching, expertise, and also practical experience necessary. The physical facilities would be there. Significantly, too the Community College is an unbiased and impartial provider.

With the appointment of a Board of Examiners as it is now, most of these examiners are persons directly involved with electrical contracting. And I am by no means suggesting that anything untoward happens, but I am saying that the worry would be removed were it com-

pletely under the auspices of the Community College. Certain insinuations could not be made.

Now, purely and simply as an academic exercise or as a technical exercise that is not good enough. I would rather the situation be one in which a professional teacher or licensed electrical instructor—who is not practising in contracting but is solely under the auspices and the ambit of the Community College as a staff Member—be responsible for administering the exam as well as teaching and setting the practical tests necessary.

A complaint frequently heard by myself is that persons from the smaller firms and the smaller entities feel that there is not a fair enough chance for them. I also receive complaints on the matter of the content of the examination. And a third complaint is that people sit the course sometimes three and four times. The first time, they may get a score of let us say 70%. The next time, they may get a score of only 40% and on a subsequent occasion, the score may fluctuate between those two. Now, in situations where you are allowed multiple sittings of an examination until you achieve the pass mark, the practice is that the highest score obtains until you get a higher score. In other words, if you have to do three or four sittings, and the first time you sat you got 70%, that score would be the score on record (if on subsequent occasions you got below that) until you got the pass mark. But these people inform me that the last score is the score of record so that it does not matter if on the fourth occasion they only got 50%, and the first time they got 70%. That 70% is not the jump off point.

Now, there is a certain amount of frustration experienced, as I understand from these people who sit the examination. I am suggesting that if the practise is continued, that the highest score should be the score of record until the candidate achieves the passing grade.

I am also confronted with the situation that these candidates themselves complain that the system is not completely impartial and when I propose to them the possibility of the examination and the course being offered by the Community College, all of them jumped and said that would be the ideal situation. So I would hope that at some stage we arrive at that.

I am a little disappointed seeing that I had raised it in a debate as a suggestion before, and the minister didn't take this into consideration. However, I am prepared to give the benefit of the doubt and hope that the minister eventually leads up to what I think would be the most appropriate and the most ideal situation, seeing as in his remarks he said that this law has not been amended since way down in the 1970s. I would hope that he would bear in mind what I have offered as a constructive consideration and move towards that.

I vividly recall when I made the suggestion that the minister himself in a reply said that it was a suggestion worth examining at that time. I would implore and encourage him to examine it as I think it would give the Community College a fitting role it is eminently equipped to carry out. In so doing it would negate if not completely remove any necessity to further bureaucratise the system by having an Appeals Tribunal.

Mr. Speaker, what I don't like about Appeals Tribunal in these kinds of cases is that you get into a situation where you cannot scientifically quantify or argue what is being appealed. The grounds for appeal, as it says here in section 5(c), the second paragraph, "An appeal under subsection (1)..." First of all, I better read the section, which talks about appeals. It says, "**Any person who has applied to the Board for a license to carry out electrical work under this law and whose application has not been successful may appeal against the decision of the Board to the Appeals Tribunal whose decision shall be final.**"

And then section (2) says, "**An appeal under subsection (1) may only be made on one or more of the following grounds: (i) That the decision is erroneous in law; (ii) That the decision is unreasonable; (iii) Or that the decision was arrived at contrary to the principles of natural justice.**"

Now, if we had a system that was administered by the Community College clearly in these cases we have academic appeals. But the appeals as I understand it would only be made under one ground—that you achieve the requisite amount of marks to pass the exam or you didn't pass the exam. Only one ground! Here we have three different categories of appeal. This is a skill we are measuring and it signifies that the person must have manifestly mastered that skill to a significant level. So when we are talking about these three grounds of appeal, I am afraid we are getting into a quagmire and burdening a bureaucracy that might not be the best positive move. If this exam was being administered, or this licence being granted by the Community College, we could understand the grounds for the appeal.

Maybe it would be set up so that there is a theoretical section and a practical section. It would be possible that someone could pass the theoretical and may not have done so well in the practical, in which case they could do the practical over as many times as would be necessary. The grounds for appeal then would be clear cut and you would only be appealing to a body within the Community College.

No one could scream that there is a vested interest in not having someone pass the exam or not pass the exam. It would remove any possibility of certain kinds of insinuations, which I hear about now. The same persons who are set up now to administer the licence could be involved at some stage in the Community College process as, for example, supervising the practical aspects of the exam or in some other capacity which would not be deemed to be controversial or ambiguous.

The reason I am stressing this is that most of the persons who have approached me are young Caymanians. In one case, I went to great lengths to speak with the employer of one of these young Caymanians. I spoke to the principals of that firm who on two occasions expressed overwhelming confidence in their employee and were lamenting the way the Board is organised now and the way the Board dispenses licences.

I might add as a footnote that this firm was not only a firm of Caymanians but it had several qualified, experienced and high ranking expatriate persons. All of them

gave unqualified support to the young Caymanians involved who were frustrated in repeatedly sitting the examination and getting a wide range of scores. They could not understand how when they got 70% that that score wasn't the score of record but only the score of the last exam that was a significantly lower score.

I am saying to the minister that while this is an improvement we are not yet up to the ideal situation. I hope that my sentiments and my suggestions are not misconstrued as they so often are when I make suggestion to this minister (they are taken as a personal assault on the minister or his policies), I am merely being constructive. I remind the minister of his undertaking to consider my suggestions previously made of getting the Community College involved in this aspect of what I consider a vocational and technological enterprise.

Mr. Speaker, that is my contribution. I would not stand in the way of progress by opposing these amendments. I would only hope to prick the minister's conscience and extract from him some kind of sentiment that he is willing at some stage in the near future to examine the involvement of the Community College in this enterprise.

Thank you, sir.

The Speaker: Does any other member wish to speak? The floor is opened to debate.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I rise to give support to this Bill, but I would just like to echo the sentiments put forward by my colleague, the Third Elected Member for Bodden Town.

Many people who have sat this exam have come to me with very similar concerns. The consistency in which it appears to be scored for whatever reason does not bear out at all times and I think what is put forward as to allowing it to go to the Community College is something that I feel the minister will look at.

I just wanted to share the similar sentiments. There is a lot of frustration in the people who have been through this. I understand the passing rate is minuscule. I have to wonder what causes. But just to offer my support on this.

Thank you, Mr. Speaker.

The Speaker: The floor is opened to debate. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: My contribution will be short, but I think that I would like to go a little bit further with the arguments put forward by my colleague, the Third Elected Member for Bodden Town. I will not go over the point about the Community College but what I would like to speak about for just a short time is politically appointed boards.

Experience has taught us that perception becomes reality. I am sure that every one of us here has experienced the fact that this is so. It just so happens that at this point in time we are talking about a board regarding

electrical examinations. The way that this Bill is tailored and crafted, I think the assumption is right that when it says that the Governor will appoint this Board that means the Governor in Council, that is on the advice of Executive Council. I hold the view that this is a tradition that we need to get away from.

Too often we have sides. And while I will grant that in the vast majority of occasions it is only perception, there are people who will perceive by the fact that individuals have been appointed by Executive Council that they are on a given political side and that certain things will be more favourable to certain individuals whenever they have to encounter such boards. There is no sense in our saying that it is not so, that the members of the Board would never engage in such activities. I am dealing with perception and no amount of words is going to change the way people think.

If we have a single occasion where it seems obvious that such a situation has occurred then people by nature make their rulings across the board on that one circumstance. I think that in itself should give rise to the opinions expressed by other speakers prior to me.

On the eve of reform, when we talk about transparency, when we talk about accountability, and when we talk about changing the whole thought process in the way the country does business, this indeed is an occasion where we should be thinking along those lines. When we are talking about freedom of information, for instance, and we see the way these things are set up now . . . and while this Bill gives rise to the methods by which appeals may be made, what we have to take into consideration is the actual way that it will work.

The average person who is going to undergo this test and who may feel aggrieved at the end result (whether that feeling is a biased one or with merit to it), the average person is not going to go through the procedure of appealing to a tribunal. I mean, I am not suggesting that we should make laws to suit people and their whims and fancies, I am just trying to be as realistic as possible. And while this has been the way that we have done things for years and years and years, it does not mean it is not time for us to have a new way of thinking.

So what has been said about supporting the Bill with the hope that the minister will take a fresh look at it, I have to differ with that. My experience tells me that if we approve the Bill—and while the minister may reply and say that he is going to look into it—my experience has taught me that in such matters nothing happens. So without getting into a confrontation, I am saying that I am not going to support the Bill because I would like to see the minister withdraw the Bill and re-craft it and perhaps come with something that is a little bit more palatable.

I hope that my little bit of argument is understood in the right vein. I say it as I see it and we will see exactly the reaction. Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? If no other member wishes to speak, would the honourable mover wish to exercise his right of reply?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Yes, sir. Thank you. I will now endeavour to deal with the two main points that have been raised. I support—and I am sure the government does—that the exams can be done by the Community College. There is also power to accept licences that are of a proper standard from other countries so that is also an area that would be looked at.

What I would suggest is that in the (and if I may give oral notice of this, now) committee stage to put it beyond the doubt in section 5(b) the penultimate line, where it says, “...lay down from time to time...” that we add in there, “or prescribed” and that would allow us then to prescribe exams of the Community College or any other college. I don’t think it should just be limited to the Community College. So I made it wide enough that the exams could be prescribed.

I fully accept what the member has said. Quite frankly sir, this whole electrical business has now come to the Planning Department. It has been a source of considerable problems. I think both the Third Elected Member for Bodden Town and the Minister for Health raised these problems. I have had a lot of people come to me as well on the unsatisfactory present law. There are problems that go well beyond just the examination stages and also touch beyond that in relation to the Immigration Law. So I would hope that the Third Elected Member for Bodden Town would look at that has been an answer to what he has mentioned and that is something that will be developed and it will be used.

I would just like to say that at present, sir, we do have some of these courses that are run from abroad in relation to the building code. We found that it is sometimes better to have the standards applied by someone directly outside of the department.

Also, sir, like I said, certificates from abroad I think should be accepted — and there is now power for that.

What we tried to do with the Appeals Tribunal was to actually use a tribunal that already exists and that is operational. That has been the subject of the scrutiny of the courts many, many times, even the Court of Appeal and which I believe is one that has stood the test of time. The appeals for this are not going to go to a new tribunal that we are appointing.

I would just like to point that out. It will be going into an Appeals Tribunal that is already established under the Development and Planning Law—one that is always chaired by a lawyer. Prior to this it was chaired by W.S. Walker, a well-respected and very learned lawyer, who I have no doubt in my mind has always been very fair. It is now chaired by his deputy, Mr. Casey Gill, a lawyer with some thirty years’ experience, well respected in the community. And also supported on that by other lawyers.

And, yes, there will always be times when people are not happy with a decision, but the Court of Appeal, or the Grand Court, or even the Judicial Committee, the Privy Council makes a decision. A case is a case—one side is disappointed and one side is happy. For the case on appeal, it is rare that a court can make both sides

happy but I believe the integrity of the Development and Planning Appeals Tribunal is long standing, its willingness to fully hear and to give its decisions in such a way can be tested either before the Grand Court or the Court of Appeals or indeed in some instances even by the House of Lords, which is the judicial committee of the Privy Council.

I can’t really add any more to that, other than to say that I hope I have fully addressed the two points both as to the exams and as to the appeal. But I would just like to say, sir, we have to remember that before this there was no appeal. The old Board of Examiners had absolute power. However, there was always a right for judicial review, and I don’t think that, that has ever happened. So the fairness of that Board, while it has been there for donkey years—and not just under me—has really done its best. The amendments to the law, sir, are really to promote fairness, to promote the right of appeal and to ensure that this important area—electricity, which is so important to all of us but also is a very dangerous occupational area as we know—is well regulated.

I can do no more, sir, than to add that I am always open to innovations and if I find that something does not work then I do come back here and I will see it isn’t working, I need to amend it. But I believe what we have here now, with the right to take exams, with the amendments that I propose, and the fact that the present Appeals Tribunal under the Development Planning Law is well established for many years, well chaired and a very capable tribunal that has taken the scrutiny of the Appellants Courts, the Queen’s Council and the senior lawyers in this community. And that I can’t tell you because there are appeals from it and the tribunal has basically stood the test of time.

Thank you.

The Speaker: The question is that a Bill entitled, The Electricity (Amendment) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE ELECTRICITY (AMENDMENT) BILL, 1999 GIVEN A SECOND READING.

The Speaker: I think this will be an appropriate time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:48 AM

PROCEEDINGS RESUMED AT 12:17 PM

The Speaker: Proceedings are resumed. Bills, Second Reading.

THE LABOUR (AMENDMENT) TRIBUNAL BILL, 1998

The Clerk: The Labour (Amendment) Tribunal Bill, 1998.

The Speaker: The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture is absent. So with your permission, we will move on to the next bill.

Bills, Second Reading.

Should I put a motion for that? Honourable Minister for Education, Aviation and Planning, would you move a motion that we move on to the next bill, as the Honourable Minister for Community Affairs is not present?

DEFERRAL OF THE LABOUR (AMENDMENTS) (TRIBUNALS) BILL, 1998

Hon. Truman Bodden: I move the deferment of the Labour (Amendments) (Tribunals) Bill, 1998 as the Minister is ill at present.

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

AYES.

The Speaker: The Ayes have it.

AGREED: THE LABOUR (AMENDMENT) (TRIBUNALS) BILL, 1998 DEFERRED UNTIL A LATER SITTING.

The Speaker: Moving on to Bills, Second Reading.

THE BILL OF SALE (AMENDMENT) BILL, 1998

The Clerk: The Bill of Sale (Amendment) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: Thank you, Mr. Speaker. I beg to move the second reading of the Bill of Sale (Amendment) Bill, 1998.

This amendment relates to two main changes. The first being the increase in the time required under the law for registration of Bill of Sale from 30 days to 90 days. Over the years, it has become increasingly difficult for financial institutions to complete what is required in this process—that is, the whole process of execution, stamping, and registration within the required 30 days. This is primarily due to the increase in complexities of transactions. Therefore, we propose to increase it from 30 days to 90 days.

The second change proposes to tighten up on the documentation that is required to be submitted to the Registrar General's office in order to register a Bill of Sale. That is it, sir, thank you.

The Speaker: The floor is opened to debate. Does any other honourable member wish to speak? If there is no

debate. Does the mover wish to exercise his right of reply?

The Honourable Acting Third Official Member.

Hon. Joel Walton: Mr. Speaker, no sir.

The Speaker: The question is that a Bill entitled, The Bill of Sale (Amendment), 1998 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE BILL OF SALE (AMENDMENT) BILL, 1998 GIVEN A SECOND READING.

The Speaker: Bills, Second Reading.

THE TRAVEL TAX (AMENDMENT) BILL, 1998

The Clerk: The Travel Tax (Amendment) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg to move the Travel Tax (Amendment) Bill, 1998 to its second reading.

The Speaker: Do you wish to speak to it?

Hon. Joel Walton: Yes, sir.

The Speaker: Please continue.

Hon. Joel Walton: This amendment deals with only one change and that is to tie or to actually (how can I put it?) specify those persons eligible for exemption from travel tax to three main categories of persons. That is:

1. Diplomats travelling in and out of the Cayman Islands;
2. Persons employed on aircraft or in connection with providing services relating to aircraft; and
3. Children under the age of twelve.

That is the substantive change to actually allow exemption to those three categories of persons only. Any exemptions outside of that would require the Financial Secretary's using his discretionary powers under the Public Finance and Audit Law to allow any further exemption beyond those three categories.

Thank you, sir.

The Speaker: The question is that a Bill entitled, Travel Tax (Amendment) Bill, 1998, be given a second reading.

The motion is open for debate. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, listening to the short delivery by the Acting Third Official Member just raises a couple of questions.

I think the Bill itself is self-explanatory to the point as to what it hopes to achieve, but I think if it is at all possible in winding up perhaps that honourable member could expand a little bit as to the reasoning behind the Bill itself. For instance: 1) Is it that this was some loophole that needed to be tidied up? 2) Does this relate to internationally accepted methods? Do other countries deal with it in this fashion and we are simply coming in line with what is understood and accepted as the way that this is done? 3) Or was it also for a specific reason, which might involve, for instance, a controversy regarding Cayman Airways and its crew members and any exemptions that they may have thought they had but they actually didn't and this actual legislation is to make sure that this is the case?

Mr. Speaker, if we could just have some type of broadened explanation as to the reasoning behind the Bill perhaps we would be a lot more comfortable with the Bill itself. I don't think there is a question with regard to its actual content. But I believe that there are questions in the minds of members as to the reasoning behind it. Perhaps this is as opportune a time as any to get that reasoning so that we may be able to fully understand what is behind it all.

Thank you.

The Speaker: Does any other member wish to speak? The floor is open to debate. If no other member wishes to speak does the honourable mover wish to exercise his right of reply?

The Honourable Acting Third Official Member.

Hon. Joel Walton: Just to say, sir, that the three categories of persons that remain under the law were there before. That is, aircraft employees, diplomats, and children under the age of twelve. What has happened generally throughout the government over the years in a number of areas which the government seeks to raise and members might recall some years back, we did a similar thing in the case of exemptions under the Customs Law where we removed the exemptions from the Customs Law and we asked everybody to pay duty up front.

The Finance Department through refund process in turn refunded the money back to the person who paid the duty in the first place where that person or that association is eligible to receive the refund.

In the travel tax we see very much the same situation. Over the last few years since I have been dealing with it, the Director of Civil Aviation is normally approached directly for him to exercise discretionary powers because the law before was not quite clear in some areas. We felt the need to specify those three categories that are normally done internationally—diplomats in particular, aircraft employees, and children under the age of twelve. In some situations, children under the age of twelve are also exempt but, certainly, the first two categories are the norm as far as I am aware.

What we are saying here is that under the Travel Tax Law are the three categories of people that can get exemption under that law. If anybody else shows up, for example associations, you might be representing the

Cayman Islands overseas, would like a similar treatment, how it works is that you pay it and we in turn reimburse it. As opposed to having a situation where we have many different types of categories of people receiving exemption, the accounting gets messed up over a time; everybody will be calling net accounting as opposed to gross accounting. Although I am not an accountant it is easy to see your money coming and your money going out. That is really the primary reason for this change.

[Inaudible interjection]

Hon. Joel Walton: I am not aware of any situation relating to....

[Inaudible interjection]

Hon. Joel Walton: They will be covered under number 2, the second category. That is the aircraft employees. Thank you, Mr. Speaker.

The Speaker: I shall put the question. The question is that a Bill entitled, Travel Tax (Amendment) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: TRAVEL TAX (AMENDMENT) BILL, 1998 GIVEN A SECOND READING.

The Speaker: Bills, Second Reading.

THE NATIONAL GALLERY BILL, 1998

The Clerk: The National Gallery Bill, 1998.

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

DEFERRAL OF THE NATIONAL GALLERY BILL, 1998

Hon. Truman Bodden: Mr. Speaker, I would ask that this be deferred or move that it be deferred as the Minister is ill at present and should be taken at a later stage.

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

AYES.

The Speaker: The Ayes have it. The motion is deferred until a later sitting.

AGREED: THE NATIONAL GALLERY BILL, 1998 DEFERRED UNTIL A LATER SITTING.

The Speaker: Bills, Second Reading.

THE EURO CONVERSION BILL, 1998

The Clerk: The Euro Conversion Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg to move the second reading of the Euro Conversion Bill, 1998.

The Speaker: Do you wish to speak to it? Please continue.

Hon. Joel Walton: Yes, sir, if I could briefly.

Honourable members would be aware of the change in Europe in terms of the introduction of the single currency. What this short bill provides for is the framework under which existing contracts, securities and other instruments can be dealt with in terms of the new currency.

It protects existing contracts, securities, and instruments from being unilaterally discharged by one party, that is because of a change in the currency situation. By the same token, it also provides an opportunity where if two parties agree to a change they can do so on their own accord. That in essence is what it is. It allows you to re-denominate your existing agreements into Euro. Thank you.

The Speaker: The question is that a Bill shortly entitled, The Euro Conversion Bill, 1998 be given a second reading. The Bill is now opened to debate. Does any honourable member wish to speak?

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I will just make a few comments on this in view of its timeliness and in particular the government's appreciation as to the significant impact the introduction of the European Union's new single currency, the Euro, will have on the world's economy. I wish to also congratulate the Honourable Acting Third Official Member for piloting this Bill through the House today.

Certain leading financial experts have even predicted that the Euro single currency will refashion the economies of Europe and may even change the international monetary system. But whilst this Bill before us focuses mainly on the necessity to provide for the amendments to contracts and other documents, I would also make note that the Honourable Third Official Member distributed a number of amendments which will perhaps be made in the committee stage of the Bill and will no doubt make certain significant changes here and there. Most of these amendments are really minor amendments nonetheless.

The area that I felt should have been included was in reference to registered companies, in particular exempt companies that are denominated in many of the currencies that will be affected by the introduction of the

new European single currency. I would ask the Honourable Acting Third Official Member to give an undertaking that this matter will be considered in the committee stage of the Bill.

Also, as regards the parity of the Euro currency perhaps he would comment only on how this currency is pegged and whether there will be any areas of fluctuation. I think it is in the Bill, but for the interest of the listening public, he might want to comment on that.

This amendment will also impact on the financial operations within the Cayman Islands. As I mentioned, whilst this Bill is strictly dealing with matters in relation to contracts (and I would just like to read the objectives of the Bill), "**It is a Bill for a law to provide for necessary amendments to the terms of existing contracts, securities and instruments consequent on the introduction of the single currency by Member countries of the European Union.**" As I mentioned earlier, we should also pay very close attention to the direct impact this will have on our registered companies and make arrangements to deal with this.

As a matter of interest, although the UK and three other European Union members have not yet opted into the European Union's new single currency, it would seem only a matter of time when political and/or economic pressures will force these four countries to participate in the Euro. As regards the UK's position, it is my understanding that it is a manifesto issue with this new Labour Government, to ensure that this matter is dealt with as speedily as possible.

Of course, because of the political situation in regard to the UK's position on this . . . and this is a matter, Mr. Speaker, I understand more of a national and sovereign matter rather than a economic matter with the UK. The Conservative Government felt that they did not want to lose their national standing and would, therefore, not want to be a part of the Euro or the single currency. However, the Labour Government is taking it from the point of view of the economic realities and that the UK could be alienated and left out of what promises to be a economic boom for the European nations.

So I think it is just a matter of time before we see the UK become a fully fledged member and that they will do away with the national pride issue and will regard this whole situation as in their interests from an economic point of view.

I would also like to say that one of the OECD aims, that is the Organisation for Economic Community Development, is to encourage the transition to a global free market and thus towards increasing the mobility of capital and labour. It will be of interest to see how this objective materialises.

It is the view also that the single currency will give a boost to the development of a liquid Euro wide capital market, thus lowering the cost of capital and improving its allocation. And as you know, one of the major problems with the recent OECD reports on Harmful Tax Havens or on Tax Havens had to do with the mobility of capital. The Euro could defeat the very issue that they are trying to protect in that it would encourage more mobility of capital not only within the European countries

that are member nations or member states of the Euro but worldwide including, of course, the so-called financial centres or tax havens.

I have no doubt that the introduction of the Euro will have a very positive effect on the Cayman Islands in that it will remove some of the pressures. Time would not permit nor would the ambit of this Bill provide to go into all of the details of the pros and cons, but it is my view, having given this subject some amount of study, that the Cayman Islands will benefit indirectly from the introduction of the Euro.

Mr. Speaker, in my opening I said that the Bill is timely and this is particularly true, although the single currency will not officially come into effect until January of the year 2002, starting in January of this year European firms will start keeping their books and conducting business in the new Euro. This will effectively provide for a three-year transition period.

As mentioned earlier, this Bill addresses mainly the question of the conversion of contracts and other documents which contain references to currencies which will be replaced by the Euro as a result of the adoption of the Euro as legal currency in a number of the Euro member states. Nonetheless, I feel that it is appropriate to expand my brief contribution to the debate in view of the importance of the introduction of this new single currency. It is also of interest to note that when we are talking about the EU member states, there are basically eleven of them as at the end of 1998. There are still four of the states (a total of fifteen altogether) that have not yet opted in. Included in those four are the United Kingdom. The eleven that have already opted in are: Ireland, Finland, Austria, Spain, Portugal, Belgium, Netherlands, France, Luxembourg, Germany, and Italy.

Mr. Speaker, you will also note that these are some of the key members of the OECD member states.

Since January of this year the Euro has become the second largest currency in the world next to the United States dollar. But in many ways the Euro will have a much more significant impact on world economy than the United States currency. And I would just like to make reference to that.

The combined Gross Domestic Product (GDP) in 1997 of the countries involved in the single currency was something like \$3.5 trillion and this is compared with America's GDP in the same period (that is at the end of 1997) of some \$8.1 trillion. Even though America is still a much bigger economy, you can see that there is not very much between the two economies.

This year on international trade, outside the Euro area is 19% compared with the United States of 17%. So, it can be easily seen that the international trade of the Euro countries is much wider than that of the United States even though the GDP of the United States will still be significantly higher than that of group of Euro nations.

There is no doubt that this currency is important to the Cayman Islands. I have given that background on it because of Cayman's position as the fifth largest financial centre in the world and how the single currency, I feel, will invariably impact upon the economy of the Cayman Islands. The other reason for giving some

background on this is that I feel that it will have a somewhat more positive effect on the Cayman Islands when we consider the impacts that the OECD report and the follow-up to that report could possibly have on the smaller financial centres of the world.

Mr. Speaker, with those few remarks I want to give the Euro Conversion Bill, 1998 my full support. I trust that the Honourable Acting Third Official will see fit to include the areas regarding registered companies and other points mentioned. Thank you.

The Speaker: The floor is opened to does any other honourable member wish to speak? If no other honourable member wishes to speak would the honourable mover wish to exercise his right of reply? The Acting Third Official Member.

Hon. Joel Walton: Thank you Mr. Speaker. Thanks also to the Third Elected Member for George Town for his contribution. He sort of laid the groundwork for me to talk about a couple of things, two things in particular. One, is the whole idea of where does the Euro derive from and secondly, to the treatment of companies.

Before I go into those two specific areas just allow me to say that like him I see . . . we all know the longer term goal of Europe is the United States of Europe. And I say that to lead into explaining the parity issue in terms of the currency and what that will do is certainly allow capital to be more mobile. Post World War II (1940s – 1960s) we saw a period of protectionism. Into the 1970s we saw national economies, national pride, national currencies and all these kind of stuff. But by the early 1980s - mid 1980s, with the deregulation of national services, certainly in North America in particular, and coming out of that had an impact worldwide certainly in Canada and then on into Europe which has led to a situation where money does not stay too long in one place.

The Euro speaks to that in that it gives investors a single currency by which they can judge the investments against another currency as opposed to having to deal with 11 or 15 national currencies.

In the short term, until the Euro is fully introduced, the Euro will derive its value from the respective national currency, which will continue to exist in the short term. Beyond that, much like United States which we understand in this part of the world quite easily in that we live so close to it, we have the United States of Europe—you have one currency as in United States, you have the national currency in the US dollar. Of course, you have got several states; some economies are down, some are up. They all come together in one basket, which then in turn determines the value of the US dollar.

Very much the same thing will happen in Europe once the Euro is fully in. Like Mr. Pierson, I certainly don't see countries being left out over the longer term. I think the countries that have opted at this point in time to stay out of the Euro will over the medium term join. And it is not only those fifteen countries we are talking about because the European economic area gradually includes more and more countries in Europe.

Certainly, over the longer term the Euro will become, in my view, the world currency. That is the United States does not include Mexico and all of the South America, which could possibly happen over time.

Moving on to the particular point about companies, the member had raised this with me and I have not had a chance to talk back to him about it. But there is a separate bill coming up a little bit further down, which does I think address that particular point. But if it does not fully address those points we can discuss it at the committee stage.

That's all I have to say and thanks again for the contribution on this particular piece of legislation which is most important. Thank you, sir.

The Speaker: I shall put the question. The question is that a Bill entitled, the Euro Conversion Bill, 1998 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE EURO CONVERSION BILL, 1998, GIVEN A SECOND READING.

The Speaker: Would members wish to take the lunch-break at this time, or continue?

We shall suspend then until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:52 PM

PROCEEDINGS RESUMED AT 2:35 PM

The Speaker: Proceedings are resumed. Bills, Second Reading.

**THE NATIONAL PENSIONS (AMENDMENT)
(SELF EMPLOYED PERSON AND PRESCRIBED
MAXIMUM) BILL, 1998
(Deferred)**

The Clerk: The National Pensions (Amendment) (Self Employed Person and Prescribed Maximum) Bill, 1998.

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

Hon. Truman Boddin: Mr. Speaker, I had asked for this Bill to please be deferred. I move rather that it be deferred as the Honourable Minister is ill.

The Speaker: I shall put the question that this Bill be deferred to a later sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill is deferred.

**AGREED: THE NATIONAL PENSIONS (AMENDMENT)
(SELF EMPLOYED PERSONS AND PRESCRIBED MAXI-
MUM) BILL, 1998 DEFERRED TO A LATER SITTING.**

The Speaker: The Bill is deferred. Moving on to Bills, Second Reading.

THE COMPANIES (AMENDMENT) (EURO) BILL, 1998

The Clerk: The Companies (Amendment) (Euro) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg to move the second reading of the Companies (Amendment) (Euro) Bill, 1998.

The Speaker: Do you wish to speak to it? Please continue.

Hon. Joel Walton: Yes briefly, sir. Thank you.

This morning we dealt with the Euro Bill to allow amendments to existing contracts, securities, and instruments. This Bill which is currently before the House focuses on allowing amendments to the capital of companies where it is denominated in a currency replaced by the Euro.

What this Bill would allow is that appropriate alterations are automatically made to the Memoranda and Articles of the company concerned to re-denominate the capitals of the Euro where necessary at the appropriate rate. Whether the company reverses alterations or makes alternative arrangements is also preserved and provision is made for rounding up or down in the conversion and for appropriate adjustments to be made to the company's accounts.

So it is basically providing the opportunities for companies who currently have share capital in currencies that are being replaced by the Euro to now use the Euro as the currency of choice for their expressed capital. Thank you, sir.

The Speaker: The question is that a Bill entitled the Companies (Amendment) (Euro) Bill, 1998 be given a second reading. The motion is opened to debate.

Does any honourable member wish to speak? The floor is opened to debate. If no honourable member wishes to speak, would the honourable mover wish to exercise is right of reply?

Hon. Joel Walton: No, Mr. Speaker.

The Speaker: Thank you. The question is that a Bill entitled, The Companies (Amendment) (Euro) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE COMPANIES (AMENDMENT) (EURO) BILL, 1998 GIVEN A SECOND READING.

The Speaker: Bills, Second Reading.

THE PUBLIC SERVICE PENSIONS BILL, 1999.

The Clerk: The Public Service Pensions Bill, 1999.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg to move the second reading of the Public Service Pensions Bill, 1999.

The Speaker: Do you wish to continue? Please continue.

Hon. Joel Walton: Thank you, sir. If I could be permitted a couple of minutes to speak to some of the....

The Speaker: Certainly.

Hon. Joel Walton: Thank you, sir.

For several years now we have been working diligently on seeking the reform of the Public Service Pension Bill to bring it more in line with current practise. There have been a number of areas in the Bill, sir, that are not quite clear. In addition to that, there have been a number of significant changes in the way in which the Public Service operates since some 35 years ago when this law was first passed that we need to take account of.

In a nutshell, what we are proposing in this Bill is that it is quite similar to what we have done over the years. In fact we now have in place in the civil service a definite benefits plan, which basically means that the benefits you receive upon retirement are defined by law. Your employer (in this case being the government) then provides a supporting fund to support those benefits in the future. What we have done to date in the Cayman Islands is that the benefits to pensioners have so far been met from General Revenue. However, we have moved away from that and we are in the process of building up a fund so in the future those benefits will be met from a fund not from General Revenue.

What this Bill does is introduce a second type of plan, and that plan is called a defined contribution plan. How that one operates is that while your benefit is being prescribed in law, you contribute to an account along with your employer (in this case being the government), and those funds are in turn invested in investment grade securities, so that when you retire in the future you will get your contributions to that account along with the contributions of your employer combined with the interest earned on investments over time.

This particular scheme, the defined contribution scheme, is in recent times more popular. It is easier to understand in that whatever you put in and your em-

ployer puts in and whatever you get from your investment, you get back out. In that respect it is easier. In other respects, it might be more difficult for some people in that your future benefits can vary up or down depending on the quality of the investments made by the Public Service Pensions Board in this case.

There were two things that were okayed. We were trying to ensure that future civil servants were provided for but at the same time we had to be conscious that these liabilities that occur today can be met in the future. In terms of the defined contribution plan, those liabilities are easier to define, understand and invest for. However, recognising the transition from a defined benefit scheme that we are all used to for the last 30 - 35 years or so, to a scheme that is different would be most difficult for existing public servants.

Therefore, to put it in one sentence, if you are in the civil service now and in the plan, you remain in the defined benefit, if that is your choice. Only those public servants that are employed in the future, that is, beyond the date of this law being enacted would join the defined contribution plan. So those civil servants who come in with the full knowledge that they are entered into the civil service on the defined contribution plan will understand what that means as opposed to defined benefits plan.

All persons who are currently receiving a pension and who are currently a part of the defined benefits plan are grandfathered into that plan. Only those employees who joined beyond the date of the enactment of this Bill would go into the defined contribution plan.

Having summarised that, I will go into some of the other general points that the law seeks to do because there are number of other areas this Bill attempts to deal with.

In general, the Bill seeks to re-establish the Public Service Pension Board as a statutory corporation to manage and administer the public service pension fund. And that is a critical statement in that we are now saying that it is important to separate the funds from the government. I think all of us will recognise the importance of doing that, and this is why it was set up that way in the first place. But this Bill furthers that along the road in creating the statutory independence of the Pension Board.

The Bill also retains existing pension rights for existing government employees and pensioners as I mentioned before. The Bill provides for a defined contribution pension plan for future employees, that is employees beyond the date of enactment. It also provides for other incidental and connective purposes along with the related regulations that are acquired to further the Bill.

Mr. Speaker, the current Pension Law which provides for pension benefits to the public service on retirement, death, and/or dismemberment, as I said is based largely upon a law that was passed some 35 years ago. This law is outdated in a number of areas and it has become hard to manage over time. There had also been a lot of changes in pension management over the recent years and this new bill seeks to incorporate that.

We have used in-house a committee of civil servants to review the law along with representatives of the

Public Service Commission. Also, we have contracted two companies, the Watson Wired Company out of Washington who has helped us over the years with the pension fund itself, to help us with actuarial assessments. In addition, we also use a law firm out of New York to help us with the initial drafting which was then routed, of course, through the government's legal department, the Legislative Council.

Mr. Speaker, at the same time several steps are being taken to administer the plan more effectively. The Public Service Pension Board, which will be the sole governing authority for the plan, is in the process of making arrangements for appropriate staffing. Furthermore, modern computerised accounting and administration systems are being implemented that will ensure much greater communication of benefits to participants than in the past will greatly enhance the record keeping operation of the plan.

The government is confident that this House will be pleased with these important changes to our plan and will hopefully be able to support them.

In a nutshell, this proposed bill will repeal the old Pensions Law and introduce a new one along with regulations. In short, this Bill seeks to achieve the following:

- It repeals and replaces the old law, establishes a new law called the Public Service Pensions Law, 1999, which we feel is a more equitable, more secure piece of legislation and more in line with modern practise.
- As mentioned before, the Pension Board will become the sole body for the management of the Government's Pension Fund, that is, the Civil Servants' Pension Fund, sorry. And in so doing, we will be bringing together under one umbrella all matters relating to pensions, that is, matters relating to their payment, to the investment of the funds, grievances and so on.
- All civil servants that have since retired and are currently receiving their pensions will continue to receive their benefits in accordance with the old law. As well as civil servants currently employed who are part of the existing defined benefits plan, those will continue to receive their benefits as in the past. There will be no changing, there will be no degradation of benefits in those areas.
- In addition, the Bill makes provision for the continuation of ex gratia payments previously approved and for the commencement of payments relating to applications previously received.

Members will recall that sometime ago, I think in the early 1990s, the government took a decision to recognise those public servants that had worked prior to the introduction of the Pensions Law years ago—some of whom had not gotten any benefits at all. Those persons are being assured exgratia programme which will continue to be paid from General Revenue because there were no provisions for those persons. That particular payment will continue to be a General Revenue item that will continue.

Remember that while we have started ex gratia payments for some ex-civil servants already, there are

some civil servants who have not yet reached retirement age but who had resigned prior to the new law who we have to recognise in the future. We have those persons on file.

An important part of the new bill is that it provides a more secure financing package. I think during the budget discussions last year and early into this year, I had an opportunity to speak to some of the important changes we have done in recent years in making good on the past service liability of the fund. I think during the discussion we had probably a month or two ago we talked a bit about the fact that while the six and six deals with current liability, to some extent there is a large past service liability which will take some time to be paid down. In this respect, the government has over the last six years made considerable strides.

In anticipation of the Bill coming into effect, the 1999 Budget includes the required sum on an annual basis. Starting in 1999 was the final piece of the puzzle towards financing the fund. This is why it is building so rapidly because we are now in a position to not only pick up the current liability but also to pick up the past liability.

Mr. Speaker, as mentioned before the new bill has two parts: One is the defined benefits part and the second is the defined contribution part. All existing employees who are in the service and who have been on pension remain in the defined benefits scheme. It is only the new employees beyond the enactment date that will go to the defined contribution scheme. However, current employees will have the option of converting to the defined contribution scheme before reaching the current ten-year vesting period. I will speak about that a little bit later on actually, the whole idea of vesting.

Under both parts of the plan, most of the benefits will be based on benefits accrued at the time of retirement, death, disablement or resignation. On the defined benefits plan, the accrued benefit is a monthly pension defined in terms of the number of months of pensionable service and a final month's pensionable earnings.

Under the defined contribution part, most of the benefits will be determined based on the amount of money in the beneficiaries pot, contribution account and the employee contribution account at the time of retirement. Account balances will accordingly increase as the contributions are made and as investment earnings are accrued so that at the time of retirement the person's defined contribution payment will be a combination of contributions and investment earnings.

Currently the pensionable civil servant has to wait ten years to become eligible to join the pension plan, this proposal eliminates that, and vesting, as we call it (that is, a person's right to a future pension) becomes effective under both plans on the date of employment. The ten-year period has been eliminated.

If a person resigns, the participant will be able to transfer the value of the benefits earned over the approved plan to another employer subject to some restrictions. So while we have built portability into the new scheme and also into the existing defined benefits plan, that portability has some restrictions. Members of the House will recognise what happens in our situation be-

cause we have a longer period of pensions being accrued without (prior to early 1990's) a contribution towards the pension fund. So not just to protect the integrity of the fund and to ensure that it does meet its liability in the future, while we have built in portability there are some restrictions on portability.

Existing pension payments that are made will not be less than it would have been had the existing law continued. So, for all the pensioners who might be listening to the deliberations, your existing pensions will not drop under the new law. In fact, what will happen is that your future pension will be protected by a fund and on top of that by inflation provision, which I will speak to in a little while.

The Bill contains provisions that will considerably strengthen the financing, the benefits payable under the scheme. It will enhance the security of benefits by allocating resources to provide for these benefits now while relying on the future generation of participants to finance past service accrued benefits. The Bill (and I mentioned this before) sets out a provision for linking the pension payment to inflation. Experiences in some other countries quite close to us have showed where persons have worked 35 – 40 years, got a pension which would have been worth something when they retired but some ten years later due to inflationary pressures that pension is now significantly of lesser value that it was when it was first received.

To date, successive governments have been able each time there is a cost level adjustment to civil servants to also give that adjustment to pensioners. What this Bill does is put it in law so that it continues that way as opposed to relying on the goodwill of future governments in order to protect the pension benefits of the retired employee.

Last but not least, the Bill provides for . . . how can I put this one. The only way that a person can lose a pension or part of his or her pension is if there is a debt owed to government. The government has the right under the law to offset that debt against the pension. The second way possible is that if the Court directs that a pensioner pay a portion of his or her pension to a dependant then it can be done. Other than that, there are no other ways under which the civil servant can lose his or her pension, or a portion of it.

Under the old law there are provisions where if a person was sentenced for some wrongdoing, the person would forfeit his or her pension. I just want to say that the Committee took a strong view on that, in that a pension is a person's savings account for his or her retirement. If a person commits a crime, there is a legal judicial process through which the person will be punished. And that person should not in turn as well suffer by losing his or her pension because they worked 30 or 40 years and forfeit it if they make a mistake. That type of archaic provision has been removed.

Mr. Speaker, at this point I will close off my contribution and allow other members to make theirs. Thank you, sir.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am really just standing to say that I would like to thank the Honourable Acting Third Official Member for his very comprehensive description of the Public Service Pension Bill, 1999.

I am also pleased to note that he has given in his contribution specific attention to a concern, which I believe many members have had.

The Speaker: I would like to advise honourable members that you do not have the right to speak again. You have spoken on this debate but I will allow you to make a brief statement.

I beg you pardon, please continue Fourth Elected Member of George Town. I am one step ahead of you.

Dr. Frank McField: I was beginning to believe that somehow we were not on the same planet together. I would basically like to again say that this whole idea of giving the right to the employer to deprive the employee of his savings simply because the employee had been involved in certain acts of behaviour that were defined as criminal. The fact that we can remove this from our legislation, I believe is admirable because there is no reason why an individual should be....

The Speaker: Could I interrupt you just one moment again? I need to put the question before you start your debate. The question is that a Bill entitled, The Public Service Pensions Bill, 1999 be given a second reading.

The floor is now opened to debate. The Fourth Elected Member for George Town continuing.

Dr. Frank McField: Again, it is just to acknowledge this Bill being brought to the House by the government and to congratulate the Honourable Acting Third Official Member for his very able presentation of this Bill and to also acknowledge the fact that in this new bill repealing the old archaic bill, and, therefore, taking away the power of the employer being the governor in this sense to deprive and individual of his saving because that individual had been involved in behaviour that was concerned to be unacceptable.

To know that is now removed pleases me because I don't believe that an individual should be punished twice for wrongdoing and if he has to go to Court and go to prison and the same time loses his pension then he is basically being punished twice.

I believe that the development of this particular kind of concept of saving and the responsibility of the civil service for contributing to what they will later be entitled to is a good system. We have many people working in the public service. We also have many people working in the statutory authorities and it would be, I think, important that government in fact has a public service pension plan, or bill, or law that really is modern and it is really causing both sides to accept the responsibility for providing for persons in their older ages is both the responsibility of the employer and the employee.

I don't suppose that I am making a tremendous amount of sense here but it is basically to recognise the fact that this is an important bill. The government has played, I believe a progressive role in bringing in it as it is and I commend the mover of this Bill.

Thank you.

The Speaker: Does any other member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to remark that this Bill is a welcomed and refreshing move in what I consider the right direction. It is in keeping with the spirit of reform that is so often echoed in and around these chambers now.

I am particularly pleased to learn that the government has seen it appropriate at this time to move forward and to organise its pension in a way that will be manifestly more appropriate and certainly more encouraging than past practise. Like the previous speaker, I too have to comment on what I consider a significant improvement in that the departure has been made from the highly immoral position of the ability to deprive someone of what I would consider a right, just on the basis of some occurrence which for all intents and purposes may not necessarily have had any bearing on the person's ability and the calibre of service they performed.

I am happy to see that the government has seen fit to distance it self from this highly questionable and immoral practise though I cannot recall where in our history it has ever been applied.

Mr. Speaker, I am also happy to learn of how the Board will be set and how it will administered. And as I said, this is in keeping with the refreshing ideas of some persons in the civil service as well as those of us in the legislature who are touting his reforms and who are touting the sophistication and the separation and development of these kinds of principles and ideas in such a way that will make it easier to function and it will make it more easily understood by those people who are involved in the service.

I commend the government. And, I want to say before I take my seat that the proposal as outlined here not only bodes well for positive effect on those persons who have just entered the service and those who may be about to enter the service, but it is one of those developments in which people who are not the beneficiaries of the pension will not be at any disadvantage indeed they will be advantage. While remarking that sometimes with changes and improvements it is not always possible to let the benefits trickle down in a way as to effect persons who have been past contributors, I think this is a significant point and it is worth noting.

I too lend my support and encouragement to this. I commend the government on what is one of a series of positive moves. I look forward to more such moves in the future as I think in the 21st Century this is definitely the way the bureaucracies will have to function if we are to attract, retain and maximise the human resources that we have.

The Speaker: Does any other member wish to speak?

The Honourable Acting First Official Member.

Hon. Donovan Ebanks: Thank you, Mr. Speaker. Today marks a major landmark for the public service of these islands. The provision of pension arrangements is a vital component of the terms of employment within our public service. While provisions have existed for a long time, there has been a growing concern with some of the, should I say, idiosyncrasies contained in those provisions.

Pension is insurance for the well being of employees when their employable years are ended by age, ill health, disability or whatever. It is the sole purpose of a pension and the fact that the current legislation unfortunately sought to use pensions for certain other purposes, as I said it was of growing concern. One of the major deficiencies of the current law has been the fact that while public servants since the beginning of this decade, since 1990, have contributed to pensions, the actual receipt of a pension was at the discretion of the Governor or as the law termed it, a privilege.

Pensions are in some ways like the irrevocable letter of credit that we use in commerce and if the employee fulfils his part of the deal then someone must ensure that he gets what he is due. In this legislation, the Pensions Board will be that intermediary that will ensure that those who have earned the pension will receive one.

Mr. Speaker, certainly the public servants of the future as we approach this next century must be expected to take risks and those risks would be risk relating to their performance or lack thereof. But I don't think it is fair to take a risk as to whether you are going to get a pension or not if you have fulfilled the requirements of your employment.

The vesting will also greatly enhance the mobility of public servants. The mobility between the public service and the private sector because while the previous legislation sought to bind you as it were into a marriage, that you join at whatever age and you stayed until you could not do anything else. With the advent of the vesting provisions, mobility will be greatly enhanced and I think will lend to the development of a public service that is more robust and that is less polarised in terms of what side of the employment fence we come from.

I just want to thank a few people who have played some key roles in this. I certainly want to thank the former holder of this seat—the former First Official Member and former Financial Secretary—who started the pension fund when he was head of the public service some eight or nine years ago. I think he certainly took a decision then that has proven to be in the best interest of the public service and the country as a whole.

I certainly would like to thank the government since then for their continued support for that fund. I am sure there were times when it would have been a lot easier to balance the budget if you didn't have to commit the \$8M - \$12M to the fund. But we are grateful to them for having stuck with it.

I want to thank my colleague on my right here, The Honourable Temporary Acting Third Official Member, who chaired that committee that he mentioned that he

said very little about. He worked very hard, and I think the product that you have before you today is one that all public servants and you as legislators can be justly pleased with.

And to members, who expressed their support for the Bill, let me also on behalf of the public service thank you very much. Thank you, Mr. Speaker.

The Speaker: The floor is opened to debate. Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: I support this Bill. I do not perhaps understand all of the technical aspects of the workings of the pension. What it does is that after the coming into effect as law people in the service will be able, the same as private persons can do, to contribute to a defined contribution scheme in which they will be putting money in, government will be putting money in and it is always there.

There is no need for having the extensive reserves that are now being built up to deal with the defined benefits plan. In other words, the present plan that government has is one in which people are entitled to certain benefits under it but unfortunately it has always been and still is even though to a less extent under funded. I think back five years ago, it was may be \$6M in it and at the end of this year it will be closer to \$49M in the reserve. But even with that, it will take considerably more and each year — this year, for example, nearly \$10M was put from the recurrent revenue into the pension reserves and I fully support building that up, it will probably be another 10 or 12 years at that rate before that fund is built up. In the meantime, the present pensions are paid for directly out of recurrent revenue.

So that is a course of action I fully support and like the First Official Member mentioned it is funds that could be used elsewhere or to more easily balance the budget. However, it is important that, that contingent liability is finally wiped out. The Constitution, of which I actually struggled to get a stronger provision in, does provide in paragraph 55(c) for pensions. It states that the law that is applicable to persons prior to the coming into of operation of the 1993 Constitution Order would apply and that if there are amendments in the future then they will be not less favourable to the person, to the civil servant concerned.

So this basically entrenched the benefits that prior civil servants had and ensured that at least for the future that could not be taken away or diminished. That obviously if it is done by through consent and they consent to change the scheme, that is different but at least could not be forced upon them. That I think was very important. What I actually asked for was that the reserve itself would be entrenched in the constitution and, therefore, could not be touched by politicians in the future under any circumstances. That aspect of it, United Kingdom was not prepared to grant because that would have been perhaps the strongest provision that the civil servants could have had. Because persons' pension is really a right, there is something that those funds belong to them

and it is basically as if government should be holding those funds in trust for the people.

So the next best to that was the amendment that we got in the constitution, that at least preserved that right. And it did a second thing because in subsection (3), it entrenched in the constitution the right that if those funds/ those reserves were ever insufficient then they became a charge upon the revenue of the country so that the civil servant could not lose money, benefits that had been paid into or should have paid in for purposes of their pension. So, Mr. Speaker, I am happy with this.

The law once we have funded the defined contribution aspect of the pension, future governments then will not have to further fund that because persons coming on, as I understand it, who will be recruiting in the future would be defined contributions and, therefore, that pension liability of government will not exist. So, I am happy that this is coming about. I am happy that the United Kingdom's Government saw fit to entrenched in our constitution the benefits and I say entrenched from the point of view that this legislature cannot change that constitution, and thank God for that, or any legislature in fact.

Now, what is being done is sensible, we can properly budget in the future for the pension and civil servants are secured in that those funds are kept away from government. They are kept in the pension fund and that, I think, will make for a more secure service as the Third Official Member and First Official Member has stressed. I fully support this and I will also continue to support the funding of the pension fund for the old pension benefits that existed, the defined benefits scheme.

Thank you.

The Speaker: The floor is opened to debate. Does any other member wish to speak? If no other member wishes to speak, would the honourable mover wish to exercise his right of reply?

The Honourable Acting Third Official Member.

Hon. Joel Walton: In winding up sir, I would just like to thank all members of the Legislative Assembly who have spoken today and have lent their support to the Bill. But also to all those others throughout the last two years who have encouraged me personally and others on the committee in various forms, be it in the informal basis or in meetings that we have had, we have had an opportunity to discuss this Bill. I certainly thank you very much on behalf of the committee. I would also like to thank the committee itself for their contribution, and the Legislative Drafting Unit of the Legal Department for their assistance and to the companies who have helped us from outside.

Also, just to say, certainly from the standpoint of the civil service, we have gotten a lot of support. Some of these points were not easy to resolve and I myself have had difficulties with some of them to really fully appreciate them because this whole business of pensions can be very complex. I must say that I just want to associate myself with the comments of the Acting First Official Member and just recognise the efforts of the current Minister for Tourism who had the foresight some years ago

to pilot the initial bill to establish the fund and to establish the Board through this House.

That is all I have to say. Thanks once again for the thoughts and comments and support on this most important piece of legislation.

Thank you, sir.

The Speaker: The question is that a Bill entitled, The Public Service Pensions Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE PUBLIC SERVICE PENSIONS BILL, 1999 GIVEN A SECOND READING.

The Speaker: Bills, Second Reading.

**THE LIQUOR LICENSING LAW (AMENDMENT)
(PROTECTION OF MINORS) BILL, 1999
(Deferred)**

The Clerk: The Liquor Licensing law (Amendment) (Protection of Minors) Bill, 1999.

The Speaker: The Honourable Acting First Official Member.

Hon. Donovan Ebanks: I would beg your indulgence and that of the House to not proceed with this Bill this afternoon. There are some areas under consideration that have not been quite finalised. I might be setting myself up to be holding more than one line again when I actually get here but I would prefer if we didn't receive the Bill as it currently is this afternoon.

So, I am in your hands as to whether....

The Speaker: Would you like to move a motion and defer it to a later sitting?

Hon. Donovan Ebanks: Yes, sir.

The Speaker: The motion has been moved that this Bill be deferred to a later sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999 BE DEFERRED TO A LATER SITTING .

The Speaker: This concludes the debate on the Bills. The house will now go into committee to consider . . . or

maybe this might be an appropriate time to take the afternoon break prior to going into committee.

We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:38 PM

PROCEEDINGS RESUMED AT 4:10 PM

The Speaker: Proceedings are resumed. The House will now go into committee to consider a Bill entitled, The Electricity (Amendment) Bill, 1999 and six other bills.

HOUSE IN COMMITTEE AT 4:10 PM

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is committee.

With leave of the House, may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such likes in these bills. Would the Clerk state the Bills and read the clauses?

THE ELECTRICITY (AMENDMENT) BILL, 1999

The Clerk: The Electricity (Amendment) Bill, 1999.

Clause 1: Short title.

Clause 2: Definition.

Clause 3: Amendment of section two, Definitions.

Clause 4: Addition of new sections, Board of Examiners.

Clause 5: Amendment of Section 22, Offences.

The Chairman: The question is that Clauses 1 through 5(b) do stand part of the Bill.

Hon. Truman Bodden: Mr. Chairman, I gave notice of one amendment and that is in Clause 5(b) between the words, "down" and "from" in the penultimate line of the green paper, to add in the words, "or prescribed". I didn't do that in writing, sir, and I am sorry about that.

The Chairman: Let us then take Clauses 1 through 4, and then come back to that.

Hon. Truman Bodden: Yes. Well, 1 to 3 because this is actually 4, sir, even though the number of it is [Clause] 5 of the Bill that it is amending.

The Chairman: The question is that Clauses 1 through 3 do stand part of the Bill. Is there any debate. No debate? I put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 1, 2, and 3 do stand part of the Bill.

AGREED: THAT CLAUSES 1, 2 AND 3 PASSED.

The Clerk: Clause 4: Amendment of new section, Board of Examiners.

Dr. Frank McField: Mr. Chairman, I just had a question.

The Chairman: Dr. McField.

Dr. Frank McField: I wanted to find out if the Minister of Education, Aviation and Planning has brought this Bill as the Minister of Education or as the Minister of Planning because I noticed that electricity also comes under Planning. I wasn't quite sure so just as a point of clarification.

The Chairman: Mr. Bodden.

Hon. Truman Bodden: Mr. Speaker, it has been moved under Planning.

The Chairman: Would you now move your amendment, please, Mr. Bodden?

Hon. Truman Bodden: Yes, sir. I would like to move that the words, "**or prescribed**" be added between the words, "**down**" and "**from**" in the clause number 5(b). Also, sir, that an amendment — but maybe I should do that under 5 — but it relates to this section.

I would like to amend Section 21 of the Electricity Law itself — this will be a new one, sir. By adding in Section 21, subsection (a) the word, "**examinations**" between the words, "**qualifications**" and "**or**". This would allow the prescription of examinations there. So it is two minor amendments and in fact the Attorney General has pointed out the second one to me, sir.

The Chairman: Read the first amendment again, please.

Hon. Truman Bodden: Well, I ad lib that— *[Laughter]* That in Clause 5(b) in the penultimate line of the green paper between the words, "**down**" and "**from**" adding the words, "**or prescribed.**"

Then the other one, sir, is a totally new clause to the green paper which relates, sir, to 5(b) and it may have to go in probably as Clause 7, I guess. It may be better for me to wait on that, sir, and put that as Clause 7 as I have a new Clause 6 that is going in. It should really have come as Clause 5, I guess but....

Or I guess maybe we should do it right, sir, when you hit Clause 5 I will put an amendment to the numbering and put in Section 21 as amended and go on from there, sir.

The Chairman: The question is that the amendment to Clause 5(b) has read out by the Honourable Minister for Education, Aviation and Planning, that between the words, "**laid down or prescribed from time to time**" be accepted. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: Clause 5(b) AMENDED.

The Chairman: The question is that clause 5(b) as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 5(B) AS AMENDED PASSED.

Hon. Truman Bodden: Mr. Chairman, if you would take next Clause....

The Chairman: Would you prefer taking that under Clause 4 because Clause 5... or are you just going to renumber?

Hon. Truman Bodden: It would probably be best if I renumber, but I will leave the Attorney General to what he wishes sir.

The Chairman: Honourable Second Official Member.

Hon. David Ballantyne: Mr. Chairman, I think it would be preferable to re-number the existing Clause 5 with the new amendment to Section 21, to keep things in order. In other words, Clause 5 of the Bill would read that "Section 21(a) of the principal law is amended by adding the word, '**examination**' between the words, '**qualifications**' and '**or conditions**' on the first line.

This is by way of explanation to make it clear that in exercise of the power under Clause 5(b) where we have just added the words, "**or prescribed**" that examinations can be prescribed under the regulation making power of Section 21.

So, it is really a consequential amendment, to make it plain in response to the concerns raised by members in the debate, that examinations may be the subject of prescription by regulation. That's the explanation for it. Hopefully, it will make it clearer on the face of the law that examinations can be the subject of regulations under Section 21 in order to have those examinations set and marked by those who are considered to be competent to do so.

Then the other clauses would simply be re-numbered. Clause 5 will become Clause 6; the new Clause 6 would become Clause 7.

The Chairman: I shall put the question that [new] Clause 5 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 5 has been amended.

AGREED: NEW CLAUSE 5 PASSED.

The Chairman: Now, we will put that Clause 5 be re-numbered Clause 6. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 5 RE-NUMBERED AS CLAUSE 6.

The Chairman: The question is that Clause 6 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 6 do stand part of the Bill.

AGREED: CLAUSE 6 PASSED.

The Clerk: New Clause 7, Validation.

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

Hon. Truman Bodden: I move that the new Clause 7 as circulated do stand part of the Bill.

["7. Anything which has been done between the 5th day of December 1978, and the coming into force of this Law by the Board of Examiners purportedly established under Electricity Regulations, 1977, made the 27th September, 1977, in purported exercise of any power conferred by the said regulations which would have been lawfully done if the said regulations had been properly and lawfully made, and the said Board of Examiners properly and lawfully established under a regulation making provision contained in the principal Law, shall for the purposes whatsoever be deemed to have been lawfully done and shall have effect and be deemed to have effect accordingly."]

The Chairman: The question is that new Clause 7 do stand part of the Bill as circulated. Is there any debate?

It was numbered on yours as 6 but it is now re-numbered 7. Honourable Second Official Member?

Hon. David Ballantyne: I caused a slight delay by inquiring as to the drafting of this particular clause and I am satisfied that it has been subjected to appropriate scrutiny by the legal draftsman. The reason for it, as I understand it, is that the Electricity Law did not contain specific provisions previously for a Board of Examiners and this is necessary in order to validate what has been done under that law.

This amending law contains specific provisions which will be in the primary legislation for a Board of Examiners so that I am satisfied that the content of what is

now Clause by way of validation is both necessary and appropriate. Thank you.

The Chairman: I thank the Second Official Member for that explanation.

The question is that Clause 7 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 7 do stand part of the Bill.

AGREED: THAT CLAUSE PASSED.

The Clerk: A Bill for a Law to amend the Electricity Law, 1997, Revision, to provide for the establishment of an Electrical Board of Examiners to increase penalties and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: TITLE PASSED.

THE BILLS OF SALE (AMENDMENT) BILL, 1998

The Clerk: The Bills of Sale (Amendment) Bill, 1998.

Clause 1: Short title.

Clause 2: Amendment of section 3.

Clause 3: Amendment of section 4.

Clause 4: Insertion of new section.

Clause 5: Insertion of Schedule.

The Chairman: The question is that Clauses 1 through 5 do stand part of the Bill. Is there any debate?

Mr. Ballantyne.

Hon. David Ballantyne: I am sorry to interrupt. I just advised my friend to my right that there is an amendment, I believe to Clause 2.

[Pause]

The Chairman: Bear patience with us for just one moment. We are getting clarification from the Second Official Member.

Hon. David Ballantyne: Mr. Chairman, I received notification of this from the Legislative Council in the Legal Drafting Section of the Attorney General's Chambers on or about the 21st December [1998]. So far as I am aware, it hasn't been incorporated as yet—certainly not in the Bill. Rather than try to progress matters and perhaps omit an amendment which may be material, it would be my suggestion if it is competent that perhaps we defer

consideration of this overnight to allow an opportunity for clarification as to whether this amendment is in fact desired.

I don't wish to obstruct or interfere with the Acting Third Official Member's business, but would rather that we make sure that it is or it is not needed. Mr. Chairman, if that would be acceptable, it would be appreciated.

The Chairman: It is just a suggestion that it may be the appropriate time as it is within four minutes of the normal adjournment time. Maybe we can just conclude deliberations in the Committee for this afternoon and we will come back on Wednesday morning in the Committee.

The Honourable Leader of Government Business is that....

Hon. Truman Boddén: Mr. Chairman, I am just wondering whether we could not put that one aside and perhaps go on to try to finish the committee stage of the others and get them out of the way. Because you are now in committee, it means coming out of committee, going back into the House.

The Chairman: I am completely in the hands of the House whatever is the wish.

Hon. Truman Boddén: I guess we just close down, sir.

The Chairman: This will conclude proceedings in Committee for this afternoon. We will reconvene on Wednesday morning and [we will now] return to the House.

HOUSE RESUMED AT 4:30 PM

The Speaker: Please be seated. Proceedings are resumed. I would entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday morning at 10.00 a.m., sir.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 a.m. Wednesday.

AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 14 APRIL 1999.

**EDITED
WEDNESDAY
14 APRIL 1999
10:21 AM**

[Prayers read by the Honourable Minister for Tourism, Commerce, Transport and Works]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

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

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 32 is a deferred question standing in the name of the First Elected Member for George Town — correction, the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 32
(Deferred on Thursday, 1st April 1999)

Mr. Roy Bodden: Thank you, Mr. Speaker. I am concerned that this question bears more than a striking similarity to a question which was previously answered. As a result, I crave leave of the House to withdraw this question at this time, sir.

The Speaker: Under Standing Order 24(5), would you move that it be withdrawn?

WITHDRAWAL OF QUESTION NO. 32

Mr. Roy Bodden: Under Standing Order 24(5), I humbly move that this question standing in my name be withdrawn, sir.

The Speaker: Do we have a seconder?
The Member from North Side.

Mrs. Edna Moyle: I second.

The Speaker: The motion is made and seconded that this question be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The question has been withdrawn.

AGREED: QUESTION 32 WITHDRAWN.

The Speaker: Moving on to question number 34 standing in the name of the First Elected Member for George Town.

QUESTION NO. 34

No. 34: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning (a) if the Civil Aviation Authority has a Capital Development Programme for the future; and (b) What period of time does it span?

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

Hon Truman Bodden: The Civil Aviation Authority current airport development programme includes the following:

Grand Cayman

1. A 2,000-foot runway extension to meet the take-off requirements for large aircraft on direct flights to Europe and distant North American destinations.
2. A taxiway parallel to the runway to enhance the safety and efficiency of aircraft movements.
3. Extension of the ticketing concourse of the main terminal to improve the accommodation for airlines currently operating and provide for future air carriers.
4. Extension of the departure lounge at the main terminal to alleviate current congestion and provide for future passenger movement growth.
5. Extension of the general aviation aircraft parking apron to improve the safety and efficiency of the current situation and provide for future growth in this area.
6. Construction of a general aviation terminal to provide suitable accommodation for passengers and aircraft crews.
7. Construction of an express cargo facility to accommodate the rapid growth of business in this area.

Cayman Brac

1. Resurface the runway, taxiway and apron.

2. Expansions of the ticketing area in the terminal to alleviate current congestion and provide for future growth.
3. Construction of an air cargo handling facility.

Little Cayman

1. Construct an airport
2. The programme is for the next ten years subject to periodic reviews. A comprehensive review is to be undertaken this fiscal year to determine detailed phasing and feasibility of the programme.

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member for West Bay.

Mr. W McKeeva Bush: Mr. Speaker, can the Honourable Minister say which of these items Civil Aviation will move ahead on first and if he considers that the runway extension and the extension of the ticketing concourse is a priority.

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

Hon Truman M Boddan: Mr. Speaker, as I mentioned, there is a comprehensive review being undertaken to look at detailed phasing and feasibility. At present, some of the major things that hopefully will begin this year will be the resurfacing of the runway, taxiway, and apron at Cayman Brac. Some decisions on the siting and maybe the beginning of construction of the Little Cayman airport are the more urgent ones that we were looking on the short term of moving ahead with.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the Honourable Minister state if the Authority has got any rough estimates as to the cost of these individual developments and/or a total cost of what the development will be?

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

Hon Truman M Boddan: Mr. Speaker, in rough estimates Cayman Brac is \$3.2 Million and Little Cayman \$2.6 million but excluding the terminal and that sort of thing.

The Speaker: The First Elected Member for George Town, a supplementary.

Mr. D Kurt Tibbetts: Can the Minister state if the Authority has any ideas for increasing its revenue stream besides the natural increase of revenue that will occur from these developments in order to ensure that the operation is still feasible with regard to expenditure and income?

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

Hon Truman M Boddan: Mr. Speaker, there are several areas now in which fees are imposed. Unless the honourable Member wants to suggest some other way, by all means we could look at it. But we do not have any at present that go beyond what are the internationally accepted areas of raising of fees and money.

The Speaker: The First Elected Member for George Town, a supplementary.

Mr. D Kurt Tibbetts: Mr. Speaker, let me try to use one of these specific examples and perhaps the Minister might be in a better position to give an answer. For instance, in the very first one that is proposed for Grand Cayman, a 2,000 foot runway extension to meet the takeoff requirements for large aircraft on direct flights to Europe and distant North American destinations, can the Minister state if when this is completed it will naturally mean additional revenue for the Authority by virtue of the fact that this extension exists, or might it be an expense that is incurred with no additional revenue? That is what I am trying to understand.

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

Hon Truman M Boddan: Mr. Speaker, I now understand what the honourable Member is concentrating on. Yes, it will be increased revenue—larger aircraft, more passengers and the aircraft pay basically by weight.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Mr. Speaker, on the matter of the runway extension to 2000 feet, can the Honourable Minister say what kind of examination or study has taken place to determine exactly the need for the European and the distant North American destinations as it seems that new technology is allowing larger planes to use our present facility?

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

Hon Truman M Boddan: Mr. Speaker, I am not saying that this is going to be done. As the Director of Civil Aviation has just reminded me, he found the plans for that in 1976 when he came—twenty-two years ago. I was just asked but there are no plans to do this right away, by any means.

The Speaker: Are there any further supplementaries? The Fourth Elected Member for West Bay.

Mr. D Dalmain Ebanks: Thank you, Mr. Speaker. I want to ask the Minister if Cayman Airways will be able to use the airport at Little Cayman.

Hon Truman M Bodden: Mr. Speaker, the answer to that is no. At Little Cayman what we would be seeking to do is to keep the strip substantially the size it is now, 3,000 feet, and it would therefore restrict the planes to much smaller types of planes.

The Speaker: The First Elected Member for West Bay.

Mr. D Kurt Tibbetts: Thank you, and let me ask to be pardoned if the terms I use are not exactly correct and I am quite happy to be corrected but I am going to try to be understood anyway. Is it a fact that the apron where all of the aeroplanes park to offload or unload passengers is only constructed to accommodate a certain weight of aircraft? If these new additional aircraft are landing may there be cause to have to do some type of resurfacing or bolstering of that area?

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

Hon Truman M Bodden: Mr. Speaker, the answer to that is no. The airport is constructed to deal with the big aircraft. I should also mention that what really happens is whereas a small plane may only have two wheels with tyres, for example, a large aircraft may have clusters of 12 or 16 which spread the weight more. But I have been assured by the Director who is sitting here with me, the airport can take the larger aircraft.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you Mr. Speaker. Can the Minister tell the House the last time that any improvements were made to the apron or any other section of the runway with regard to it being able to accommodate the larger long haul aircraft?

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

Hon Truman M Bodden: Mr. Speaker, in 1993 we resurfaced the airport runway and the apron.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you Mr. Speaker. Can the Minister say if any work on runway or apron improvement had to be done to accommodate the recent change of aircraft by British Airways?

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

Hon Truman M Bodden: Mr. Speaker, the Member is right. We did do slight increases to each end to permit the 777 to turn. I am sorry I forgot that, I was thinking of major works that we did in 1993.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you Mr. Speaker. Can the Minister tell the House at what cost that accommodation was done, and also if he could explain to the House what entity bore that expense?

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

Hon Truman M Bodden: Mr. Speaker, the cost was in the region of \$420,000 and was borne by the Civil Aviation Authority.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Mr. Speaker, moving away from the line of questioning and getting into the finances of the Civil Aviation Authority, can the Minister state if the Authority itself has recognised the need for some of these developments that are listed in the substantive answer, to take place in the very, very near future? In fact, some of them are very pressing, including for instance, the resurfacing of the Cayman Brac runway. If this is the case, can the Minister state what has been the Authority's position with regard to recognising this need and trying to put revenue on stream in order to properly organise financing in the very near future?

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

Hon Truman M Bodden: Mr. Speaker, the Authority sees the resurfacing of the airport in Cayman Brac which has not been done in about 15 years now, or close to that, as urgent. We also see as important No. 7 which is the construction of a cargo facility to facilitate and accommodate the rapid growth of business in that area and also the Little Cayman Airport where we have had for some time pressured to ensure that the standards there are increased up.

At present, we have not gone into the financing because we need to get final costings. More than likely, we will need a guarantee from the Government for it. Government owns the authority so we would be coming to Finance Committee but when we do we will come with proper costings or more accurate costings on these. If that is necessary and more than likely I think it would be.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Mr. Speaker can the Minister state how long the Authority has expressed that this especially the extension to the runway in Cayman Brac is something that needs to be done in the immediate future? How long ago since this has been recognised?

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

Hon Truman M Bodden: Mr. Speaker, I would just like to mention in Cayman Brac we are resurfacing not extending. What has really happened sir, this was resurfaced about 15 years ago. It has become quite rough but it is safe. I would like to point that out but the roughness of it is mainly what we would want to recap and smooth it out again. For some time that has been recognised but I would like to point out that safety is not an issue with it. It is hard on Cayman Airways' jets going in there obviously and on all planes because it is not as smooth as it will be after it is resurfaced. I hope that answers the question.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Mr. Speaker, it is my understanding that this has been recognised for some time now and the Minister has basically just verified that. Can the Minister state exactly why this has not been done up to now?

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

Hon Truman M Bodden: Mr. Speaker the Civil Aviation Authority has done other things which they felt should be done in priority to it. I cannot give any more than that but, he is right, for sometime now it has been recognised that we should do it. This year it is in the Budget subject to Finance Committee if we need a guarantee for it.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you Mr. Speaker. Can the Minister state if financial constraints have been the reason why it has not been done as yet?

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

Hon Truman M Bodden: Mr. Speaker, not really because we will be coming for a guarantee anytime, or we may not even need a guarantee. I know the Port has raised considerable funds without a guarantee and we may not need that. But, it is something that was slated for this year. I have the Director here with me and I continue to point out there is nothing wrong with the airport. From a safety point of view it is safe.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you Mr. Speaker. Can the Minister state how much money the Civil Aviation Authority has given to the Government out of their revenue, outside of paying any loans between 1996 and 1999?

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

Hon Truman M Bodden: Mr. Speaker, it is about \$5 million over the three years. The Law requires that any surplus, I believe exceeding \$100,000, should be paid to Government. Rarely, if at all, has Government ever got the full amount that is required under the Law from the Statutory Corporations. They normally find ways of using it for other things. But that has been paid in. Last year it was \$1.5 million, \$2 million the year before and in 1996, \$1,5 or \$1,7 million.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Regardless of the Law, if Government makes the demand on an annual basis to the Authorities—and specifically in this instance the Civil Aviation Authority—can the minister state if this impedes the Authority from properly operating and planning in such a way that they will be on top of all of these situations rather than having this long list not knowing when it is going to happen?

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

Hon Truman M Bodden: Mr. Speaker, once again this is an area that was gone into in depth. What has happened is this: The Civil Aviation was created many years ago and Government vested into it what today is extremely valuable land. That was put into it and a loan valuation at that time was done for which they pay no interest. They created the Statutory Authority to run the airport but they also vested in them what Government had a right to, which presently is about \$12 million per year which are taxes, duties, fees. So basically Government transferred to the Civil Aviation Authority, as its subsidiary, very valuable property but it also transferred to it vast sums of recurrent annual revenue that would normally go to Government. I am just trying to put this into perspective.

It is basically a wholly owned subsidiary of Government. Into it was put a law that specifies what can be done and what cannot be done. What I think the honourable Member is getting at is that the statutory bodies should be free to operate as if a private person owned them who request no return back. With every subsidiary company sir, dividends are paid.

Mr. D Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

The Speaker: This is unusual but let me hear your point of order.

Mr. D Kurt Tibbetts: Mr. Speaker, not to be contentious sir, but I just want to correct the Minister. That is not what I am trying to say. He can give me the answer but he must not presuppose what I am trying to say. I will say what I am saying, sir.

The Speaker: Please continue honourable Minister.

Hon Truman M Bodden: Okay, sir, I will withdraw that part.

Therefore, the Statutory Authorities are subsidiaries of the Government and the Law does not allow them to keep all funds out of the profits that they make. In fact, if those laws were strictly applied, far more would come to Government than does now. I know, sir, that at times, the Members feel that the statutory corporations are a private corporation owned by the members who sit on the Board but it is not that in reality.

While the Law exists, the Law has to be applied and like every subsidiary owned by a company, the Laws require that dividends be paid to Government because Government otherwise would be getting the \$12 million that is coming into the Statutory Authority each year and would just put it into its general budget.

Therefore going along with it, if the Statutory Authority is going to pay nothing back to Government then it is as if . . . I do not know who it would be regarded as owned by even though I know members very jealously hate paying anything to Government, but it is like every subsidiary.

I sit on the subsidiary companies in the private sector and there is always the feeling, *'look we keep what we make.'* But at the end of the day, Government is responsible for the Civil Aviation Authority and a lot of the debt that we guaranteed or that is owed and there has got to be a give and take.

These amounts are small compared to what, if the law was strictly applied, would have to be paid in to the Government.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: What the Minister has just stated regarding Government and the Civil Aviation Authority being a subsidiary and the fact that the Civil Aviation Authority should be giving Government a certain portion of its revenue, that is not what I am questioning.

He also mentioned about the Government vesting with the Authority certain recurrent revenues to the tune of about \$12 million a year and how that money could have been received by the Government and it would have added to the Government's receipts. What he did not put into the equation is that if Government was dealing with the entire operation they would also have the expenses and they would also be making the borrowings directly. That is the point that I wish to make and I am going to turn it into a question.

If Government continues to take direct revenue from the Authority and the Authority then has to borrow more money than it would have normally have had to borrow to continue its development programmes and the Government is still responsible, then in truth and in fact all that is happening is that the money that has to be borrowed is simply being borrowed by another entity than directly by Government. That is my point.

So regardless of the Law, I am asking the Minister how can he truly justify the methodology whereby Government takes the earnings and uses it for other means? The Authority then has to borrow money and Government is ultimately responsible for that money, whether by a guarantee or just by the fact that the Authority is an entity of Government. It cannot make any better sense than for Government to use this revenue and still have an increased liability even though it may not be termed a direct liability.

In fact, one could almost presuppose that it is a method by which Government's direct borrowing becomes less when in truth and in fact it would have been different.

So, I am asking the Minister, he boasts of his 25 years' experience in banking and he continues, as he just did, to tell us all about the way that this thing works. Does he consider in his professional opinion, if he is willing to wager one, that that is the best way for the Authority to operate?

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

Hon Truman M Bodden: Mr. Speaker, let me just say that at present the Civil Aviation Authority has \$4 million in reserves. They are entitled to keep \$100,000. So if there is any imputation that Government is fleecing the Civil Aviation Authority that is totally wrong. If we really follow the Law, they are entitled to \$100,000 and they have \$4 million. So let us get that clear.

From a banking point of view, it is the normal practice that when you are building capital assets long term as we will be doing here, you borrow long term. If you go into a bank and say to them, I want to build a house, the banker does not say that you can have a loan for one year, pay it all off. This is what has been expected of Government and of the Authorities. The banker will say to you that you should borrow long term, you should get a house mortgage, say for 20, 15 or 25 years whatever, and you borrow on that basis because nobody can finance out of their salary the payment in one year for a house.

This has got to be common sense. It is not just banking experience. And what is prudent for everyone, not just an individual, but a Government to do, they must plan long term and borrow long term for assets which are long term. Assets that are short term, you borrow short term for. The airport runway and apron is long term and the Authority would have to borrow long term. When a bank builds its own building many times the loan is spread over 10 or 15 years.

What is being done makes sense because if you take all of your short-term cash and borrow long term at the end of the day you will only have probably 10% of what you could otherwise have done.

Now, if the revenue was not here to support the loan, I can see the problem, in which case you should not borrow at all, not long or short term. We have a \$4 million reserve that Government has, of its own discretion and accord, left with the Authority. But, at the end of

the day, it is a subsidiary and as the honourable Member says, at the end of the day there is a moral duty and in some instances a legal duty to assist all the Authorities in seeing that there is payment for their liabilities. What is being done here will be, and I will be recommending to the Authority, that for long term assets they borrow long term. If they take that \$4 million, if I can just wind up on this, Mr. Speaker, there is a saying that when you have money a bank will easily lend you, when you do not have money it is not quite as easy to borrow.

What I suggest is that reserves such as this be kept because they can service loans in the event of there being a slow period. It is better to keep some cash reserves rather than just spending it all on long term assets and borrow long term on the assets that are long term. The assets that are short term you pay out of cash or you borrow short term. I don't know if that answers the Member's statement.

The Speaker: Before calling the next supplementary I will ask the Honourable Minister if he would move the suspension of Standing Order 23(7) and (8) that questions can go beyond 11 o'clock.

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

Hon Truman M Bodden: Mr. Speaker, this surely must be the first time that one question has gone beyond, I think it might be the second time. I move that we suspend the Standing Orders for further supplementaries to be taken sir.

The Speaker: I shall put the question, those in favour please say aye, those against no.

Ayes.

The Speaker: The Ayes have it. Question time continues, the First Elected Member for George Town. There will be two additional supplementaries.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.

Mr. D Kurt Tibbetts: Thank you Mr. Speaker. I saw the Minister give you the gentle hint there about the length of the questioning so we will cut short the two. I will divide them between the First Elected Member for West Bay and myself.

Mr. Speaker, the Minister in his usual style answered my supplementary the way he so wishes to suit himself which was not the way the line of questioning sought an answer. The Minister has explained how the banks operate.

My opinion of what he was saying, in answer to my supplementary, was that I was suggesting the opposite to what he was saying which was not the case. I will turn this into a question. But you see, there is no suggestion that the Authority should not borrow long term when it needs to. There is no suggestion that the Authority should spend all of its earnings before it borrows. We are

simply talking about a proportion . . . and I was not, at any point in time, dealing with the fact that the Authorities should exercise their borrowing rights in such a manner.

My question again to the Minister is this: the revenue from the Authority that Government takes is spent elsewhere. In fact, on occasion it has been needed to ensure that at the end of the year there was not a deficit as has been the case in the past. If the Authorities were allowed to operate, and I keep saying notwithstanding the Law, the Minister could tell me forty-eleven times about the Law, I know what the Law says. He does not have to continue repeating that. I understand what it says.

I am talking about what is the right way for the Authority to operate and the Minister must know what is right for the Authority and what is in its best interest, regardless of a Law which may well be outdated at this point in time.

My question to the Minister is this: Is it the best way for the Authority to operate where, notwithstanding the reserve that it has, but the fact that such proportions of its earnings at year end go back into the Government, instead of them being able to have a proper long term plan which is been touted in the substantive answer but has not actually been put in place, and I will see if God spares life next year if a feasibility study is actually done and a proper plan is put in place?

I know that the Authority has wanted a plan for a long time and have not been able to do so. But, is it right for the Authority to have to put this money back into the Government and then the proportions of its borrowings have to be much more than it would have had to be especially in view of trying to get these things done on a timely basis?

The Minister in his answer has not addressed whether or not this is the right way for them to do. He goes off to talk about hypothetical situations and if you go to borrow money for your house and all of that. I understand all of that, but the Minister has not answered the question and I would like for him to answer the question directly.

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

Hon Truman M Bodden: Mr. Speaker, with all due respect, the reason why the honourable Member is saying that I have not answered his question is that he has got up and had a full debate on this.

Quite frankly . . . Mr. Speaker, I answer questions but if we are going to get into a full debate and Members are just getting up and debating, if I have to comment on everything he has said it will probably take me the rest of the morning. At some stage, we need to stick to questions and answers.

The airport cannot stand on its own. The airport needs an infrastructure by which to operate. If there was just an airport no government and nothing else, the airport could not operate. So, the money that comes back to the government is used for things like roads. Without a good road you can't get to the airport, without lights on

the streets there would be more crime. What is paid is paid same as everything else. It deals with an infrastructure to support an airport.

I do not know what else of the statement you wish me to comment on other than to say that my duty is to see that within reason the Authority operates as it does in a proper way and it complies with the Law. We try to do that as best we can and take a practical approach rather than a theoretical approach to it.

Government takes to assist the Authority in every way it can and, as I said earlier, there is \$4 million there. I can tell you Governments in the past enforced that Law and took that money. We have not. I would like that to be pointed out very clearly. The \$4 million sitting there if we really wanted we could have added it and we would have had \$11 million surplus this year instead of \$7.2 million.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Mr. Speaker, I do not know whether this question has been answered but I will ask it.

Can the Minister say what is the status of the construction of the Little Cayman airport as far as the timetable is concerned?

The Speaker: The Hon Minister for Education, Aviation and Planning, you did touch on that but would you elaborate?

Hon Truman M Boddan: Mr. Speaker, at present there are two sites that are being looked at and some costings have been done. That is why I had to say when the First Elected Member for George Town asked that there were estimates. One site is sort of where the present airport is but a bit further inland and the other site is sort of opposite that over on the other side about a quarter the way from the other side on land that Government presently owns.

For the old site we will have to buy land and that is being looked at. I would hope on the timing which is what the honourable Member is asking that we could go to Planning within another few months and I would like, if possible, to get a decision made this year and to come to you in Finance Committee before the end of the year for the guarantee if we need it to build it.

The Speaker: That concludes Question Time for this morning. Moving on to item 4 on today's Order Paper: Government Business, Bills. The House will now go into Committee to consider a Bill entitled, The Bills of Sale (Amendment) Bill, 1998 and other bills.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILLS

HOUSE IN COMMITTEE AT 11.10 AM

The Chairman: Please be seated. The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct all printing errors and such the like in these bills?

Would the Clerk state each Bill and read its clauses?

THE BILLS OF SALE (AMENDMENT) BILL, 1998

The Clerk: The Bills of Sale (Amendment) Bill, 1998.

Clause 1: Short title.

Clause 2: Amendment of section 3.

Clause 3: Amendment of section 4.

Clause 4: Insertion of new section.

Clause 5: Insertion of Schedule.

The Chairman: The question is that Clauses 1 through 5 do stand part of the Bill. No debate? I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 5 PASSED.

The Clerk: A Bill for a Law to Amend the Bills of Sale Law (1997 Revision).

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

THE TRAVEL TAX (AMENDMENT) BILL, 1998

The Clerk: The Travel Tax (Amendment) Bill, 1998.

Clause 1: Short title.

Clause 2: Amendment of section 2, Interpretation of Traveller.

The Chairman: The question is that Clause 1 and 2 do stand part of the Bill. Is there no debate? I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 and 2 do stand part of the Bill.

AGREED: CLAUSES 1 & 2 PASSED.

The Clerk: A bill for a law to amend the Travel Tax Law to reduce the categories of persons who are entitled to exemptions under the Travel Tax Law, 1995, Revision and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE EURO CONVERSION BILL, 1998

The Clerk: The Euro Conversion Bill, 1998.

Clause 1: Short title

Clause 2: Interpretation.

Hon. Joel Walton: We have an amendment to Clause 2, I do not know when you would like to take it, sir.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 1 do stand part of the Bill.

AGREED: CLAUSE 1 PASSED.

The Clerk: Clause 2: Interpretation.

The Chairman: There is an amendment, the Honourable Acting Third Official Member.

Hon. Joel Walton: Yes, sir. Thank you. There are actually three sets of amendments to that section and I could take them in order.

The first one relates amending the definition of "Treaty" by deleting "of" which comes after "union" and substituting "*signed at Maastricht on*". And, then deleting, "establishing the European Community." So the new clause would read, sir, "*Treaty means the treaty on European Union signed at Maastricht on the 7th February 1992.*"

The Chairman: I shall put the question on the amendment. The first amendment to Clause 2 as read out by the Honourable Acting Third Official Member. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: FIRST AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The Second amendment. The Honourable Acting Third Official Member.

Hon. Joel Walton: That the second amendment deals with definition of the introduction of the Euro and the proposal is that that section be amended by deleting the words, "on European Union of 7th February 1992. So the new section now reads, "*Introduction of the Euro includes the implementation from time to time of economic and monetary union in member states of the European Union pursuant to the treaty.*"

The Chairman: The question is that the second amendment to clause two as read out by the Honourable Acting Third Official be accepted. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: SECOND AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: Amendment number three to Clause 2.

Hon. Joel Walton: The final amendment to this clause is to amend the definition of Euro by inserting the word, "common" after the words, "means the". So the new clause would read, "*Euro means the common currency of participating Member states of the European Union but adopt a single currency in accordance with the treaty.*"

That is it, sir.

The Chairman: The question is that the third amendment to Clause 2 as read out by the Honourable Acting Third Official Member do pass. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: THIRD AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The question is that Clause 2 as thrice amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause two do stand part of the Bill.

AGREED: CLAUSE 2 AS THRICE AMENDED PASSED.

The Clerk: Clause 3. Substituted Currency.

Hon. Joel Walton: We do have some amendments, sir, to this section as well. There are actually two sets of amendments.

The Chairman: The Honourable Acting Third Official Member, you have an amendment.

Hon. Joel Walton: The first amendment relates to Clause 3, subclause (1) and the amendment will insert “,” after the word, “**of**”. That is, “**subject of any,**” after the word, “**under**”, that is “**payment under**”. That is the only amendment to that section.

The second change to that section is to subclause (2) and the amendment will insert the word, “**of**” after “**subject**” and the word, “**under**” after “**payment**”. I could read that new sub-clause if you would like me to.

The Chairman: Please do.

Hon. Joel Walton: Okay, the new sub-clause 2 will read, “*If a subject of or medium of payment under a contract, security or instrument is in the ECU, the Euro will be either,*” and it goes on. That is the amendment, sir.

The Chairman: The question is that the amendment to Clause 3 be accepted. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 3 is amended.

AGREED: AMENDMENT TO CLAUSE 3 PASSED.

The Chairman: The question is that Clause 3 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 3 AS AMENDED PASSED.

The Clerk: Clause 4. Continuity of contract.

The Chairman: Honourable Acting Third Official Member, an amendment.

Hon. Joel Walton: The amendment is to Clause 4, Section (d). The amendment is to insert “**of**” after the word “**subject**” and by inserting “,” after the words “**payment under**”. So the new section will read, “*The calculation or determination of the subject of, or medium of payment under, the contract, security or instrument in accordance with Section 3.*” That is the amendment, sir.

The Chairman: The question is that Clause 4 be amended as read out by the Honourable Acting Third

Official Member. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 4 is amended.

AGREED: AMENDMENT TO CLAUSE 4 PASSED

The Chairman: The question is that Clause 4 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 4 AS AMENDED PASSED.

The Clerk: Clause 5. Application.

The Chairman: The question is that Clause 5 do stand part of the Bill. No debate? I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 5 PASSED.

The Clerk: Clause 6. References to ECU.

The Chairman: Honourable Acting Third Official Member, you have an amendment?

Hon. Joel Walton: Yes, sir, thank you. The proposal is that Clause 6 be amended in sub-clause (1) by inserting “,” after “**security**” as in the third line of that clause; and, by inserting the words, “*or any legislative provision, administrative action, judicial decision, unilateral legal act or payment instruction*” after the word, “**instrument.**”

I could read the new clause.

The Chairman: Please do.

Hon. Joel Walton: “*On the introduction of the euro as the monetary unit of participating member states of the European Union, a reference to the ECU in a contract, security, or instrument or any legislative provision, administrative action, judicial decision, unilateral legal act or payment instruction that also refers to the definition of the ECU in the section 2 shall be replaced with a reference to the euro at a rate of one euro to one ECU.*”

That is it, sir.

The Chairman: The question is that the amendment to Clause 6 be accepted. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 6 AMENDED.

The Chairman: I put the question that Clause 6 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 6 AS AMENDED PASSED.

Hon. Joel Walton: Mr. Chairman, I am sorry. I actually had an amendment as well to sub-clause (2) of section 6.

The Chairman: Please go ahead.

Hon. Joel Walton: The proposal is that sub-clause (2) be amended by deleting the word, "**Community**" after "**European**" and replacing it with "**Council**." That is the only change to that sub-clause, sir.

The Chairman: We will have to redo what we have just done as this amendment goes to Clause 6. The question is that Clause 6 be amended by the two amendments as read out by the Acting Third Official Member. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 6 PASSED.

The Chairman: The question is that Clause 6 do stand part of the Bill. Those in favour please say Aye. Those against No....

Third Elected Member for George Town.

Mr. Linford A. Pierson: I fully support this. I just wondered if the Honourable Acting Third Official Member could give assurance that the Bill would be retrospective to January 1st when the Euro effectively came in to operation. It is my understanding that many contracts have been already put in place because of the delay in getting this legislation. I just wondered whether this would have retrospective effect.

The Chairman: The Honourable Acting Third Official Member.

Hon. Joel Walton: The legislation had been drafted, as it was presented, in 1998. It is an excellent question. I have consulted with my colleague next to me and the advice is that unless we make specific provision for that

in the legislation of the Bill it will not be retrospective. But the Honourable Attorney General can comment on that further if he chooses to.

The Chairman: Honourable Second Official Member.

Hon. David Ballantyne: Thank you, Mr. Chairman. I confirm that unless there is specific provision in the Bill, it would take effect in accordance with its terms on publication in the Gazette, which is the sort of fallback provision that operates as to the commencement of any law if no specific provision is made in that law for when it comes into effect. In order for it to have retrospective effect, in my opinion, it would be necessary to incorporate a clause to do that and it would not be prudent, again, in my opinion, to do that as it were off the cuff. It would be preferable to seek a draft of that clause and to put it forward at this committee stage.

I might also mention that I had a question in my mind in any event about Paragraph 6(2) of the law, which may or may not be a material question. That related to the amendment to Paragraph 6(1), Clause 6(1) of the Bill, the amendment that we just approved. It may or may not be the case but we have expanded the range of instruments to which Clause 6(1) applies, but we have not made a corresponding expansion to Clause 6(2). It might be just prudent to seek perhaps in what I imagine would be the forthcoming short adjournment of the Committee, Mr. Chairman, some view on that question as well as obtaining a draft that might serve the purpose, if it were the wish of the House to seek to make this legislation retrospective.

This legislation essentially relates to contracts, I think that is the primary function of it. Members will be aware that there is, I think, a two-year period within which countries can move from their individual currency as it were to the Euro. In other words, there is a two-year period during which the original currencies are still valid and so it is a matter for you really as to whether it is important to you, to make this effective from the beginning of the year. It won't obviously become law until it has gone through this process anyway and I wonder if I may ask out loud as it were what the effect of making it retrospective would be in the sense that it may not but I stand to be corrected confer any real advantage.

I think the important thing is that as we are now doing that it get on the books at the earliest opportunity, we are in effect roughly one-eighths of the way into that two-year period. So we are still, I think, ahead in that sense. I will just offer these comments for the guidance of the Committee.

The Chairman: Third Elected Member for George Town.

Mr. Linford A. Pierson: I want to thank the Second Official Member for clearing that point. My....

Hon. David Ballantyne: I am sorry, Mr. Chairman, I have been advised by a manuscript note which may assist the honourable member. I think the government

would support having this legislation effective from the 1st January, which I believe has already been said was the intention. If that is the case, and if that meets the consensus of the committee, I would seek an opportunity for an appropriate clause to be forwarded for your consideration.

Mr. Linford A. Pierson: Mr. Chairman.

The Chairman: Third Elected Member for George Town.

Mr. Linford A. Pierson: While we are at this, I just wanted to make reference that we would seek for a similar consideration for the Bill for a law to amend the Companies [(Amendment) (Euro)] Law, 1998. That would need a similar amendment, Mr. Chairman.

Hon. Joel Walton: Mr. Chairman.

The Chairman: Honourable Acting Third Official Member.

Hon. Joel Walton: I propose that we defer further consideration of this particular bill until we can get the appropriate clause drawn up. Is that possible at this point? And we will do the same thing, sir, for the Companies (Amendment) (Euro) Bill, which comes later on in the committee.

The Chairman: How long would you anticipate that it will take because we could probably take a suspension.

Hon. Joel Walton: Yes.

Hon. David Ballantyne: I think that to legislate at haste and to repent leisure . . . it would be appropriate to give the Legislative Council a suitable opportunity to address this. I would think it wouldn't take very long, but it would be better to allow a proper opportunity. If progress might be made on other matters, consideration of this matter could be resumed in the afternoon, if that were agreeable. That is without prejudice to the need for a break.

Thank you.

The Chairman: Is it the wish of the House that we take a suspension or continue on?

Mr. Joel Walton: Mr. Chairman, if I might try to help, sir. We have three bills left. Well, three including this particular one and of the other two, one relates to the Euro as well. Perhaps, you might do the Pension Bill where there are only three short amendments.

Okay? We could take the break then if you don't want to go on. There is only three bills left of which two are affected by this proposal. Thank you, sir.

The Chairman: We shall suspend proceedings until a time to be announced.

PROCEEDINGS SUSPENDED AT 11:34 AM

PROCEEDINGS SUSPENDED AT 12:49 PM

The Chairman: The Honourable Acting Third Official Member, you have an amendment to a new clause?

Hon. Joel Walton: The Honourable Second Official Member has dealt with both issues, that is the retrospective issue and the amendment to sub-clause (b) and does have an amendment to read, sir.

The Chairman: Honourable Second Official Member, do you have a written copy of the amendment or you will give it orally?

Hon. David Ballantyne: I do, Mr. Chairman, but perhaps I might be permitted to explain the position regarding retrospective effect for the benefit of the members of the Committee.

The Chairman: Certainly, please go ahead.

Hon. David Ballantyne: This question, which was properly raised, was to ascertain whether it would confer any benefit on those liable to be affected by the legislation. In discussion with the member who raised the question, I think it was a matter of agreement that companies which were the primary concern behind the question of retrospective application if they have acted to date they would have done so by means of special resolution and would have already altered their Memorandum and Articles as required in the way that the Bill itself would do by law

Those who haven't made such an alteration will be able on the passage of the law to benefit from its provisions and would not have to go through that procedure. So that it doesn't appear to be any need to effectively back date the law. If that can be avoided it is preferable, because retrospective legislation is generally not desirable if it can be avoided.

So the recommendation is that we try to pass the law as promptly as we are trying to do at present and it would take effect from the date at which it is published in the Gazette, which would follow shortly on from present proceedings.

On the other matter, if I may just explain slightly, the reason for my question about sub-clause 6(2) was that with the amendment to sub-clause 6(1) there seem to be some inconsistency between the two clauses. I have discussed that in the interval. It appears that to be consistent that we ought to adopt the same amendment to sub-clause 2 as was adopted in relation to sub-clause (1) and that represents the amendment to which the Honourable Third Acting Official Member already drew the House's attention. It effectively involves adding the words, "**or any legislation provision, administrative action, judicial decision, unilateral legal act or payment instruction**" after the word, "**instrument**" in the first line of the sub-clause (2), and adding ",", after "**security**".

So it is exactly the same amendment as we already have to sub-clause (1) would be applied to sub-clause (2) in order to cover the same range of legal instruments.

Therefore, that's an amendment, which I would recommend to the Committee.

There is a further small amendment that I would recommend in the interest of clarity in this section of the law. It is not the easiest piece of law to read and what it actually means is that (if I can explain as briefly as I can) where in a document, this is [sub-clause] 6(1) of the Bill — where there is a reference to a definition of ECU in a document, that reference is to be replaced with a reference to the euro. That is clear enough.

But the effect of the second sub-clause 6(2) is that where there is no reference to a definition of ECU, there is presumed to be a reference to the definition of ECU contained in the law. And then [sub-clause] 6(1) would apply so that reference to ECU as contained in the law would be replaced by a reference to euro.

Well, I hope I have not confused the issue further with that explanation but it seems to me that it would make it rather clearer on the face of the law if an amendment were made to [sub-clause] 6(1) on the third line. The amendment would be after the word, "refers" and I would suggest the addition of the following words, "**refers** (as is contained on the page that you are looking at) **or is presumed under this Law to be refer**". I would suggest the addition of those words, "**or is presumed under this Law to refer**". That would come in after the word, "refers". The word, "**also**" before the word, "**refers**" would be deleted.

I think it helpful if I just read out the clause as propose to be amended. [Sub-clause] 6(1) would then read, "**On the introduction of the euro as the monetary unit of participating Member states of the European Union, a reference to the ECU in a contract, security, or instrument, or any legislative provision, administrative action, judicial decision, unilateral legal act or payment instruction that refers or is presumed under this Law to refer to the definition of the euro in section 2 shall be replaced with a reference to the euro at a rate of one euro to one ECU.**" That then makes it clear that where there is definition of ECU in the document, it is replaced by a reference to euro.

Where there is no definition, it is presumed to have such a definition and then would also be replaced.

I trust that I am still making sense, Mr. Chairman, but if not I am happy to go over that. I can provide you with my manuscript version of this if that would assist matters but I think it is very straightforward in principle. We are amending sub-clause (2) in the same way as we amended sub-clause (1) and we are adding these additional words.

My final suggestion to get this law into a comprehensive state is to alter the numbering so that the present sub-clause (2) becomes sub-clause (1), and the present sub-clause (1) becomes (2). Because really what you are saying is that where there is no definition of ECU in the law, it is to be treated as if there were a definition in it and then all laws that have that definition are to be treated as a reference to euro.

If all of that is too confusing then it may be better to have a wholesale replacement of clause 6 but I think it is two matters: it's being consistent—sub-clause (1) with

sub-clause (2); and secondly, the reference to the definition of ECU is also to include a presumed reference to the definition.

I may say that in saying all of this, there is no such thing in my view as lawyer's law. This really has to be understood and it is in the interest of clarity that I am proposing these amendments but if anything is unclear then I would be happy to try to deal with it.

Mr. Linford A. Pierson: Mr. Chairman, I just wondered whether the Honourable Second Official Member might just clarify whether he was suggesting that Clause 6(2) should now be (1); and (1) will be (2), if that is what he was suggesting.

Hon. David Ballantyne: Yes, that is exactly what I was suggesting. It then would follow that (2) would follow (1) logically so that we are going to be treating any document which has reference as a reference to the euro. And, any document that doesn't have a reference to the definition of ECU would be treated as if it has a reference and then that would translate into a reference to the euro. This is all designed to substitute euro for ECU, and you are quite right, Mr. Chairman, in that assumption. It is just a case of trying to put these sub-clauses in their correct order.

The Chairman: The question is that Clause 6 be re-committed. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 6 RECOMMITTED.

The Chairman: There are several amendments to new Clause 6 and they are as follows:

- In Clause 6(1), we will delete the word, "**also**" as it comes before "**refers**". We will add the words, "**or is presumed under this Law to refer**" that comes immediately after "**refers**".
- The present Section 6(2), ",", after "**security**" adding the words "**or any legislative provision, administrative action, judicial decision, unilateral legal act or payment instruction**" after "**instrument**".
- **And by renumbering sub-clause (1) to (2), and (2) to (1).**

Is there any debate? If there is no debate, I will put the question that the amendment to Clause 6...

Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 6 has been amended.

AGREED: AMENDMENTS TO CLAUSE 6 PASSED.

The Chairman: The question is now, that Clause 6 as amended do stand part of the Bill. No debate, I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 6 do stand part of the Bill.

AGREED: CLAUSE 6 PASSED.

The Chairman: Are you proposing Honourable Third Official Member to move Clause 7 or that is not going to be done? That was on the retroactive....

Hon. Joel Walton: No, sir.

The Clerk: A bill for a law to provide for the necessary amendments to the terms of existing contracts, securities and instruments consequent on the introduction of a single currency by member countries of the European Union.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

THE COMPANIES (AMENDMENT) (EURO) BILL, 1998

The Clerk: The Companies (Amendment) (Euro) Bill, 1998.

Clause 1. Short title.

Clause 2. Definition.

Clause 3. Amendment of section 2, Definitions and Interpretation.

Clause 4. Amendment of section 13, Power of Company limited by Shares to alter its Share Capital

The Chairman: The question is that Clauses 1 through 4 do stand part of the Bill.

Is there any debate? No debate, I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 4 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 4 PASSED.

The Clerk: A bill for a law to amend the Companies Law, 1998, Revision, to provide for re-denomination of the share capital or guarantee amount of companies and

amendments to the name, the Memorandum of Association and Articles of Association of Companies consequent on the introduction of a single currency by Member countries of the European Union.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

THE PUBLIC SERVICE PENSIONS BILL, 1999

The Clerk: The Public Service Pension Bill, 1999.

Clause 1. Short title.

Clause 2. Date of commencement

Clause 3. Pension Rights to be determined under this Law.

The Chairman: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate, I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 3 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 3 PASSED.

The Clerk: Clause 4: Definitions.

The Chairman: Clause 4, Honourable Acting Third Official Member, you have an amendment?

Hon. Joel Walton: Yes, sir, I have two short amendments to that Clause 4. The first one being purely a change to reflect the fact that the 1995 Revision of the Pension Bill has been replaced with the 1999 Revision of the Pension Bill. Therefore, the reference to the "1995 Pension Law, Revised" on page 19 of the green bill, the fifth paragraph down where it begins by saying, "**prior law and prior plan means the Pension Law (1999) Revision**" to reflect that change from the 1995 Revision to the 1999 Revision. That is on page 19 of the green bill, paragraph 5, first line. It replaces 1995 with 1999, that is the only change to that.

Mr. Linford A. Pierson: Mr. Chairman.

The Chairman: Third Elected Member for George Town.

Mr. Linford A. Pierson: I am not sure whether the Honourable Acting Third Official Member made any reference to the Memorandum of Objects and Reasons

where a similar situation occurs. It refers to the Pension Law, 1995, Revision — I don't know if....

Hon. Joel Walton: No, sir, I didn't and I am appreciative to the Honourable Member for bringing that to our attention. It is not part of the law but it is important for us to have it corrected.

That is on page 3, the second line of that first paragraph. It refers to the 1995 Revision again. For the sake of clarity it should reflect 1999 Revision. Thank you for that, sir.

I am just taking a quick glance to make sure it appears nowhere else. It is actually also on page 8, the same thing happens where the reference is to Clause 6 or 7, appeals the Pension Law. Again, it should be 1999 Revision as opposed to 1995 Revision.

The Chairman: If there are consequential amendments then the Second Official Member will deal with those, they are outside of the Bill.

Hon. Joel Walton: Okay, thank you, sir. Sorry.

The second change to Clause 4 relates to the definition of "**final average pensionable earnings**" which can be found on page 17, the sixth paragraph on that page. Where it starts by saying, "**final average pensionable earnings means the sum of**" the proposed amendment is to add after paragraph (b) of that section, to add a paragraph (c) which will now read, "***If a participant is employed as a Police Officer, his final months housing allowance***".

The reason, sir, for this amendment (if I might just speak to it a bit) is that it ensures that Police Officers who are currently a part of the existing defined benefits plan of government would upon retirement from the service be eligible to have their housing allowance added into their basic salary and count towards their pensionable earnings.

It just ensures the principle that nobody who had previously enjoyed a privilege—which in this case, one person had already that because of the change in legislation—it would not cause that person to lose that privilege. Even though it is grandfathered in, we saw it necessary to actually include it as a specific item to ensure that nobody could be disadvantaged by not having that specific clause in.

So, on page 17, down where it starts (middle of the page), "final average pensionable earnings" we had a section (c) which now reads, "***if a participant is employed as a Policy Officer, the final months housing allowance***."

The Chairman: The question is that the amendment to Clause 4 as read out by the Honourable Acting Third Official Member. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 4 PASSED.

The Chairman: Clause 4 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 4 do stand part of the Bill.

AGREED: CLAUSE 4 AS AMENDED PASSED.

The Clerk: Clause 5. Govern-in-Council to make and amend regulations.

Clause 6. Public Service Pensions Board.

Clause 7. Powers and duties of the Board.

Clause 8. Custody of plan assets.

Clause 9. Calculation of benefits.

Clause 10. Correction of mistakes and administering Pensions.

Clause 11. Communications to participants.

Clause 12. Accounts, bookkeeping and reporting.

Clause 13. Actuary evaluation.

The Chairman: The question is that Clauses 5 through 13 do stand part of the Bill. There is no debate? I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 5 through 13 do stand part of the Bill.

AGREED: CLAUSES 5 THROUGH 13 PASSED.

The Clerk: Clause 14: Continuation of Public Service Pensions Fund.

Clause 15: Payments into the Fund.

Clause 16: Disbursements from the Fund.

Clause 17: Fund investments.

Clause 18: Contributions to the Fund.

Clause 19: Plan amendments, financial impact.

Clause 20: Designation of beneficiary.

Clause 21: Payment and administration of children's pensions.

Clause 22: Cessation of payment of children's pensions.

Clause 23: Inflation protection.

Clause 24: Participation upon re-employment after retirement.

The Chairman: The question is that Clauses 14 through 24 do stand part of the Bill. There is no debate? I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 14 through 24 do stand part of the Bill.

AGREED: CLAUSES 14 THROUGH 24 PASSED.

The Clerk: Clause 25: Participant's rights.
Clause 26: Pensions not to assignable.
Clause 27: Non-resident, Non-Caymanians.
Clause 28: Applicability.
Clause 29: Defined benefit eligibility.
Clause 30: Option to transfer defined contribution part.
Clause 31: Participant's contribution account.
Clause 32: Norman retirement.
Clause 33: Early retirement.
Clause 34: Late retirement.
Clause 35: Resignation from service prior to retirement.

The Chairman: The question is that Clauses 25 through 35 do stand part of the Bill. If there is no debate, I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 25 through 35 do stand part of the Bill.

AGREED: CLAUSES 25 THROUGH 35 PASSED.

The Clerk: Clause 36: Disability retirement
Clause 37: Disability benefit.
Clause 38: Retirement under special circumstances.
Clause 39: Maximum pensions.
Clause 40: Minimum pension payments.
Clause 41: Vesting.
Clause 42: Forms of benefits and methods of payment.
Clause 43: Pensions payable to surviving spouse and children.
Clause 44: Inservice death benefit.
Clause 45: Pensions to beneficiary where a participant is killed on duty.

The Chairman: The question is that Clauses 36 through 45 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 36 through 45 do stand part of the Bill.

AGREED: CLAUSES 36 THROUGH 45 PASSED.

The Clerk: Clause 46: Applicability.
Clause 47: Defined contribution eligibility.
Clause 48: No transfers to defined benefit part.
Clause 49: Maintenance of accounts.
Clause 50: Transfer of assets into the fund from an approved plan.
Clause 51: Accrued benefit payable upon retirement.
Clause 52: Late retirement.
Clause 53: Disability retirement.
Clause 54: Disability benefit.
Clause 55: Retirement under special circumstances.

The Chairman: The question is that Clauses 46 through 55 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 45 – 55 do stand part of the Bill.

AGREED: CLAUSES 45 THROUGH 55 PASSED.

The Clerk: Clause 56: Resignation from service prior to retirement.

Clause 57: Vesting.
Clause 58: Distribution of participant contribution account balance.
Clause 59: Forms of benefit and methods of payment.
Clause 60: Pensions payable to surviving spouse and children.
Clause 61: Inservice death benefit.
Clause 62: Pensions to beneficiary where a participant is killed on duty.
Clause 63: Death after resignation but prior to benefit commencement date.
Clause 64: Death after benefit commencement date.
Clause 65: Benefit paid to estate if no surviving designated beneficiaries.
Clause 66: Benefit paid to beneficiary if no surviving spouse or children.

The Chairman: The question is that Clauses 56 to 66 do stand part of the Bill. If there is no debate, I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 56 through 66 do stand part of the Bill.

AGREED: CLAUSES 56 THROUGH 66 PASSED.

The Clerk: Clause 67: Repeal of prior law.

The Chairman: The question is that Clause 67 do stand part of the Bill.

Hon. Joel Walton: Mr. Chairman, just to ensure that the consequential amendment as a result of the change in Clause 4 would also follow through to Clause 67, where there is a reference to 1995 Revision, we need to amend it to 1999 Revision. Just to make sure. Thank you, sir.

The Chairman: I put the question that Clause 67 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 67 do stand part of the Bill.

AGREED: CLAUSE 67 PASSED.

The Clerk: Clause 68: Payment of ex gratia allowances under prior law.

The Chairman: The question is that Clause 68 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 68 do stand part of the Bill.

AGREED: CLAUSE 68 PASSED.

The Clerk: Schedule 1, Schedule 2.

The Chairman: The question is that Schedule 1 and Schedule 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Schedule 1 and 2 do stand part of the Bill.

AGREED: SCHEDULE 1 AND 2 PASSED.

The Clerk: A Bill for a Law to reform the Law relating to Public Service Pensions to re-establish the Public Service Pensions Board as a statutory corporation; to manage and administer the Public Service Pension Fund; to retain existing pension rights for existing government employees; to provide a defined contribution pension plan for future government employees and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill.

That concludes proceeding in Committee on a Bill....

Mrs. Edna Moyle: Mr. Chairman, I don't think you put the question on the Title.

The Chairman: I beg you pardon! Please repeat.

Mrs. Edna Moyle: I don't think you put the question on the Title.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: This concludes proceedings in Committee on several Bills. The House will resume and report.

HOUSE RESUMED AT 12:53 PM

The Speaker: Please be seated. Proceedings are resumed. Reports on Bills.

REPORT ON BILLS**THE ELECTRICITY (AMENDMENT) BILL, 1999**

Hon. Truman Boddin: Mr. Speaker, I have to report that a Bill entitled, The Electricity (Amendment) Bill, 1999 was passed by a Committee of the whole House with amendments.

The Speaker: The Bill has been set down for third reading.

Reports, Bills of Sale (Amendment) Bill, 1998, the Honourable Acting Third Official Member.

THE BILLS OF SALE (AMENDMENT) BILL, 1998

Hon. Joel Walton: I am pleased to report that a Bill entitled, The Bills of Sale (Amendment) Bill, 1998 has been considered by a Committee of the whole House with amendment and was approved.

The Speaker: The Bill is accordingly set down for third reading.

Reports, Travel Tax (Amendment) Bill, 1998. The Honourable Acting Third Official Member.

TRAVEL TAX (AMENDMENT) BILL, 1998

Hon. Joel Walton: I am pleased to report that a Bill entitled, Travel Tax (Amendment) Bill, 1998 was considered by a Committee of the whole House without amendments and approved.

The Speaker: The Bill has accordingly been set down for third reading.

Reports, The Euro Conversion Bill, 1998. The Honourable Acting Third Official Member.

THE EURO CONVERSION BILL, 1998

Hon. Joel Walton: I am pleased to report that the Euro Conversion Bill, 1998 was considered by a Committee of the whole House with several amendments which were approved.

The Speaker: The Bill is accordingly set down for third reading.

The Companies (Amendment) (Euro) Bill, 1998. The Honourable Acting Third Official Member.

THE COMPANIES (AMENDMENT) (EURO) BILL, 1998

Hon. Joel Walton: The Bill entitled the Companies (Amendment) (Euro) Bill, 1998 was considered by the Committee of the whole House and passed without amendments.

The Speaker: The Bill is accordingly set down for third reading.

Report, The Public Service Pensions Bill, 1999. The Honourable Acting Third Official Member.

THE PUBLIC SERVICE PENSIONS BILL, 1999

Hon. Joel Walton: I am pleased to report that the Public Service Pensions Bill, 1999 was considered by Committee and was passed with three amendments.

Thank you, sir.

The Speaker: The Bill is accordingly set down for third reading.

Bills, Third Readings.

BILLS

THIRD READINGS

THE ELECTRICITY (AMENDMENT) BILL, 1999

The Clerk: The Electricity (Amendment) Bill, 1999.

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

Hon. Truman Bodden: I move that the Electricity (Amendment) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that the Bill entitled, The Electricity (Amendment) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill is passed.

AGREED: THE ELECTRICITY (AMENDMENT) BILL, 1999 GIVEN A THIRD READING AND PASSED.

THE BILLS OF SALE (AMENDMENT) BILL, 1998

The Clerk: The Bills of Sale (Amendment) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg to move that a Bill entitled, The Bills of Sale (Amendment) Bill, 1998 be given its third reading and passed.

The Speaker: The question is that a Bill entitled, The Bills of Sale (Amendment) Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE BILLS OF SALE (AMENDMENT) BILL, 1998 GIVEN A THIRD READING AND PASSED.

TRAVEL TAX (AMENDMENT) BILL, 1998

The Clerk: The Travel Tax (Amendment) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I ask that a Bill entitled, Travel Tax (Amendment) Bill, 1998 be given its third reading and passed.

The Speaker: The question is that a Bill entitled, Travel Tax (Amendment) Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE TRAVEL TAX (AMENDMENT) BILL, 1998 GIVEN A THIRD READING AND PASSED.

THE EURO CONVERSION BILL, 1998

The Clerk: The Euro Conversion Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I request that the Bill entitled, The Euro Conversion Bill, 1998 be given its third reading and passed by the House.

The Speaker: The question is that a Bill entitled, The Euro Conversion Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE EURO CONVERSION BILL, 1998 GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) (EURO) BILL, 1998

The Clerk: The Companies (Amendment) (Euro) Bill, 1998.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I request that the Companies (Amendment) (Euro) Bill, 1998 be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Companies (Amendment) (Euro) Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE COMPANIES (AMENDMENT) (EURO) BILL, 1998 GIVEN A THIRD READING AND PASSED.

THE PUBLIC SERVICE PENSIONS BILL, 1999

The Clerk: The Public Service Pensions Bill, 1999

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel Walton: I beg that the Bill entitled, The Public Service Pensions Bill, 1999 be given its third reading and passed.

The Speaker: The question is that a Bill entitled the Public Service Pensions Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has been given and passed.

AGREED: THE PUBLIC SERVICE PENSIONS BILL, 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: We shall now suspend proceedings until 2:30 p.m. for lunch.

PROCEEDINGS SUSPENDED 1:00 PM

PROCEEDINGS RESUMED AT 2:39 PM

The Speaker: Please be seated. Proceedings are resumed. As the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture is not present (she is sick) we will move on to item number 4 on today's

Order Paper. Other Business, Private Member's Motion, Private Member's Motion No. 5/99 to be moved by the First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

Mr. W. McKeeva Bush: Mr. Speaker, I am wondering whether the House would agree to go to Private Member's Motion No. [10] first. We have some agreement to move in that direction.

The Speaker: If you would just move a motion, we will put it to the House.

Mr. W. McKeeva Bush: Okay! I move that we take Private Member's Motion No. 10/99, Renaming of Harquail Bypass to "Esterley Tibbetts Highway" instead of the Amendment to the Immigration Law, Motion No. 5/99.

The Speaker: I will put the question that we move on to Private Member's Motion No. 10/1999. Those in favour please say Aye. Those against No.

AYES.

The Speaker: It is very close.

Mr. Roy Boddén: Mr. Speaker, please can we have a division, sir.

The Speaker: Madam Clerk, could you call the division, sir.

Mr. Linford A. Pierson: Mr. Speaker, if I may, sir?

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Before we have a division, it might be helpful if the mover of the motion could perhaps ask for a little time to discuss this with the government bench because I am sure there must have been some good reason why he is asking that this item be moved up.

I have not been able to discuss [this] with the First Elected Member for West Bay but I feel sure he would not have asked for this if there was not a good reason. So I just wondered whether we might be able to discuss it with your permission.

The Speaker: Would it require a suspension or you think it could be done very quickly?

Mr. Linford A. Pierson: I think maybe with a five-minute suspension we would be able to resolve it.

The Speaker: If it is the wish of the House, we shall suspend then for ten minutes.

PROCEEDINGS SUSPENDED AT 2:42 PM**PROCEEDINGS RESUMED AT 2:57 PM**

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

Mr. Roy Bodden: Mr. Speaker, before we took the suspension, sir, I had requested that you call a division on the motion for the House to deal with the renaming of the Harquail Bypass to the "Esterley Tibbetts Highway."

The Speaker: If that is the wish of the House . . . Madam Clerk would you call a division?

The Deputy Clerk:

DIVISION NO. 2/99**AYES: 8**

Mr. W. McKeeva Bush
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Dr. Frank McField
Miss Heather D. Bodden
Mr. Roy Bodden
Mrs. Edna Moyle

NOES: 5

Hon. Donovan Ebanks
Hon. Joel Walton
Hon. Truman Bodden
Hon. Thomas C. Jefferson
Hon. Anthony S. Eden

ABSTENTIONS: 1

Hon. David Ballantyne

ABSENTEES: 3

Hon. John B. McLean
Hon. Julianna O'Connor-Connolly
Mr. Linford Pierson

Hon. Truman Bodden: Mr. Speaker, I wonder if I could just question whether all members who voted on the division were inside when the vote was taken?

Mr. W. McKeeva Bush: Mr. Speaker, really! Tell me something this afternoon, how much trouble is this motion to the government? I mean, what I moved earlier, Mr. Speaker, if I may, was simply because I thought that this was a non-controversial motion that we would be going along and that really we would be finished in five minutes. We had a ten minutes break just because of it.

And, my God, all they need to say is that they don't support it or they support it.

The Speaker: Parliamentary procedure is that a person voting in a division must have been in his seat when the vote was taken. Which members were not in their seat?

Mr. W. McKeeva Bush: I don't know! From my point everybody was here, sir—except half the government!

The Speaker: If there are members here that were not in their seats when the vote was taken, they are not eligible to vote. But the division as given to me by the Clerk

is: eight Ayes, five Noes, one Abstention, and it should be two absentees. So the Ayes have it.

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 10/99 TO BE TAKEN.

The Speaker: We shall proceed then with Private Member's Motion No. 10/99. The Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 10/99**RENAMING OF HARQUAIL BYPASS TO
"ESTERLEY TIBBETTS HIGHWAY"**

Mr. Roy Bodden: I beg to move Private Member's Motion No. 10/99 entitled, Renaming of Harquail Bypass to "Esterley Tibbetts Highway" standing in my name and which reads as follows:

"WHEREAS this Honourable House on previous occasions has recognised Caymanians for services in various fields;

"AND WHEREAS roads in recent times have been named after prominent Caymanians;

"BE IT NOW THEREFORE RESOLVED THAT the road presently known as the Harquail Bypass and all continuing portions thereof be officially renamed as the Esterley Tibbetts Highway."

The Speaker: Do you have a seconder?
The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am pleased to second the motion.

The Speaker: Private Member's Motion No. 10/99 has been duly moved and seconded. Does the mover wish to speak to it?

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

I have to begin by expressing my consternation at the obstinacy of the government in agreeing to debate this motion at this time because one would have thought that this motion was a non-controversial motion. Certainly, there were those of us who were relying on the fact that this particular piece of business would have been expedited through the Legislative Assembly by virtue of the fact that we expected not to have encountered any such opposition. Elements on the government side—spearheaded by the Leader of government Business, it seems—leads me to realise that illusion and reality will forever be distinctly different.

Mr. Speaker, I understand that this year Public Works celebrates its 50th anniversary as what I would term a modern government department. I would think that it would be fitting on this auspicious occasion to choose someone who served with Public Works in the good old days when things were much more difficult than they are today and certainly when there was far less choice of modern equipment to construct our roads. This proposal is to name this particular piece of road after a

Caymanian who headed up the Public Works in the days when road making was far more difficult than it is now as a tribute to the dedicated service of that gentleman.

I am particularly happy that Parliament can deliberate and decide on this move at a time when the person proposed is still around, in good health, and in an excellent state of mind to realise that there are those in the country who appreciated the sacrifices that he made in those days. Those of the younger generation, in spite of the complaints we have about traffic jams, can drive on roads many of whose foundations were laid by this gentleman's leadership.

Mr. Speaker, I vividly recall this gentleman rooming the streets of Bodden Town when I was a youngster. On occasion, he came to that district with his road crew. Not only was the gentleman an excellent road-making engineer but his diplomatic skills weren't too shabby either. I crave your indulgence to relate a short anecdote.

I remember a broiling hot sunny day in the summer when I was a youngster of about ten or 12 years of age. The Public Works were engaged in doing some re-alignment at the famous Guard House Hill, the curb on which the house where my family lived is situated. Mr. Esterley and his crew were in the vicinity and he sent a couple of his workmen into our yard to inform my mother that it was necessary to move a hedge and a fence that she had painstakingly constructed and watered religiously every morning.

Well, my mother took those plants and her labour seriously and her response was that under no circumstances were any alignments going to be made to destroy her wonderful plants and all the backbreaking labour that she had put into it. She told one of the gentlemen that if he didn't move fast enough, he could be warned that she had sufficient resources at hand to move him at the speed with which she would wish him to move.

The gentleman took it seriously (as he well should) and informed Mr. Tibbetts. And, Mr. Speaker, I can vividly recall him, because he was the first person that I can remember that used to have aviator glasses and he had the glass case strapped through his belt. He came and he called my mother by her popular name and she came outside. He told her that he was the author of the request. My mother said it really didn't matter who was the author of the request; she was the controller of the property and the answer was still in the negative.

Well, at that point I realised that this little dialogue was getting interesting because my mother never really had too much give. She never really wilted in these kinds of occasions. Anyway, it seems that Mr. Tibbetts was very familiar with my mother as a young girl growing up in Cuba and he began to engage her in a conversation about those times.

I won't relate the whole story but by the time he was finished my mother asked him if he was sure that that was all he needed to take! And he was welcomed to take more if he so wished! So, this gentleman not only had proficient skills in engineering but he was also somewhat of a diplomat. And his interpersonal skills were not too shabby.

When they heard this motion announced in the media, many Caymanians expressed to me their appreciation of the efforts made by the mover and me to have this named after this gentleman. Today I am happy to move this motion recognising the work, the sacrifice, the ingenuity, and the toil of a well-respected and well-deserving Caymanian.

With that, I need not say anymore in this the introductory stage of this motion. Thank you.

The Speaker: The floor is opened to debate. Does any other honourable member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am pleased to see this motion before the House, as I have always sought to find ways to recognise the outstanding work and contribution of Caymanians from whatever walk of life they come.

Mr. Tibbetts, Mr. Esterley—"Pete," as they used to call him—is one such Caymanian we can be proud of. He worked at a time (and this is a cliché but it is the truth) when the country had nothing. He joined the Public Works in 1949, appointed to that department as Superintendent of Works by Sir Hugh Foot, the Governor of Jamaica and Grand Cayman.

When he commenced his duties in those days, he had about twelve members of staff to build and maintain roads, all government buildings, lighthouses, telephones, the runway with the flare-path, fogging of the whole island for mosquitoes, maintenance of all government property, and also the maintenance of vehicles and heavy equipment. These tasks also included supervision of Cayman Brac.

In those days, the Public Works Department had three wheelbarrows, a few picks, shovels and hand-beaters made from hard wood. Later on, a second-hand grader drawn by mules was sent from Jamaica, which was hitched to a Studebaker Truck in order for the roads to be graded. Several years later, a roller was sent from England via Jamaica, which was of great value to the country. The first road this roller was used on was the road to the entrance of the airport, which we still drive on today. As we all remember, the roads were made from marl. That had to be dug by hand using picks and shovels from various parts of the islands.

Those of us in the House . . . and I shouldn't say us, I should say, those in the House who were teenagers at that time knew that times were hard for everyone, and the government had very little money. Wages were small but the work had to be done and it continued steadily through the efforts of stalwart civil servants like Esterley Clarence Tibbetts (or Pete, as they called him in those days).

The country cannot repay that kind of contribution, we have to recognise the efforts in the pioneering days of these islands—and that is what I called those times, the pioneering days. We should not hesitate to name any major highway after Mr. Esterley.

I believe he saw some very hard and trying days and nights. But he knew the various jobs had to be completed and this he did until his retirement in 1976. But he

was asked to continue working for the government in the Public Works Department, which he agreed to do for several years after.

Mr. Esterley not only did a great job in government [but] through the Presbyterian Church now the United Church, he also did a great work. He is one of those old Caymanians that I appreciate because no person ever got turned away from his door either at home or his office. I recall that as a young man, probably around twelve years old, going to look for a job to be able to work on Fridays when school was let out half day. I remember looking for Mr. Esterley, and I got a job and was able to work on the Friday afternoons, even though there was not a lot of time left before they closed down for the day and also to be able to work on Saturdays because they worked on Saturdays in those days. I know there were other families that benefited from such work that was given by Mr. Tibbetts.

You can believe that this did help in a time when things were rough. And when you stop and think about where we have come from to where we are today, when you think that we had just a few wheelbarrows and men would cut the roads with machetes . . . to make roads they would burn the big rocks by gathering wood and burn them even in the night so that in the day they would work and make the major highways.

I remember the road being build from Town Hall Road going up to the town hall just south of the Chapel Church, Church of God, that is — it was all high cliff. Stalwarts built those roads with bare hands. Mr. Speaker, we can give thanks not that I know him or knew of him, but to people like Mr. John Smith of West Bay. That was a long time before I was born but these kinds of people were willing and worked for nothing.

Clarence or Esterley Clarence Tibbetts is a good man, one that we can recognise. We have come a long way, Mr. Speaker, when we stop and think what the Department of Vehicles and Equipment is today considering what they had then. Yes, we should all be proud of our country and say, *'Thanks be to Almighty God for bringing us thus far,'* but in so doing let us not forget those people—Caymanians . . . and not only Caymanians but other persons, a few people who came abroad and worked with us.

Mike Simmonds, we don't often hear his name called but he worked on one of the main highways in this country—the airport. He was not a Caymanian but came here, put down his roots and made a grand contribution to our development. Can we forget to say thanks and name just a road after Mr. Tibbetts? For what reason?

I like to talk long on these kinds of occasion because it has a lot of history and it is something that I like, history that is. But I will close by saying publicly that I certainly appreciate in the highest regard the work done by Mr. Esterley Tibbetts and those of his contemporaries. I think that all of us in this House should vote to name that new piece of highway that is being built and any extension thereafter, the Esterley Tibbetts Highway.

I challenge government to behave and for once give a little without amending a resolution to mess it up as they did with the Public Works and the other motion that I

had for the meritorious awards that we moved in this House. Government must stop this king of fancy footwork . . . to get mileage for what—for the election? For what? We pass this way but once, let us recognise those persons that built this country for nothing.

Thank you, sir.

The Speaker: Does any other Member wish to speak? The floor is opened to debate.

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I rise to give this motion my support because if anybody should be honoured by having a road or a building or something named after him, it is Esterley Tibbetts. I knew him from the time he came from Cuba probably [19]60's. I remembered when he also joined the Public Works. Nobody else would take that job. Those days they didn't have anything to work it as my colleague here said. But he took it and he worked. You know he worked with the people, with his gang himself.

I don't see any reason why there should be any hesitation in naming this highway after. That is all I have to say and I thank you and I hope it will be finished.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I too had no intention of speaking but after the Fourth Elected Member for West Bay made those remarks, I would just like to say for the record that I think it is important for a country to at least be able to afford itself the privilege of naming public buildings and public roads after citizens that have made contributions. Of course, if there was such a deficiency in our country that did not allow this, I think it would be a bad reflection on us. I thank God, therefore, that we do have the people that can supply the names for the buildings or the roads that the people's resources have gone to build.

The Harquail Bypass as it is now known is not the property of any government. It is the property of the people of the Cayman Islands. I therefore feel it is fitting for us to uphold our dignity and believe in ourselves by naming this road after Mr. Esterley Tibbetts.

The Speaker: Does any other Member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The Private Member's Motion before the House, Renaming of the Harquail Bypass to "Esterley Tibbetts Highway".... I don't believe there is anyone in any part of the government that does not appreciate the work that has been done by Mr. Tibbetts. I remember as a very young boy seeing Mr. John Smith (whom the First Elected Member from West Bay talked about), and I recall Mr. Lambert Ebanks working with him at times as well. That was probably when I was about eight years old.

Actually, where I went to high school just across the way from here is where the Public Works Department was at that time. I remember seeing Mr. Stanley Panton also in the little office across from the CIBC Building which is presently being used by some other organisation. I, as well as many other members of this Honourable House, can also appreciate the contributions made by Mr. Tibbetts. We were happy to see him at the opening of the Hurley's Supermarket not many weeks ago in good health and moving around and in cheerful spirit.

The only difficulty the government has, Mr. Speaker, is that several months ago (I think it was late last year when we were dealing with this particular subject), the Executive Council of the Cayman Islands said to the then Governor Mr. John Owen that it would wish to [rename] the Harquail Bypass, the John Owen Parkway.

[Members' laughter]

Hon. Thomas C. Jefferson: Now, our thinking was at the time that many places within the Cayman Islands have the name of a previous administrator or commissioner or governor. I think we only have to walk down Cardinal Avenue and understand that it was Wolsey Cardinal who was Administrator or Commissioner in that day. We also recognise that the airport in the Brac was named after Gerrard Smith. So that was the line of our thinking at the time.

Even nearer to this area, in the area near to the Education Building there is the Thompson Russell Way as well. So I think that basically gives us some rationale for why we came to our own conclusion in probably October or November last year when the government came to that decision. We were bound, as it were, or committed by the then Governor, Mr. Owen, not to make any publication of this until after he had departed the country. Therefore, we were not able to make—

Mr. W. McKeeva Bush: What time was this done?

Hon. Thomas C. Jefferson: Well, I was not prepared to speak, Mr. Speaker, so I don't have the exact time. But I do know it was several months ago. It might have been three to five months ago. But this did take place that far back.

What we were thinking as we thought about the Esterley Tibbetts Highway (and we haven't put this to Executive Council) is that we have just broken ground for the Crewe Road Bypass, which in essence is a road that leads all the way to the Frank Sound. It has not been Gazetted as yet but the corridor will take it up that far. We would name that road the Esterley Tibbetts Highway.

Mr. Speaker, that was our thinking of it so our view on this is that, yes, Mr. Tibbetts certainly deserves every recognition that anyone can give to him.

AMENDMENT WITHOUT NOTICE

Hon. Thomas C. Jefferson: I believe that the Government would appreciate it if we could amend the Private

Member's Motion to change the word, "Harquail" to the "Crew Road Bypass."

Even if we look at it in terms of the Private Member's Motion where it reads, "**BE IT NOW THEREFORE RESOLVED THAT the road presently known as the Harquail Bypass and all continuing portions thereof be officially renamed as the Esterley Tibbetts Highway . . .**" What the Government would appreciate is that we just agree to remove the words, "Harquail Bypass" and substitute the words, "Crewe Road Bypass" which in essence leads straight up to Frank Sound Road. I think that would give recognition to both parties and I think both parties are worthy of recognition.

So, it is a matter of how members of the House will accept the two proposals. I don't believe there is any need for any controversy over it, to be quite honest. What I moved is a genuine move to recognise Mr. Tibbetts. What someone else has done is also a genuine need to move to recognise him so I think in reality there are two proposals.

If you look at it the longer road would be the one that we are talking about which takes it basically from Walkers Road straight up to Frank Sound, through the heart of George Town and through Savannah and all the way up through Breakers and what have you.

The other point of view is that Harquail begins at North Sound Road and according to all the corridors that are presently being talked about it would end in Botabano Road in West Bay.

Those are the two proposals, I think both men are worthy or recognition.

The Speaker: Does any other Member wish to speak?
Are you moving that as an official amendment?

Hon. Thomas C. Jefferson: Yes, Mr. Speaker, I referred to it as an amendment and I am moving that amendment.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: I think we should put the amendment to rest.

Mr. W. McKeeva Bush: That was what I was going to ask whether you are going to debate the amendment now then.

The Speaker: That's what I would propose, yes.

Mr. W. McKeeva Bush: All right. As for me, I have not changed my mind. Harquail....

The Speaker: The amendment as moved by the Honourable Minister for Tourism, Commerce, Transport and Works is now open to debate.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I heard what the Minister of Tourism said. Perhaps they should have communicated to us three to five months ago what their intention was

with this road. While they could not have made it public, they could have intimated it to members of the House quietly. However, that would not have changed my mind about the proposal.

I am not knocking naming anything after any Governor or any official who comes here and puts in time. As I said, whether they and I get along or we don't get along, we recognise the contribution they make.

Mr. Speaker, the truth is that Mr. Tibbetts is a very old man at this time and the Harquail Bypass is already built with an extension on-going. My good friend, the Second Elected Member from Bodden Town, just intimated to me that Mr. Tibbetts is an old man and that we should go ahead, and I hope she is going to vote that way too.

[Laughter]

Mr. W. McKeeva Bush: Really, I have no qualms [about] doing anything for the Governor that just left within reason. But we had an announcement that they just gave him Caymanian Status. That is a very high honour, Mr. Speaker, you can't get higher than that when a government of the day proposes citizenship on someone who had just been here for five years when there are hundreds of people who have been here for 25 to 30 years and have got nothing—still up in arms or running to their representatives trying to get some sort of immigration security of tenure.

So, they cannot say they didn't do something for the Governor. They did a lot for him and he did a lot for them and I think that they should stop and think before they try to sabotage the resolution from this side of the House. It is given with all good intentions and as we said, we didn't want any upheaval in the House about it.

If the government is on all fours with us with that then they should withdraw that amendment as one being facetious. Thank you.

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

Hon. Truman Bodden: Mr. Esterley Tibbetts, I think as all members here have said, is very deserving of having a major road named after him. He has put in a lot of time in the Public Works. When I was going to school, the Public Works adjoined the school and I knew him well — I know him well, I should say, and his family.

The position that the government is in and the amendment that we put forward will allow Executive Council to keep what it has already done while naming a road that is also a major road after Mr. Tibbetts. That way, he will still have the honour of having the road named after him, which he very much deserves.

As the Minister said, this decision was taken quite a while back. One of the reasons why we had hoped that this would have been coming next week because the announcement is in train now to go out. This was one of the reasons why at this stage we would have preferred to have the time so that we could have brought the

amendment at a time when the announcement on that road was going out. However, that I guess is history now.

I would hope that members of this House would take a logical approach to this. There is no question of sabotage as the First Elected Member for West Bay is talking about.

[Inaudible interjection]

Hon. Truman M. Bodden: It is an amendment to the motion that achieves the same thing and it is one that would at least in many respects be within areas of roads that Mr. Tibbetts would have worked on during his tenure with the Public Works Department. The reason for this has been clearly set by the Minister, and we would hope that which satisfies both the naming of the two roads would be accepted by the Legislative Assembly and both roads could then be named.

It is in an effort to do exactly what the First Elected Member for West Bay, the mover of the motion, put forward but to a different road, a much longer major road that is now approved and there has been the ground breaking for it.

I ask members of the House to look at it in that light and to keep the peace as has been put forward by members of the opposition, and to therefore accept that the road that would be named after Mr. Esterley, is the one called the Crewe Road Bypass.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I am going to begin by saying that I have no peace to keep. As I listened to the two government ministers—especially the Leader of Government Business, the Minister for Education—I wonder how long he thinks he can *Samfie* this Parliament by that old line that he took.

Mr. Speaker, if the government—and particularly the Minister last speaking—was so interested in naming a road after Mr. Esterley Tibbetts then, pray, explain to me why there is the Thompson Russell Way, the John McLean Drive and now, there was a proposed John Owen Parkway and still no Esterley Tibbetts Drive until this motion came to the House. It's an afterthought on the part of the government.

Mr. Speaker, give me a break! Credit me with a little intelligence, sir. When this motion came that Minister who last spoke had ample opportunity . . . he had every opportunity in the world to have come to me and the seconder of the motion and say, *'Gentlemen, we have a problem. Let us see how you and the government can sagely (although, I must admit, we are not losing any face)....'*

Tell me, why is it that the government allowed itself to be placed in this obviously embarrassing position now. Why are they asking, as always, for us to flip flop? Mr. Speaker, that minister has been here all these years accusing me of being inconsistent. He is asking me for a favour of this magnitude now? He must be reading *Alice in Wonderland!*

Mr. W. McKeeva Bush: Keep the town laughing at him!

Mr. Roy Bodden: I would have to say, sir, that I am not convinced of the government's purity of intention. I have always been cosmopolitan in my views. I am one Caymanian who is always encouraging and appreciative of the input, and the services, the work and the sacrifice put in by people from outside of the Cayman Islands and I welcome that. I have always been accommodating because I think it is through these people and their efforts that our country is becoming strong. I am all for having the deserving ones of them integrated into our society.

So let me be explicitly clear—I am not against naming any road or any building or anything of that nature after outside persons who have come here and worked and have lived among us. But this is a case of principle. And the Minister who last spoke knows that he doesn't have a point. That he is why he so quickly departed when he finished speaking.

Mr. Speaker, I have not been convinced. It is not a good enough reason. I say again, were this the case, why did that minister who is so quick when the occasion suits him to put me and other people . . . why didn't he come and say something? There is one thing I learned from this exercise: Mr. Tibbetts has far greater diplomatic skills than the Leader of Government Business! Far greater!

And that is a flimsy excuse and I will not accommodate such waffling. I have no war with the Minister for Tourism. It is unfortunate that he got caught in a position where he has to try to rationalise the mistake of the leader. It is a pity that our particular political circumstance does not allow deserving people to extricate themselves from these kinds of situations.

Mr. Speaker, tell me, if this is as it seems to be, is it not easier for the Government to rename that portion of road that they propose after the former Governor, Mr. John Owen and let this motion remain as it stands? All I have to say is that I am usually not an unreasonable person, but I have taken a stand on principle. I have gone to the extent of calling Mr. Tibbetts' family explaining to them (before we drafted the motion and moved it, the seconder and I) [asking if there] would be any objection to this proposal because it is necessary to do these kinds of things. We were assured that there would not be any objection.

Now, the Minister is saying that the government is going to lose face. Well, we are going to lose face too because we took it upon ourselves in the utmost discretion to contact Mr. Tibbetts' family many months ago. Remember too, sir, that this motion was tabled a long time ago, this was part of the business that had to be postponed and brought to this time so the government had all of that time. And they could have (as they have on occasion) come to us in the utmost discretion and said, *'Gentlemen, we have a little problem, how can we solve it so that as the Japanese say, we don't lose face.'*

I am not prepared to give way because it casts us in a bad light also. We stand to lose face. I am somewhat angered that this well-meaning motion should have to

come to this House in such a way as to further widen the gap between us. I would have thought that all of us could have been unanimous in our move.

Note, that the Minister for Education and the Leader of Government Business although he objected and got voted down in bringing the motion forward, still did not avail himself of the opportunity to say why he didn't want the motion debated at this time. Mr. Speaker, I have to say again, obviously that gentleman is lacking in diplomatic skills, sir, because [this] was the last opportunity for him to have come to us and said, *'Here is what the problem is gentlemen. Let us see how we can get over this hurdle so that no one looks really bad.'*

No, it shall have to go to the vote! Thank you, sir.

The Speaker: Does any other Member wish to speak to the amendment.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: When the request was made not to bring this particular motion, that is, Motion 10/99 forward, I was not apprised of the full reasons. After having listened to the mover and the seconder of the motion, I understood the urgency in this.

In my usual manner, I tried to bring about some kind of a compromise in having this matter resolved not knowing that the government had other intentions and that they wanted to be able to announce this before this motion was debated. This position is somewhat regrettable as far as I am concerned because that could have been mentioned to me when I tried to assist in resolving this matter.

Mr. Speaker, this amendment to this motion is somewhat late. It is unfortunate that the mover of the amendment, the Honourable Minister for Tourism, Commerce, Transport and Works did not see fit to bring this before. I believe that it is being brought with all good intention, and I can understand the embarrassment that the government is being placed in and this is exacerbated by the fact that they also seem to have lost their collective responsibility over on that side.

In the first time in my history in the House members of Executive Council are abstaining without good reason but I suppose this is a new twist on things. Normally this is not with the concurrence of the Governor and Executive Council. But that is not my concern. I just mentioned it in passing, as it seems somewhat unusual.

Nonetheless, I believe that in the same way that government can suggest that the name of the Harquail Bypass be changed to that of the former Governor, Mr. John Owen, and that the Crewe Road Bypass should be named after Mr. Tibbetts, there should be no problem in reversing this suggestion.

We already have a motion calling for the Harquail Bypass to be renamed the Esterley Tibbetts Highway, and I think that this is somewhat appropriate. Mr. Esterley lives in that general area. He has perhaps been the most instrumental person in the Cayman Islands in the development of roads and it is good that a road that is as frequented and as popular as the Harquail Bypass should be named after somebody of Mr. Tibbetts stand-

ing. Mr. Esterley, like many other very prominent Caymanians should indeed have a road of that prominence named after him.

It can be recalled that some years ago while I was on Executive Council, I named a number of very public roads and buildings after prominent Caymanians, such Dr. Roy's Drive, and the Cargo Distribution Centre after Mr. Berkley Bush, and so on and so forth. So this is not an unusual motion. I can understand the amendment that is now before the House because it is trying to resolve a very embarrassing situation. But in the same way that it is embarrassing to government to have their plans fail, it would be similarly embarrassing to the mover and the seconder of this motion. As the seconder said, he has advised Mr. Tibbetts and his family that this motion was being brought before the House.

Mr. Speaker, I have a tremendous amount of respect for the Governor so I would not want the wrong impression given that I have in any way shown any disrespect for him. But I am sure that he will understand the situation here today. I will fully support a prominent road being named after the Governor. I believe that the proper procedure in the circumstances would be for the Crewe Road Bypass to be named after the former Governor, Mr. John Owen, and that the motion as it stands be accepted by this Honourable House.

I want to make the point that I reserve my right to also speak on the motion as I am now at this point in time speaking on the amendment to the motion. My position on the amendment would be that the Harquail Bypass be renamed after Mr. Esterley Tibbetts as the Esterley Tibbetts Highway, and that the Crewe Road Bypass be renamed as the John Owen Highway.

Thank you, Mr. Speaker.

The Speaker: The First Elected Member for George Town.

The Honourable Second Official Member.

Hon. David Ballantyne: Since reference has been made to an earlier matter before the House, I seek the opportunity of clarifying my position in relation to that. In my view, the abstention I recorded earlier was in relation to a motion to bring forward a Private Member's Motion—not in relation to any decision of the Executive Council.

Since it appears that surprise has been expressed about that, I thought that I should take the opportunity to clarify the issue. I was not at that point—nor am I yet—party to the reason for the opposition to that particular matter, and I felt unable in the circumstances either to support the motion to bring the matter forward or to oppose it.

But I do wish to make it abundantly clear to anyone who might harbour any other conception that as a Member of Executive Council—and I have been a Member of Executive Councils or their equivalent for the best part of ten years. I am well aware of the constitutional responsibility of collective responsibility in relation to Cabinet or Executive Council decisions. And I would like to make it clear from my own part without recrimination but just by way of explanation that I am bound by the doctrine of

collective responsibility of the Executive Council, of which I am a Member.

But I took the view that the matter on which I recorded my vote was not an Executive Council decision. I trust that clarifies my position and if I can further clarify it at some future date, I will do so. Mr. Speaker, thank you very much.

The Speaker: Would honourable members want us to just continue right on till 4:30 p.m. or take a break?

The First Elected Member for George Town are you....

The Second Elected Member for Bodden Town.

Miss Heather Bodden: Thank you, Mr. Speaker. I stand here this afternoon to say, let's do what we have to do while Mr. Esterley Tibbetts is still alive. It makes no sense to bestow these things on people after they are gone.

Mr. Roy Bodden: Hear, hear!

Miss Heather Bodden: I am sure Mr. Tibbetts would be honoured to hear of this while he can. I would also say that I would think that it would only be appropriate to name the Harquail Bypass after Mr. Esterley, as Mr. Tibbetts only lives two minutes away from this road.

Mr. Speaker, as my mother often tells her children, "Give me the flowers while I am alive." Thank you.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am very happy that I gave way to the Second Elected Member for Bodden Town because one of the points that I was going to make was exactly the point she made, and I concur with her thoughts.

Mr. Speaker, I am known at some points in time to be very blunt. I will do the best I can not to be too blunt this afternoon. However, I will speak my mind.

Hon. Thomas C. Jefferson: Mr. Speaker, I wonder if the Honourable Member will give way for a minute on a point of elucidation.

The Speaker: Will you give way, the First Elected Member for George Town?

The Honourable Minister of Tourism, Commerce, Transport and Works.

POINT OF ELUCIDATION

Hon. Thomas C. Jefferson: I believe that from what I can understand we are basically in agreement with honouring both gentlemen. If it is the view of this Honourable House that the Harquail be named the Esterley Tibbetts Highway, let's do it; and then name the Crewe Road Bypass, the John Owen Parkway. Let's do it. I think if we can go that direction, we could withdraw any amendment we have put.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works, are you withdrawing your amendment because that is what the amendment said.

AMENDMENT WITHDRAWN

Hon. Thomas C. Jefferson: Yes, I am withdrawing the amendment.

The Speaker: Thank you. Let us proceed then with debate on the substantive motion.

The First Elected Member for George Town.
Maybe I should put the question....

Mr. D. Kurt Tibbetts: I was just about to say that, sir, just to make sure.

The Speaker: I will put the question that the amendment be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The amendment to the motion has been withdrawn. We shall continue debate on the substantive motion.

The First Elected Member for George Town.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 10/99 WITHDRAWN.

Mr. D. Kurt Tibbetts: Having been headed off at the pass by the withdrawal of the proposed amendment, perhaps I will not have to speak as long on the motion. But there are a couple of things that I think need to be said.

As I said, I concur with what the Second Elected Member for Bodden Town said regarding the fact that a Caymanian who is so deserving need not wait for someone else to hear about it when he or she has passed on. I had not intended to speak on the motion because when I saw it originally the fact that the person in question bears the same surname that I do, I thought it best not to get involved. Someone may have thought that I had my own personal reasons for pushing, which certainly is not the case.

But, Mr. Speaker, what I heard a certain part of the government just go on with a while ago reminds me of the thought that I hear on the street a lot when it comes to awards. We have people who have slaved for their community all of their lives who get a certificate and badge of honour. But others who come that are dressed better and who are talked about more get a MBE, or OBE, or CBE, and I have to say that this afternoon because that is all it reminded me of. This is with no intention to malign the persons involved but unfortunately because the situation was not dealt with in a way that it could have been resolved quite readily, it has come to this.

Now, the Minister for Education said in his contribution that the government was hoping that this motion

would not come until next week because the announcement for their counter to the motion was in train. My understanding of what he said would mean that the announcement would have been made before the motion came so they would have got what their wish was. Mr. Speaker, anybody with any good sense would not say something like that, because regardless of what was intended to be said, what came across to me about that was, *'Listen guys, if we had our way, we would have fixed it so none of this would have happened and we would have gotten our way.'*

I respect the fact that the government may have thought of bestowing this honour on the previous Governor. I don't have a problem with that thought process and it is unfortunate that the two issues have collided. But in the same manner that the government had this thought, I do not believe today that the goodly gentleman who has just left our shores will have a problem with the fact that they might name another road after him instead of the one that he was told.

So any attempt on the part of the government simply tells me that they are not concerned with the individual or individuals involved; it is simply a matter of upstaging. That's what it tells me. And shame on them for thinking in that manner and bringing about the situation that publicly we have to be arguing in this fashion.

Mr. Speaker, the motion that was brought by the Third Elected Member for Bodden Town and the First Elected Member for West Bay, I am sure was brought with the purest of intention. And the government will not fool me that its counter or its withdrawal was laden with purity.

Mr. W. McKeever Bush: No!

Mr. D. Kurt Tibbetts: We can take the vote, we can do what is right and just regarding the individual situation. Perhaps the lesson for the government may be to look toward their own more instead of remembering others before. Thank you.

The Speaker: Does any other Member wish to speak?

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Mr. Roy Bodden: Thank you very kindly. I find it regrettable that this well intentioned motion was not seen as an opportunity to present a solid and united front that should have united us and sent a message that in spite of the cut and thrust of debate inside here sometimes that we have not lost the ability to be united on very important issues.

I am not convinced of the purity of motive on the part of the government and I think that the Minister for Education and Leader of Government Business must have taken leave of his senses, when he admitted....

Hon. Truman Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Hon. Truman Bodden: He said that I must have taken leave of my senses, which means exactly what it says and I am going to ask him to withdraw it.

The Speaker: I would ask the honourable mover, please withdraw that. That is really not necessary.

Mr. Roy Bodden: Mr. Speaker, let him take an intelligence test first sir, and then I will withdraw it.

The Speaker: Let's not get in an argument, please withdraw it and let's get on with the thing this afternoon.

Mr. Roy Bodden: Mr. Speaker, it is pity that I left my sanity test at home today because I could have used it now. Anyway, Mr. Speaker, I will bow to your ruling, sir, and I have a sufficient command of the language that I can get across what I have to say . . . and you can listen carefully, sir, because how I am going to coach it now, I won't have to withdraw it.

The Speaker: Please withdraw what you said and then we will go on.

Mr. Roy Bodden: I bow to your ruling, Mr. Speaker, I have said that, sir.

The Speaker: I ask that you say that you withdraw. You have lost your sanity.

Mr. Roy Bodden: Mr. Speaker, I withdraw the comment made, sir.

The Speaker: Please repeat the comment. That is necessary.

[Members' laughter]

Mr. Roy Bodden: Mr. Speaker, I do not wish to make a spectacle of the Parliament. I have said that the Minister of Education seems to have taken leave of his senses, you have asked me to withdraw the statement. I withdraw the statement most humbly, sir. Is there anything [else] you would like me to withdraw, Mr. Speaker?

The Speaker: No, I thank you for that. Please continue.

Mr. Roy Bodden: I have come to the conclusion, sir, that if we are not part of the solution, we are all part of the problem. The reason I say that is that the Minister for Education has been around sufficiently long enough to know that if that was what the government wished to achieve there were ways of doing it.

I am happy that the motion carries. I think it is deserving of Mr. Tibbetts to have this particular piece of road named after him. And I lament the fact that the government seems to have a repertoire of persons to name roads after, but missing from that repertoire are those Caymanians that have laboured and toiled in hard times

when monetary rewards were not so generous, who seem destined to pass on without being able to live to understand that we appreciate their efforts made.

Be that as it may, however, I want to say this in closing: This exercise has taught me a few things. One that bears a striking note is what was echoed by the futurist, Alan Toffler, when he said that the illiterate of the 21st Century will not only be those who cannot read and write but those who fail to unlearn, learn and re-learn. Mr. Speaker, it is an adage that I hope the Minister of Education remembers and takes note of.

Thank you.

The Speaker: I shall now put the question on....
The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, before you put the question on the motion that we voted to withdraw the amendment, that was not a motion to agree to naming the Crewe Road Bypass after the previous Governor. Am I correct?

The Speaker: We simply withdrew the motion.

Mr. W. McKeever Bush: Okay, sir, because my preference is to name that one, the Carter Wood Highway after Miss Ever Wood, the First Lady Member of this House; and Pearl Carter, a great teacher in this country.

Thank you.

The Speaker: I shall repeat, I shall now put the question of Private Member's Motion No. 10/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 10/99 PASSED.

The Speaker: At this time I will entertain a motion for the adjournment of this Honourable House. I don't think it is — or would you all want to start another Private Member's Motion, I don't think it's....

Mr. D. Kurt Tibbetts: We didn't have any break in the afternoon so....

[Interjection: Let's take the adjournment.]

The Speaker: I just wanted to make sure that I was on all fours with everybody.

ADJOURNMENT

Hon. Truman Bodden: I move the adjournment of this Honourable House until 10:00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House do now adjourn until 10:00 am tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10:00 a.m. tomorrow.

**AT 4.17 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 15 APRIL 1999.**

**EDITED
THURSDAY
15 APRIL 1999
10.17 AM**

*Mrs. Edna M. Moyle, JP, Deputy Speaker
In the Chair*

[Prayers read by the Third Elected Member for George Town]

The Deputy Speaker Please be seated. Proceedings in the Legislative Assembly are now resumed. Item 2 on the Order Paper, Reading by the Speaker of Messages and Announcements.

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

The Deputy Speaker: The Honourable Speaker has asked me to extend his apologies as he is off the island for the next two days.

We shall now move into Item 3, Other Business, Private Members' Motions. The First Elected Member for West Bay.

**MATTER OF PRIVILEGE
Standing Order 28**

**SELECT COMMITTEE TO REVIEW
THE WHITE PAPER**

Mr. W. McKeever Bush: Madam Speaker, it is good to see you in the Chair. Before moving to that, I want to raise a matter that I think affects the privilege of this House. And if it doesn't affect the privilege, I think that the government needs to be reminded of a process.

For some time, we have had the report from the United Kingdom on the dependent territories and while there was some discussion in the Throne Speech, two members of Executive Council were on national television talking about it. I want to remind the government that there is a Select Committee appointed to review that White Paper.

I know members are busy and everybody's hands are full but we need to get moving on that White Paper. I want to remind the government of this. It is the duty of this House to look at that White Paper. It is the duty of this House to then make its thoughts known to the United Kingdom. It is the duty of this House before we do that to go to our people to find out how they feel about each item that affects this country's future. We cannot do that and we have been withheld from doing that because we have not been able to have discussions as the motion demands that we do.

Now, whether government adheres to anything that this backbench does or asks for, they have to understand that a motion here . . . and if they reject it then nothing happens but if they agree to it then they are

agreeing that something be done. It is bound by the rules of this House, which is law.

Now, the country is bigger than we are. The country is bigger than any committee. They might have a point in saying that we need to go to the public to point out certain things, but they should not fall into the trap of going to the public not knowing what our thoughts are either. So what are they going to go to the public with? Are they going to go to the public and say this is what government wants? Well, how can government want something when government has said (government meaning the Legislators) sit down and discuss the White Paper?

Madam Speaker, I am asking government to please pay some attention to the process.

The Deputy Speaker: Honourable Member before you move into the Private Member's Motion, maybe the Honourable Minister for Education could call a short meeting of members at the break time to see if we can go into the Select Committee on this at some point. The Honourable Financial Secretary I think is the Chairman of that Committee.

Hon. Truman Boddan: Since the member has made a statement, may I just therefore reply to it? I know this is not procedural but if I may?

The Deputy Speaker: Honourable Minister, sure. It is not procedural but I think it is a matter that is very important.

Hon. Truman Boddan: The Select Committee that has been established . . . when that sits obviously is a question for this House because Select Committees don't normally sit when the House is sitting—which has been sitting for six months. But what I said, and I believe the Financial Secretary will agree with me, was in no way in breach of the rules of the Select Committee. But if the member is trying to restrict the freedom of speech of the government to say that we must say nothing on a matter that a Select Committee has done nothing on at this stage then that is not right. That is not what the Standing Orders of this House say.

What we did this morning we were entitled to do. I would not like it to be imputed that we were in breach of the Standing Orders of this House because we were not Madam. Thank you.

The Deputy Speaker: First Elected Member for West Bay before you take the microphone . . . Honourable Minister, I don't think that was the intention of the First Elected Member for West Bay. But I will give him the op-

portunity to explain and then we will move on to Private Members' Motions.

Mr. W. McKeeva Bush: Madam Speaker, thank you very much. Your understanding is okay as far as I am concerned. It is right on target. I am not saying that the government... The government is the government and they do as they please, we all see that and we all know that, we are feeling the effects of it. What I am saying is that the government must pay attention to matters that the House has set down. I am not saying that they cannot speak on subjects, but the minister knows the rules of this House and if he has not broken them, he has cut very close to it.

All I am saying is that the country is bigger than any of us, bigger than any committee. I would even give leeway for the government to say something. But I am reminded of this and I think that there is an effort . . . I should put it this way: I hope that there is not an effort to stop us because I know there was before.

The matter was raised in Executive Council by me about picking a motion and I was stopped. When I resigned from Executive Council, I had an opportunity to bring the motion. I am reminded also that the seconder of that motion was approved by His Excellency the Governor to say, "Don't bring the motion."

The Deputy Speaker: Honourable Member can we now proceed with the Order Paper and move into Private Members' Motions?

Private Member's Motion No. 5/99, Amendment to the Immigration Law (Re: Domestic Problems)

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

Mr. W. McKeeva Bush: I beg to crave the indulgence of the Chair to take Private Member's Motion No. 2 entitled, Training Initiative, rather than Private Member's Motion No. 5 which stands as item 1 on the agenda entitled, Amendment to the Immigration Law (Re: Domestic Problems), as the seconder of that motion sits in the Chair.

The Deputy Speaker: The question is that Private Member's Motion No. 2/99, Training Initiative, be dealt with as the first item under Private Member's Motions this morning rather than Private Member's Motion No. 5/99. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 2/99 TO BE DEALT WITH BEFORE PRIVATE MEMBER'S MOTION NO. 5/99.

The Deputy Speaker: Private Member's Motion No. 2 of 1999. The First Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 2/99

TRAINING INITIATIVE

Mr. W McKeeva Bush: Thank you very much Madam Speaker. I was just trying to get my papers in order.

I beg to move Private Member's Motion No. 2 of 1999 standing in my name entitled, Training Initiative.

"WHEREAS between 1992 and 1996 Government accepted a policy through the Ministry of Community Affairs for a training initiative;

"AND WHEREAS the need for training in the various sectors of the Islands continues to grow;

"BE IT NOW THEREFORE RESOLVED THAT the Government carries out the undertaking given to the country to see that proper and viable training programmes are promptly implemented in the country."

The Deputy Speaker: Is there a seconder? The Third Elected Member for West Bay.

Mr. John D Jefferson: Madam Speaker, I am pleased to second the motion.

The Deputy Speaker: Private Member's Motion No. 2 of 1999 has been duly moved and seconded. Does the mover wish to speak to it?

Mr. W McKeeva Bush: Thank you Madam Speaker. The purpose of this motion is to try to move the government into action on one of the most important subjects facing us today—the subject of training, one that is crying for bold and innovative leadership. The government is too far behind on the matter of training, and I would say that no attention has been given to it for some 19 months now.

Let me give a synopsis on the history of training as it was handled during the years 1992 through 1996 and 1997, at least until July of 1997. I was and still am concerned about the training and long-range career development of able and willing Caymanians as a means of fostering economic development and assisting with labour tranquillity. I believe as I always have that the articulation of well defined and workable manpower development policies and strategies are essential tools for achieving these important objectives.

The policy I always adhere to is the Caymanianisation of positions within the public and private sectors whenever there are competent Caymanians to fill these positions. I know that such a policy fully requires that adequate training programmes become commonplace in order to ensure that Caymanians are able to fill responsible positions consistent with career paths and succession planning and the development and monitoring of workable and specific labour budgets.

This country has a significant over-employment together with a large number of workers on permits due to a lack of skilled persons to fill all of the demands in our

economy. We are a service economy, as we all know, which suggests that the development of skills, a sound work ethic, and good attitudes are most important if these Islands are to remain competitive in the global marketplace. At the same time, there are undeniable and well-documented cases of unfair treatment and insensitivity to the upward mobility of some of our qualified, experienced and willing Caymanians. Therefore, government is duty bound to take a bold step and lead.

There are many cases and representatives of this House are always faced with problems existing in the work place, not just simple labour issues but that of upward mobility of Caymanians and whether there are sufficient training initiatives within the private sector to allow this. As I have said, government has to take the lead in this and see to it that this is done.

For many years we talked about training. We heard about training, and there was a labour demand survey, which made certain recommendations in 1990. Nothing was done on those recommendations. Between 1992 – 1994, thereabouts, we set up a Manpower Development Advisory Committee with a broad cross section of persons on that Committee. Members of the House, members of Executive Council, members from the private sector from various industries, the Chamber of Commerce, I as the Minister was Chairman, and the Minister of Tourism was the Deputy Chairman.

That Committee set out to lay the situation fully before government, and they made their recommendations and findings to Executive Council, which did not allow that Report to be tabled. Instead, Executive Council made recommendations from that report which I tabled in the Legislative Assembly here.

Madam Speaker, this is an important matter, one that demands we move quickly to stem some of the problems being faced in the workplace. Now, I know that we are not going to always please everybody. But I believe that that report goes a long way in addressing some matters of this territory. As the minister, I tried to set up the Caymanian Training Initiative that targeted first of all the tourism, restaurant and hotel sector. I am not going to take the time to read all of that Madam Speaker because that is well documented in the *Caymanian Compass* and in the *Hansards* of this House.

To say that there were a lot of people who came on board . . . I do not think so. But there were some that took up the offer of getting into the hotel and condo industry through management courses from the Community College and also courses to do with cookery. There has been some success. This was a joint effort with the Community College of the Cayman Islands. We did not have sufficient funds as the minister responsible for manpower development has to deal with it. The will was not there in the entire government to deal with the issue.

The Manpower Development Committee made many recommendations and I want to deal first of all with a few of those:

1. That a unit of government should be given the responsibility of monitoring whether employers are complying with the conditions imposed by the Immi-

gration Board on work permits, advertisements and so on.

2. That a unit of government should be charged with accessing the labour implications of new major development projects.
3. In order to reduce the bias towards certain professionals and post secondary qualifications, they said all jobs should be classified according to their requirements, in order to standardise job descriptions and thereby allow applicants to better understand the requirement of each job being advertised. It also said that the stated qualifications and credentials of each worker on permit should be verified, his job should be classified in accordance with the classification system and it should be confirmed that his credentials meet the minimum requirements for the class of his job.
4. They said that there should be safeguards in the advertising procedures, which ensure that Caymanian applicants are encouraged to apply and there should be a penalty for false advertising.
5. They pointed out that Caymanians or persons applying for a job should be encouraged to copy their job descriptions to the Immigration Board.
6. They said there should be in place some means of monitoring whether there is consistency in the salary and benefit packages for Caymanians and expatriates that perform the same job, and there should be penalties in those cases where inconsistencies are found.
7. There should be a system to gather statistics on the labour force in the Cayman Islands and the Committee recommended that a proper labour market information system be developed or purchased. Such system should be able to show the number of Caymanians and expatriates in each occupation, the average salary of the Caymanian and expatriate in each occupation, the average number of years and experience of the Caymanian and the expatriate in each occupation, and so on.
8. A unit of government should be charged with ensuring that every employer has in place a training programme that is appropriate for its size and profitability and the unit should provide employers with a system in devising such programmes.
9. A unit of government should be given the responsibility of determining the skills that are lacking by Caymanians in all sectors, from vocational to professional, and of devising training systems to address such skill gaps.
10. They recommended that a training fund could be established to assist companies with defraying their training costs recommending that perhaps employers who have the most expatriate employees would be required to contribute the most to the fund.
11. It said that a unit of government should be charged with assisting schools to inform students of the career opportunities that are available in the Cayman Islands.

Madam Speaker, that report was one that was in depth on the matter of training, succession planning, and in their view what was needed.

Now we heard much about advertising in the recommendations. That is because we often see that there are advertisements for positions which require from five, ten, 15 or 25 years—all sorts of numbers—for a certain post and therefore the Caymanian who comes out of the school cannot reach the position. They are turned down because they do not have five years' experience. They come out of school with a degree . . . we are talking about High School. We know that here has to be some apprenticeship movement for them, but even when we reach those persons who went abroad and got a BA or a MA, that was a concern of the Committee.

You might note they pointed out that a training programme for the country should be appropriate for the size and profitability of a company. They were not trying to say that a company of two or three people should have five trainees. They were being realistic. So these are some of the things that the Committee was finding.

The recommendations tabled in the House (I am not going to read that whole document) made specific recommendations for safeguarding the advertising procedures and they said to reduce the incidence of unrealistic and inconsistent advertising for employment, several actions are needed:

1. There must be safeguards in the advertising procedure which ensures that local and/or Caymanian applicants are encouraged to apply. Advertisements should include the following standard information and procedures: the advertisements should state the name, type and title of the job, name and address of the employer, and the salary range.
2. Conditions and procedures for advertising and submitting applications for work permits. If Caymanians have applied for the vacancy, the employer should submit these details with the application for a permit (a) name of applicant, qualification, experience and background; reasons why applicants were not successful; copy of refusal letter and interview report for Caymanian applicants; copy of job description and expatriate applicant's resume. They said, as I said earlier, about the penalty for false advertising.

I do not believe that the government has to do a lot to search around for ideas to deal with the matter of training in the country—that of upward mobility and succession planning in a company. I am not here knocking any outside company or local company because we have those companies that do quite a bit in training. I do not know what the particular situation is now but I know Cable & Wireless was one such company. I think Caribbean Utilities does quite a bit with their staff, the larger ones.

Where we find the most complaints are in the finance industry. And when it comes to other labour matters more in the casual labour sector, that of clerks in the shops and so on, but that has more to do with salary, time off and the sort of day to day workings. What needs to be addressed, while some of those areas need constant attention, is training in the workplace.

I said in my debate on the Throne Speech that we have a fine Community College. I take my hat off to the President, the Board and his staff. And we can say that the minister has done some things there as well. I could not say otherwise, because I was a part of the government that instituted certain things. But, I maintain that the Community College is not being used as best as it should and government does not give it funds to do certain things—not even the proper marketing of what is there. This is where government has fallen down.

The President of the Community College, Mr. Basdeo, and I got together on the Cayman Training Initiative (CTI). He had no funds. Neither did my ministry. But we went out and we tried to get certain things done. It was obvious that the will was not there, and I do not want to start any unnecessary bickering or controversy in the House, but training was controversial and I do not see how we can get out when government says one thing and we say another.

What I would like to come to is some agreement where something is done. They can say I had the ministry for a certain time—I sure did. At times I had no funds to work with, but I tried to work with what I had and tried to put certain things in place. I maintain that the will was not in Executive Council to get certain things done or else the whole report would have been tabled in the House and not just the recommendations or just certain recommendations.

For instance, when I say the report, I am not saying that everything in it had to be accepted. No. They talked about apprenticeship schemes. It went on to note certain things about the education system. It pointed out the main features of the Cayman labour market; full employment, limited scope for more local supplier capacity, strong dependence on expatriate skills, incidents of multi-job holding, low level of employment, relatively high vacancy levels in selected categories, relatively high rates of under-qualification of the labour market, high percentage classified as managers and professionals, limited investment in human capital at establishments and individual levels.

We know that it takes at least four years to get a college or a university degree. So we cannot supply all the needs of the labour industry or market at one time. And we as representatives owe it to our people to say that to them. Never let them believe that because we are Caymanians we can demand a job. The man that puts in a large investment wants to know he has competent people dealing with that. The man that is paying \$400 or \$500 a night at a hotel wants good service; he wants to see smiling faces.

So we as representatives need to be about telling our people this and saying if you have a job and you are expected to be there at 8:00 a.m. then unless you have good reason otherwise you should be there. And if you are only expected to take one hour for lunch then you are only just supposed to have one hour for lunch. And on every job there is somebody in charge, there is a boss.

There is an old saying which I can't repeat but I think you know it because I heard you mention it yesterday.

We have to be up and about telling these things to our people, helping them. A large majority of them will understand the situation. Again, I say for emphasis: The need is for training to get to the workplace and training after the workplace. Some of that needs to be done. I talked about it in the Throne Speech when I spoke about the career guidance and counselling that needs to be done at high school level early. I sit here and I say that I have not heard yet whether it is being done but I don't believe it is being done sufficiently and people taking the wrong subjects for the things that they want to be.

We are not going to have qualified Caymanians and it is simple deduction. If we are going to maintain the standard of living that we have, we have to keep development at a level we can handle. And I am not just talking about building, I am talking about expansion of the financial sector which we all want but that too brings people with it. To do that we have to qualify our people. And until our people are qualified, we have to let them understand that we are going to have to bring in people. We all know this.

So, it is going to be a while before we ever come to the position we want to be, where we have a vast majority of properly trained people.

On the education system, that report it said, **"There is a need for a better preparation of students for the world of work as well as emphasising problem solving, creativity, adaptability, self-motivation and co-operation."** At that time they also said, **"To motivate parents to provide a more supportive home environment so as to enhance academic achievement, foster cultural identity, encourage greater participation in uniform groups and junior service clubs as a means of increasing self-confidence, community responsibility, leadership and discipline."** Stress the importance of a career rather than a job.

It pointed out that the vocational guidance and career counselling activities in the high school should be more structured, possibly including increasing the size of the counselling staff. All students in the upper grades of the high schools should be involved in a more structured and comprehensive system of work attachments.

That report went on to say that from a training system, civil service training and a human resource development programme should be developed and surveyed and existing records could be used. Identification of persons for specific types of training at suitable facilities and/or institutions and/or programmes. Personnel department policies regarding long-term training should be reviewed to identify if the deficiencies and or these incentives to training exist.

So it not only dealt with the private sector but it dealt with government. It said, **"Training and orientation of teachers are essential priorities. Work attachments in other departments or affiliated companies or administrative internship programmes would be well beneficial for new recruits or young inexperience**

officers who have been promoted or are recruited into relatively senior positions."

The Committee made good recommendations. We know that there have always been divergent views in discussion with various groups of persons regarding whose interest are being protected by the Board, that is the Immigration Board. The Committee had this to say, **"The Board is faced with a situation in which its implicit short-term objectives of keeping the economy going appears to conflict with its implicit long-term objectives of attempting to develop a more skilled Caymanian work force. An approach is to lengthen the period of time of the work permit for selected categories of workers but specify the conditions and increase the monitoring of the employers' establishment to ensure the required efforts to identify and train Caymanian counterpart staff. The duration of the work permit should correspond to a reasonable training period with the training and transition of the counterpart staff."**

"A re-tool immigration capability or the labour department Manpower Unit staff, can do increased monitoring. Expansion of present resources would be necessary in order for the task to be effective." So I think that the Committee had their hand on the pulse of the situation.

It beholds government to move in the areas that we have pointed out and to see to it that some of these are set in motion. I ask members, I ask the government to look into this, to move quickly by setting up another committee to deal with it since I know they are not doing anything about it now. But fast action needs to be taken. There are all sorts of problems out there that need to be addressed.

I don't need to go into the whole matter, I think I dealt with it in the Throne Speech of the take-over by companies on the outside, how they affect especially the Caymanian women who contribute so much to financial industry. Some of them while they can be given good severance still have a lot to offer the country or any company and need to have been given that opportunity. Government needs to be vigilant about that situation.

Thank you, Madam Speaker.

The Deputy Speaker: Does any other member wish to speak? The Minister for Education, Aviation and Planning.

Hon. Truman Boddan: Thank you, Madam Speaker. I have listened to what the First Elected Member for West Bay, the former Minister responsible for Training, has had to say. It brings out very clearly the fact that for the five years or thereabout that the First Elected Member for West Bay was the Minister responsible for Labour, Training and Human Resources, he achieved very little.

The move to blame the present government (as it is made up) for the problems in training and labour—when that honourable member was responsible for it for far longer periods of time than this government—is basically saying that very little was done during his time as the minister responsible.

I would like to make my position clear. I will show what I have done in the past seven years, and will point out as the motion very clearly states that between 1992 and 1996, in fact a bit beyond then, the ministry responsible was the Ministry of Community Affairs. If there are no programmes in place on these training initiative policies, the blame must rest squarely on the shoulders of the First Elected Member from West Bay and the mover of this motion.

The responsibility for it laid there throughout one whole government—full four years—and part of this government's period of about year after. So for five years, let's get clear where responsibility for this has lain.

Now, the portfolio has changed. Two months [ago] Human Resources became my responsibility and there was a part transfer of about, I guess (I will say exactly when) a year and a half ago, when responsibility for Technical and Vocational Training was moved across. Now, I can endorse what the First Elected member for West Bay has said. The government is too far behind in training in this area. But the fault does not lie on me as Minister of Education because I did not have responsibility for the larger part of the time for it. Nor can the responsibility fall on the Minister of Community Affairs, Sports, Women, Youth and Culture because she has only been a minister since the First Elected Member for West Bay ceased to be a minister.

Let's put the blame where it should lie. The responsibility for the past five years—from 1992 to 1997—lay with the First Elected Member for West Bay. And if nothing has been achieved (or very little as was pointed out) then the only person to blame is the member who brought this motion. I can see why the motion was brought because it is in an effort for the first time to maybe get something done in this area.

I had to deal within the schools and I have effectively dealt with a considerable amount of training. But it is within the area of schools. And I am going to deal with the area that has been referred to about not sufficient promotions and why some of these courses in my view have not succeeded, as they should.

We have in place at the Community College programmes in construction. That programme deals with broad-base training for the construction industry and I would just like to read from the calendar what it says: **"This is a practically oriented programme, its aims are to provide a foundation, a broad-base training for the construction industry. It also provides a platform for continued study by the student to ensure advancement in any area associated with construction. Project work is an essential part of the programme."**

And under work experience, they spend two days a week at a work experience attachment and successful completion of the work experience is required.

There are also courses in electrical and those are practically oriented and broad-base programmes. Once again, work experience is involved.

There is also a programme on the hospitality side and this programme provides students with an overview of the hospitality industry in preparation for entry-level positions in tourism related fields. Theoretical and practi-

cal training are given in a range of subjects required by the hotel and restaurant industries.

There are also courses that relate to things like computing, bookkeeping and over and above that a very effective associate degree programme. So, the college has not only courses that can assist on the practical side in technical and vocational areas.

I would just like to give some statistics on the associate's degree. At present, we have a subject enrolment of 504 and we have a total of 162 in the associate degree course. The programme covers accounting, business administration, computer science, hospitality management, physical science, office administration, mathematics, natural science, social studies, literary studies, history, economics and condominium management. The point I am making is that what I have had responsibility for in education has moved again and there are very clear courses in place on what I had responsibility for during the five years that nothing is alleged to have been done in training in the Ministry of Community Development.

We have seen an increase this year in the technical and vocational courses and at present with the certificate programmes, 81.7% of the classes are Caymanians. So, there is interest there. And there is always scope for improvement and we have to keep pushing towards improvement in all areas.

The Deputy Speaker: Honourable Minister would this be a convenient time to take the morning break?

Hon. Truman Bodden: Yes madam.

The Deputy Speaker: Proceedings will be suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:29 AM

PROCEEDINGS RESUMED AT 12:15 PM

The Deputy Speaker: Please be seated. Proceedings are resumed. Debate continues. Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: The 1996 Manpower Development Advisory Committee Report addressed the matter of the training initiative and at that stage this training was and had been for the previous four years under the First Elected Member from West Bay.

The Report was submitted to the Commonwealth Secretariat in London and they were asked for funding and that was approved subject to certain terms of reference. The terms of reference required for the consultant is to review critically the Manpower Report and data in the light of other countries, policies and practises. And, also to review critically the Manpower Report in the light of local research to update and check the validity of the report materials. Also, to look at restructuring the Human Resource Department.

Let me say that this is not under me, even at this stage. It is basically the Labour Department so I don't

intend to go into any details there. And to assist in establishing the role and objectives of a steering committee when required and to prepare an action plan and coordinate with the Human Resource Committee and any steering committee when required in implementing the acceptable changes.

Since that requirement, a few months ago part of that has now been transferred across to me. One of the important matters which arose and which the consultant commented on was in relation to the statistics that were not researched by the Manpower Report. The major statistics not researched during that report reveal that of the approximately 1,600 employers in Cayman, approximately 1,300 have fewer than ten employees. One hundred and fifty have 10–19 and only 100 have 20 or more. This is, therefore, a clear indication that approximately 80% of employers would find the recommendations of the Manpower Report difficult to comply with in terms of training costs and releasing staff for purposes of training.

So one of the things ascertained and one of the few things that was done during the four years from 1992–1996, was that this report was produced. The Report, however, has a very serious flaw in relation to the statistics.

What is set out, as I understand, from the consultant is basically that the report deals with the big companies, deals with the large employers. And 80% of the employers in the country are smaller employers employing ten or fewer employees. Therefore, you cannot apply the criteria that relate to companies with large staff to that which applies to small companies.

If you go to a Caymanian who is employing four people, for example, and say to him employ a back-up to take over from the person in charge, the company in all likelihood can't afford the salaries for two people for one-fourth of their staff. Whereas if you go to a large company and you say put in somebody to under study this one, the large company can carry that salary and those benefits.

So this is one of the things that I have now asked the consultant to look at, and I believe that the Manpower Committee (I want to make this clear throughout everything I say) did as much as they possible could and it is a valuable report. They also consider it as the First Elected Member for West Bay mentioned the 1990 Report that had been done. But this was one area which the consultant who I am happy to say has within the last month or so come across or at least had agreement to come across to my ministry to look at these areas of training.

Now, there are two aspects of this and I have dealt with that which relates to the schools and the college. I am satisfied that while there is always space, there is always that one who could do more, a lot has been done. I can say that in the seven years that I have been dealing with the vocational education and training in the schools and in the college, I have achieved a lot. I am very proud of it. But where the problem has arisen is beyond that and this is the area that I didn't have responsibility for,

and that fell under the Ministry of Community Development since 1992.

The Careers Advisory Service in the high schools is a very important service and we are doing certain continuing improvements to that. It is very important that students who are getting into say, Year 9 or Year 10 have the necessary counselling to know where they are going when they come out. Probably only 15%–20% of them will go on to colleges and universities. The balance will be in the world of work.

But there are also on-the-job requirements that go with students in the schools as well and this is an area that continues to be developed.

I guess the difference despite the criticisms levelled at my ministry is I have in place a system within the education system that is there and has been there for considerable period of time. Like I said, it can always be improved and be constantly worked on. It's part of the National Education Strategic Plan.

Lots of stuff has been talked about plans, but at the end of the day plans of themselves don't feed people. Words don't feed people, its action. There has been action in my ministry and I am satisfied that I have some systems in place that are dealing with technical and vocational education and training, and I will continue to build on them. But, as the First Elected Member for West Bay quite rightly said, training that was under that ministry (or was under his old ministry up until recently) is "too far behind" to use his words. I agree fully with that. But to say that no attention has been paid between the nineteen months to now is not correct.

It would have been more correct to say that no attention has been paid from 1992 until 1997 because there is nothing tangible at this stage other than a report that came out in 1996. Four years to produce a report! And, like I said, the report does not train people, it is the implementation of that report that is important. As I can see it, there is a lot to be done but the loss of five years has critically hampered what can be done in this area.

The large employers were quite well covered (as the mover of this motion has said) such as Cable & Wireless. They do a lot of training but there is no capacity within the smaller businesses—either with money resources or the staff skills—to deal with the training of staff. Until we can look at something within the system external to the school to assist the small businesses to deal with training, then I do not believe that we will succeed within this area.

So there has to be focus. And I intend to focus on the smaller businesses as well because I believe that with 80% of the businesses being smaller than ten in number, the focus now has to be directed in that area. The consultant quite rightly is studying the feasibility of establishing a type of service bureau for employers who have small numbers and this will offer low cost professional advice, low cost professional training and service, employment assistance, and possibly, at a later stage (as we move into the computer world technology) [formation] T[technology].

From what I can see with the schools and the college doing everything in the world, unless we can reach

and deal with smaller businesses—and it is the smaller businesses that are Caymanian businesses—this is where thrust has to be. Now that is fully under me, this is where I will be turning to look. But they are the areas that up to this stage have suffered and been neglected because the Immigration Board cannot say you must put in a second person to understudy the foreign person who is running this area if there are only four people in the business. The Caymanian then would be basically duplicating it.

I hope the difficulty of implementing some of the Manpower 1996 Report is getting through.

Many of the findings were good, but the thing that the consultant I think pointed out quite correctly (and I must be frank) . . . I need more time to pull in many of these areas in in depth. I am not saying I am totally right on what I am saying, and I am always subject to varying that if I am wrong but I believe this is where the thrust must come. And if it comes in that area there will be better opportunities not just for Caymanian employees but also for Caymanians employers. That is where we must endeavour to solve the problem.

Without proper underlying statistics in relation to jobs and labour, and I know this is another ministry . . . but that is critical to knowing where we are going. There has to be the proper classification preferably under international standards, guidelines, categories rather, that will be the source of taking the decisions relating to the training initiatives that will come about. The careers advisory function will be strengthened and that will continue.

Now, criticism has been made to the College about better public relations (PR). I admit there can always be more promotions. The Community College in this country is successful. There are over 1,000 people—the majority of them Caymanians—who go there for one type of course or another. We are now having students able to get associate degrees in Cayman that are accepted by highly competitive colleges and universities in the United States and Britain, and by the University of the West Indies. So it is now moving on to international acceptance.

Madam Speaker, to tell you how difficult it is to get Caymanians to go to some of these courses—and I admit that this is a problem—we started courses in block work. We began with about 14 in each of the classes. After a month or a month and a half people learned how to lay blocks and the classes dwindled to three or four. That is the real problem because we have over employment and there is always the lure of attracting people away. How do you keep them there? I would like to know too but I don't believe that problem only relates to the Community College.

Sometime ago, I guess about two years (I may be wrong on the time) the First Elected Member for West Bay when he was the Minister for Community Affairs and Training, produced something called Cayman Training, Tourism, Technical Initiative in which people were paid to go there. If I am not right in this the ex-minister can correct me but when he was minister I believe that the minister personally went into each district or some districts and promoted it.

Mr. W. McKeever Bush: Though I haven't done anything!

Hon. Truman M. Boddin: And also the information was [published] by the government news bureau. And despite all of that promotion and the minister personally going from district to district, there were less than ten people who joined for that training initiative in the hospitality industry and only six of them were Caymanian.

So the problem doesn't just lie with the Community College, the problem is a basic problem where we have to teach our people that it is important sometimes to sacrifice some money to get some more learning. Learning is something that money cannot buy and it is something that remains with you throughout life. Money comes and goes.

Now, I believe (and I have seen this at many levels) that more promotion has to be done. But don't just criticise the Community College when the ex-minister—the First Elected Member for West Bay despite his personal promotion of this—really failed to get people out as well. In fact, the courses really didn't fly, if I may use that, but a lot was done to try to get them in.

As long as we have a period of over-employment, . . . we have been in a boom for four to five years. Most of Cayman's economic period regardless of the government has been a boom stage. It has moved upwards, let's face it, and we have over-employment. People become disinterested in leaving the work place to go and take further training. Some do, don't get me wrong. Many do. But many also do not.

With this initiative, from what I can remember, the government actually paid the students to go to school. They weren't students; these were people in the work place. So it is not easy, and I accept it is not easy. I will do everything I can to see how we can motivate our people for higher training and more education.

During the five years that practically nothing was done, the Minister (if I am wrong, he can correct me on this) travelled to Singapore with a delegation to have a look at different things there including training. I think he and his Deputy Permanent Secretary or Assistant Permanent Secretary (Mr. Mario Ebanks), and others, went to Canada to look at systems. They travelled to Bermuda or at least some of them did. They also travelled to The Bahamas. Now, I have not had the benefit of that and quite frankly I would not spend the public's money running all over the world looking at these systems because what we have here is a set of problems that are peculiar to this country and they will have to be solved in this country.

For me to spend \$6,000 - \$10,000 going to Singapore or Hong Kong or someplace to look at their system . . . it probably works there and it will probably be good to look at it. But I believe that we can develop because we have the Caymanians with the ability here who along with the technical help that we now have, I believe we can put together what is necessary to deal with the problem. I believe if further systems are to be looked at, they should be those that are similar to ours and nearer home.

Now, there was talk about this Manpower Report, areas of it not coming to the Legislative Assembly. But I noticed the First Elected Member for West Bay—who was the minister—didn't mention why some of that didn't come. Perhaps I will reserve that area, but there were areas of the report that believe me if they . . . at least one area, if it had come to this House, it would have raised some eyebrows.

[Inaudible interjections]

Hon. Truman M. Bodden: No, it was not that. *[Laughter]* I am sorry Madam Speaker. I appreciate that I should not be talking across the floor, but I had a lot of comments thrown at me there.

So I would like to continue with building and promoting the advisory service in the high schools and also to assist whenever possible the private high schools to also ensure that their counselling is there. To go through areas of the Manpower Report . . . there are a lot of areas in there that are good. It obviously needs updating. I think a critical area is in relation to dealing with the small businesses (and I call those businesses of one to ten employees—which actually make up 80% of our islands' businesses) and to try to come up with practical considerations in relation to how to deal with them.

I think the 1996 Manpower Report quite effectively deals with the large businesses but it is impractical to small businesses both from how much resource they can spend and also how much time can be taken out. If you have four employees, you just can't take one employee off for a week and send him to school. But a lot of that training can probably be done in another way to avoid long periods out from the work place.

It is a long and hard road ahead on this. What has been outlined and what this motion has clearly drawn to the attention of this house and the public is the fact that between 1992 and 1996, the government accepted a policy through the Ministry of Community Affairs for a training initiative. Substantially all we have is a report that has had very little implementation, if any, and perhaps the First Elected Member for West Bay could tell us the areas of implementation under the training initiative that went on from 1992 to 1997.

It is true that part of the motion is correct, we did accept the policy. It goes to say, **“the need for training the various sectors of the island continues to grow.”** It continues to grow and it is more difficult because five years were lost from 1992 – 1997 when something more tangible could have been done.

The operative part of the motion states, **“BE IT NOW THEREFORE RESOLVED THAT the Government carries out the undertaking given to the country to see that proper and viable training programmes are promptly implemented in the country.”** It is a clear indication that proper and viable training programmes have up to this stage not been implemented in the country and they are now asking the government to do so.

But don't blame this government for the first five years of the failure to implement this policy, please. The

imputations levelled at this government applied when the First Elected Member for West Bay was a minister with this government in charge of that training initiative. What I would like to clearly get through is that this is not as simple as saying tomorrow implement something. It has to be done right and the statistics from 1992 – 1996 have to be brought up to date and the proper statistical data put in place before decisions are taken.

So, on behalf of the government I am very happy to accept this motion. But this motion takes no blame whatsoever for any consequences done for the first six years. At least, not by the minister who succeeded the First Elected Member for West Bay about a year or a year and a half ago, the present Minister for Community Affairs. The motion points very clearly at who was responsible and where the policy lay. And believe me, a large part of that report was controversial. It could have been implemented if there had been the will to implement.

[Inaudible interjection]

Hon. Truman M. Bodden: Why didn't you do it?

The Deputy Speaker: Honourable Member, would you direct your comments through the Chair, please?

Hon. Truman Bodden: Thank you, Madam Speaker. Through you to the honourable member my question is: why didn't the First Elected Member for West Bay implement in six years nearly, that honourable member was responsible for—training? Why wasn't there an implementation of the policy?

It is easy to stand here and talk, as words are cheap.

[Inaudible interjection]

Hon. Truman M. Bodden: Well, I believe I am more competent (through you, Madam Speaker) to say what I am saying than that honourable member is. And I know when I should sit down and I know when to keep my mouth shut—which is one thing that is lacking at times.

To be frank, where training is needed badly is for members of this Legislative Assembly on how to conduct themselves in this House. I think we will all benefit from it!

Training is lifelong, but it must be along the whole spectrum of the work force because there are times when the examples set by certain politicians are really not what the youth of this country need to follow. I mean, lets be frank about.

If this motion is correct, and I accept the first part of it that says that a policy was accepted, 1992 – 1996, and then it goes on to say that the present government, and I guess the present minister (me) who has training at this stage should implement it. I am happy to do that. I am happy to do whatever I can. But it is not going to be an easy task and that is perhaps why for five years nothing was done on it. I will do my best. I give that undertaking to this House and this country. I would ask for support. I

think that after this motion is over with perhaps the politics in this area should stop.

Let's see if we can help to get our youth, our adults and to implement lifelong training for the people of this country and help the small businesses that make up the vast majority of businesses in this country with training through proper programmes, proper assistance and the uniting of Caymanians and residents in this area to move forward in unity towards providing better jobs, better businesses, better promotions for Caymanians.

Thank you.

The Deputy Speaker: I think this will be a convenient time to take the luncheon break. Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.26 PM

PROCEEDINGS RESUMED AT 2.25 PM

The Deputy Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 2/99. Does any other member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to make my contribution on this motion and I wish to preface my comments by saying that there is a clear and distinct differentiation between education and training. I would also like to show how training is significantly different from education and how training is an important element in the future development of the Cayman Islands especially as we enter into the 21st Century.

I don't necessarily see it as my responsibility to defend the efforts made by the First Elected Member for West Bay who was at one time the minister responsible. But I want to say in all candour and in all honesty that at the outset, the efforts put forward by that minister in this Honourable Parliament to the best of my knowledge were worthwhile and well meaning.

I vividly recall when we discussed the CITI. He laid out the parameters and tabled the relevant documents. I was then, as I am now, an Opposition Member and we were on opposing sides. But because I saw the merits in what the former minister (now the First Elected Member for West Bay) was trying to do and realised it was a worthy step in the right direction, I quickly identified myself with those overtures. I went on record both in the House and in a public meeting in my constituency. I vividly recall promoting that programme and encouraging young people to avail themselves of that opportunity.

I am going to say now as I said then that the fear I had with the proposals was that they may have faltered because the minister proposing them then (the First Elected Member for West Bay now) may not have received the necessary support from his Executive Council colleagues. Having listened to the presentation put forward by the minister who has responsibility for education and now shares some of the responsibility for training, I now understand why the programme and the proposals and the efforts did not experience more success.

It seems to me the bottom line lay in a kind of rivalry, if not jealousy, and the programme was not allowed to come to fusion because the politics of the situation did not allow the players to reach the sufficient level of maturity to be cooperative. There was obviously some attempt on the part of some people to distance themselves from the efforts put forward by the minister.

Madam Speaker, that seems to be peculiarly a National Team problem. But I will leave that to my good friend and colleague the (now) First Elected Member for West Bay whom I know equips himself well on these kinds of occasions to completely exonerate himself. There is an old saying that fools rush in where angels fear to tread. I am not an angel, and I resist the urge this afternoon to be a fool.

Madam Speaker, the first thing I think we need to realise in this whole debate is that there is a necessity to have a fresh approach to this effort. This is not only unique to the Cayman Islands, other people have suggested that this whole business of education and training needs a paradigm shift. We need to somehow unfetter ourselves from the old beliefs that we have been labouring under. I have not been completely and totally satisfied with the efforts of political directorates since I have come to be in this House as regards the notion of training—especially in the Cayman Islands.

I want to make a distinct differentiation now between education and training. When I speak of training, I take it to mean an orientation towards technical and vocational fields, but not exclusively technical and vocational because there has to be a marriage with some academic subjects—mathematics and language arts. In more sophisticated cases, we talk about subjects like chemistry, physics, calculus, algebra which are necessary to understand certain principles in electromagnetism, electronics, construction and these kinds of technical areas. So I want to make the point that while training pre-supposes a certain amount of hands-on experience, it is not limited exclusively to that hands-on experience. The trainees at some stage must be expected to deal with the traditional kinds of classroom subjects if only for ease of communication and the ability to understand and explain principles.

Madam Speaker, this is a good point to interject something I learned just recently. The First Elected Member for George Town and I recently returned from a global education conference sponsored by the international accounting and consultancy firm Arthur Andersen. At this conference, not only were education issues discussed but also training issues.

One of the presenters at this conference was a German man named Albert Hoser who was (up to a short time ago) President and CEO of the Siemens Corporation. The Siemens Corporation is one of the largest most successful multinational corporations in the world. It is a German electrical firm with a large history of success. Mr. Hoser has retired from the firm, but he now heads up a new organisation called the Siemens Foundation, which is an educational foundation whose primary objective is to foster training and develop trainees who will be funnelled into the enterprise.

Madam Speaker, he raised a significant point: Siemens assumes a great responsibility for training their employees from the high school level. And he said something that I found very significant. He said that there is no employee taken into the Siemens Firm who does not have a mastery of calculus. And, how do they get that mastery? The corporation has assumed that responsibility. They take the trainees from high school for the lowest job. In order to be employed at the Siemens Corporation, you must have mastery up to high school level of calculus. That mastery is acquired by a combination of two things: practical work and classroom knowledge.

He made another profound announcement that, especially in the United States, the corporation has an enviable record for maintaining its employees and it has the lowest turnover rate of any of the Siemens factories and organisations through out the world. Why? Because they have spent time and effort in organising a successful training programme. Why is this necessary? Because this corporation realises that it must take an active interest in its stakeholders. By doing so they are increasing their profit margin and eliminating certain pitfalls like having to train and re-train new staff.

As I listened to the presentation by the Minister of Education, I began to get the larger picture of why these efforts so frequently fail in the Cayman Islands. There seems to be a disjoining among the various organisations responsible. And I have to ask myself, will we ever have successful training when that training is split among three different ministries. I mean, can we not see that this in itself is a weakness?

I noticed that the split only came about after the responsibility was relinquished by the now First Elected Member for West Bay. I have to be concerned with the fact that attempts are made to blame that minister for not doing enough to exonerate the current holders of the responsibilities by saying, *'Well, we only had it for two years. And since we got it here is what we were able to do.'*

Well, as I listened that what was remarked to have been achieved, as far as I am concerned is still not good enough. I think that the first truth we have to come to accept—if we are going to be successful—is that we will never completely master this if we have to split it among three different ministries. I understand now that the right hand does not know what the left hand is doing. And we said that from the very beginning! When the split was made there were those of us who remarked that it was not going to work. Here is another point I wish to make before I leave this: The former minister must not have done such a bad job if he as one person was able to do what three are now trying to do!

It is true that 85% of the students fall into this category; only 15% (and this is an international norm and standard) go on to college and university. The other 85% fall into the category of technical and vocational training, which is not in any way to imply that they are not academically sound or they cannot make the academic rolls. We have to find a way to get the best results out of this 85% in the Cayman Islands. I am suggesting that we

have to begin by overcoming some historical, cultural and social obstacles.

Unfortunately, in the Cayman Islands the idea seems to be rather prevalent that if you work as an auto-mechanic, or in construction, or if you are an electrical technician, a mason, or a refrigeration technician that you are somehow a lesser being than the person who wears a neck-tie or fancy attire and works in an office. I have to say again and again to young people coming to me soliciting advice that there is no difference between the dollar of the mechanic and the dollar of the accountant if it is earned honestly. If you go to the bank on a Friday evening and you are a mechanic and I am an accountant the bank teller does not say that your dollar is only half a dollar because you are a mechanic. If it is the same legal tender, it has the same value. So that stigma is more a perception than it is reality.

The bottom line is this that there is dignity in any labour—as long as it is honest labour—and it takes all of us working at our different vocations and professions to make the country strong.

The foremost and greatest example of such a diversity of backgrounds, professions, vocations and labour is the United States. For all its faults, it is the envy of the world. Why? Because it has been so successful at capturing this notion that many people in all of these different fields come together to produce and make the capitalist system work and keep the country strong.

Now, we have no factories and no assembly lines and we are a much smaller population, but if we master the concept and are able to separate and make the distinctions we can be in our own right just as strong and just as powerful. But first of all, we have to see the need for a new paradigm; we have to understand that we need to shift away from placing blame and from saying, *'Well, the former minister had it for five years and he didn't do anything but a survey.'*

All right, we have survey! Let us begin with that. And I want to say something else that I have noticed in my tenure here: If there is no chaos, there can be no progress. If you don't have a situation where you are sometimes in a quandary, where you come up against an unfamiliar problem or you are challenged by something out of the ordinary, how can you grow? So it is unrealistic to expect that every time you inherit a position you are just going to be able to sit down and say, *'Well, isn't this nice and cosy. Here is the road map, all I have to be able to do is follow the direction in which it is going.'* If you don't have to unravel some situations and if don't have to be creative and inventive, you will never learn, there will be nothing for you to measure your progress, your intellect, and your efforts against.

Madam Speaker, I contend just as Alan Kay said that the only way we are going to control the future is for us to invent it, the only way we are going to be successful in training is for us to invent or craft a training programme which is going to give us the results we want. And we are not going to get that by pointing fingers with the Opposition blaming the Government and the Government blaming the former Minister. We are not going to get it by that. All of us have to put our shoulders at the

wheel and try to work together. This is a glorious opportunity for us to do that now.

I want to draw attention to something else which I think is of great significance. A short time ago a question was posed in the House to the Minister with responsibility for Education, Aviation and Planning and the question was: "What plans have been implemented in relation to career training since the Ministry of Education assumed responsibility for this area?" Well, I won't read all of the answers that were given, I just extracted two significant areas which I crave the Chair's indulgence to make reference to.

The minister went on to say that he was **"re-examining the concept of career training since he had assumed responsibility for it in 1997."**

"Discussions have been held with principals and senior teachers from private and public secondary schools on Grand Cayman and Cayman Brac. As well as with principal and president of the two tertiary institutions, a career advisor, human resources managers, personnel officers and a selection of managers from private business."

And then he went on to say that there had been **"vocational courses proposed by the Community College and the International College of the Cayman Islands and other providers and that these courses were often greeted enthusiastically by parents and potential applicants. Curriculum are developed, equipment purchased and instructors hired. Subsequent poor enrolments and retention rates have left providers quite tentative when considering vocational courses."**

Two weaknesses immediately come to the eye of a trained professional, such as I. The minister said, **"Discussions were held with principals, career advisors, human resource managers, personnel officers and a selection of managers from the private sector,"** but no discussions were held with the prospective clients for whom this service is going to be provided.

So now you tell me how people can be surprised at the failure? If you are going to provide a service for me and you have not come to pull my opinion and to ask me what kind of service I would like, do you think you are going to be successful in selling me that service? No, you are not going to be successful. You must come to me and say, *'Listen mister, I want to go into the business of providing a service for you. Tell me what kind of service you would desire.'*

So all of these people have been polled but the most important element have not been polled—that is, the clients and the prospective clients—these young people and the other prospects. So it is no wonder we are not achieving success.

And then the dropout rate is high. People come in, there seems to be some great enthusiasm at the initial instance when they all come in and they dropout before the course has reached its conclusion. But in the answer, the minister said, **"...retention rates will be monitored carefully and it is recommended that students dropping out should be surveyed to document reasons for leaving."**

No, that is wrong! They should be documented to provide reasons for enlisting in the first place. While it is nice to know why they leave, you want to know why they came in the first place. Accessing that knowledge is going to help you make it more attractive for more of them to come in and you have granted that a certain percentage of them by attrition are going to drop out. You want to develop and devise a strategy that the more you recruit, the more you retain. You are not interested in them dropping out, although you want to stem the flow of the dropouts. You want to find out why they came in the first place. Why did they lose interest? Was it after a week or two because the content was not what you expected? Is it that you were dissatisfied and bored with the practical or were the classroom subjects too difficult for you? Was the level too difficult for you? Why are dropping out? Why did you enrol in the first place? Did you think this was just going to be a fun thing? But we have to make it a fun thing if that is the reason that they dropped out. We have to find a way to make it a fun thing.

Clearly, there is room for improvement. But these are the most striking reasons, as far as I am concerned, and I want to express this rather gingerly, because it is a delicate matter and I do not wish to be misconstrued. Some employers are anxious to fill vacancies and are less demanding about experience and qualifications and because they have an overriding need to fill a vacancy, they provide attractive salaries and wages to start with, and then lay no emphasis on training. Those employers that do that, are short-shifting themselves.

Other employers have encouraged employees to give up courses early believing them well enough prepared to cope with on-site demands and offer fuller pay for full-time work. Again, they are short-shifting themselves and I would say that it is short-shrift and due to a lack of insight rather than another thought that come to my mind.

It is not a good practice and the employer has to understand that in the long run these shortcuts and this abbreviated opportunity for training their employees does not serve them well, does not bode well for their organisation because they lack immature persons; and certainly, does not in the long-term help the employee. In a jurisdiction where it is an accepted norm that people move from job to job, they are doing no one a favour. When the person leaves Company A for Company B (because Company B offers \$10 more), that company is not better off either because the person is not fully trained. I would try to find a way to discourage employers from abbreviating their staff training.

I have learned that the greatest success in these kind of ventures comes from organisations that let the employee feel a viable and integral part of the organisation. That is done through a number of incentive programmes, and each company or corporation has its own peculiarities. But I must admit that we in the Cayman Islands are somewhat disadvantaged because many of these companies and corporations have their headquarters established elsewhere and so they are not at liberty to make certain offers.

In the 1980s, the Japanese were hailed as the most successful business enterprises. Unfortunately, with the economic downturn this model is not touted as a worldwide model any longer, but it was recognised and it still is that their success lay in the fact that they were excellent providers of in-service training. Having gone through that training, the employee was made to feel that he or she had a stake in the company or the organisation.

Madam Speaker, in an age of mergers and acquisition I think that this is a challenge but not an unrealistic achievement. I believe that one approach we could take to bolster our success rate is a public relations campaign with the major employers here who do not already have in place some kind of effective in-service training programme.

In earlier contributions, two companies were mentioned—CUC and Cable & Wireless—both of whom according to what I read in the media, have fairly successful and progressive in-service training programmes. There are other corporations that I think can do much better and immediately some of the people in the finance industry come to mind. They do a lot of training as it is peculiar to that particular vocation but many of them can do much more.

Regarding the smaller companies which the Minister of Education spoke about, those having ten or fewer employees, I think that the government can best help by setting up some sort of bureaucracy to offer guidance as to how these entities can strengthen their staff training. And perhaps, the government could offer some kind of incentive that would not be a financial burden on the institutions.

An example might be that the government enter into some kind of arrangement with these companies whereby the government subsidises the training and a situation could be arrived at whereby the training could be very versatile for part of a day, two or three days per week. The government will take care of the cost of the classroom training and the company would meet its share of responsibility by keeping the person in their employ—albeit at a somewhat reduced rate of salary until the training is completed with the understanding that upon the completion of the training, the person will become a full-time, full paid member and would be available and eligible for any upward mobility.

I believe it is unrealistic for the government to attempt to provide all of this in and of itself. Perhaps that is why these kinds of efforts failed in the past. That is perhaps one of the weaknesses with the system that was offered previously.

I believe that in the 21st Century, we have to get away from all of the responsibility being assumed by the government. That is why I am an advocate of social and corporate responsibility whereby we have more partnerships between the government and the private sector. In these kinds of ventures, particularly in a place like the Cayman Islands where we have a limited tax base hence a limit to the resources that the government can provide. But in order to do this, we have to craft a decent public relations programme; one which we will be able to sell to

these entities whether they be small business enterprises or whether they be the multinational corporations.

We are not going to be able to arrive at that by staying in the Chamber pointing fingers at each side or at each individual. I think that there are enough people inside here with the intellectual background and the practical experience to come up with a rudimentary plan that we can take to the wider community for input. But I would caution against developing any kind of group that is going to further burden the bureaucracy taking ten months in order to craft the report that will be necessary to please every Tom, Dick and Harry and their disparate interest.

The most important caveat is that such an entity should not be dominated by the employers because, of course, we are only going to get one biased perspective, that is, the employer's. I am not saying that anything may be wrong in their perspective, but we need to balance this. And the bottom line is, of course, we have to get involved at some stage the clients and the prospects for whom we claim we want to provide this training. If they don't tell us what they expect and what they want, we can stay here till as many years as Methuselah was old (according to the Old Testament) and we will still never get it right.

For all of the admissions and the self-righteousness of the Minister of Education, he failed to take that into consideration. That is where we cannot continue to repeat that mistake because we are doing nothing but repeating failure and history will not be kind to us if we do that.

Now, there are other problems. I believe that one of the reasons we have failed to get sufficient people in the Cayman Islands interested in vocational and technical training is because there are elements in our society who do not wish to work for companies and organisations but wish to work for themselves. And in this discussion on training I have heard no mention made of accommodating these kinds of people.

I would say that the Cayman Islands are eminently equipped to absorb this kind of entrepreneur and to take advantage of this kind of technical and vocational training. For example, for all the tourists we have, no souvenirs are made in Cayman by Caymanians. It is an enterprise that for years I have said has gone begging. You go in the stores and you can pick up the item, turn it upside down, and it says made in Hong Kong, made in Taiwan, made in China and you go and you can shop at the most expensive and exclusive Freeport Plaza and the stuff is still imported. I am not saying that we have to make everything, but I am asking what is wrong with an entrepreneur being trained into basket weaving?

You know, I am reminded of a young lady in my constituency. This lady is the most excellent straw-work craftsman that I have ever seen. She had an exhibition at the Bodden Town Heritage Day at the Civic Centre last year and the year before. I made it my business to ask, "Where did you get your training?"

She told me she was a graduate of a vocational training programme in Jamaica (because she is a Jamaican married to a Caymanian).

I told her, "Lady, I have seen good work but this is excellent."

Do you know what she told me? She works at one of the major hotels here, and she said, "Mr Roy, believe it or not I cannot make these things fast enough. I cannot keep up with the demand."

And I asked her, "Were you given the opportunity, would you be prepared to impart this skill and your knowledge to Caymanians?"

She said, "Of course, I will do that."

These are the kinds of things that I am talking about. I am saying that in addition to the vocational and technical training, consider the training of individuals for individual entrepreneurship. But I want to take it a point further. I would like to see some kind of an organisation set up whereby these people once they are trained could go to the organisation. And again, it does not have to a government organisation. It could be an NGO and access a micro loan. I talked about that too because the model for that is an organisation in Bangladesh called the Gramean Bank, where the bank lends only up to \$1,000 and below for micro industries.

Of course, it would have to be tailored to meet the requirements of the individual jurisdiction—\$1,000 might not be able to get you very far in the Cayman Islands. It is idea, the model I am transposing, but not in all of its rigidity. If we are serious, these are the kinds of things that we can look into.

And I want to say something else about the Gramean Bank. Just recently the United Nations set up a foundation for people not only from the developing countries but many of the inner cities in the United States to study that. And if you go on the Internet, you can access all of the information you need about the Gramean Bank. They even have a support group and they have a very inexpensive little pamphlet (US\$15) telling about it.

There is an organisation in Boston, Massachusetts in the United States called Accion International, which on-lends money to these organisations who want to get into micro loans. The most recent Governor, Mr. John Owen, he and I talked on length and indeed we struck up a little informal correspondence on this. Because when I raised the matter to him one year at a district visit in my constituency it turned out that he was familiar with Accion International from his stint as a diplomat in Boston, and then I told him about the Gramean Bank. And a few months ago, he sent me some information because he himself did some exploration on this whole business Gramean Bank and the micro loan system. He told me that he was interested in seeing if he could get something set up in Cayman. Because he reckoned that it would be of benefit to certain elements in this society.

I don't know what happened, I only knew that he was working on it. As to his success or lack there of, I cannot say. But I do know that it is something that should be considered in any training and vocational programme that we are talking about if we are serious.

I want to say too that this whole business of training, as it relates to school-to-work, or the popular acronym now is STC, School to Career Training, is taking on a new importance now on the eve of the 21st Century. It is

intriguing because what successful corporations are realising needs to be done now is an incorporation of information technology into careers training. There are several models again in the United States, which have come to my attention most recently. These organisations are not limited exclusively to providing assistance and information to the United States, but will do so on the request of any individual or entity outside of the United States.

They have many programmes, one of which is the National Employer Leadership Council. And what is interesting about the programmes these people set up is their criterion for measuring results. I crave the Chair's indulgence to read a little from a publication put out by this organisation called "Intuitions Confirmed."

On page one, when they talk about measuring students results, "**School-to-Work Programmes, also known as School-to-Career Programmes, provide structured opportunities for students to learn in business environments. With help from teachers and business people, students apply their academic learning to real world tasks and tackle workplace challenges that build on classroom assignments and test. Employers who provide students with work-based learning opportunities know instinctively that these experiences are valuable. For motivated students, contextual learning adds another layer of understanding to book learning. For other students, workplace learning awakens a dormant interest in academics.**" (That marriage that I spoke about earlier between what is practical, meaning what is learnt by the hand and gained from experience, and what is academic.)

I have to say that the attempts at this marriage, as far as I have seen in Cayman, are rather feeble attempts. Without pinning any blame, I want to say why I see them as being feeble. Candidates who come for work experience at the organisation for which I work, just show up. An informal introduction over the telephone, no programme and sometimes they are ill equipped because they don't have the proper equipment.

Now, my experience gained in Canada is if you are sending someone to be trained as an auto mechanic technician and they have go underneath cars, first of all, you have to have protective eyewear because you go underneath a car and you look up and one drop of brake fluid drops in your eye and you are blinded so you need protective eye wear. You also need boots because if you are taking a part off the engine and it drops on your toe and you don't have steeltipped shoes, that is the end of a couple toes.

And then if I am responsible for the training, you have to be assured that I know what the objectives of your programme are. You have to come to me and say, '*Well, I want this person to be seconded here for six weeks, one or two days per week. So who is going to be in charge of this person. Whom should I ask for when I am making enquires? Who is going to fill out the report and the conclusion of that time and sign off on it and what is his or her rank in the organisation?*' Because if I am going to train your trainee, first of all, you have to be assured and ensured that I am trained myself. And the

bottom line is also liability, what am I responsible for? Accidents happen all the time. Do I have to get insurance to cover your trainee or does your trainee already have insurance coverage? You can't just show up.

I was surprised because that is not the kind of thing that would happen anywhere else. I mean someone should say, *'I want to speak with the manager because we have a proposal. I noticed that your organisation accepts our trainees. Let's discuss the philosophy, let us share our sense of what I see is your responsibilities and what ours as the institution sending the training.'* For the best results it needs to be clearly laid out and all these parameters have to be set out, it is not done at present. We can make a significant improvement in that regard.

I think the bottom line is that we need to arrive at a model that we think best suits our jurisdiction. I would encourage the government if it is serious . . . and the minister made note of the International Labour Organisation and other entities that would be more than willing to provide support. But do you know what the problem is? And I wish that I could stand here this afternoon and say that things were different. We really cannot expect any better results when those who propose ideas are labelled as "theorists" and "defunct."

The only way I can take it is with a sense of humour. I have to laugh because to take it seriously, believe you me it would be too depressing. We have to put ourselves in the position where we learn from each other, and if we can't do that then it is no wonder that we are failing at the most basic of enterprises.

I want to say something with regard to surveys. I would not place too much emphasis on statistics and surveys in our jurisdiction beyond the point that they should tell us what the clients and prospective clients want and why they become disillusioned with what we have to offer. One of the reasons I think that surveys may be misleading in our case is that we are a small market. To be consumed by the accuracy of surveys to the point where precision statistics calls for will defeat the purpose of us trying to provide the vocational and technical training.

I think that our use of surveys should be limited to the kind of courses we want to offer. The reasons why we have, it seems, at the beginning great enthusiasm and before the programme is over, the enthusiasm wanes and the drop out and the attrition rate is of such a significant level that it does not make offering the course feasible or economically viable. The very number of vocations we offer is limited in terms of comparison with markets such as the United States.

I want to mention too that there is one other element in this vocational and technical training that is rather inexpensive and that is increasingly being utilised now, that is, the business of mentoring. Many companies and organisations choose further candidates for leading those organisations through a process of mentoring. That is, they may identify one or two persons whom they have found to have leadership skills and technical ability and place them as understudies under some high-ranking officer in the organisation, be that person of a

technical orientation or be it of purely business orientation.

Now, in the Cayman Islands there is certainly great scope for that kind of thing by virtue of the fact that we have many organisations that appear to be eminently equipped to do this kind of understudy. One of the hurdles we have to get across in any mentoring or any technical and vocational training is the immigration matter and immigration issue. This is of great significance because we have a system in the country where many workers are brought in from outside. I scan the newspaper ads because I learned from my classes that reading newspaper ads give one a real accurate feeling of what kind of society one is living in. I wonder how Caymanians feel about volunteering for further training and for study when they read an advertisement for a staff member prefaced by this statement. **"Prior to renewing the application of this work permit, we are advertising for a suitable Cayman. . ."**

Now, on the eve of the 21st Century, it is only in my country that you could get away with that, because any intelligent person would know right away (if they are a Caymanian) that there is already one strike against them prior to applying for a renewal of this work permit. With all of the best intentions in the world I would say that no Caymanian will get that job and that kind of thing is immoral—it is not illegal but it certainly is immoral.

When I say that we have some immigration hurdles to get over before we can effect successful programmes it is this kind of thing that I am talking about. And I have heard numerous complaints about it. I believe that the most successful of these programmes has to be based on an understanding that where possible local people have to be placed in a pool for training.

Listening to Albert Hoser and persons from successful corporate entities, I realise that the fundamental fact is that these people say, *'You know what, if we can train these people within our organisation and keep them, that gives us a much greater chance of success than if we have to go on the open market and recruit people and then train them and then worry about them staying.'* It may be that the very basis of our community is such that that cannot work. But we have to find a way to make that marriage work and so the challenge is for the government to get some kind of PR exercise whereby it can impress upon these entities the necessity of working together to have such training done.

Mention was made too about the Community College. The minister himself said that there could be improvement on the public relations. I would say that the best advertisement, the best public relations is done by successful trainees. They are the greatest magnets for entry into the programme and for people to remain in the programme. And I want to throw this out as a challenge because we learned at the conference (even though it is a concept that I knew before) that one of the things I done at places that offer this kind of training as the Community College, is that some of this training is done by trainees—people who pass through the programme, particularly people who recently passed through the pro-

gramme because they have a rapport with their colleagues that is sometimes difficult for outsiders to catch.

Similarly, the principle could be applied at the two high schools and the emphasis now is what is called group learning techniques and the facilitator could be a student as well as it could be an experience teacher. Indeed, we are convinced that a successful facilitator might well be one of the students in the group and this is a concept that I think can be applied and should be applied in this situations because what we are looking for is the greatest means of success.

There is a great emphasis now on this whole business of workforce economics. I am reminded that the best time to learn a concept and to learn a principle is while teaching it. So this is what technological trends are going to allow us to do. They are going to allow us to get first hand experience. It is going to allow us to work in small groups where the responsibility of imparting the learning is shared among all the group members: computers, videoconferences, on-line, all these kinds of techniques we have to apply.

I would hope that we would be able to arrive at a point where we realise that the responsibility for these kinds of programmes is our—I stress *our*—responsibility. While it may be the parliamentary duty of the Minister of Education or the Minister of Labour and Community Affairs or the Minister of Tourism, to bring them to the Parliament, all of us share a responsibility in making them successful. All of us share a responsibility in making them work. That is why when the former minister brought the CTI I made it a point of encouraging young persons in my constituency to sign up. I will do that now, that is my responsibility. I would be abnegating my responsibility if I stood up here and opposed something and said it is going to fail without involving myself.

For all the faults I have (and heaven knows I have a myriad of faults), I would never be so irresponsible, when something is proposed here, to gloat and say it is going to fail or try to sabotage it.

The Deputy Speaker: Honourable Member, would this be a convenient point to take the afternoon?

Mr. Roy Bodden: Yes madam.

The Deputy Speaker: Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:25 PM

PROCEEDINGS RESUMED AT 3:53 PM

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

Mr. Roy Bodden: Thank you, Madam Speaker. In the time remaining before the adjournment, I shall try to come to some sensible conclusion and arrive at the position that I believe we as Parliament should take with regard to this issue calling for training initiatives.

One of the reasons why it is important for us to arrive at a well understood and articulated position as regards training is that educators and business leaders reckon that in the 21st Century learning is bound to take a different twist. Indeed, there are those people who claim that schools and universities will no longer function as they have been functioning traditionally; and that there will be a closer link between schools and work.

These proponents go on to talk about what they describe as community learning centres and community learning organisation. I crave the Chair's indulgence to quote a brief passage from a pamphlet entitled "Transforming Education—Breakthrough Quality at Lower Cost," authored by Morin Eogol and Richard L. Measly who are partners in Arthur Andersen. Indeed, Morin Eogol is the Managing Director of the Arthur Andersen Project, School of the Future.

The quote is from page 10 and it says, "**A large number of the nation's colleges [the nation being the United States] and universities will no longer continue to exist as such. Many will link up with local school districts to become community learning centres and speciality boarding schools. However, today's leading universities will become even more valuable as they compete to adapt to learners already disciplined in living to learn.**"

This section, Madam Speaker, is what I find most relevant and significant to our situation and to the debate at hand. It says, "**As business organisations enter school-to-work programmes, apprenticeship programmes and internship programmes with secondary schools, businesses will realise significant savings in remediation, training, recruiting and enhanced productivity. As viable pathways open up for the non-college bound, many will consider alternatives to college especially as business begins to expand their human resource development programmes. Eventually, today's fragmented education system of K to 12 higher education and business training will become a unified learning system that reduces the time required for formal schooling while offering the flexibility needed for life long learning.**"

Madam Speaker, that brief statement captures in essence the whole prospect and gives us added reasons to work to ensure that we set up viable and attractive training programmes in the Cayman Islands. Already by our own admission, we realise that too many of our young people fall through the cracks in our system. And if we are to believe what was just read, if we don't find a way to remedy this when the new information technology age takes over, very early now, we will be even worse off than we are.

I would like to lay on the Table a document entitled, *Schools to Careers and Information Technology*, which is published by the National Alliance of Business Education Development Centre in the United States.

The Deputy Speaker: So ordered.

Mr. Roy Bodden: In talking about schools to careers—an emerging approach—this National Alliance of Busi-

ness says that, **“School-to-Careers or School-to-Work activities are ideal for strengthening the academic and work force skills of young people. School-to-Careers is built upon research showing that students learn more when given the opportunity to apply knowledge and skills to real world challenges.”** And it goes on to stress the key components of school to careers as: Contextual learning; Links to post-secondary education; Structured student internships; Teachers internships; Job shadowing

In conclusion, it says: **“School-to-Careers can have a dramatic impact on meeting the information technology needs of today and tomorrow. School-to-Careers provide an opportunity for students to reinforce and apply classroom learning through work place activities. School-to-Careers also exposes students to the variety of opportunities available in the information technology sector and the skills required to succeed in these jobs. As a result, students develop and strengthen both academic and work force skills and knowledge.**

“In addition, when school-to-careers exposes future workers to careers in information technology, it exposes them to virtually every industry in the global economy. And of special significance to our country, for example, the banking, retailing and hospitality industries all rely on information technology to do business in the information age. In the next millennium all workers will need to have a solid foundation in technology in order to get and stay ahead.”

That brings me to one of my most serious concerns. I have always said that I believe we in the Cayman Islands need to place ourselves in position where we take greater advantage in technological trends in education. Certainly, we are eminently equipped to provide that for our students because we have a relatively small student population and also we have always had the kind of finances which should have enabled us to provide our learners with access to information technology schools.

Now, I admit that we find ourselves in a position where we have to play catch-up, but we must at this stage find a financial and physical resource in order to effect a beginning. Because if we allow the next millennium to come in and a significant time elapse and we have not so equipped ourselves, we will never be able to catch up. The reason why I said that is because being able to manipulate, being able to handle, being computer literate is a marketable skill in and of itself and if we can get our students up to that point, we already have a certain amount of marketable appeal in them. If they can progress beyond that level then they become even more attractive to our work force and as the pamphlet said, **“All of the key elements of industry; hospitality industry, the banking industry and the retail industry will be hinged upon some grasp of information technology skills.”** That is the route to go and that is the challenge that we should take up.

I would hope that this debate could place us in a position where we are posed to take off. I believe that even with the divestment of the responsibility among the

three ministries and the different departments, we can still be successful but we have to get rid of the boogey man which has been plaguing us by encouraging us to point figures and to one-up one another. We have to come to the point, we have to look at the man in the mirror and say, *‘It is my responsibility. Man in the mirror it is your responsibility to see that these programmes work. It is your responsibility man in the mirror if you are a back-bench member like I am to go out and sell this idea. It is your responsibility when persons come to you and ask you for counsel and for advise, it is your responsibility to route them in the direction.’*

And for those on the other side, they have to say, *‘Man in the mirror this is my responsibility, I have to work on it. I have to so convince my colleagues on the other side that it is worthwhile and when it is failing, I have to come to them and say, I think we are in trouble, what do you think you can help with to get us over this hurdle.’*

Certainly, I have been around long enough not to take as an excuse and I lament the kinds of comments I hear. The success or failure of the Cayman Islands has nothing to do with the fact that Roy Bodden is more sensible than Tom Brown or has more experience than Tom Brown. But rather that Roy Bodden is willing to lend his resources, his time and his support to the efforts of Tom Brown in order for the country to move ahead because I have put a finite number of years but the country goes on and on.

So we have to shake, we have to exorcise those old ghosts who tell us that, *“I can pound my chest and say all these years I have been doing this so I must the authority.”* No! We are in this together and either we are going to succeed collectively or we are going to fail collectively. It is not by any means an individual responsibility.

Madam Speaker, as a more learning intensive economy emerges the relationship between work and education is changing. The relationship between work and school is changing and it is incumbent upon us that we grasp the significance of this change and that we do all we possible can to ensure that the clients, the learners are involved to the extent where we bring out the best in them. In this new and emerging economy, work and learning is intertwined. There will be no significant difference. We have to find a way.

I like the approach that they have in New Zealand. They have embarked on a venture to bring the corporate entities closer to the government and to the society by encouraging them to get involved in the provision of services that will enhance the learning community, mentoring work experience, the provision of facilities which allows young mothers the freedom to take courses, to spend time in career development.

I want to make one point because I don't want to sound like these kinds of programmes and these kinds of opportunities must be exclusive to the school age because I realise and I recognise that in Cayman we have problems with young adult age mothers, single mothers. To a lesser extent, the young male population is affected by this somehow find ways and means of coping. I think that it is the young women who are especially vulnerable.

Well, I see these same opportunities and these same resources being made available to this element of our population also. And indeed, at the conference recently we were made to understand that it is this element also which are encouraged to take advantage of the opportunities provided. I think the bottom line is that we have many of the necessary elements, many if not all of the necessary elements to be successful. We just have to find a way to intertwine them and work them in such a way that our efforts are cooperative and not competitive.

It is one of the pitfalls, I suppose, of the political system under which we labour that particularly as we approach the year 2000 and the upcoming election that quite often our best efforts are expended at trying to one-up each other in a spirit of competition rather than working together in a spirit of cooperation to achieve objectives of which all of us can be proud. I want to say that the vision that we should hold is one which says that in any educational debate, it is realised that upon the shoulders of education and training lies the greatest responsibility for the failure or success of the country, its economy and its people. We can do well at this or we can fail miserably at this, depending on which approach we choose.

It is of interest to note that the minister replying for the government has indicated that government is going to accept the motion. Having given that indication of acceptance, I would hope that the government can find a way to get on with the business in such a manner that we will not have to reinvent the wheel. And I say again, I do not believe it is absolutely necessary to spend an inordinate amount of time on the gathering of statistics. I would rather see a fair amount of effort made to harness the interest and the support of the corporate private sector.

The Chamber of Commerce is eminently equipped to offer assistance. I would like to see more emphasis placed on utilising the skills of the prospective clients themselves, ask them what they would like to acquire as skills. Ask them how they would go about recruiting and maintaining the interest of those recruited. Ask them if they would be prepared to share skills learned with those who are not as proficient as they are. Ask them if they would be interested in entering areas of individual entrepreneurship. And then try to access some finances that will allow an element of these people to venture off into business enterprises for themselves.

One of the problems we have in Cayman when we train people is that they are going to be expecting a job and what if the job is not forthcoming. Just like we have to get away from this business of all of the returning university graduates being employed by the government, so too have we got to get away from this notion of people being trained in areas where they are going to be expecting immediate employment. We have to train them and inculcate in them a versatility and ensure that training is of such a versatile nature that if A doesn't work out they can easily fit into B. That is why I would like to see as a complement to some of these vocational and technical training courses this whole notion of setting up some kind of system where we could train people and prepare

them for entry into individual entrepreneurship. Set up a system where they could access micro loans and where we could teach them among other things how to set up, run and manage their business so that we take some of the slack, some of the pressure off the Immigration Board of all these other things and employment in our country then will not be as contentious and controversial as it sometimes is.

I am going to throw the challenge out and I am going to hope that the Minister of Education because he has said that he has the ability, the knowledge, and the experience. I am going to throw the challenge out that I expect that he will spearhead this effort as he says he has already set certain things in motion. And I am going to say to the Honourable Minister that whatever assistance he needs from this side of the House, I am going to be so presumptuous as to say that none of my colleagues on this side would dare renege on any request for assistance should he so request it of us.

This is a partnership. It is for the future of these islands. Not only for the future of the fifteen elected members in here, it is for the future of our progeny and our successors. We are duty bound to make this work and I make myself available in any way that I can constructively assist my services but for the asking.

I support this motion and I hope that we can exorcise the old ghosts of finger pointing and one-upmanship and self-righteousness and get on with the business of preparing our country for the 21st Century.

Thank you.

The Deputy Speaker: It is now 4:20 p.m., I will entertain a motion for the adjournment of this House.

ADJOURNMENT

Hon. Truman Boddin: Madam Speaker, I move the adjournment of this Honourable House until 10:00 a.m. tomorrow morning.

The Deputy Speaker: The question is that this Honourable House do now adjourn until 10:00 a.m. tomorrow morning. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it. This House do now stand adjourned until 10:00 a.m. tomorrow morning.

AT 4:20 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM FRIDAY, APRIL 16 1999.

**EDITED
FRIDAY
16 APRIL 1999
10.25 AM**

*Mrs. Edna M. Moyle, JP, Deputy Speaker
in the Chair*

[Prayers read by the Honourable Acting Temporary First Official Member]

The Deputy Speaker: Please be seated. Proceedings in the Legislative Assembly are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Deputy Speaker: I have received apologies from the Third Elected Member for West Bay who will be absent today, tomorrow, and Monday.

The next item on today's Order Paper, Presentation of Papers and Reports. Report on Transportation/Traffic on Grand Cayman Prepared by Peter Partington, PE, September 1998. The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

PRESENTATION OF PAPERS AND REPORTS

REPORT ON TRANSPORTATION/TRAFFIC ON GRAND CAYMAN PREPARED BY PETER PARTINGTON, PE, SEPTEMBER 1998

Hon. Thomas C. Jefferson: Thank you.

I beg to lay upon the Table of this Honourable House the Report on Transportation/Traffic on Grand Cayman Prepared by Peter Partington, PE, September 1998.

The Deputy Speaker: So ordered.

Does the honourable minister wish to speak to the report?

Hon. Thomas C. Jefferson: Thank you.

This work was commissioned by the government and carried out in August 1998 by Mr. Peter Partington the engineering design manager for transportation and traffic engineering in the city of Ft. Lauderdale, Florida. Just some information about Mr. Partington for members of this House and for the listening public; Mr. Partington has more than twenty years' experience in transportation planning and traffic engineering in both the United Kingdom and the United States of America. He has a Bachelor's Degree with honours in Civil Engineering from the City University in London, a Master's Degree in Management Science from the Empire College of Science and Technology, London University, and a Mas-

ter's Degree in Infrastructure Planning from Stanford University in California. He is a registered chartered engineer in the United Kingdom and a professional engineer in the United States.

Members will recall that last summer I read a statement which alerted members as well as the listening public that the government's wish was to have an independent look at the traffic problems in Grand Cayman as well as the road construction in order to be fairly comfortable that the way in which we were proceeding was the correct way.

Members will also recall that I gave an estimate of \$10,000 to be the cost of this exercise by Mr. Partington. I think it is important, Madam Speaker, to indicate to members of this honourable House that the cost of the actual exercise was \$3,617.02. I must say that was well worth . . . almost in essence a gift to this country by this able gentleman.

Although this report is now a public document, for the information of the listening public I would like to list the main points and key recommendations of the report which government has accepted. They are (in numerical order):

1. The policies on work in progress in respect to roads and traffic management was found to be carefully and soundly prepared and undertaken, and the Public Works Department staff who were responsible for these subjects are well able to carry out policies and programmes as directed by the Cayman Islands Government.
2. The extension of the Harquail Bypass and the construction of the Crewe Road Bypass are seen as top priorities and will provide improved travel times from both West Bay and the Eastern Districts in central George Town.
3. The preservation of road corridors for future roads is seen as a priority. It is considered essential that the road corridors which have been drafted by the Public Works Department are included in the development plan.
4. The design of roads in major road corridors should accommodate cyclists as well as motor scooters.
5. The taxi dispatch system for the Port is well thought out and its continued use is recommended.

6. An appropriate maintenance programme for Cayman roads is needed and stricter regulations should be introduced with respect to overloaded trucks which are causing premature deterioration of the roads.
7. Resurfacing of existing main roads should commence now in order to avoid greater expenditure in the future and the construction of these roads.
8. The endorsement of the infrastructure fund enacted under section 4 of the Development and Planning (Amendment) Law 1997 and the recommendation that additional funding sources dedicated to road construction and maintenance be developed as part of a five year capital improvement programme for new roads and the maintenance of existing roads.

Additionally, there are other sensible recommendations in the report some of which have already been implemented such as the erection of signs at all signalised intersections stating "Left Turn on Red Permitted After Full Stop" and the removal of several parking spaces along Fort Street to allow for a left turn lane from Fort Street onto Harbour Drive.

The report indicates other items but I would not want to prolong my delivery of its contents as it is laid on the Table and becomes a public document and members of the public may have access to it, as do members of this House, and many have a copy already in their possession. But I trust that we will have the support, as we have had in the past, of all honourable members as we move to the implementation phase of this report as well as the implementation of other connected issues.

Thank you.

The Deputy Speaker: The next item is The Financial Statements of the Civil Aviation Authority of the Cayman Islands 31st December, 1996 and 1997. The Honourable Minister for Education, Aviation and Planning.

FINANCIAL STATEMENTS OF THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS 31ST DECEMBER 1996 AND 1997

Hon. Truman M. Bodden: Thank you.

I beg to lay on the Table of this Honourable House, the Financial Statements of the Civil Aviation Authority of the Cayman Islands 31st December, 1996 and 1997.

The Deputy Speaker: So ordered.

Does the honourable minister wish to speak to it?

Hon. Truman M. Bodden: The accounts of the Civil Aviation Authority are very healthy. The Civil Aviation Authority is very efficiently run. The accounts show that for the years 1996 and 1997 the net income or profit for 1996 was \$2.8 million and the profit in 1997 was \$4,275,000. That is after substantial provisions for depreciation. There can be no doubt that the Civil Aviation Authority is in a healthy position despite the fact of what

the law says of only keeping \$100,000. Government, in 1996, permitted the general reserve to be \$5,144,792. And in 1997 that general reserve that could have been reduced to \$100,000 by government stood at \$7,670,005.

The Authority has heavy reserves, it makes a very substantial profit. It is well run and most importantly as mentioned in the white paper from the United Kingdom, the Cayman Islands was until recently the only Caribbean country that the Federal Aviation Authority had certified to have a category 1 rating. In other words, no limitations were placed on our airport as has been done and continues to be done with category 2 in other countries of the Caribbean. Not only is it making good money but it has been allowed to keep very substantial reserves that government could have taken and put into its general reserves.

Also the safety has been certified externally both by the United Kingdom and most recently by the Federal Aviation Authority of the United States as a category 1, the highest category that an airport can be put in. There are therefore no restrictions on us as has happened to our neighbouring countries.

There were delays in getting these reports here because of the problems that arose in relation to certain accounts, mainly for rental of Cayman Airways and the Cayman Islands Government and its different departments. This continues not yet to be sorted out, but I hope to meet early with the Financial Secretary in an effort to deal with the rentals between the government departments, immigration, customs, agriculture department, and the Civil Aviation Authority as well as the two airlines. What is really happening now is that government owes the Civil Aviation Authority for rental, Cayman Airways owes the Civil Aviation Authority, Island Air owes the Civil Aviation Authority. We really just need some journal entries to go through because at the end of the day it's all government. But they are separate legal entities and I would hope there would be no delays once they are sorted out in bringing the accounts here.

I would like to thank all of the staff, especially the director of the Civil Aviation Authority who is at a conference abroad and not here with me, and to also compliment the staff for their careful and cautious decisions, and to also thank God that there has been no disaster at our airport and that it has been substantially problem free over the past decade and that has come about from well qualified and well able staff.

Thank you.

The Deputy Speaker: The next item is Financial Statements of the Port Authority of the Cayman Islands 31st December, 1997 and 1996. The Honourable Minister for Tourism, Commerce, Transport and Works.

THE FINANCIAL STATEMENTS OF THE PORT AU- THORITY OF THE CAYMAN ISLANDS 31ST DECEMBER 1997 AND 1996

Hon. Thomas C. Jefferson: I beg to lay on the Table of this Honourable House the Financial Statements of

the Port Authority of the Cayman Islands 31st December, 1997 and 1996.

The Deputy Speaker: So ordered.

Does the honourable minister wish to speak thereto?

Hon. Thomas C. Jefferson: Thank you.

Let me begin by offering my sincere congratulations to members of the Port Authority Board, as well as the Director and his staff who I believe have done and are doing a very able job for this country. We know that the Port Authority of the Cayman Islands that was officially open for operation in 1977, and which was the dream and work of the late Burkely Bush and his Permanent Secretary Mr. Harry McCoy, was funded by this government and the Caribbean Development Bank and ever since that day the Caribbean Development Bank has used the Port Authority in the Cayman Islands as the model or an example for the rest of the Caribbean to follow.

I believe just those words demonstrate the quality of work that has been carried out by the Port Authority over the years. Directors of the Port Authority in the past and the present director, member of the Port Authority of the past as well as the current members, and I think it is always right and proper to say how appreciative we all are, no matter which government it is, of the work that has been done in the past, including the former elected member responsible for the subject who is with us today as the Third Elected Member for George Town.

We know that the Port Authority which was established in 1977 with what I would call a peanut fund, very small sums of money, sums so small I can't even remember what it was (a couple of hundred dollars), and today with a balance sheet at the end of 1997 of \$11.9 million speaks to the able stewardship of everyone concerned, past and present. I believe that if we look at the objective of establishing statutory authorities, the Port Authority has followed that right up to the last dot of the "i" and cross of the "t". As a statutory authority it has a responsibility to declare a dividend to its parent and it has been carrying out this function since 1993 in particular.

We know too that the Grand Cayman Port has been funding from the very inception the Port operations in Cayman Brac. And in recent times we have seen the closure of that wide gap between the revenue earned by the Port in Cayman Brac and the expenditures. And we hope that the trend continues and that in the not too distant future the Port itself in the Brac will be able to pay for its operational cost at least (that's the objective) and not have to be funded by the Grand Cayman Port.

It is also fair to say that the Port Authority was recently requested by government to also take over the operations of the Port in Little Cayman. And we look forward to taking up that challenge as well.

We see that in 1997 the government received a contribution from the Port of approximately \$1.5 million, while in 1996 it received about \$.5 million. But as I said in the past, it is appropriate and timely that government

and these statutory authorities work out a formula known to both parties as to the contribution required from the statutory authorities on an annual basis going forward allowing sufficient funds to remain to pay operational costs and to assist the process of capital development in those respective organisations.

We know that when we talk about self-financing, as far as public debt is concerned, that we generally count to one side and we don't normally count the other side. And some person in this honourable House said some years ago that that is single entry bookkeeping. Really it is because while you count the self-financing side as being the debt owed by the statutory authority we fail to count the fact that the statutory authority reimburses government for that payment. So there's an offset between the payment and the receipt of the revenue from the statutory authority.

I believe that members will find the accounting and the audited report of the Port Authority to be done in accordance with the generally accepted auditing standards in the world of chartered and certified public accounting and that the document which I laid on the Table of this House also speaks to the notes which tend to back up or further explain what the dollar figure represents. There are various notes within the document and I respectfully thank everyone for their assistance to this organisation.

The Deputy Speaker: Cayman Airways Limited Financial Statements 31st December, 1997. The Honourable Minister responsible for Education, Aviation and Planning.

CAYMAN AIRWAYS LIMITED FINANCIAL STATEMENTS 31ST DECEMBER 1997

Hon. Truman M. Bodden: I beg to lay on the Table of this Honourable House the balance sheet of profit and loss of Cayman Airways Limited.

The Deputy Speaker: So ordered.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you.

The accounts show that (and these are audited accounts) for 1997 there was a loss of US\$2.1 million, or approximately CI\$1.6 million. The difference between the assets and liabilities, in other words the shareholders' deficiency or what government would be liable for beyond, amounts to a deficiency of \$5.9 million. How that is arrived at is that the share capital of \$38 million, which is what government has put in over the years, and that is taken from the accumulated deficit of \$44 million leaving a shareholders deficiency of \$5.9 million. There is a difference between the assets and liabilities of US\$5.9 million, which I think is nearly CI\$5 million.

Against this it has to be realised that Cayman Airways has been leasing jets from government's wholly owned subsidiary companies and those companies are showing a reasonable profit. What is happening is the payments being made from Cayman Airways to the

leasing companies have been going to pay off those assets (those two jets) which are owned by wholly owned government companies.

The rental that has been paid to the leasing companies is in the area of US\$2.7 million, I think. Along with that a substantial amount of the reserves are paid to the leasing companies for dealing with the future checks on the planes. The position of Cayman Airways has improved considerably over last year and the deficit after the subsidy will come in under US\$1 million. So at least the company is now going in the right direction. But the airline business is a very fickle business. It is a very predatory business. For example, many times American Airlines will put on fares and even though the United Kingdom says they should stop they know that they can sell a certain number of days before the machinery under the Bermuda II triggers and they have to stop. It is just one of the many ways that the highly competitive and predatory airline business operates.

I would like to take this opportunity to thank all the staff at Cayman Airways, and to thank the Chairman and the Board of Directors of Cayman Airways, and the managing director and general manager. I think they are now renamed president and executive vice president. We have seen dramatic changes in the last few months, some are good, some are in the early stages and I hope that this year, unless fuel prices move up which they have already done, that could have quite an impact on this year's operations. But at present, we have our cash position in relation to operating cash in a reasonably good position and I will continue along with the board, the management and staff to do everything we possibly can to reduce this loss to what is acceptable.

However, I must say that \$2 million is a long way from the \$15 million losses that had occurred back in the early 1990s. So we have come a long way and I know there are times when the board does feel some frustration in that we have taken a very conservative approach to the operation of Cayman Airways in an effort to stabilise it. And it is now stabilised. There have been no serious heavy expenditure. At least we have never had to put Finance Committee together in an emergency in the six years that I have had it, which was common in the past. So I would ask all members to continue to support Cayman Airways and it is our national airline. I would also ask the public to please support it. It's very safe and it is our own airline.

Thank you.

The Deputy Speaker: The next item is Questions to Honourable Members/Ministers, but it is after 11 o'clock, so I would entertain a motion for the suspension of Standing Order 23(7) and (8). The Third Elected Member for George Town.

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

Mr. Linford A. Pierson: Madam Speaker I so move.

Mr. Roy Boddin: Madam Speaker, I beg to second that.

The Deputy Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Deputy Speaker: Question 35 is standing in the name of the Third Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 35

No. 35: Mr. Linford A. Pierson asked the Honourable Minister responsible for Education, Aviation and Planning to state: (1) the most up-to-date figures on the outstanding debts of Cayman Airways Ltd., showing the details of the net current liabilities; (2) What affect, if any, will the newly installed Hush Kits have on the passenger and cargo load factors of Cayman Airways Aircraft; and (3) a realistic estimate of needed Government subsidy to allow Cayman Airways to reach a break-even position and to provide for all current liabilities on an annual basis.

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

Hon. Truman M. Boddin: (1) Details of our current liabilities are reflected in attachment 1, as follows: Details of outstanding Debts of Cayman Airways Ltd 30 November 1998 All amounts are US\$. These amounts are in thousands even though that is not on here.

Outstanding Debts of Cayman Airways Ltd

Current Liabilities:	
Bank overdraft	1,185
Accounts payable and accruals	13,165 (1)
Unearned transportation liability	4,374 (2)
Unearned Government subsidy	632 (3)
Current portion of long term debt	820
Subtotal	20,166
Long Term Debt	1,687
Total Liabilities	21,853 (4)

Supporting Notes:

(1) Details of Accounts Payable Civil Aviation Authority	4,617 (5)
Customs	653 (5)
Flowers Air Dispatch	130
Royal Bank of Canada	103

Texaco	149
CKX Aviation Leasing	140
Texaco International	152
All other less than \$100,000	1,489
Total	7,433
Month end accruals	2,097
Taxes collected	542
IATA accrual	847
C check reserve	1,877
Other	370
Total accounts payable and accruals	13,166

(2) Unearned Transportation Liability Arises because passengers pay for tickets in advance of actual flight

(3) Unearned Government Subsidy Arises because Government subsidy is generally received quarterly in advance

(4) Total Liabilities Excludes any funded (or unfunded) reserves held by lease companies

(5) Civil Aviation Authority and Customs The shareholders has agreed to assume US\$3,161 in obligations to CAA and US\$342 in obligations to Customs in exchange for shares. The net impact of the adjustment will reduce liabilities by US\$3,503 to US\$18,350.

The answer to the **second part** of the question is: This question of the impact of the hush kits on Cayman Airways Ltd's (CAL) fleet was raised and answered in September. The answer is the same "installation of hush kits to CAL's B737 aircraft, in order that it complies with mandatory USA regulatory stage III requirements, will add 339 lbs to each of the aircraft's empty weight. This minor addition to the aircraft's weight will have negligible impact on the day to day payload capability and fuel consumption. There will be no denigration to engine performance.

The answer to the **third part** of the question: The financial performance of CAL has been a concern of the Board of Directors and to the shareholder. In the summer of 1998, the Board of Directors hired a new Managing Director who has been given a mandate to produce a profit after subsidy in 1999. The new Managing Director has made an assessment of CAL and he has developed a plan for producing a profit. The Board of Directors has reviewed the plan and support it. While the turn-around will take time, the results to November 1998 are significantly better than prior years and better than our expectations when Mr Winders was hired.

A budget has been prepared for 1999 and the budget indicates that CAL should make a profit after subsidy, unless there are unforeseen unusual events. This assumes that all obligations incurred during 1999, including Civil Aviation Authority and Customs, will be taken into consideration in the Profit and Loss Account. The budget does not assume that prior obligations of CAL to the Civil Aviation Authority and Customs will be paid.

The current shareholder's deficit (liabilities greater than assets) for CAL is approximately US\$6 million. In 1999 the amount of the shareholders' deficit will reduce by merging the aircraft leasing companies with CAL and by issuing new shares in exchange for amounts owing to Civil Aviation Authority and Customs (approximately \$4,800,000 was outstanding at the end of 1998). It should be noted that the issuance of new shares to the Cayman Islands' Government in exchange for Civil Aviation Authority and Customs' obligations represents an investment by the shareholders rather than a subsidy.

Although the 1999 plan will significantly improve the financial position of CAL, it will not produce a positive shareholder's equity. The shareholder's intention is to determine future investments' requirements after assessing the progress of the management team in implementing the turn around plan.

The airline business is a competitive, predatory, capital-intensive, cyclical business and the shareholder understands that the financial condition of the airline is not adequate for long term success.

SUPPLEMENTARIES

The Deputy Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: In the answer under (1) which asked for the most up-to-date figures on the outstanding debts of CAL showing the details of the net current liabilities, the honourable minister stated accounts payable and accruals at \$13.1 million. I wonder if he is able to provide a breakdown of the accounts payable as apart from the accruals and whether he can state within the accounts payable if there is any outstanding rental?

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

Hon. Truman M. Bodden: The breakdown that . . . if the honourable member would have a look at the supporting notes. I don't have any further details of that breakdown, but if there is one specifically that he wished to have then I could get that for him. We need to note that the bank loans are not in that. But I can supply that in writing if he wished either one of those to be further broken down. The highest amount is \$4.6 million to the Civil Aviation Authority. But the bank liability is separate and the honourable member could get that from the balance sheet that I just laid on the Table.

I know the loan that we had for \$4.5 million, we have been paying \$50,000 per month and that is down now to under \$1.5 million. So about \$3 million of principal plus a lot of interest has been paid on that.

The payments on the jets, the lease payments the member asked about, have been paid on time to the government's leasing companies and nothing should be owing there now. There are mergers taking place and over a period of the next . . . or started taking place about two months back. More than likely during that period, because all the accounts are going together, unless

there may be anything outstanding between the two of them. But in any event, under the merger the debts and the assets, because the leasing companies do have some cash, would be coming across to the Cayman Airways balance sheet.

The Deputy Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: Part (3) of the question asked for a realistic estimate of needed Government subsidy to allow Cayman Airways to reach a break-even position and to provide for all current liabilities on an annual basis. The minister's answer was, in part, "**A budget has been prepared for 1999 and the budget indicates that CAL should make a profit after subsidy, unless there are unforeseen unusual events.**"

Just to clarify where my question is going, having a look at the recent statement made by the honourable minister which shows that they were still at \$2 million net loss after a government subsidy of \$5.4 million, I wonder if the honourable minister is in a position to state more precisely how Cayman Airways intends to make a profit and what size the budget would have to be for Cayman Airways to make such a profit.

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

Hon. Truman M. Boddan: Forecasts are forecasts and I did not want to . . . when the budget was presented to me, I would rather see a budget that high-targets, even if we don't meet them because it drives the company towards that budget. The budget in my opinion is a very optimistic budget. I believe it is perhaps better than may well be done. But as the member asking the question knows, one has to set one's targets high and I think that oil prices, for example, have gone up drastically. That will impact on that budget because it did not take that in.

The subsidy we get, while it would be good . . . obviously we could do with more, but I have avoided asking the House for any more on the general subsidy of \$4 million. In fact, that is what it has been for the last six years. But the offer that was put out about refinancing some of this, and government assisting, is one that we will by all means look at—once I can get out of here for a while—and we will be coming back with that.

If government injected some cash, we are paying a lot of heavy interest on this that we could get away from which would help us as well.

The Deputy Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: I want to thank the honourable minister. My reason for highlighting this particular point is that the accounts just laid on the Table of the House reflect that in 1996 there was a loss before government subsidy of \$6.3 million and the situation worsened in 1997 where the amount was \$7.5 million, thus reflecting a government subsidy needed of some \$6 million. The

agreed upon amount is now about \$4.8 million. That is why I am asking if the honourable minister could give an indication of what is a realistic subsidy needed to keep Cayman Airways as a going concern.

I am not in any way knocking the airline, I am just trying to solicit what would be a reasonable amount the House may have to consider subsidising the airline with.

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

Hon. Truman M. Boddan: I think that a reasonable subsidy that would allow us to pay the Civil Aviation Authority, I would think . . . I don't know, whatever increase we could get. Perhaps another CI\$2 million would . . . go to CI\$6 million, from \$4 million to \$6 million. That is only a guess and I have to be honest. The airline business is one of the most [un]predictable in the world. I am doing my best, but it's not like a bank or another type of business that is stable and you can predict. From day to day oil prices go up and down, new airlines come in, or American puts on bigger jets. It's just very difficult, the predatory fares, American issues those things and it really hurts us. By the time the United Kingdom can stop it, they've already done the damage.

It is just not an easy business.

The Deputy Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the minister could give an undertaking that he will pursue this matter and bring it to Finance Committee seeking an increase, if that is necessary, so that we can have a more realistic situation as regards the operations of Cayman Airways.

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

The Deputy Speaker: Yes, I appreciate that offer from the honourable member. By all means I will pursue it and I thank him very much.

The Deputy Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister also give an undertaking when he is doing this that he includes the other hidden expenses which are offset by Cayman Airways utilising government services and not having to pay for them so that we can have a totally clear picture? As has been established, if dollar value were equated to all of those other services provided, it has been established by the Auditor General that the true amount of subsidy given at present is in the region of \$7 million.

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

Hon. Truman M. Bodden: There are no hidden figures. The accounts I laid on the Table are audited accounts. Those figures the member is referring to, like payments to the Civil Aviation Authority, are accounted for in this.

[inaudible interjection]

Hon. Truman M. Bodden: Which services does government provide?

[Inaudible interjection]

Hon. Truman M. Bodden: They are all accounted for in this.

Madam Speaker, these are audited accounts. They are certified true and correct by a large firm of government auditors so there is nothing hidden in this. The only major areas that are not being paid, and to be very frank have never been paid for the last 15 or 20 years except the one or two years we made a profit, are the Civil Aviation Authority fees. Some of that is offset because government owes Cayman Airways somewhere a bit under \$1 million I think for tickets that government has gotten from Cayman Airways and not paid them for. There are some offsets but everything is accounted for in this, also that offset.

The Deputy Speaker: First Elected Member for George Town, I will allow two more supplementaries after this.

Mr. D Kurt Tibbetts: Thank you.

I will not pursue that supplementary. I will be back with the facts so I won't have to argue without knowledge. In the substantive answer the minister stated that **"in 1999 the amount of the shareholders' deficit will reduce by merging the aircraft leasing companies with Cayman Airways and by issuing new shares in exchange for amounts owing to the Civil Aviation Authority and Customs. Approximately \$4.8 million was outstanding at the end of 1998."**

Can the honourable minister explain to the House which entity has decided that this is what is going to be done and what was the process which allowed for this decision to be made, as obviously the decision has been made.

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

Hon. Truman M. Bodden: The decision would have been made by the Board of Directors of Cayman Airways and of the two government owned leasing companies. In relation to a part of that transaction the guarantees I came to Finance Committee with that and this was mentioned at that time and it is one that is approved by government.

What is now going in as rental in the profit and loss account which is \$2.6 million or \$2.7 million for the aircraft, Cayman Airways will now own the aircraft and will be paying that towards equity in those jets. And with the putting in of the capital that will capitalise a part of the

deficiency which is what is owing the Civil Aviation Authority. But I need to point out that all of the Civil Aviation Authority's debt is into these accounts as well as what government owes Cayman Airways.

If there was anything specific that the member has, I will try to answer it to the best of my ability. But I just am not sure exactly what the member is getting at there.

The Deputy Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Madam Speaker, I am craving your indulgence to not count this as one of those extra two we have left, because it is trying to satisfy the original question which has not been answered to my satisfaction. But you will make up your mind when I am through.

What I am trying to seek from the minister is the statement, . . . and this is not to do with whether or not it should have been done. This is simply to do with the fact that we see it there that it is obvious a decision has been made for this to be done. All I am seeking is for the procedure to be explained. The minister said that the Board of Directors of Cayman Airways and the Board of Directors of the two leasing companies will have made a decision and it will have been approved by government. I am asking the minister, for instance, if that is the case has Executive Council met on this matter and made a decision to say that this is what the government is going to do? That is what I am trying to determine.

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

Hon. Truman M. Bodden: This was put to Executive Council as the shareholder and it has been agreed. But I would just like to point out that it was one of the things I explained sometime back when the guarantees on this were changed.

So the answer is yes.

The Deputy Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

On the details of accounts payable in the substantive answer it says that Cayman Airways owes the Civil Aviation Authority \$4.6 million. I understand that is United States Dollars. The day before yesterday the minister in answering another question stated that the Civil Aviation Authority has a general reserve of \$4 million. My question to the minister now is, Does the general reserve he is talking about that the Civil Aviation Authority has, include this money that Cayman Airways owes the Civil Aviation Authority?

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

Hon. Truman M. Bodden: Once again, these are audited accounts that I have just laid, and the accounts

would include it. I would think it would be shown as a receivable as would the money owed by government to the Civil Aviation Authority. I have actually just laid the accounts. That specific area, because we are into Civil Aviation, I would have to find out the exact answer. But I am sure it is taken into account in the accounts.

Now the general reserve is not a special reserve for any specific purpose, it is a general reserve.

The Deputy Speaker: This will be the last supplementary question, the First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you, very much.

You know what, Madam Speaker, I will quit now. I won't ask any more right now.

The Deputy Speaker: I think this is a convenient time to suspend proceedings. Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 11.52 PM

The Deputy Speaker: Please be seated. Proceedings are resumed. I would entertain a motion for the suspension of Standing Order 14(2) to allow Private Member's Business to have precedence over Government Business.

The Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(2) to allow Private Member's Business to have precedence over Government Business.

The Deputy Speaker: The question is that Standing Order 14(2) be suspended to allow Private Member's Business to have precedence over Government Business. Those in favour please say Aye. Those against, No.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED. STANDING ORDER 14(2) SUSPENDED TO ALLOW OTHER BUSINESS TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.

The Deputy Speaker: Debate continues on Private Member's Motion 2/99. Does any other member wish to speak? The Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 2/99

TRAINING INITIATIVE

(Continuation of debate thereon)

Dr. Frank McField: Thank you, Madam Speaker.

Before I begin I would just like to say how much I appreciated the inner school debate finals last night here in the Legislative Assembly. I am also pleased to say that from the start I seem to have been a supporter of the Cayman Brac team. There was something very special about all of the debaters, but I felt from the very beginning that the Cayman Brac ladies were really into what they were doing and I think that it is appropriate to mention this since we are dealing with Private Member's Motion 2/99 talking about a training initiative.

When we look at the extent of the academic abilities of our young people, or at least a good number of them, because I was privileged to have had two young persons on my Public Eye television show last month and I was pleasantly moved to have been in the company of such young creative intellects. I think what this tells us is that there already exists a certain amount of disparity between the new intellect and the old. I believe that when we are talking about training, when we are talking about equipping members of our society with tools which will allow them to be more productive individuals, not just for themselves but for the companies they work for and society as a whole, when we begin to contemplate how this can be done I think it is important that we realise that from the very beginning although education in schools are not final, although we should have the concept of education for life, in other words from the very beginning in terms of our contemplation of the use of education, the purpose of education and the goal of education, it should never mean that children will go to school until a legal age or until they graduate from college with a Bachelors or a Masters or a PhD, but education should be for life. Anyone who fails to realise that education, especially in a rapidly developing world, in a country like ours that has developed so rapidly over the last thirty years, . . . anyone who believes they can go and get a degree and experience and that's that is sadly mistaken.

If we become complacent and believe that what we have from the point of view of knowledge is sufficient at any time, we will certainly fall backwards and fail. So what I am saying is that there seems to be a need for the values and ideas, the awareness and consciousness in this society where we become a society of learners, where we are always learning, where we are always acquainting ourselves with ways of solving the problems and challenges we meet on a day to day level as citizens and productive members of our individual companies.

Therefore, there needs to be a shift on the importance of learning. We need to say from the very beginning that the educational programmes and policies in our schools have to be reformulated. We have to have a new vision about the educational system. I am saying that I am delighted to know that we can have intelligent, articulate and creative youngsters like the ones who won the debating contest, those youngsters from Cayman Brac. On the one hand, if we looked at the youngsters that I interviewed on my TV programme there would be no way that we would not see that the school system has been successful. But the school system has been successful as a class system that reproduces the class divisions in our society. That is basically it.

My position is that I cannot be complacent with that kind of success because I must see that there are thousands of young Caymanians who have placed no importance on learning beyond the point of being able to achieve a job in a bank, in a service company to be able to afford the Japanese car and get a little apartment with the girlfriend or boyfriend so that they can carry on certain types of relationships. I am saying that the training initiative must be a part of a strategic movement initiative in our society where we understand these interrelations between the values, ideas, desires and expectations of individuals and institutions.

So when I find that the training initiative that should have taken place between 1992 and 1996, or 1992 and now, and the fact that the government has not really as far as I am concerned showed exactly where they are going with their recognition of the need for training and their ability to design an integrated strategy that would make training possible. In making training possible I mean to also diffuse the social frustrations that Caymanians individuals have found themselves in because of their own short-sightedness. As the two young ladies said on Public Eye last month, they have a lot of school mates who are just looking at finishing school as is legally required, finishing the basics to get a job at Barclays Bank or Royal Bank or Bank of Nova Scotia and be able to pay for that car and be satisfied with that immediate gratification.

We need to build our children from the earliest age with the desire to not just seek immediate gratification but to seek long term satisfaction and through long term satisfaction they will find the type of ongoing need for them to always rehabilitate their educational position. The fact that we as a government or a society leading the ideological war against ignorance in our society is a failure on our part. It is also because we do not see education as important. I am not going to get into the philosophical differences between training and education at this point, but I do believe that they are interconnected and I am not going to separate the two at this time.

I noticed that when we say, *'That's an educated fool; you can't give them too much education because they can't take it. They go crazy if they get too much education. If you give them education, they are going to ruin everything.'* There is in our society a lack of good values in regard to education. This is not to say that we do not admire some people having education because

we look on the other side and say, *'Oh wow, they are such educated and sophisticated people; they are such civilised people.'* As if it is something we expect in other people but we shouldn't expect in our people.

Therefore, when we see the school system producing children who are intellectually very bright, at the same time producing children without the ability to earn a position in society we understand that it comes from this discrepancy in our values in regard to education. If we look at other societies like Jamaica, we look at how a person is trained as a carpenter or a mason or a mechanic, how inventive they are, how creative they are in terms of using that particular knowledge, how important it is in other countries for people to become apprentices and work in restaurants and bakeries and butcheries to learn, to gain knowledge, to be trained, to have access to the knowledge and ability to be able to perform certain functions in order to improve one's economic and social status.

The predicament we have is a result of the deficits in our philosophy in regard to education and training. I think this must be recognised. I think that the National Team Government between 1992 and 1996 did not put great emphasis on training because it did not see training at that particular time as a politically expedient initiative. It is wrong that we always have to grab things up and look at things because they might be politically expedient. When we get to the point where we really have to make the kinds of changes and rearrangement for our conceived initiatives to work we don't want to do so. I believe that is what happened to the National Team between 1992 and 1996.

Although the Minister for Education might blame the former Minister responsible for Training, the Minister responsible at that time for Community Development, I believe that I would like to take the personalities out of it and put the problem where the problem lies. It is a problem of disorganisation from the top. The disorganisation from the top which might look more pronounced once there is a certain amount of frustration which results as a result of personalities becoming involved and people being frustrated with one another. But it's not the individuals who create this problem. This problem is created by the system where we have five different governments in one Executive Council.

So, if you have one minister responsible for training and one responsible for education, of course you're going to get a conflict of interests. You are going to get disjointedness. You are not going to get what you really need which is an integrated approach when both ministers must realise that training affects education and education affects training. They are interrelated and you can't really separate them. Perhaps in discussing this Private Member's Motion it is also important to recognise that training now under the Ministry for Education is where it should be. Maybe it should not have been under the Community Development before and the question would still be why did it end up under Community Development Minister before and not under the Minister for Education? Did that have anything to do with political expediency?

Maybe it was politically expedient to have that happen in 1992, but at that particular time it did not work. There was a lack of cooperation. In any case, it is quite obvious that what was intended was never achieved. Now we have to revisit this particular predicament. We have to decide what it is we can do to improve training in our country.

If you go out there and you ask Caymanians working in the workplace if they are being trained, they will say, no, they are not being trained. Most people who have complained to me have complained about a lack of training. But when they are talking about the lack of training they are basically making an accusation about the lack of desire on the part of their employer to promote them. So they are looking at training already in relationship to social mobility, economic mobility and moving up. But it is important that people realise that if you are going to move up the ladder, you also have to sacrifice something even if all you have to sacrifice is your time and your concentration. You have to give up something to be able to learn to be able to digest, to take in and retain the information you are going to need in order to be promoted.

Of course, persons will be concerned with promotions that might not really be serious about training. So when given the opportunity to be trained in particular areas persons might not go and take advantage of this as we might think. Again, we can be very political about it because it appears that when we talk about training and the lack of training we are almost criticising a particular group of people, like criticising the foreigners and the foreign employee versus the Caymanian. That is a scenario where these type of conceptions are involved. They are ready-made political distinctions and social distinctions between Caymanians and foreigners. They have already created their own challenges and limitations that are political rather than educational and I believe this is very, very unfortunate.

The Minister for Education mentioned yesterday that there are many small companies in Cayman. As a matter of fact, the majority of the companies are small companies except for the large companies, and we know what the large companies are—the banks and the hotels. In the banks and the hotels we already know that the banks are not good corporate citizens in that sense. And I have criticised them on many occasions for this in dealing with certain aspects here. The hotels are not good corporate citizens and we cannot expect that they are going to cooperate with our desires to train our people so that the people will have social mobility so that we won't have social and political problems down the line. They are not thinking that way; they are thinking about getting what they can get today and moving on someplace else. That has not changed.

When we are talking about training and the lack of initiative in training, we have to look at the fact that that is all tied up with the question of immigration. Will people be able to bring people in from Canada to work as chefs and cooks and waitresses and this and that and accountants and so forth and so on? If they have an easy availability for trained, disciplined labour they can bring

from Canada or Austria rather than train Caymanians, what are they going to do? Unless you have a government that knows the importance of training and the challenges which training faces what is going to happen? They are going to choose the easily available, trained and disciplined labour from these countries. They are not going to look domestically and try to improve the quality of the domestic labour because they see it as a waste of time. They see it as too expensive. They see it as something that should not be their responsibility.

But, when Mr. Jim Bodden was in power between 1976 and 1984 he had the tourism training school and the marine training school. They had their people trying to learn different skills in regard to the hotels. It would be surprising to do a survey to see how many people had initial contact with that particular training initiative back then are actually involved in tourism today. How many of them have actually been pushed out by the policies of management in these hotels to disqualify Caymanians from wanting to be involved in the industry?

Then again, that's compounded by the fact that we have a situation of over employment in the country which the Minister for Education remarked on. This is a significant fact because it means that rather than trying to retrain yourself to get another job, you can go to another job. In a lot of places when people are talking about training, it's talking about retraining. It's talking about people who have already taken up a position in society somehow as an active worker who finds himself unemployed because the factory closed down and they go out there and train themselves in order to take up another position. If I go to a job and someone says I can't do that too good, I can go to another job. It's important that we realise that when we are talking about training objectives, if we are not going to make those training initiatives totally political in the terms of demanding that these people do this and that, if we are not going to do that then we have to take into account our sociological problems as well, in other words the lack of values and ideas that we face here where we need to begin to condition people or encourage people to look more long term in regard to their desire for certain rewards.

We need to take that into consideration when we say that other persons are not doing enough for training in this country. But overall, the areas I have identified, which are the hotels and the banks, people could be educated within the work place to perform better and to move up within the professional hierarchy. I see that as a possibility in the hotels and banks. I believe that is not taking place as it should in the hotels or the banks. But I do not believe this is a predicament that can be completely relegated to the question of training from an institutional point of view or a governmental point of view. I believe that lack has to be solved in our entire labour concept, the concept of how labour will be organised and rewarded, how local labour will be treated, how expatriate labour will be treated.

Given the possibility to amend this situation I believe that as the Third Elected Member for Bodden Town said, we cannot rely too much on the statistics. I

think that it is not a question of how the numbers are here that is really meaningful. What is meaningful here is the predicament we are in. If we cannot give our people the feeling that there is the possibility of social upward mobility within the workplace it will create a political problem that will cause us to have economic problems in the future. Therefore training, regardless of how many persons we have demanding that they be trained is important to begin these training initiatives. It is important that the government shows it is important in supporting training initiatives and that it is sensitive enough of the overall predicament the country as a whole is involved in, whether it be the employer or the employee. So it's not the numbers but the predicament that's important.

The predicament that in the major hotels and banks they have foreigners who own and local people who are trying to get involved there as employees. In the banks, in particular, there are mostly women. Someone was remarking about Cable & Wireless and CUC training. Madam Speaker, I know how you feel about women's issues, but I do believe the reason why Cable & Wireless and CUC have the type of training initiatives they do is partly because it would be more difficult to suppress the male's desire for acquiring status and prestige and advancement. It is easier to suppress that in females. Therefore if they had 90% men working in banks or at CUC you would have had more of a desire to promote them and train them and satisfy them by these types of initiatives.

We have to look at the fact that persons who have stifled the training programmes or who have not been enthusiastic about training, like a lot of the banks and hotels, I believe they feel they can get away from it as a political issue which we as a legislature are confronted with. I am saying that we are asking those persons to become involved in an initiative that would prevent these problems from happening in the future.

I welcome any initiative that would broaden government's involvement in equipping people with the tools to improve their lives, their companies and our country. I believe that the issue of training, more so than the issue of education and schooling which is carried out for a longer period of time separately from the productive institutions, that the issue of training cannot be separated from the issue of rapid growth in a society that is growing so fast and bringing in labour and professionals so fast.

All in all we need to have a strategic plan that will know what the end is, where it is we are going. If we get an idea of the end first, we will be able to put the parts that we need in place. We need to have a government that is capable of getting us where we want to go by cooperating and not by the ministries pulling apart because they have to cater to the egos of the individual ministers. We need to get to the point where we more ably express in unison the challenges we are facing in our society.

I dealt with the hotels and the banks as two institutions that most people identify. Then we had the situation regarding small companies and the fact that most of

these companies if they had to train people they would not be able to afford it. But there is no reason why we can't make a distinction between small companies and large companies and there is no reason why government couldn't get involved in trying to support the training of individuals if it was going to be carried out by smaller companies that might be in a financial position as a result of having this as an obligation.

I don't think that government always has to bring legislation to force companies and individuals to do things, but I believe that a strong government with a strong feeling about these issues interacting with the very people who are making decisions on this particular level could cause decisions to be made by showing that it would be good for all, that we would get maximum benefit if these things were done, by breaking down the problem and showing the persons who are a little short-sighted—be they the Caymanian who should desire training or the hotel managers who seem to not want to train Caymanians but make profit instead. Basically, they come here to profit.

We need to have them profit in order for us to get something too. So we can't go in there and do things that will destroy their profit, but we can go in there and try to convince them to work along with us because in working along with them their profits won't only be profits for today but for tomorrow.

I believe we can do this. I believe we rely too much on legislation and not enough on debate and discussions. I believe there are people who believe you bring a motion for everything, and everything has to come through here and pass as if once it comes through here and passes it become reality. I have seen a lot of things that come through here and pass in that's it—it doesn't go any further. There are a lot of things that have not come here that are doing very well, thank you, because people are involved. You have to get people involved. You have to get people to stop criticising and say they are responsible. But to get our people to also accept their part of the responsibility also for something going wrong because when a relationship goes wrong, both parties have some fault.

We have to watch the politics. We have to watch the intentions of certain people to politicise and dramatise everything because they are not willing to go in and dissent the problem and look at how it is all interconnected and understand that you cannot change it just by changing one thing, but you have to change all the things to change the one thing.

The desire of this motion is to set in place an initiative that would allow Caymanians or foreigners, whoever, in these particular jobs to be able to enjoy an improved standard of living and to be more productive to their respective companies. That is the desire. I am for that. But I am not for short-sightedness that doesn't cause people to realise that these problems are societal problems and therefore more complex. It's not mechanical. You can't just have a mechanical solution because you are dealing with human beings, and in dealing with human beings, you are dealing with values and ideals.

As much as there are those who like to ridicule this I say we are beings composed of values and ideas. We live in an idea world—everything is an idea or a result of an idea. Therefore, you can't just take a screwdriver and change the bolts to change anything. You have to change the ideas, the attitudes our people have towards training, towards teaching their children and spending time showing their children how to do little puzzles. When we were young we were already being trained by nailing things and playing with hammers. We were already being trained to work as working-class people to saw wood and to be carpenters and to be builders.

This whole socialisation process is part of the training process. You train people early. You inculcate in them, you socialise them in such a way that they will be able to emulate and imitate. As I said, as fishermen we were going down on the docks and throwing out our little lines in imitating our fathers, who were catching more fish than we were, but we were training ourselves to become fishermen. By playing with the piece of wood we were training ourselves to be carpenters builders. By taking the bus tree and building little boats we were training ourselves to be boat builders. We were training ourselves by cutting tops and twisting how to be all those things. But the fact is, we all believed that everything was so mechanical, that you put this up here and that up there and you have a solution.

The solution has to start from inside. It has to be an internal solution. We have to start in the homes. This is the reason why the after school programmes are great programmes. They are working! We have seen the results. The pre-school programmes are great programmes. They are working; we will have our results. But what we don't want to do is because of certain political misgivings, rush into the situation and create political problems with people and begin to alienate our society in such a way and frustrate our society in such a way because we see a lack here and there.

I believe that we in this country have the opportunity to have access to situations that will teach us to improve ourselves. We have to teach people that in order to get what it is they want they are going to have to work for it. And if they have the equipment to work with in specific jobs they will even be able to get these things even more.

Unfortunately I have, as a sociologist, some negative situations to report. I started a college programme back in 1996 called College Discovery to assist young Caymanians who were not academically inclined but were more athletically inclined to go to college. I was able to get a scholarship for some of these kids from Island Companies and as a result some of the kids went off. Unfortunately, the programme was not successful, as far as I am concerned, in the sense that they were able to pursue that degree. It was very frustrating to me.

In addition to doing that I also had a programme where I was dealing with adult education. I had a tutor who was willing to take mothers, or adults and go through the basic steps in trying to help them to learn to read and write. I was paying them to come to the course. And even paid, Madam Speaker, the pro-

gramme failed. That doesn't mean this is an example of how people relate to it. But it went to tell me somehow that in a lot of cases, like the minister for education was saying, while we are offering a lot of things at the Community College persons don't want to put the time in there. If they put in any time, they want to put it in for a salary. In this particular case I was giving them some money to come to be able to do this, and they still didn't do it.

That is the reason I say that anybody who is talking about training or opportunities who doesn't realistically see that a lot of our people are quite happy doing what they are doing is making a terrible error.

Mr. Roy Bodden: True!

Dr. Frank McField: We have seen this happen in other places where the government is always going in saying this or that is a problem and that is what the government is here to deal with. But it could be a problem not because of the person you are blaming for creating the problem it could be a problem simply because people think it's okay.

It's funny. What I am saying sounds like I am putting people down, but it's an expression of a social reality that I know. There was a time when I lived a life that everyone thought was weird. But maybe it was what I wanted to do! Or what I had to do. But what I am saying is that the human being is capable of a lot more than we say they should do. In other words, we say that this person should have an education but that person is capable of living without an education. We say that that person should have this particular standard of house, but the person could live without that standard of house. All we have to look at is Yugoslavia today to know that people can actually tolerate a lot more than we would ever credit them for tolerating.

So, when it comes to change and choices, and exercising a choice to go to the Community College and learn something, or stay at home and watch TV, a lot of people will stay at home and watch TV. And we are not a totalitarian state where we can say '*You must go to school!*' We must leave it to choice. So even as much as we desire change, we must leave it to choice. As much as we desire training and education, we must leave it to choice. The person has to choose to go to school, to learn to make that extra sacrifice to do these things.

Let us not simplify the issue because of politics. Let us not politicise the issue because of desires to change positions.

The Third Elected Member for Bodden Town made some remarks yesterday. He created a possibility for us to see that there is no quick fix. There is no quick answer, not even for those of us who assume somehow that we have some kind of training and education because we will be like the dinosaurs if we do not continue to unlearn some things and learn other things. He is talking about the integration of the school with the workplace. He is talking about education for the 21st Century how it will radically change; how there has been so

much change in the surgical rooms where operations are performed, but how there has been little change in the classrooms.

The Third Elected Member for Bodden Town has been talking for a long time about the new technology and the fact that people should learn how to use computers. Maybe it's time that we look at the internet and really say something to Cable & Wireless about this restructuring where they are trying to make us believe somehow that they are doing us a great favour when every child, every home in this country should have access to the internet at a better price. Maybe every person should have a computer. Maybe that's the way of approaching it too.

What I am saying is let us not simplify in trying to find political solutions to problems that are not political problems. These problems are problems that are wider on a societal level. We need people who can think these things out involved in governments. We need persons like the Third Elected Member for Bodden Town as education minister. I was very saddened that this young gentleman is still up until now not education minister. And every time I sit down and listen to him, like I sat here and listened to him yesterday (because not everybody was listening), the way in which he put his theories, his concepts together, if you don't pay good attention it will fly over your head. But the flexibility of his ideas, the way in which he speaks with dignity and the way in which he allows knowledge . . . because a lot of times we tease people about that in Cayman, *'Oh look at how he talk, he trying to talk like this or that.'*

If we don't learn words, if we don't integrate more and more words, we are not growing because we are living in an idea world. If we only have two or three words we have a smaller world than if we had all the bigger words. So what he does is something he learned a long time ago and it's very useful. He's always learning, learning, and learning. He's reading, reading, and reading. That's a good example. He's a good role model. He's a good education role model.

We need to change the system. We need to put away the political bickering and understand the thing we are trying to change is bigger than personalities, bigger than one discipline, bigger than one degree. It's a big world and we have to learn how to dissect it, pull it apart and put it back together again.

What I believe I have done in regard to this Private Member's Motion is set the stage again for us not to get political about it, for us not to get blamey-blamey about it, but for us to realise how complicated it will be for us to find meaningful solutions to the question of mobility and education and training for our people.

Thank you.

The Deputy Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.42 PM

PROCEEDINGS RESUMED AT 2.30 PM

The Deputy Speaker: Please be seated. Debate continues on Private Member's Motion 2/99. Does any other member wish to speak? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

Perhaps on a Friday afternoon it is fitting that contributions such as mine not be very long, especially since the mover of the motion and the seconder, and also the Fourth Elected Member for George Town, although some taking different angles to the motion, have all amply explained the need for this training initiative to take place. Needless to say, I am certainly in full support of the motion and I think I can safely say this is one area that I, as a representative, have been talking about for quite some time.

There is no question in my mind that the future of many of our young people is at stake. I think that it is probably fitting to get some kind of perspective as to why this motion has been brought at this time. If we look at education in the Cayman Islands and we track it back for a while we will get to understand that like most other systems in the world our system is such that the results that are forth coming when students pass through our primary and secondary education system, those results always bring about a fear in those of us conscious of the fact about a certain percentage of individuals who pass through the system and actually graduate.

While it is easy at some points in time to separate training specifically in an education system, the truth is that up to a certain point both are actually engaged in a marriage. I think the focus of the motion before us now is not limited just to training initiatives post secondary education, but I think it wants to include in its ambit a situation that we don't wait until after that to talk about training but we look at trying to parallel certain types of training specifically tailored to individuals who may not be that academically inclined if that is proven to be the case while they are going through the system.

We always pay lip service, and every one of us here have said at some point, *'You know, let us make sure that our young people have ample opportunity to be all that they can be.'* And we like to sing that song. But I wonder how many of us really think about it and realise that it is not something that will happen just by our saying it. This is what this motion is all about.

I wish to take a slightly new twist for the short time I will be speaking on this motion, and I want us to see if we can focus on the realities of the lack of training in our society as it exists and what the negative impacts on society are. Let us look at some performance indicators when it comes to the quality of our education system and whatever training might be deemed necessary as part and parcel of that or complementary to that system.

Let us take our Social Services Department for instance. And without being specific with figures and quantities and all of that it is obvious every year at budget time that in that department there is a growing demand from within society for financial resources by way of assistance to people, and not just the old and

indigent. There is also a continuously greater demand for the skilled professionals in that area, the counsellors, and the other social workers. Our population is not growing in leaps and bounds from the indigenous side to the tune where it equates with the increasing demand in that area. That, in itself is a signal that what we are producing in our society is not quite up to par with what we would like it to be.

Let us look at crime. They can doctor the figures all they want but it is obvious to us that as time passes certain types of crimes are on the increase. One can easily say, *'Well, that's the price you pay for development in your country.'* If you want to just pass it off like that, fine. But if we are to examine the great proportion of reasons why there is that increase in crime it is because at some levels we are producing children who pass through our system and who are not equipped, or tooled, when they go through that system to find their own niche in the society. That is what is happening to us.

This is also a topic that most people don't want to think about because they think it doesn't exist. But if we were to seriously check the amount of illiteracy in our country it would shock us to know that with all of the wherewithal we have, that we have those numbers. Even stepping up a little bit, let us call them semi-literate. People might not want to hear this either but there are people who pass through our primary and secondary education system and when they get a certificate that they have graduated they can barely read and write. That is not to castigate the system, but it just shows the inadequacies.

If we look at all of us in here who have school age children, I think we can all say *'Thank God my children are doing well in school.'* The system allows for children like ours to blossom as they go through primary and secondary education. It also allows for many of them to be properly equipped to move on to tertiary education. But it's like a water filter, if you have some dirt in the water when it passes through that system you have pure water running. What we have in our system now is no safety net to make sure that all the impurities are taken out. This is where this training will fill that gap.

The other thing I wish to speak about is that it is all well and good for us to boast about our exam results every year, percentage-wise, getting better and better. That is fine. I have talked about misery loving company on many occasions. Those who don't make the cut, we don't have any thing in place to tool them to train them, this is where the gap is.

What I detest (and I really mean detest) is when I hear people spouting their mouths off talking about all of the good. I know we need to talk about that, but let us not hide our heads in the sand and keep talking about that good because it is difficult to address what is not good. That's what this motion is about: addressing what is not good and find the ways and means to correct it. That's what this motion is about.

We could look at each of our lives on an individual basis. And we can say that at such and such an age we did such and such; we provided for our children, we have our own homes and all of that. We can fool our-

selves into being content that that has been enough effort expended in our lives in order to satisfy ourselves. But it goes beyond that. Every one of us has a responsibility to our fellow man to truly ensure that he or she has an opportunity to be what he or she can be, not just to sound good about it but to make sure that it happens. That is what good citizenship is all about.

Unfortunately for too many of us we get caught up in our own selfish ways, with our own individual lives and we don't remember that not everyone has the same opportunity we have had. We need to stop and think about that.

We talk about the fact that the way our economy is growing the labour demands are such that we have over employment and we have to bring in a lot of foreign labour. That is a fact. But here is where we are missing the boat. We still have (and this is something that I have to argue with everyone about) a noticeable number of people in this country who are Caymanian without a job. What I disagree with people saying, because it's easy to get up and say that if anyone here wants a job and they are willing to do it they can get a job, that sounds good but it doesn't work like that. There are a noticeable number of us in this country who are not tooled or equipped to compete with the job market to find a job. It is a fact. We see them daily right in the foyer.

Mr. Roy Bodden: True!

Mr. D Kurt Tibbetts: They come to every one of us.

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: We would like to get them a job, but by the time you talk to them for five minutes you realise it's going to be a real serious uphill task because they are not equipped. And you cannot make one conversation that you have with them and figure that's going to cure it and give them a sense of direction so they know what to do. It's not going to happen like that. I am not saying it's easy, but I don't know that it's the case where we must lay down and play dead. That's what will ruin this society.

I believe that if this society is going to succeed we can talk about all the tourism statistics, we can talk about all of the glorious things we have succeeded in in our financial industry and we can talk about the per capita income compared to other Caribbean territories and for that matter other Caribbean territories all over the world and boast about that, but we are to the point now where to allow euphoria to set in and to live the rest of our lives leaning on that supposed success we have achieved will be our downfall.

For too long things like what we are talking about now have been pushed aside because we figure it can stay a little bit longer, that's not so bad yet. Do you ever notice when you get a sore and you leave it alone, it's not so bad yet, and you don't deal with it in the proper way? Then by the time you really go to deal with it it's gotten too bad and sometimes you have to cut off a leg

or something like that. That's the way we have been known to be thinking. That's what we have to stop.

I want to challenge the Minister for Education to go through an exercise. I am sure the message will get to him, and this is no argument with anyone. But I don't think it has ever been done. If we really want to prove a point that we do have some kind of problem in our system let us take the graduating class for 1999 at the John Gray High School. I am sure the information is available. Let us have that entire graduating class listed and by whatever means are available to government six months form graduation let us revisit those individuals and have proper records of where they are six months later—who has gone on to college, who is working at the Royal Bank of Canada, who has a job at the post office and so on. Let us see when we get those results if every one of them are employed and what number of them are not. Take a look at those who are not employed and examine them and see why they are not employed.

That is a challenge simply because that is the best exercise the government could go through right now to have a hand on exactly where we are. I am sure that's as good an example as we can get throughout our education system, including the private schools because I for one do not believe that the public education system is by any means inferior to the private education system in this country. Not for one minute. I really hope he will take up the challenge and do that because that will at least show us people like me who have these great fears whether those fears are unfounded or not. I am not wanting to see a certain result from it, I just wish to see what is the truth.

When the Third Elected Member for Bodden Town, in his very capable fashion, made his contribution to this debate about training, he spoke about several new initiatives which have not ever been looked at, I don't think, in the Cayman Islands. He alluded to the importance of a marriage between the private sector and the public sector when it comes to training our people.

I need to digress here for just a minute. I noticed when the Minister for Education was doing what he was doing about the motion, he mentioned this manpower survey and he mentioned 80% of the employers employing less than ten people and that being the majority of the workforce and the businesses in the country so there lies the difficulty in having on-the-job training. I hear what he is saying. But we are at the point now where we cannot continue to be orthodox and pull from the old textbooks and hear what people have been doing all these years in the past. If all of that were right, we wouldn't have the problems now. We have to be innovative.

The marriage I talk about when I talk about the public and private sector is not going to make any sense to simply go to the Immigration Board, as has been tried unsuccessfully in the past and it is now known cannot work, and say . . . let us say one of these employers who employs less than ten people and they need two work permits out of eight employees. It makes no sense for the Immigration Board to write them back and say 'Okay, we are going to issue this permit for you now, but

we want to ensure that you have a Caymanian in training and make sure that either by one year or two year's time you don't have to apply for this work permit again and the person is trained.' We understand. I live it myself and I know that it's not physically possible. But because that is not possible, and because that is 80% of the businesses in this country doesn't mean that something can't work. It just means that doing it that way can't work.

The marriage I talk about is something I will explain now. If we really want to be effective and we have the will to do what we should do. One of the first things we need to determine, and not by sitting down in the common room spouting off our mouths to each other, but by finding out the facts. We need to find out what the employers of this country need in the line of employees. We need to be able to categorise exactly what they need a person trained for. I know that you will not be able to do it to the exact level. But there are enough generalisations in employment to where there are many basic toolings that can occur that will give the person the ability to fine tune themselves on the job after this is done.

We know that by nature, employers are not minded to go through the costs, and some can't afford to go through the cost of having two people to do one job just to train the second person. We understand that. But that is why you have collective efforts at some times. That is why you don't have one insurance company insuring one person. Similar reasoning. This is where we need to be looking. We need to create a situation where the employers of this country can see first hand the benefits of participating either by way of a financial participation or by way of actual on the job training, because some of them can, or by whatever other means devised. But the employers must see the benefits of doing that, and there are many benefits.

If no one gets a move on and starts to push this thing it's just going to remain as it has been all along. This is what I believe the mover and seconder are all about in bringing the motion. We need them to recognise that it's a win-win situation all around. You get certain, I want to say idiosyncrasies but syndromes might work. You know I am not that good, but I guess people will understand what I am saying. You get this thing where people, Caymanians, say '*Look at the hotels. They don't want us to work there, they want the foreigners to work there because they don't like us they like the foreigners.*'

Let me tell you something. This is my land! This is mine. I welcome anything that is good for my land. It's just like the body, if you take too much of anything that's not good for you, you are going to get in trouble. I don't care who or what it is, our situation must be a situation that we are in control of. I don't care what anybody says. It doesn't mean that all of us can't coexist. But some of the times this thought is not real and sometimes it is.

When we look at work permits, over the years because so many of our people who have been demanding jobs have gotten jobs and they are not equipped to do the jobs there is another thought on the employers part. The thought is that there are many Caymanians

who do specific tasks but they do them to an inferior quality than if the people are allowed to get a work permit. Some of that is true and some is also not true.

When we look at the whole picture, and I am talking about work permits, no one can convince me that if a large establishment, a hotel for instance (because I don't want to get into training that involves three or four years of higher schooling), and let us say they have to employ 50 people on work permits, depending upon the category of employment and whether they have to find accommodation for these people, depending upon what other perks they have to attract these people with to come to the Cayman Islands to work, for that quantity of work permits I don't care what prejudice in the world exists no one can convince me that if we have our Caymanians trained for the vast majority, if not all of those 50 posts, it doesn't make sense that the company would rather bring the work permits in. No one can convince me.

If you add all of the dollars and cents up, over a period of a year you are talking of hundreds of thousands of dollars. And when you talk about over employment, I have my own ideas subject to anyone taking me on, but I have a real difficulty with this over employment business. Let me explain. If the Caymanian workforce is 10,000 strong and the foreign labour workforce is 12,000 or 14,000 strong and you were able to calculate the income of the vast majority of the Caymanian workforce not classed in the professional skilled level, compared to the earning power of the foreign labour workforce, I am here to tell anyone that the foreigners will earn more than the Caymanians, not because they are foreigners but because the people who employ them employ them because they are tooled to do the job. That's where our problem is!

If we want to talk about having to bring in foreigners, we need to not . . . you see, the Fourth Elected Member for George Town brought up a very important point when he mentioned the attitude of our own people and it's like wherever they are allowed to fit in they kind of cool out, they relax and are happy with that. That's the kind of stuff we need to change, and it can be changed. I know it's difficult, but it can be changed. We need our people to want to rise to the challenge. We need for them to be tooled and better equipped so that they can get the better jobs. Then you won't have so much 'us and them.' That's what causes 'us and them' now; it's an inherent jealousy because Caymanians, rightly so to a point, believe that this is their land and they must reap some of the benefits. Of course, they need to understand that they must have the ability to do so, not just the mind, not just the will, but the ability. That's where training comes in.

Needless to say, I honestly believe that there are innovative ways and means to make a dent into this thing we are talking about. I believe that we can reap good results in time. I know it's not something we can talk about today and by tomorrow it will be cured. I know that. But the longer we talk about it and do nothing, the longer it will take for anything to happen.

I want to do the best I can, Madam Speaker. The very best I can to deal with the issue and leave it at that. But sometimes it grieves me when I see how big hard-back sensitive people who are supposed to understand these kinds of things, and who are supposed to deal with them in the right fashion spend so much time acquitting themselves, ensuring that when they stand up and speak that they say the right things to make sure they are not faulted for something. What a pile of hog-wash! I am not going to go too far with it. Don't worry.

Here we are talking about something as important as anything else in the world for us as a country. And when government is going to reply, the only sensible thing said was that they were going to accept the motion, but they spent an hour and one half trying to ensure who was not to blame and who was to blame and who is incompetent and who can speak better than the other one . . . Madam Speaker, I am different. The Minister for Education means nothing to me. It's his post that's important. I want him and everyone else in the government to understand that we as representatives expect them to do what the post demands. That's what it is all about.

I truly don't want any fighting. I know it might sound strange because sometimes it seems that I do. But deep down I really don't. But stuff like this is important. This is no time for foolishness. That game that he played when he was a kid, he still likes to play. So I guess we will have to see what happens.

When we look at this motion there are many other areas I could cover, but I truly believe there are some good ideas that can be forthcoming from the members of the backbench—all of them. And I do believe that the members on the backbench are committed to seeing something done, otherwise the motion would not have come. I also believe that it is fair comment to say that when you see motions like this coming from the backbench not only is it meant to call attention to a certain topic, but what it is saying is *'This is a responsibility of the government and we do not see any action. Here we are, we will help. Will you please pick it up and run with it?'*

Mr. Roy Boddin: True!

Mr. D Kurt Tibbetts: If it's a little to heavy to run with, then maybe they can walk with it. We'll help them! That's all right. But they don't believe that because they figure that we spend our time on this backbench conniving amongst ourselves to make sure we get their jobs. I couldn't give . . . I couldn't care less about their jobs. I want to see results.

Mr. W McKeeva Bush: Yes!

Mr. D Kurt Tibbetts: I want to see results!

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: When the time comes to fight about the job, we'll do that too. But this is not the time for that!

They will come back tomorrow and say the same thing. But you know what? They don't act it out. That's what!

Madam Speaker, this motion is calling for action. If government is not in a position to move forward, I stand here this evening to tell you, Madam Speaker, the government and this country that the backbench has the wherewithal to get it going. We are even prepared to help them and let them take the praise. That doesn't matter. We want to see results because the future of the country is at stake.

Mr. Roy Bodden: Precisely.

Mr. D Kurt Tibbetts: There is nothing so senseless as becoming more efficient at doing the wrong thing!

Mr. Roy Bodden: Tell them!

Mr. D Kurt Tibbetts: Anyway, Madam Speaker, I think I have said enough regarding the motion. In summary, I am simply supporting the motion. I am neither the mover nor the seconder and they have both acquitted themselves quite well. I am sure in his winding up the mover will explain everything. But the point I really wish to re-emphasise and reiterate is that this issue is a very important issue.

We talk about the disparity of the wealth distribution in the country. That's where our social problems are coming from. We have too many of our Caymanians who are not tooled properly and their earning power is not where it should be. That is what it is all about. Training equates to earning power and that's what we want our people to be into.

We don't want them to be waiting fifteen years before they can get a house mortgage. We want them to have the ability to move in there and fit like everyone else. The tension would ease, you know. That's what a lot of people really don't understand. We are talking about social problems and this thing and that thing. Those are real problems. But if we have our people well placed and well positioned, earning decent salaries we will find better homes, we will find husband and wife staying together more, we will find children being better cared for . . . everything will be better.

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: So all of this is why this motion is here. I just hope the government will react accordingly. Utilise the knowledge on this side because we are ready for it.

I will wait to see the results and I certainly commend the motion.

The Deputy Speaker: Does any other member wish to speak? (Pause) Does the mover of the motion wish to exercise his right of reply?

Mr. W McKeeva Bush: Madam Speaker, thank you.

I wish to say thanks to all members on this side who spoke in this debate and those who by not speaking still give their support. I would not have needed to say too much in this part of the debate because some very good ideas have come across from members of this side. I would not have needed to speak especially after the contributions of the Third Elected Member for Bodden Town and the First Elected Member for George Town because they were right on target. In fact, I know that the member for Bodden Town can put it much better than I could. I hope that the offers of assistance made from this side to the Minister for Education will be taken up.

The purpose of the motion is to get government into action on the very important matter of training. It has nothing to do with politics. I really thought that I had introduced the motion in a very high level of debate. The motion is here before us because after I resigned from Executive Council in November 1997 until today I don't think anything was done by the Minister for Education and the Minister for Community Affairs with the plans we put in place. Seventeen months have gone by and the Minister for Education has the audacity, even the temerity, to come here and point his finger and try to make me a scapegoat one more time.

I wonder when is that Minister and his cohort, the Minister for Tourism, going to stop trying to put blame on others for things that they should have assisted in, or things that they did everything they could to stop. The Minister for Education has certainly laid blame on me for, as he said, getting nothing done. He posed the question, What did I do in five years? Blame has been laid on me for a lot of things, even things I knew nothing of. I guess that will continue for a lot longer because it is true, and I believe this is the situation with the Minister for Education, that when you don't have anything constructive to offer you try to shift the focus of the debate and lay blame on somebody. And that has been his tactic all the while. That seems to be a great part of his training and his expertise!

I recognise today, as I recognised when I was in Executive Council, that action must be taken to get something done. It's not easy. I never said it was. If it were easy I would have gotten everything done. As I said, seventeen months have gone by since I was in Executive Council. We tabled this motion in October of last year. That's some six months ago. Do you mean to tell me that the Minister for Education couldn't have come here yesterday with something more tangible than to point his finger at me and say "you are to blame"? Using this word "blame" I looked through his short contribution on some two pages and in those two pages he used the words "The First Elected Member for West Bay is to blame" twelve times!

Now, after seventeen months you mean to tell me he couldn't have come here with something other than to low rate me and lay blame on somebody else? If the Minister for Education had the interest or the welfare of the people of these islands, students and workers, present and of the future, . . . the Minister of Education and the Minister of Tourism would have come to this debate on this motion with a clear set of guidelines or plans or

ideas as to what needs to be done. But as we all can see, one coaches the other when they are debating, but neither of the two have any interest in training Caymanians so they come here to point their fingers and lay blame on somebody else.

Well, I say to that sorry pair: blame me if you will, but for God's sake do something now! Do something! This is what the motion is all about, forcing government to put in place before work and workplace training strategies.

The Minister responsible for Education with the coaching of the Minister for Tourism has asked me to show what I accomplished in five years. He said nothing was accomplished. Well, let me begin since, Madam Speaker, it seems it is left to me to remind him and others what was accomplished. I am not saying that we had the cure all, but nobody can really say that I didn't attempt to get something done. But of course, the Minister for Education said that.

First of all, having accepted the policy of training we referred the matter to an advisory committee to fully examine this issue and to propose recommendations. In collaboration with the private sector and the public in general the Manpower Advisory Committee comprising 20 members representing a broad cross section of knowledge and expertise from the private and public sectors was appointed in July 1994. And it was provided with broad terms of reference to guide its deliberation. The Minister for Tourism was the deputy chairman of that committee, but he didn't attend but one meeting—one, single, solitary meeting, the first official meeting of that committee. And he was busy with tourism. He was busy with a lot of things. The truth has to be said and I am saying so.

ExCo did not accept the report, but agreed to table certain parts of the document. This honourable House was kept abreast of the progress on the committee's work. Members here now, who were here then, will recall that in September 1995 I tabled a document which outlined those recommendations in the report which government accepted. I will get to that report, but I want to continue with this and I want to put in sequence what was accomplished and why certain things were to be accomplished.

Having done that, I think we can all place our minds back to the mindset back in 1995 during the debate and the upheaval and the controversy on the Labour Amendments, I think we all remember that, and the role the Chamber of Commerce played in it. Unfortunately, there was some delay in the implementation of the long overdue initiative due to opposition from some quarters of the private sector, particularly the Chamber of Commerce who viewed government's role in this matter as interference and who seemed to be satisfied with the status quo at the time. I think positions have changed with the Chamber of Commerce and I am glad it has. I don't know all about what they are doing but it seems they are not as militant as they were.

Despite the setback my Ministry and the Department of Human Resources coordinated the implementation of some of the existing initiatives as resources al-

lowed. And we do know that other items were underway. We know that a discussion draft of an outlined proposal for an apprenticeship scheme was developed by the ministry. The Governor-in-Council, of which the Minister for Education was a part and still is, gave approval for this discussion draft to be distributed to the education sector as well as all other associations in the private sector. My ministry then, and the Department of Human Resources launched a scheme for the job placement and reintegration of suitable Caymanian ex-prisoners. You know that that was all part and parcel of the plan. It was not the be all and end all, it was just part of it.

We created the guaranteed student loan scheme and for the years 1993 until August of 1996 there were 183 student loans approved for a value of over \$3 million made available through the Agricultural Industrial Development Board which operated under my Ministry and also through the guaranteed student loan scheme which was launched in August 1995, and has proven its worth (if I say so myself) as an effective tool in human resource development.

We set plans in place to further assist students when they came out of college with their loans they got through the guaranteed student loan scheme. I recognised that they would come out to face a big loan from the scheme even before they started to work. That was all in the report on page 12—not a part that was accepted by government, mind you. Not one of those parts accepted by government.

This is what the report said, **"In regard to the guaranteed student loan scheme this should be coordinated with the manpower development and training policy strategy, particularly employers who are arranging for the Caymanian worker or apprentice to further his education through the government student loan scheme should be responsible for the percentage of the employee's student loan repayment with appropriate bonding arrangements being optional as what the employer and employee wanted as employer would be reaping the benefits of that employee's knowledge and skill. This kind of cost sharing is being adopted through the Caribbean and elsewhere in recognition of the need to invest more in training without burdening the student with a heavy debt burden upon graduation."**

Additionally, they recommended that employers be required to invest in training for every three to five permits he has. This investment would be in the form of a scholarship contribution into the training super fund or subsidising the students or employees participation in a loan or a grant scheme. This was part and parcel of what the report had—not what government accepted and allowed me to put out in this House. So that was another thing we were working on and had hoped to have accomplished.

We created the sports scholarship. We created the cultural scholarship. We also set in place educational grants to young persons involved in sports who could not get scholarships or qualify under the government rules and regulations of the Education Council, but who could get into a community college or other college, who

would start off and then when they brought themselves up they would then enter another university. These were grants that the Ministry put in place to help these young people.

[Please note: Tape 175 not clear and there are some word problems/*Janet*]

I want them to come back and say how many they have done since I left. Do you know that they did? They tried to scuttle it. Some of those students still [?] their money and he comes here talking rubbish about I haven't done anything and show something more tangible. I wonder where the Minister for Education was all the while. Do you know what he was doing? Playing Chief Minister with the Governor! That's what he was doing!

Mr. Roy Bodden: Tell the House about it! Yes!

Mr. W McKeever Bush: And playing Attorney General. You got to go tee-tee now?

Madam Speaker, I can go on to say that we emphasised the need for a more structured approach to human resource development in these islands. And there have been more interest and offering of scholarship grants instead of [?] and I wish to commend those individuals and businesses which have been proactive and consistent in regard to the human resource development of their employees and other scholars in our community because there are those who do their part and we must recognise it and say thanks.

We strongly appeal to all employers to ensure that if at all possible their employees are given reasonable time off to take full advantage of the lectures or tutorials, programmes and examinations offered at the Community College. And we urge that there be increased dialogue between industry as the users of the out-turn from the college and the college as the provider. More dialogue so that the college is meeting the needs of industry in terms of courses and programmes and that the graduates be adequately prepared to carry out the duties which are required by industry. That is what we did. I don't know if the Minister of Education took the opportunity of that support, or whether he paid attention and was aware. As I said, he couldn't pay attention because he was too busy being the Chief Minister.

Hon. Truman M. Bodden: Madam Speaker, I take a point of order.

POINT OF ORDER

The Deputy Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: The point of order is that the member is misleading the House. This country has no Chief Minister. He said that I was out there too busy acting as Chief Minister or words to that effect. I wish he'd desist of that.

Mr. D Kurt Tibbetts: He did not say that!

Mr. Roy Bodden: He said you were playing Chief Minister!

Hon. Truman M. Bodden: Same thing!

Mr. Roy Bodden: Is not!

The Deputy Speaker: Honourable Minister, I do not see that as a Point of Order but I would ask the Member speaking to use those words as little as possible please.

Mr. W McKeever Bush: Yes, Madam Speaker. I knew he would get up soon.

No, we don't have a Chief Minister, but we have some people who believe they are, and the Governor believed he was too, and he is still acting that role!

Let me go on with what we tried to accomplish and what we actually got done. I believe that with the right partnership between the private and the public sector it was possible to achieve very high standards in education and training in these islands. I still believe that.

"Caymanians have the ability and desire to advance in education as well as in their careers; there has to be a shared responsibility to see that equal opportunity is afforded to Caymanians." That is what I was trying to accomplish when I was sabotaged. Investment in the human resources of a country is definitely a great investment. In a service economy . . . I think the First Elected Member for George Town was talking about this. In a service economy such as we have, we have to recognise that investment will cause the value of all goods and services to compete in the global marketplace that the Third Elected Member for Bodden Town was talking about through increased productivity and efficiency of our human resources.

I believed then and I believe now that the way forward must be based on a partnership with close communication and appreciation of each other's efforts and expectations—what the employer expects, what they put out for the country, what our people expect.

We did some restructuring of the Department of Human Resources so that it can be more effectively developed and encourage policies and initiatives with the private sector and use outside experience as necessary. We said then, and it is still not done! I said in my debate that the career development was not what it should be, the career counselling aspect of education. We thought we could amalgamate that with the training scheme but we realised the fight we had on our hands so the Minister for Education . . . and perhaps that is more education and not training because I differ from the Fourth Elected Member for George Town who seems to feel that education and training have to go together. I don't think so.

Any way, we felt that a comprehensive career counselling needed to take place. We pointed that out to the Minister. But still, children in his schools are still taking courses that are not compatible with the higher education or career path they want to be on. That's where the minister is failing. Children taking courses who can't

do a doctorate, can't be a medical doctor taking other courses and can't do accounting but want to do it. This is what he needs to be busy with. Coordination needs to be at all levels, secondary, post secondary and on the job training.

Even some of those things, I believe there was a lot left to be done. We then had to move ahead. That took me up until 1996.

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

Mr. W McKeeva Bush: I can continue. I don't need a break. I don't know about the rest of the House.

The Deputy Speaker: Is it the wish of the House that we continue without a break, seeing that we arrived fifteen minutes late on our return after lunch?

Honourable member, please continue.

Mr. W McKeeva Bush: Thank you for your indulgence, Madam Speaker. You are most kind as is the House.

All these efforts took me up until 1996. In 1996 Executive Council told me that the training initiative had to be a joint one between education and community development. They can't deny that because they went forward and put it in the 1996 Manifesto. That was to keep an eye out on me and keep me under control.

I can say that the permanent secretary of education showed a lot of interest. She knew and recognised that something needed to be done. But we had to fight the minister who was doing his best to ensure that things did not go any further.

Hon. Truman M. Bodden: Madam Speaker, on a point of order.

POINT OF ORDER

The Deputy Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: The member is misleading the House when he says that he had to fight me in relation to keeping things going further in relation to education. It is untrue.

The Deputy Speaker: Honourable member, I do agree with the minister unless you can give an explanation as to what your 'fight' entailed.

Mr. W McKeeva Bush: Well, Madam Speaker, I use 'fight' broadly. I will withdraw it for now, but I will come back to it when I get to the point where I really want to prove his . . . a—

Mr. Roy Bodden: [*inaudible*]

Mr. W McKeeva Bush: Yes, that's good word.
How ungenerous he is. I will come back to it.

In early 1997 we started to put things together to get actual plans in place to begin to deal with the private sector companies. This is where the Minister for Education got jittery because he didn't want me to be dealing with them alone. He thought—and he still thinks—that that is his sole purview. Nevertheless we plowed ahead and we appointed a committee chaired by Mr. Brian Hunter who we all know is a very capable young Caymanian.

We agreed to get someone from the Commonwealth Secretariat to assist in implementing the recommendations and to work with the committee. There was some stalling with that too. I couldn't find out where the opposition was coming from against my ministry dealing with the Commonwealth Secretariat.

The Minister for Education made some nasty remark about me wasting \$10,000 to go to Singapore. Well, let me get to that one. I don't think that we wasted any money. We tried to save. When we went abroad you didn't see us in big limousines. Sometimes my permanent secretary and I shared rooms to save the government funds. In the meantime the permanent secretary of education and my permanent secretary decided that it would be good to look at a progressive country training system so as not to have to reinvent the wheel, so to speak; a fact-finding trip, if you will.

The two ministries arranged the Singapore trip. Singapore was chosen, but the Minister for Education said he couldn't go. I remember quite clearly the Governor objecting to the two ministries going because he was told by someone that nothing was done, so why go to Singapore. He wasn't informed of the report. He wasn't informed of ExCo's acceptance of some of the recommendations. He wasn't even informed about the involvement of the Commonwealth Secretariat although there should have been things on file because Mr. Gore had knowledge and had certain correspondence.

Anyway, when I told the Governor of all the work done so far he changed his mind and said it was a good idea. However, some people were determined to stop the progress being made one way or the other. And while I was away the First Cayman Bank matter reached a point and the government closed the bank while I was in Singapore. When I got back to the country everyone knows what took place. The whole thing came down on me like I had caused the bank to collapse and so the National Team asked me to resign.

That was assisted by the government's statement. But one of these days that too will be made clear!

As I said earlier, Mr. Hunter, a young intelligent qualified lawyer was the chairman. They didn't even call him to continue the work because they were not interested in training Caymanians. There was no official correspondence, not even an answer to Mr. Hunter's letter to the minister. He wrote to her twice after she took over trying to get confirmation that she was in agreement with the programme. He did meet Mr. Bainbridge only on an introductory basis. He never had any discussion whatsoever about the programme. That was not the basis on which they met him. The minister didn't even answer him, yet the Minister of Education came here yesterday

saying we can't blame him, blame McKeeva. Well go ahead and blame me, but I say again: do something!

Now, the gentleman from the Commonwealth Secretariat arrived here in January of 1998. That was on what I had put in place. We had sent an invitation and asked for assistance to the Commonwealth Secretariat. We had confirmation of another gentleman who somehow had to pull back his agreement and they had to wait a little while and Mr. Terry Bainbridge came. He arrived here in January of 1998. The Minister for Education wasn't even generous enough to say yesterday that it wasn't him (or her) that did that, you know. No, no, no, blame McKeeva, he didn't get things done; he didn't do anything.

He came here in 1998 and they didn't put him with Mr. Hunter and his committee, which we left in place, where he should have gone to start implementation of the plans. They sent him down to the labour office. However, in September of 1998 that gentleman, Mr. Terry Bainbridge of the Commonwealth Secretariat, who we got to come here and assist with the implementation of the report, was sent back to the Ministry of Education until today.

Isn't it funny? You heard him constantly interrupting me in the Throne Speech debate saying he didn't get training until two months ago. You all remember that? I am sure you do. I think the *Caymanian Compass* quoted it. Well then, if that is so, what was Mr. Bainbridge doing in his ministry from September 1998? Counting cockroaches? Or counting ticks? Or doing Vision 2008?

You see, Madam Speaker, I happen to know that Mr. Bainbridge is in Vision 2008 on the planning team and on the education roundtable, and that he is now involved in restructuring the department of education. This is information that I got from the Minister for Education. Why try to make the House believe that they didn't have training? What then was Mr. Bainbridge sent to his office to do? If Mr. Bainbridge came here to do training, but the Minister for Education didn't get training until February, why was Mr. Bainbridge in the Ministry of Education? Why? Oh what tangled webs we weave when we first practice to deceive.

They will have to act because of the motion—

The Deputy Speaker: Madam Speaker, I take a point of order.

POINT OF ORDER

The Deputy Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: The member is saying that I am deceiving. Now he must show where I am deceiving and I would like to answer that. That's a very serious allegation.

The Deputy Speaker: Honourable Minister, that was not what I gathered, that it was the you who was deceiving. I did not gather that from what he said.

Hon. Truman M. Bodden: I accept that, Madam Speaker.

The Deputy Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Thank you.

When I was the minister I took my licks. If something happened, I had to take responsibility because I was told the buck stops with you, you're the minister. I want to know who knew where training was. Then what was Mr. Bainbridge doing in the ministry of education if he came here to do training? But the Minister of Education didn't get training until February, but Mr. Bainbridge was there from September last year.

Training was locked up in the Governor's office.

I was appalled that the Minister for Education would stand on the floor of this House to say that the report of the manpower advisory committee was flawed because it didn't take cognisance of small companies. In my introduction of the motion, didn't you hear me say that the reports recommendation said, and I quote again "**A unit of Government should be charge with ensuring that every employer has in place a training programme that is appropriate for its size and profitability.**" Didn't you hear me say that? I sure did.

Then I explained that the committee was cognisant that a small company of four couldn't be expected to train five people. How can he mislead the House and the public so when the report is clear about companies of a certain size?

POINT OF ORDER

Hon. Truman M. Bodden: I am taking a point of order. He is saying that I am misleading the House and the public. That is not correct. I have misled nobody. I would like him to withdraw it or point to where in my speech the misleading part is.

The Deputy Speaker: Unless you can point to the particular statement in the Minister's speech, I ask you to withdraw the statement.

Mr. W McKeeva Bush: It's in the Minister's speech. And I have some of his speech. He said, let me quote him exactly, "**I think the 1996 Manpower Report quite effectively deals with the large businesses but it is impractical to small businesses both from how much resources, how much they can spend and also how much time can be taken out.**" [15 April 1999]

If he said that, and this is the *Hansard*. And the report says on page 4 was that "**we need to encourage in all businesses above a certain size is the development of clear and consistent written policies in training, promotions, career paths.**" And on page 15 it says, "Firms and/or businesses with more than four employees, and/or with 50% or more work permits would be subject to the policies including assessment and monitoring prescribed in a law."

The Deputy Speaker: Honourable member, in reading those words I don't think it was the intention of the honourable minister to mislead the House or the public. So I would ask if you would withdraw.

Mr. W McKeeva Bush: I guess I will have to withdraw it. But it shows that he did not know what was in that report when they didn't want it put out.

There are a few recommendations on page 15 of the report which I am going to read. But I had specifically asked Governor Gore that I not be responsible for that particular aspect, that I was not willing to take on that . . . that is work permits, even though at least one member of my staff felt that this set up should be put in place as soon as possible.

The acting First Official Member here today can verify that I had long discussions with him on that recommendation. He can also verify that I told him that I was not willing to take up that responsibility, that I felt it was an objective for the future but not with immediate effect. I am going to read what it says because the Minister for Education went on yesterday to say that if the public had known of certain things, . . . words to the effect that it would make people think that there was a lot of things wrong with this. You know, like something bad was attempting to be done. I am going to read page 19, and it is captioned "Manpower Development, Human Resources and Training Board."

"As referred to in the proposed law, part A of this section, it is recommended that a new board be established as an integral part of this strategy. It is recommended that the existing Immigration Board be split into three boards, 1) Work Permits and Training Board; 2) Trade and Business Licensing Board; 3) Immigration Residency Board.

"The Committee concurs that the present system is no longer adequate to articulate and enforce Cayman's manpower development and training efforts for the 1990s and beyond. It is almost impossible for the present system to efficiently handle the volume of business—grants and renewal of permits, business licenses, status, residency—and carry out the very important functions of business growth as well as ensuring proper manpower development and training of Caymanians as it relates to work permits.

"It is unrealistic to expect that the board with such a small staff to effectively deal with the current volume of business workload especially with the growth of complicated issues in this day and age as opposed to what may have been practical ten to twenty years ago.

"The new proposed board will comprise of the following: Chairman and deputy, secretary, up to eight other persons of major industries." It said that the chairman would be a full time person, that the deputy chairman would be a volunteer or appointed, the secretary would be a full time person and the eight persons representing a cross section of major industries.

That was the feelings of those twenty persons about the situation. But I say to the Governor, and I said

to the acting First Official Member that I didn't want any part to do with work permits. I had enough problems dealing with labour issues as such and be sabotaged from that point. If I had to take that kind of responsibility they would have really cut my throat!

The Minister of Education said that I did nothing tangible in five years. It must be remembered that I developed the Cayman Training Initiative, but I went from district to district including the Brac. While only, as he said, under ten persons took up the courses at the Community College, at least that was that many more who were well trained. It was that many more Caymanians and long term residents (because we opened it up to long term residents) who are well trained.

Now, if I had the funds I probably would have gotten more done. But it gets me to sit over here watching the Minister of Tourism coach the Minister of Education when that Minister of Tourism was deputy chairman of the committee and he at one time had over \$300,000 to do Tourism development. What kind of training did he do? And to get up on a point of order, tell him to search the 1996 Budget—\$300,000! And ask him what kind of training the Caymanians got out of that \$300,000.

I had to rob Peter to pay Paul in my ministry to get that Cayman Training Initiative started. I went to all the districts, including Cayman Brac. We even had a motivational speaker. And do you know why we started? There was some questioning as to why we started in the tourism industry. We felt that interest in the hospitality business had been waning for a long time. Ever since the 1970s with the influx of international business it's been that way. Careers in that area are still considered to be, what's the word? And, we felt that the hospitality industry and international business rely on each other.

One of the attractions of setting up here was the fact that people could take their clients to good restaurants, stay in good hotels, use a good taxi service and a lot of these people returned with families. So we said let's get people trained in this because one complemented the other, the hospitality business complemented the international business. So how can the Minister for Education get up here and say that I did nothing tangible? He could get up there and say that because he believes that by his saying so he convinces everybody. But he is fooling himself and he is fooling no other person because not even members of this House who want to be forthright can agree with him—not even the Minister for Tourism who coaches him can get up here and say that I didn't do anything!

[inaudible interjection]

Mr. W McKeeva Bush: Yeah, you're the coach. You're doing pretty good coaching the minister for education, that's when the two of you are not cutting each other's throats you know! Or stabbing one another in the back.

The Deputy Speaker: Honourable Member, could we get back to the item before us now, and not talk across the floor?

Mr. W McKeeva Bush: Now just let them behave themselves over there, Madam Speaker.

The Deputy Speaker: I would ask all members to desist from talking across the floor.

Mr. W McKeeva Bush: Thank you.

I wanted the Minister for Education to remain here because this is one point that I am going to say to him that he misled the House. He rose on a point of order and I have to deal with it.

The Minister for Education talked about . . . I proved already where he misled the House one time by talking about the companies, or he didn't read the report, one of the two. But the fact that he said that we wasted government's money and go nothing done by going to Singapore, I want to tell this House what we got done.

When we went to Singapore we looked at every training facility they had. And, Madam Speaker, that small country is well equipped and Cayman would do good, . . . instead of looking at New Zealand Cayman would do good to look at how Singapore has done business. I believe that. I am not throwing cold water on anyone's efforts with New Zealand, I am saying that because they are so small and the way they have developed is a good example of what we should be doing.

But when we returned sometime in late October and my permanent secretary, Mr. Carson Ebanks, received this invitation from the government of Singapore, "Singapore Cooperation Programme, Courses for Singapore, Technical Assistance for Sustainable Development" in 1998.

Madam Speaker, he shouldn't leave because I am going to tell you that he misled this House. But he runs!

Mr. D Kurt Tibbetts: Don't worry about it.

Mr. W McKeeva Bush: He runs.

Madam Speaker, let me read that correspondence. It is addressed to: Mr. Carson Ebanks, Permanent Secretary, Ministry of Community Development, Sports, Women's Affairs, Youth and Culture, Government Administration Building, Grand Cayman, Cayman Islands, Fax (345)949-3896:

"Dear Mr. Ebanks: On June 1997 Singapore's Prime Minister, Mr. Tung, announced at the 19th Special Session of the United Nations General Assembly that Singapore would offer a technical assistance programme for sustainable development which would train officials in developing countries in areas such as urban planning, park management, transport management, and other relevant areas. We are pleased to invite your government to nominate participants for six courses to be implemented in 1998. Please nominate one suitable qualified candidate and a reserve candidate to participate in each of the six courses. Under the Singapore Cooperation Programme co-payment principle, Singapore will bear the cost of accommodation, training fees and per diem while the nominating county will bear the airfare."

Now, let me read to you what those courses were and I believe still are: 1) Water and waste engineering; 2) Solid waste management; 3) Industrial and hazardous waste management; Urban management; Pollution control, environmental technology. What the Minister for Education should say, when he says that we wasted government's money and nothing was done, why they didn't take up these offers. That's bad enough, Madam Speaker, but that's not the bad part of it because everybody knows that people in the civil service could benefit, the Cayman Islands could benefit from these kinds of courses—very much so—because of the problems we are facing today in solid waste management, urban management, environmental technology, water and waste engineering.

Here's the bad part, and that's why I am telling you that that minister is so devious and where he misled this House and where he continues to do so every change he gets when nobody can rebut him! That's why we've seen him go out this door this afternoon. He wouldn't stay here because he cannot rebut this!

Here is what is so bad: One young Caymanian—my permanent secretary—sent this to all the various departments and, of course the first thing he did was send it (this is in 1997 now, you know) to the permanent secretary of education. Received 4th November, sent to his ministry on the same day or the day afterwards. But here is what is so bad about the whole thing: One young Caymanian went. And do you know where the young Caymanian came from? Which department? Would anybody care to guess? He went from Planning, the Minister for Education's ministry. His responsibility. That man had the gall, had the audacity, the temerity to say that I had got nothing done when one—

Mr. Roy Bodden: Dissing!

Mr. W McKeeva Bush: Yes!

When one of his own staff went! And here is the report and I want to read it into the records. Perhaps I should say who the person was. The person was Mr. Adrian Bodden, a very intelligent young man, a Planning Assistant. And he did benefit from it. A very intelligent young man, Planning Assistant in the Planning Department, the Minister for Education's ministry. I want to read this into the record because I think it is important. He said: **"On arriving in Singapore the first difference that I noticed was a lack of customs. I walked outside where I was greeted by a liaison officer who escorted me to the Merchant Court Hotel, a very nice place. At 8:00 AM the next morning I met the other participants while waiting for the bus. With all of us coming from the Caribbean we had a lot to talk about. We arrived at the University of Singapore where we had an official welcome tea and met the faculty. After a special invitation lunch in the faculty dining room we were given a general overview of Singapore. Every day for the next two working weeks we had a different lecture and technical tour. The topics covered included: 1) Plan-making progress. They looked at Singapore's first town plan**

and the concept plan of 1991, the Strategic Plan New Town Development Transport and Communications Infrastructure. Singapore's planning system is integrated and coordinated at the national level.

"2) Green and blue plan. The plan is based on a hierarchy of open spaces and complement waterways and catchment area thereby creating a green and blue network. 3) Conservation policies. Preservation of monuments, selection criteria, architectural merits, historical significance, rarity and contribution to the environment. 4) Environmental impact assessment and auditing. A process that examines the environmental consequences of development actions in advance. Types of assessment included ecological, social, health, cumulative, and strategic impact. 5) Water and waste management. Catchment areas cannot sustain public consumption. Water must be imported from Malaysia. There are very few landfills in Singapore so most of the bulk is incinerated prior to dumping in landfills. 6) Urban transport planning. Road pricing, vehicle owner charges using taxes, parking charges, public transport subsidies, and MRT and LRT and bus services are integrated. 7) Infrastructure projects. Very important factors because it attracts companies and investors to Singapore. 8) Housing policies public and private. Housing is very expensive and dominated by public sector. Expats can only buy used flats. 9) Industrial and commercial projects. Precision engineering, electronics, information technology, petroleum and petrochemical, heavy engineering and other labour intensive textiles. Retail and office space is in very high demand. 10) Town Council management of public housing. To transfer responsibility for estate management from HDB to local councils to allow participation by residents and policy formulation in decision-making on local estate matters to provide members of parliament to lead town councils.

"Singapore has a population of 3.5 million people made up of 75% Chinese, 15% Malay, 8% Indian and 2% other Eurasians with a land area of 650 square kilometres, over 13% of which is reclaimed with the materials shipped from Indonesia. Singapore has progressed towards a developed nation over the last 30 years with rapid economic growth, strong foreign reserves an emphasis on value added industry and services. Eighty-five percent of the population lives in public housing (flats) which gives a lot of control, land-use wise, to the government. In order to alleviate the overcrowding in the central business district, a plan was devised to construct new towns and estates which were fully self-sufficient housing, hospitals, supermarkets, etc., all linked by MRT, [that is mass rapid transit]. This move decentralised commercial activities that do not need a central area location. Through decentralisation three major proposals have arisen. Industrial development extended belts of technology corridors are proposed to house business parks and science habitats a large move from polluted heavy

industry. Social and cultural facilities: land will be reserved for the provision of schools, health care facilities and suitable facilities for the performing arts, museums, libraries, and art galleries. 3) Transportation: Present networks of expressways, mass rapid transit and bus service will be upgraded and expanded to cater for economic and population growth.

"With Singapore's limited land resource and a projected population of 4 million by 2010—6,000 people per square kilometre—there are very few houses, mostly 30 storey public housing. This is because a single storey house has low density. Singaporeans strive for the opposite. Through this urban management course, some of the topics discussed such as industrial development and urban public housing does not apply directly or on such a massive scale to the Cayman Islands. However, much can be learned from the concept planning, development and implementation of their very detailed development plan. They made a plan for their future and have stuck to it, and for their specific needs it has served them well.

"Issues such as waste management, viable infrastructure projects and environmental impact assessment apply on a small scale directly to the Cayman Islands and need to be dealt with immediately in order to grow economically and environmentally."

That's the report the young man made when he came back from the course. How good it would have been if more civil servants had gone to that course. What was the Minister for Education doing? Why didn't he pick this up and send people? It seems he didn't even know because he said yesterday that the trip was a waste. He didn't even know that someone from his ministry had gone. That shows you how much contact that minister has with his ministry! And that is why education is in the doldrums! That is why the schools are suffering and that is why the students are suffering, because the Minister for Education is too busy being Chief Minister, or playing Chief Minister, following the Governor up and down everywhere he goes like a little *lackey boy* and not doing his job as the Minister for Education—and now the Minister for Training—while the people in the country suffer, long time residents and Caymanians in general!

And he dares to come here and tell me that I have done nothing? And that this trip was wasted? Was it wasted? He didn't even know that somebody from his ministry went!

Hon. Truman M. Bodden: Madam Speaker, I take a point of order.

POINT OF ORDER

The Deputy Speaker: Let me hear your point of order please.

Hon. Truman M. Boddén: Two points of order. The last statement he made saying that I didn't know whether my ministry went . . . I have the files. I have been through them. I know who went where. And I would like him to withdraw that.

The other thing is that I would like him to withdraw the remark that I am a *lackey boy* and a Chief Minister.

[laughter]

The Deputy Speaker: Honourable Member, I would request that you withdraw the words that he is a *lackey boy*. I do not think that that is very parliamentary.

Mr. W McKeeva Bush: Madam Speaker, it is. It's very befitting of the situation that I used to see sometimes. But I will withdraw it in all deference to the minister.

The Deputy Speaker: Thank you.

Mr. W McKeeva Bush: But he should behave himself with the next one that comes.

[laughter]

Mr. W McKeeva Bush: How can he say that nothing was done? And he might have the files to know who went because his permanent secretary in his ministry help to set it up. Yes. That's a fact. I am not saying anything about that. I am saying is that he accused me of wasting government's funds and getting nothing done when somebody from his ministry went into one of the courses that was offered.

Madam Speaker, I am glad that I was that type of minister that I could go and ask for things. Because I don't believe that the government ought to spend money all the time, sometimes we can get things if we make the right approach to the right people and things that can benefit the country rather than spending heaps and heaps of money that we don't have at times.

The Deputy Speaker: Honourable Member, will you be completing your speech in a short time? Or are you going on to a new section? It's now 4.25. If you are in favour I will entertain a motion for the adjournment.

Mr. W McKeeva Bush: Madam Speaker, I will take the five minutes.

The Deputy Speaker: Okay.

Mr. W McKeeva Bush: I would only hear a reply to one matter the Fourth Elected Member for George Town said, that it was politically expedient to put training under Community Development. He said that education is where it should be. Well, as I said, that is his opinion. Community Development had labour and our Human Resources Development. When it was given to me I was the Minister for Health and Human Services. That carried over into the new ministry of community development.

The Fourth Elected Member for George Town raised the point about bringing motions for everything. That is a point I think I need to take. He said debate is better. Well, if that is so, motions are one way to bring debate. But throughout my time on the backbench motions were, and still are, my way of getting debate and agreement on matters affecting the people. Let's take one aspect. He mentioned after school programmes. Let's look at it.

I brought a motion here between 1989 and 1992, but nothing was done about after school programmes. But when I became the minister I didn't have to bring a motion because I had executive authority. I could put the programmes in place. I couldn't get things done as a backbencher but even those on boards shouldn't have to bring motions because the government doesn't, or very rarely do, put people on their boards who don't support the government. So, if they are on boards or government committees anyone, a member, could be in a position to effect matters positively and have no need for a motion.

But if the only recourse to get something done is by a motion, then that is what we are being paid for, whether it causes political bickering or not. I try to make sure that I don't cause political bickering, but I have a duty to do something about matters affecting our people.

I will end with this point: The Minister for Education quite often gets up here, as he did yesterday, to say that actions of certain politicians are not what the youth should follow.

Mr. D Kurt Tibbetts: Let him look in the mirror!

Mr. W McKeeva Bush: Is he talking about himself?

Mr. Roy Boddén: What?

Mr. W McKeeva Bush: Is he talking about himself? You know, he better get off of this holier than thou attitude. And I think we can all say that we live decent, honest lives. Did God come down here to tell him that he's better than we are? No! I don't believe so. He should be ashamed of himself and he should look in the mirror when he makes those statements because it's not only one way. I know that I holler when I get up here in the excitement of things. I shout, but there's a lot more ways of laying good examples for the young people.

Thank you.

The Deputy Speaker: Are you finished with your debate, or just for this evening?

Mr. W McKeeva Bush: Oh no, unless you want me to go on. Just for this afternoon.

The Deputy Speaker: Okay.

I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

The Deputy Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday, 19 April. Those in favour, please say Aye. Those against, No.

AYES.

The Deputy Speaker: The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY 19 APRIL 1999.**

**EDITED
MONDAY
19 APRIL 1999
11.10 AM**

[Prayers by the First Elected Member for George Town.]

The Speaker: Please be seated. Proceedings are resumed. There is a correction to today's Order Paper. I have just been advised that the Honourable Second Official Member will not be present and we will be swearing in the Acting Temporary Second Official Member.

Mr. Bulgin, would you come forward to the Clerk's table please?

Would all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

by Mr. Samuel Bulgin

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

The Speaker: Mr. Bulgin, on behalf of all honourable members, I welcome you to the legislature during the time of your service. Please take your seat as the Honourable Acting Second Official Member.

Please be seated.

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

APOLOGIES

The Speaker: First I would like to extend my thanks to the Elected Member for North Side for so ably filling the Chair in my absence last Thursday and Friday, 15 and 16 April 1999.

We have apologies for absence from the Third Elected Member for West Bay.

Presentation of Papers and Reports. The Port Authority of the Cayman Islands Annual Report 1997. The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

**PRESENTATION OF
PAPERS AND REPORTS**

**PORT AUTHORITY OF THE CAYMAN ISLANDS
ANNUAL REPORT 1997**

Hon. Thomas C. Jefferson: I beg to lay on the Table of this Honourable House, The Port Authority of the Cayman Islands Annual Report 1997.

The Speaker: So ordered.

Do you wish to speak to it? The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you.

The year 1997 marked the 20th anniversary of the Port Authority. This occasion was appropriately celebrated and a wide cross section of the community was invited to participate in a formal reception. Present and former members of management of the Port Authority were recognised for their contribution to the Port from its inception as an authority in 1977. A television documentary on the history and achievements of the Port Authority was produced and televised at the reception and on local media. The Port also participated in an awards ceremony held by the Ministry of Tourism, Commerce, Transport in which long service employees were recognised.

Speaking a little bit about the content of the report I would like to offer a few comments about the cargo capacity and the growth in that area. I would expect that what I am about to say comes as no real surprise. The Port Authority has experienced tremendous growth since its inception 20 years ago. During 1997 we accommodated 211,591 tons of domestic cargo, over four times the cargo capacity of the George Town Port in 1977, a 15.9% increase over 1996.

While it is true that the Port, like many others, is a passive recipient of the affects of the state of the economy the Authority has a responsibility to manage itself in a manner that will accommodate the present and anticipated importing volumes of the country. In other words, the Port has to grow to accommodate the growth of the country in terms of its importing activities.

The 211,591 tones of cargo mentioned earlier translates into 36,385 containers handled by the Port during 1997, a 7.3% increase over 1996. In 1997 the Authority embarked on projects which will enable the Port to handle the increasing volume of both cargo and carry equipment at the inland facility. The Authority has purchased 2.2 acres of property in the industrial park area for a total of \$1,227,004 which will be developed to be used to accommodate the increasing volume of containers.

The Port has also commenced the redesign of the inland facility in the industrial park to create a more smooth and efficient flow of traffic. The Port has doubled the size of the warehouse at the industrial park facility to

20,000 square feet which is estimated to cost around \$928,000, and has also ordered four new electric forklifts to be used in the warehouse for an estimated cost of \$138,000 as well as racks for \$36,000 to be used for a racking system within the warehouse. The racks and the tracking system will facilitate better use of the warehouse space and provide a systematic manner for storage of cargo.

During 1998 the Authority looked at the feasibility of redesigning and expanding its docking facilities to accommodate the ever-increasing volumes of cargo and containers there. Speaking of cruise ship calls and passengers, during 1997 a total of 868,062 cruise ship passengers visited Grand Cayman along with 574 cruise ship port calls, an increase of 11.6% and 7.7% respectively.

Revenues earned from the cruise ship passenger tax for 1997 amounted to \$1,421,926, representing 19.3% of operating revenue. Obviously, the cruise ship business represents a significant portion of the Authority's revenue and is an important sector of the country's tourism industry.

For some years the Authority has been considering possible expansion schemes for the docking facilities with a view towards including some form of permanent facility for cruise ships. In an effort to minimise the ecological impact of anchoring, in 1996 the Authority contracted two foreign firms for the geo-technical studies and consultation necessary for the provision of permanent moorings to be used by the cruise ship operators. During 1997 the Port continued with these projects and after consultation with the cruise ship operators themselves it was subsequently decided that the desires of the cruise ship operators regarding the permanent moorings were not economically feasible. This prompted the write off in 1997 of the professional fees associated with the permanent moorings.

Perhaps I should say a few words about crane services as well. In September 1997 the Authority started using the crane and for the first time in the history of the Port Authority offloaded cargo using its own equipment. Despite the controversy and despite the teething pains experienced, overall customers are satisfied with the crane service the Authority is providing.

Another matter is the taxi dispatch building. During 1997 the Port Authority assumed responsibility for the taxi dispatch building on Thomas Russell Way. In an effort to ease the congestion on Harbour Drive the Port Authority will use the taxi dispatch building as the central dispatch for taxi drivers. This will limit the number of taxis in the ranks at the cruise ship landing at any one time. This system was implemented in 1998.

Financially, the Port Authority has experienced one of its best years. Operating revenue surpassed \$7 million to \$7,586,695, a 15% increase over the previous year. This is mainly a result of the increased importing activity of the country which resulted in an increase of 15.9% in domestic cargo, and the increase in cruise ship passenger traffic of 11.6% as mentioned earlier. Net income for the year was \$1,670,034, 29.2% over 1996. The Port also contributed \$1.5 million to the Cayman

Islands Government Treasury in 1997. Conversely, the Port has also experienced a 20.8% increase in operating expenses in 1997. During the last five years the Port has not kept pace with inflation. That's the cost of doing business by way of its tariff, as tariff has not increased since 1991 yet the income continues to rise as a result of volume.

What I have said tries to capture the main items in this annual report for the Port Authority for 1997. It has been several years since we tabled such a report and we thought it important to be within the spirit of the operations of the Port, the Port Authority Law and Regulations and actually open government's activities as it relates to the Port Authority itself. In other words, the ability of us to put together a document which the public can have access to and be able to appreciate what has been accomplished in the last five or six years.

Thank you, Mr. Speaker.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Speaker: For the benefit of the listening public and the record, further to what I said earlier in thanking the Elected Member for North Side, she is the Deputy Speaker and she filled the Chair as Speaker during my absence, for which I am most grateful.

Item 4, Other Business. Suspension of Standing Order 14(2) The Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(2) to take private business in preference to government business.

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

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 14(2) SUSPENDED TO ALLOW PRIVATE MEMBER'S MOTION NO. 2/99 TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.

The Speaker: Private Member's Motion No. 2/99, Training Initiative. Debate continuing by the First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 2/99

TRAINING INITIATIVE

(Continuation of debate thereon)

AMENDMENT

Mr. W McKeeva Bush: Right off I would like to move the amendment that I spoke to you about earlier, the one that has been circulated, which reads: **“In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for West Bay, give notice to move the following amendment to Private Member’s Motion No. 2/99 by adding at the end thereof the following resolve: “AND BE IT FURTHER RESOLVED THAT Mr. Roy Bodden, the Third Elected Member for Bodden Town, and Mr. W. McKeeva Bush, OBE, JP, the First Elected Member for West Bay, be members of the National Training Initiative Advisory Committee whose Chairman is Mr Brian Hunter.”**”

The Speaker: Do we have a seconder? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Yes, Mr. Speaker, I humbly beg to second that motion.

The Speaker: I would like to add that I have waived the two-day notice under SO 25(2). The amendment has been duly moved and seconded, do you wish to speak to it?

Mr. W McKeeva Bush: Mr. Speaker, I thank you for your indulgence. We have been talking about being co-operative and trying to work together for the good of the country. In this case, the good of our working populace, especially our young people those out of school and those now working. We have many times offered ourselves verbally to work on different things with government. This amendment goes further. And we are asking the House to agree that the resolve section be added to the motion.

The Speaker: The amendment is open for debate. The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you.

This motion is indeed a very strange one because I am wondering exactly what is the reasoning behind it. I know that the Third Elected Member for Bodden Town and other members such as the First Elected Member for George Town and perhaps the First Elected Member for West Bay, but the backbench—opposition I should say—has come out very strong against political committees, political appointments. This is one of the most politically driven types of motions one could find.

How can the opposition sit there and criticise government by saying there should be no political appointments? At this rate we don’t just have politicians on a

board. It looks like we are going to have a board of politicians.

Obviously, this caught me by surprise because I have never seen motions . . . in fact, motions in this House seem to be coming from everywhere on everything in the world at this stage. What this motion can have the capacity to do is stagnate training in this country because for five years (well, four-plus years anyhow) the First Elected Member for West Bay as the minister in charge of training did not get anywhere of any consequence. Some things were done, but very little. If, when that honourable member had charge of it, he had done what should have been done, then he wouldn’t have to bring a motion stating as this motion being amended now does, the need for training and the undertakings given in 1992 and 1996, and to state that proper and viable training programmes are promptly implemented. I mean in six years there have been no proper training programmes implemented.

Why must I take advice from the First Elected Member for West Bay who had training for five years and couldn’t get anywhere with it? Now he must advise me on it? Mr. Speaker, with all due respect, this doesn’t make sense. If he can’t implement the advice himself, then how in the world can we expect that advice to now be passed on to me and I implement it?

It is indeed strange. Let me just say that I believe that what the Third Elected Member for Bodden Town came out with in his constructive debate can help me. I will say that openly. He is a trained teacher. But for the life of me I really . . . and I hope this is taken right, I really do not believe that the First Elected Member for West Bay can offer me any advice that is going to help.

Secondly, if we . . . and there are other members of the backbench, why not just get the advice of other members? There’s the Fourth Elected Member for George Town, there’s the Third Elected Member for George Town, I know that the Member for North Side was on the board or is, also the Second Elected Member for Bodden Town and other members of the backbench, the First Elected Member for George Town. But I think a decision has to be made here.

We can’t be talking out of both sides of our mouths. If the backbench wants a political committee to advise on training, well, let’s do it right. Let’s at least get some of the brains on the backbench and put them on it, and let’s go ahead. If you want to lay out a policy on training, go ahead and lay it out. But I don’t believe that by adding a few politicians . . . and I am being honest with this because I am not on this board at this stage to take and add another two politicians, there are very few left on the backbench. Let us go ahead and move them on.

I would need a bit of time, naturally, to consult with my colleagues on this at the end of the debate. I would like to hear what other members of the backbench have to say about it. But there has been enough politics on this whole thing of training. I don’t really want to be saddled with something that for five years has failed and then I am going to end up with advice that’s going to cause me in the next year and a half to fail. I think members of this House need to think of this carefully and per-

haps restructure the board in such a way that maybe something constructive can come out of it. Thank you.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: In regard to this amendment to Private Member's Motion No. 2/99, Training Initiative, where it is being resolved that Mr. Roy Bodden, The Third Elected Member for Bodden Town and Mr. McKeeva Bush, OBE, JP, the First Elected Member for West Bay be members of the national training initiative advisory committee whose chairman is Mr. Brian Hunter, it's interesting that that person's name would even be mentioned in the resolution to almost like emphasise a point. I cautioned this House the last time I spoke on this motion regarding the political motives I seem to be witnessing here.

It is said that the worst kind of war is civil war; the worst kind of quarrel is a lover's quarrel. When political colleagues, people who have been together in political organisations, disagree we have to be careful that that disagreement does not begin to tear away the very fabric of our democracy and that that conflict does not defeat the purpose of our being here which is to be as objective as possible about the needs of the country and the business of the people.

I believe that it is possible for me to say that if somebody brings a motion which is a concept of how they believe a particular challenge can be met. I can debate the merits and demerits of that particular proposition without debating the merits of the individual bringing the motion. It is unfortunate that the First Elected Member for West Bay in particular seems to always take anybody who questions the concepts of his proposition to task. I have been spoken to by him on this floor on many occasions. He has tried to minimise the importance of my contribution when it does not suit him. When it is in praise of him he seems to lap it all up. I believe that this is not good politics.

I believe that the amendment to this private member's motion which I tried to debate as objectively as possible last week regarding the merits of a training initiative that sought to change the basic values of the people regarding the making of choices and not just setting up programmes, but seeing those programmes as also being objects that have to be subjected to change and influence. So I was not just talking about setting up programmes, I was talking about changing the basic values and attitudes of the users.

I say this from an informed position as a sociologist. Regardless of those talking about training, it is interesting that we are talking about training but we might have somebody who might be trained and educated in a specific discipline and yet those same persons talk from two sides of their mouths by trying to discredit people's qualifications and advice as a result of those qualifications.

I believe that this amendment expresses more the political frustrations and desires of the mover of this motion than anything else. I am saddened to say this at this

particular point, because I thought that our debate had advanced sufficiently by now for us to be able to have concluded this private member's motion on training initiative because there were some very good contributions to that particular motion. One of the most excellent contributions, of course, was made by the Third Elected Member for Bodden Town, Mr. Roy Bodden, who the mover of this amendment is now suggesting should be a member of the national training initiative advisory committee, whose chairman, again, is Mr. Brian Hunter—for emphasis!

I have nothing against that because I said last week that I believed that the Third Elected Member for Bodden Town should have been minister for education a long time ago and I will go back and repeat my desire to see him as education minister in this country. So I am not going to pull away from that because I believe that that is not a political motive on my part. I have assessed the situation and I see the merits of this good gentleman. So I am not talking against this particular amendment because I believe that this gentleman would not be useful on the board.

I am talking about the way in which this amendment has now come to this motion. When this motion could have been resolved, when government could have supported this private member's motion because it would have been impossible for government to say it is not interested in training. Now, we can blame government for not having done anything over the last 19 months. We can blame the former minister for not having done anything over the last six years. Regardless of where we put the blame my position is that we need to do something and I think this is what we agreed to when we concluded on Friday. I believe that the intention of the First Elected Member for West Bay, the mover of this motion, was to sum up. It appeared as if he had all the time in the world to have done this. If I am not mistaken I believe that he started with the conclusion on Friday. He didn't finish. He said a lot about what I had said also, which is partly what I am reacting to.

It goes to show that if he could dismiss everything that I said simply because I am not in complete agreement with him about everything that he says or does, the member is somehow losing his objectivity. And I caution him. He was taking that particular direction on Friday and he comes back with this amendment.

The former minister had six years to do something about training. I said that I blamed the National Team Government. He was a member of that government. Nothing was done. I said it was because it was not perhaps politically expedient at that time it was not top political priority—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeever Bush: The merits of the motion are not under debate. Some of that was discussed by all members who wanted to debate, including the member now speaking. I had begun to conclude, but I still have my contribution to make to the conclusion. What is being debated now by the Fourth Elected Member for George Town is the merits of the motion again. He already did that.

The Speaker: Please continue. We are debating the amendment to the motion. Let's remember that please.

Dr. Frank McField: Mr. Speaker, I realise that an amendment to a motion will alter the motion and therefore to discuss the amendment I have to refer to the motion it is amending. I am saying that the amendment could be considered to be an attempt by the mover of the motion to make the motion more effective by also drafting onto the committee two members. Therefore what I said just now in regard to his particular performance, as mentioned by the Minister for Education, I don't believe is talking outside this, and I thank you for your indulgence.

I don't want to say much more, but I think it is important for all of us to be critical of one another when it is necessary. If we cannot show the public that type of objectivity we are going to find that the public will not judge us like we imagined the public would. The public will judge us because the public has no particular agenda, therefore the public has more the capacity to be objective in regard to these particular issues.

I believe that this amendment should be voted down because this amendment does not serve any other purpose but to further politicise a situation that should for the good of the country be apolitical.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I like to think that the years I have spent here have matured me to a certain point, and as I sit and reflect I think that the behaviour I should adopt is more like that of my role model, my paternal grandfather, who was a man of honour and respect in this society. So I have to say that I will not let the good name of the Third Elected Member for Bodden Town, the grandson of Joseph Scobel be fallen into disrepute and be torn asunder. So I respectfully withdraw and disassociate myself from the amendment.

I would like to say that I thank the Fourth Elected Member for George Town for his eloquent expression of faith in me. And I have nothing to prove. I have no ego to stroke. I think that when the Chronicler writes about the time I have spent in this parliament that my progeny will have reason to be proud of the contribution that I made and my constituents will have reason to recall to themselves in a studious assessment that their efforts were not wasted in having me as their representative.

These times remind me of one of that great and eminent Irishman, Edmond Burke, when he said that generation will not link with generation and men will be

like the flies of summer. I do not wish to be like the flies of summer. Thank you.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

This amendment was moved simply because it was thought that the First Elected Member for West Bay—who was intensely familiar with what had gone on while he was minister for the training initiative—would have complemented this committee with that experience tremendously.

The other name, the Third Elected Member for Bodden Town, was suggested also because of his experience in the field of education. He is an avid reader in that area and we also believe that tailored with all of his experience and knowledge he would complement this committee.

I have seconded this amendment. I will tell anyone, excluding no one in this Chamber who thinks that I have been participating in this amendment for political reasons, privately where they can go and what they can do. But I won't say that at this point in time. The motion was to simply complement what existed.

The Fourth Elected Member for George Town in his contribution admitted that part of his reacting was because of things the First Elected Member for West Bay might have said prior to this. I don't want to see little things like that get us upset with each other. So I am hoping that that doesn't carry itself into any type of battle because that's not needed. But what the Minister for Education has said is, in my view, almost demented. His understanding of the motion is typical of him because he judges others by himself.

Now, I want the minister to understand that my participation in the motion had nothing to do with what he talked about. While he may not have referred to me personally, I seconded the motion. So I construe his thoughts expressed in words to come to me at the same time. It is either that or he doesn't think that I have the good sense to know what to do, and I just signed a paper because somebody asked me to do it. Either one is just as bad.

Again, I will not follow into a long thought process, but I do keep these things in mind and I say once more the motion was simply done to complement. Part of our job on this backbench . . . and no government would like it if the situations and roles were reversed. The same things would happen and I understand that. But part of our role is to examine what the government is doing and if there are things which need to be corrected we need to bring it to the attention of them and everyone else. When that is not accepted, well, that's tough. I will not stop doing it because that's my job. That's the way I understand the job description, sir.

So if government or anyone else is not minded to accept the motion, let me simply just say this: I participated in the amendment for the reasons I have already outlined and I want the government to understand that this area is most critical in my view for the direction in which this country will head. I would have thought that

instead of construing it as a political ploy the government would have grabbed it to see what pluses they could get from contributions from these members.

I do not believe that that committee is constituted of a majority of politicians, but of course the Minister for Education had to make it sound like that's all it was. So be it. Let them do as they wish. The fact that the Third Elected Member for Bodden Town, because the reaction to the proposed amendment was what it was has disassociated himself from it, probably allows the government to get its wish without it going any further. However the mover will talk to it I am sure.

But I want to make very clear my part in the proposed amendment and why. Any time the Minister for Education thinks that he can judge what's in my mind, he can try it again and this morning is not a good morning. I promise him that I can do just as he does and sometimes I even do it better.

The Speaker: Is it the wish of the House that we continue with the debate or take the morning break?

Does any other member wish to speak? If not, does the mover wish to exercise his right of reply? First Elected Member for West Bay.

Mr. W McKeeva Bush: I never thought that proposing an amendment at this time to add two names, the name of Third Elected Member for Bodden Town and mine, would have caused such vehement opposition. I am not going to reply to what I believe is spurious and spiteful argument because I have better things to say this morning. But you live and learn.

I will say that any time the Fourth Elected Member for George Town gets a chance to berate me, he does it. And that's okay. I would just like to say that I think it is my right to debate anything any member has said. He might not like what I say or how I say it, but I ask him to listen to himself. I don't think that I dismissed all that he said because he made some good points. But there was an area where he suggested the need to bring motions for everything that I thought was uncalled for and I had to go to show why we need to bring motions.

There is no one in this House who is playing a cuter political game than that member. No one else! And all you have to do is sit and look. In fact, the political games that I see being played here . . . I am glad I am on this side of the House. I don't ever minimise the contribution of any member. Every member in this House has a right to speak. Every member in this House has a contribution to make, not to say that I am always going to agree with what everybody says, or they with what I say.

The amendment came because we had been talking about being cooperative and trying to work together for the good of our youth. I thought that I could add something to that committee being the person who had been responsible for training and got certain things done, and had not gotten certain things done. That's why the amendment came. It might be that some members want to say that I should have done more. I note that the Fourth Elected Member for George Town didn't say that

in his main contribution, but having an opportunity to reply to what I said, he took that opportunity today.

I should say this: More should have been done, and because I was the minister the buck stops with me. I know that and I have never run from responsibility or not owned up to something that I was responsible for. But the circumstances that I had to work with, I think the country is well aware. The people are not stupid. While some members in this House who have degrees believe that they can speak in a way that the country don't understand, they are only fooling themselves. The country well understands.

I don't hide the fact that I want to be able to make a contribution. And from the depth of my soul I am hurt that I didn't get the opportunity to fulfill all that I needed to do and had planned to do and had started to do. So I try to make a contribution today. But is that wrong? I don't think so. And I don't think it's being political because that's our job. I have some time on my hands.

I am busy in my constituency, as I am sure other members are but I have some time on my hands that I can give this country. And we can do more, and we have been offering the government to do more. But because the government is acting political, as they are accusing everybody else, while they say you should be doing more they don't want us. In fact, this is a good case. We offered ourselves. This is the acid test of whether they want us to assist or not.

I can only say that the Fourth Elected Member for George Town while he has his capabilities he sometimes talks in parables because he's the one who is constantly criticising people or members for being on boards, yet he allowed himself to be put on at least two in recent times—Civil Aviation Authority. The Chairman? The Honourable Minister responsible for Education, Aviation and Planning. The Tourism Advisory Board, I believe it is called or if it's not that one the Advisory Board for Attractions headed under the Honourable Minister responsible for Tourism. So what are they talking about politicians being on boards? If they don't want politicians on boards, and they are politicians, what are they doing on the board? It is simple arithmetic.

This was an opportunity for the Fourth Elected Member for George Town to bamboozle me in his way, and he does that whenever he gets the opportunity. But one of these days he is going to go too far. It was a good opportunity again for the Honourable Minister responsible for Tourism who is smarting under the exposure that I gave him on Friday for his neglect in training Caymanians all through his career as minister.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Mr. W McKeeva Bush: The Minister of Education I am dealing with, Mr. Speaker, but I am not leaving out the Minister for Tourism who is now eager to interrupt because he had an opportunity too. I would like to say that I don't think very much was done.

Anyhow, Mr. Speaker, any chance that any member of this House can get to be on a board to make a contri-

bution for the good of this country, he should do it. We should do it! That has always been my position. Now some of us don't like to work with others so we naturally don't want to get on some boards, or would not accept the appointment. But when we say that we would like to go on, I think the ministers should give an opportunity.

And, do you know what, Mr. Speaker? When we look at the salaries being put forward we should say give us more work. But let's see who will accept the salary but not the work.

If they want to lay blame on me, as I said I was the minister and more could have been done, then I have to accept that blame because I had the constitutional responsibility. Because of all that has been said I am going to withdraw the amendment to the motion. I move that it be withdrawn.

WITHDRAWAL OF AMENDMENT

The Speaker: Do you have a seconder? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Yes, Mr. Speaker, given the circumstances I beg to second the withdrawal of the amendment.

The Speaker: The question is that the amendment to Private Member's Motion No. 2/99 be withdrawn. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT WITHDRAWN.

The Speaker: The First Elected Member for West Bay was making his contribution. Do you want to take the break now?

Mr. W McKeeva Bush: I don't know about other members, but we were late in starting, and I can continue.

The Speaker: That's fine with me.

The First Elected Member for West Bay, continue until lunch.

CONTINUATION OF DEBATE ON THE SUBSTANTIVE MOTION

Mr. W McKeeva Bush: Thank you.

It's good to see you back Mr. Speaker. When we adjourned on Friday I had shown where we had gotten to up to 1995 when Executive Council had been given the report and some recommendations from the Manpower Advisory Committee were accepted. Some of the reasons they gave for not accepting the report was that the pensions and the insurance were about to come on line and government couldn't expect the companies to sustain all that cost at one time. Those things coupled with

the fact that the training requirements were going to be costly.

They also said that I was being embroiled in a bitter fight with some of the private sector on the proposed Labour Law amendments at the time. They didn't see that it was good for the country and therefore the report would not go public.

The Honourable Minister responsible for Education who has taken on the effort to answer the motion again went wide by saying that nothing was done. He emphasises that, but I think that I was able on Friday to show that certain things had been done and why we hadn't gotten any further. It also shows that that minister either did not care or was not capable of doing the job himself. In fact, he didn't seem to have the pulse of what was going on because he didn't even know that I had gotten six scholarships under the Singapore Technical Assistance Programme and that one person from his ministry attended the courses there. He didn't even know that.

It goes to show that the minister is not genuine in what he is talking about and is being very, very political.

Hon. Truman M. Bodden: Mr. Speaker, I take a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: The member is stating that since I did not attend the training course, I have no interest in training. That is giving the wrong impression and is an untrue statement. I have interest in education but I do not go on expensive joy rides all over the world when I don't need to go. It's rare that I go, but that doesn't mean that I don't have interest as he is trying to say, and he is misleading.

The Speaker: I am really not following your argument. I think he said that one member of your ministry went on a training course.

Hon. Truman M. Bodden: He said I didn't have the interest to go and that I don't have interest, or whatever, in education. That's the part I am talking about sir, because I didn't go.

Mr. W McKeeva Bush: Mr. Speaker, I didn't say that he didn't go. I didn't say he didn't have the interest to go. The minister said that the trip cost government a lot of money, that there was nothing done. And when I started to answer the minister in my conclusion I showed where I had gotten these scholarships when he said that nothing had been done. He didn't even know that we'd gotten them. He didn't know who had gone on the courses. In fact, more people could have gone because there were six . . .

I don't know what he is talking about. He is still living in a land . . . he doesn't want anyone to accuse him of anything, but when he's wrong he must be accused. And he should accept when he's wrong.

The Speaker: Honourable Minister for Education, do you understand what he is saying?

Hon. Truman M. Bodden: Mr. Speaker, that's why I didn't want him as an advisor on the committee sir. I will leave it.

The Speaker: The First Elected Member for West Bay please continue.

Mr. W McKeeva Bush: If that minister had taken my advice on many things this country would have been better off today. But because I know now why (and I found this out afterwards) he was not taking the advice because he had no true commitment either to what I could advise on or even me being there. His interest was to try to push me out as early as possible—and he got that done!

He needed my political strength and when he could sandbag me—the way the bunch of them did—then he got rid of me. Anyway, Mr. Speaker, be that as it may . . . I think I need to be debating Mr. Speaker.

Hon. Truman M. Bodden: I am taking another point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: Imputing improper motives that he advised me and I took no advice and that my only aim was to push him out. That is not true. Executive Council has collective responsibility and it worked together.

The Speaker: I would ask you to please get off of that. Let's get on to something else more constructive.

Mr. W McKeeva Bush: Mr. Speaker, please. I will get off of it when that minister stops what he is doing over there. Okay? I am going to ask you to please pay attention to exactly what he is doing. He is only using these points of order to try to clear up something that he should have said before. As far as I am concerned these are not genuine points of order. But you are in the Chair. I will continue.

All I want to do now Mr. Speaker is table this document, the Singapore Cooperation Programme from Singapore Technical Assistance for Sustainable Development.

The Speaker: So ordered.

Mr. W McKeeva Bush: In the 21st Century we will face the challenges of more rapid technological changes and keener competition among nations. I believe that economic growth and competitiveness of a country will depend less on its natural resources which are very important, of course, but more and more on the resourceful-

ness and resilience of its people. Education and training is part and parcel and perhaps the most crucial for the progress and prosperity of this country.

The acid test of a good education and training system in my view is the ability to nurture citizens with self-discipline and a firm sense of responsibility to the country, their families and themselves. What we have in place now needs to be fine-tuned to meet the demands and needs of a young and growing country such as we are. But we do need a system that is flexible in order to maximise the potential of every pupil before they reach graduation and are out in the world of work where they will need more training and fine tuning.

From where I stand, young children need to be prepared to meet the challenges of today and tomorrow and be given core values which will help him or her to earn a living and contribute meaningfully to our society and the country.

Much has been said about the education system and all the good that is taking place by the Minister for Education. But I see the need to educate the child to bring out his greatest potential so that he will grow into a good person and a useful citizen of the future. From an early age he should learn about his uniqueness as a Caymanian with a particular cultural heritage. He should embed values that are cherished by society such as self-discipline, honesty, respect, responsibility, and co-operation. He should be encouraged to go at his own pace as far as his ability allows in the areas that interest him most. Then whatever his inclination and training, there should be a place for him in the country. This is my dream. In today's system too many are left behind.

It is quite obvious that policy makers need an injection of motivation. They could have benefited from the conference of learning for the 21st Century that the First Elected Member for George Town and the Third Elected Member for Bodden Town just went on. They could have benefited tremendously from the one in Ottawa that the Minister for Education talked about, that his Permanent Secretary, Mrs. Basdeo, also the Principal of the Community College, and I went to. Of course, he didn't choose to go on that one either. You have to wonder whether he wants to learn or play politics. But he who believes that he cannot learn from somebody is really in need of some kind of learning.

Instead of berating and blaming, the policymakers they should be learning themselves. We became confirmed in what I already believe that learning if lifelong. I want to say that the Permanent Secretary for Education is a very capable and able woman. All she needs is for the policy to be carried through. All she needs is for the minister to be up and doing. The visit to Singapore was very revealing. And it was profitable seeing that I came back with six technical scholarships, one of which was taken up by someone in the minister's ministry.

We visited and had meetings at polytechnics and witnessed what it means to develop a quality workforce. It does your heart good to visit a place such as the Institute of Technical Education. The minister should have gone because he would have come back with a lot of good ideas. He would have come back with a lot of good

material and he would have learned something. One important area of training they focus on is national education. It emphasises that technical competency alone is no longer sufficient in meeting the needs of changing technology and the working environment. That institute complements the efforts in the secondary schools with emphasis on values and good citizenship.

In their form of curriculum a core content of [?] is taken. It is incorporated into existing subjects such as personal development and social skills for their business studies course. The message you get there is that there is a place for everyone who works and everyone has equal opportunities based on his ability and effort. They know what each person is doing, or what each centre of training is doing. I would like to see a student seminar in this country to provide a platform for students to interact and exchange views on current affairs as well as national and international issues. In other words, to learn from each other. This could be high schools, Community College, ICCI. I do believe that that kind of interaction would be beneficial.

I am not a spokesman for education. But when I see something good, I have enough common sense . . . although I didn't get a scholarship from government like the Minister for Education did to go and train, what common sense I have certainly tells me that those kinds of things are good.

When you go to a primary school over there and you see 25 students in a classroom and you see 25 computers being used and go then to the centre for computer based training, you understand that throughout the students' time at school they get computers from their primary school and learn about them and how to operate them, then they go on to get courses in computer architecture which aims to provide students with the principles and fundamental concepts of modern computer architecture.

I heard the Minister for Education talk about technology. He hasn't seen information technology. That is his problem. When you visit the Institute of Technical Education over there and see their apprenticeship programmes, skills, career progression and prospect, that is what it means. There, you understand what is an apprenticeship. This is what they said, an apprenticeship is a training arrangement that allows you to earn a salary while learning.

As an apprentice you will undergo structured training on the job under the supervision of a qualified trainer. Once a week, or more if necessary, you will attend classes either at the Institute of Technical Education or an approved training centre. While you are undergoing training you will receive a salary and enjoy other benefits like other employees of the company. At the end of your apprenticeship you will receive a nationally recognised certificate.

It shows how the apprenticeship benefits you. You gain immediate entry into the career of your choice. You receive training that is well planned and organised. You learn under the supervision of a technically competent and well qualified trainer, earn a monthly salary while you are undergoing training, enjoy the same benefits as

other employees of the company you are attached to, receive a certificate that is nationally recognised, gain the opportunity to go for further education and training. And they have apprenticeship programmes in automotive, building and drafting services, business services, so don't say that it can't be done it can. It's not just something that you are doing with your hands that you can be an apprentice. It's something with your mind too. Catering, electrical, electronics, hairstyling, healthcare, jewellery, marine and fabrication, printing, retailing, travel, all those things, Mr. Speaker.

Then when you look at that and go to the programmes offered, . . . oh, Mr. Speaker, if only we had gotten that far with the support in 1997 instead of sabotage. When you look at examples of apprenticeship courses, finance and business services, the certificate in office skills, certificate in logistic operations, Mr. Speaker you understand that it's not just an apprenticeship to be a printer. You understand there are more things, finance and business. So it can work.

But I was hearing that it couldn't work because an apprenticeship was an old outdated programme used in Germany years ago. That's what I was hearing. But when I went to Singapore and saw their systems and what could be done to deal with today's business and technology, . . . It would do your heart good, Mr. Speaker, and it's a pity that the Minister for Education would not go. He would have seen that these kinds of training capabilities could be produced and I believe successful in our country.

Then you visit Singapore's Productivity and Standards Board and see what they do about on the job training. You see that this kind of curriculum that is mandated to businesses, small and large, course work for instance in service the customer and handling payments. When you look at these documents here you understand what commitment to training is all about. These are the kinds of things that we could have implemented.

Their approach over there is a holistic one, continuous learning. Here they address three major determinants of growth, manpower development, economic restructuring, and technical progress. This holistic approach ensures that the maximum synergy can be derived as the training determinants are interrelated and their overall impact on productivity depends upon how well they are integrated and managed. One recommendation of the Manpower Development Advisory Committee was the creation of a national training fund. This should have been put in place in 1997 if everything had gone to plan. The Singapore visit had a look at their skills development fund.

They had the same plans as what I was to put in place in 1997 because we had heard some information from it. The primary purpose of the fund would have been to assist students in such things as scholarships and encourage companies to further strengthen the training infrastructure and commitments toward training. It was here that a lot of emphasis would have been placed on helping the small and medium size companies

embark on training and retraining because that is also needed.

We were going to make part of the national training fund a worker training plan scheme which would have encouraged companies to systematically plan for the training of their staff. To supplement this was a Training Needs Analysis Consultancy Grant Scheme (long name, but that's what we were supposed to call it) which would have assisted companies in drawing up company wide training plans by defraying the cost of engaging external consultants to conduct a training needs analysis and develop a worker training plan. There was to be also a training leave scheme to upgrade all the workers aged 40 and above. A Retraining Voucher Scheme to help workers upgrade their skills so that they would be prepared to take on new jobs was also in the offing. A Training Voucher Scheme to enhance the convenience of employers in obtaining grants from the national training fund to help companies, in particular small and medium enterprises ease their cash flow problems when investing in staff training.

This scheme would have enabled companies to identify well established programmes for the upgrading of their employees. It would have allowed companies to gain access to relevant training programmes at reasonable costs at the Community College, ICCL or wherever because under that part of the scheme employers would have only needed to pay any unsupported course fee directly to the training provider, the college or wherever, with the fund disbursing the supported amount directly to the training provider.

So, Mr. Speaker, as you can hear, the argument of the Minister for Education and his attempt to frighten the public about the intention of the report, about it being unrealistic and harmful to small companies is nothing but scare tactics intended to say to the public that he is their saviour from something bad. As I am showing you—

Hon. Truman M. Bodden: Mr. Speaker—

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: I am taking a point of order. He is saying that I am trying to scare the public. That is totally untrue. I dealt with it in a totally rational manner. I pointed out the weaknesses of the report but to say that I am trying to scare the public is a very serious allegation.

The Speaker: I would ask you to withdraw "scare tactic." That is really not appropriate.

Mr. W McKeeva Bush: If it wasn't scare tactics, then someone else please tell me what it was. What he is saying is absolute rubbish! What I just outlined would have been there to help small companies and the size that he was talking about the other day.

It's hard for you to rule, Mr. Speaker, because you were not here. But what he was talking about the other day was that the report was unrealistic, as he just said, because it could not deal with small companies. What I am showing you here is that we had every intention to deal properly with small companies. So I cannot understand where his supposedly realistic logic is coming from.

The Speaker: What I am asking you to withdraw is "scare tactics." You said unrealistic reasoning and that is another thing, but scare tactics is really not proper.

Mr. W McKeeva Bush: It is scare tactics but unrealistic reasoning is perhaps more parliamentary.

The Speaker: Just withdraw "scare tactics."

Mr. W McKeeva Bush: Well, I just said that. I will withdraw it Mr. Speaker.

The Speaker: Thank you. Please continue.

Mr. W McKeeva Bush: What they did in stopping me at that time was to effectively stop the training initiative I had going. But what is worse is that after having 17 or 19 months to get these going, nothing has been done—nothing! I say, shame, shame, shame! These things I have outlined this morning would have done much good for the country. I didn't have the opportunity because I resigned from Executive Council. We had just gotten to the point where we could have implemented these things.

These things are lying in his ministry somewhere, and if he had the interest of these young people at heart, as he says he does, then these things would have been implemented. Or else he doesn't know about them.

Hon. Truman M. Bodden: Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: I hate to keep taking this, but once again the minister is misleading the public. Those things have not been lying around the Ministry for 17 months. Training has only come to me at the beginning of this year. The training that was under me I have effectively deal with, the Community College is there for everybody to see. So I am asking him to withdraw that. If he wants to say from 1st January 1999, that's different. But don't use 17 months on me.

The Speaker: That's a point of explanation. Please continue, with 1st January 1999.

Mr. W McKeeva Bush: Mr. Speaker, I said on Friday that we exposed the minister when we proved that the training, or the man that we had gotten from the Commonwealth Secretariat, Mr. Bainbridge, was in his office

from September last year. All I am saying is that if he was there from September until now, what has he been doing? And, Mr. Speaker, this stuff has been in his ministry because his permanent secretary, Mrs. Basdeo, was one of the leaders of the delegation to Singapore. His ministry assisted and was part and parcel of the visit. She had this stuff as much as I had it and we looked at all these things, and I came to the conclusion these were the things that would have been done and . . . Mr. Speaker, I hear the Fourth Elected Member for George Town grumbling. Does he have some problem? Well if he does he should take it and deal with the Minister for Education.

He can't say that it wasn't there. It was there! It is probably still there, but he has not had the wherewithal to use it.

[The Honourable Minister responsible for Education, Aviation and Planning rose]

The Speaker: Are you rising on a point of order?

Hon. Truman M. Boddan: I am taking a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Boddan: This part of training was under his ministry up until he resigned, which was over five years he had it. Then it went on to the minister who took over his ministry. What he is saying, which is untrue—and this is not an explanation—he is saying things that are misleading this House: that I had full responsibility for training. His ministry was the lead ministry and I have the files here. And there isn't even a file on training in it. I can show him the files. These files were with him. So please tell the truth.

Mr. W McKeeva Bush: Mr. Speaker, let him table the files because I am sure he doesn't have all the files. He brought the ones that he wanted to bring because when I tried to get information from it, I couldn't get it!

[inaudible interjection]

Mr. W McKeeva Bush: Well, Mr. Speaker, you just heard what he said. Ha, ha, ha! You think I'm, stupid? That means he took the information when he knew that someone else could have used it—and he is grinning there like the Cheshire cat!

The Speaker: We are getting nowhere with this argument across the hall. Let us try to be a little more objective. Please continue with your debate, but let's have no cross talk.

Mr. W McKeeva Bush: That minister can keep interrupting until Kingdom come. I want to find out what he had. What kind of training did he have? What kind of training did the Minister for Education have? Technical and voca-

tional? Isn't that what the Constitution says you have? And that he had from all the while from 1992? I think so because he had the Community College. So what I was talking about incorporated technical vocational training. So why continue to lay blame on me and get help from the Fourth Elected Member for George Town?

He can try to mislead the public of this country all he wants, but the fact is that he had vocational and technical training—

The Speaker: Please let's not go back into that again.

Mr. W McKeeva Bush: Mr. Speaker, I am replying to the debate. Please give me an opportunity.

The Speaker: Give me an opportunity now, for a moment. I am not going to tolerate this misleading. That is not what we are here for. We are here to talk about training. So please continue on that vein.

Mr. W McKeeva Bush: Mr. Speaker, I quite agree with you that the Minister for Education should not try to mislead the House. That's what he has been doing.

Hon. Truman M. Boddan: Mr. Speaker.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Boddan: With respect, Mr. Speaker, you just ruled to say that he should stop talking about misleading. I don't know if you heard him, he just said that I am misleading again. Where is this going to stop sir? I mean you have the authority.

Mr. W McKeeva Bush: Mr. Speaker, I will bow to your rulings but I would like to say something. I am here in a debate, and I don't think that "misleading" is unparliamentary. The minister has accused me of all kinds of things . . . and you mean that I can't say that he is misleading? He is very misleading. I will move but I think that I have the right to reply to him. His problem is that he doesn't think that anybody can tell him anything.

The Speaker: Really and truly, the purpose of this debate is not to argue between two individuals. We are discussing training initiatives and that is really what is very important and very necessary to this country. I don't want to get into a debate either, so please continue but let's get on with the debate.

Mr. W McKeeva Bush: Yes, sir. Thank you Mr. Speaker.

As I said, training is needed and what I have been dealing with is what could have been done for technical and vocational training which is and has been from 1992 the responsibility of the Minister for Education today. I can say this too, that from 1976 he had the same subject. So it's not just today or since 1992. Well, how much has been done?

This country would have been much better off if that minister would have been more studious in those years and put these things in place. It would have been better today if he had been studious from 1992 until now with the technical and vocational training I am talking about, the apprenticeship schemes and all that could have been done to help the small companies if the minister had the interest he says he has.

Mr. Speaker, if they want to blame me, fine. I accept that I was the minister and I had got certain things done and certain things were not done. I accept that. And if they want to lay all the blame on me, then do that. They are quite capable and they will have some people who will believe that too but thank God that there are people with sense who are not so politically motivated that understand the whole situation and know what the position was from then until now.

All that I have outlined could only come about if we put the national training fund in place and companies contribute to it, of course. Each contribution would be according to the size of the company. What I have talked about today is not detailed in the Manpower Development Advisory Committee. I talk about the need for innovation. There seems to be none with the minister. That's why education is in trouble and tourism is down because they have not been doing their jobs.

And because I have been interrupted so often, I am going to table this report. Then anybody can judge whether I am right or wrong, whether something more should have been done. What they won't know is exactly what took place in Executive Council. They don't know what the minister said, and that is on record from Thursday when he spoke.

Some of us believe that these islands have reached a watershed. We cannot depend on labour increases to generate future economic growth because of its limited supply.

The Speaker: Let me interrupt you. Do you mean to table it now or later?

Mr. W McKeever Bush: I will table it at the end of my debate.

The Speaker: Thank you.

Mr. W McKeever Bush: Nor can we rely solely on increase in capital to generate growth. We must come to grips now with the efficiency and effectiveness with which we use our labour and capital resources to assist in generating economic growth. A holistic approach to manpower development, economic restructuring and technical progress is required to achieve maximum results. A highly skilled workforce is required to match the growing sophistication of our industries in this the 21st Century and to drive the industrial development and restructuring through continual upgrading of skills and retraining. We must ensure that there will be adequate supply of skilled workers to meet the ever-changing needs of the new millennium.

The National Team had a slogan "Building for the 21st Century." The new millennium is upon us. Because everyone says this is a good motion, I am going to table the report so everyone understand where we have gotten to. I would hope that those things I outlined this morning will be looked at. I hope that they will go and get the *Hansard*, as they have already done with the contribution I made. They have already gotten that aspect of the motion. While they say I can't advise them, they go and get what I said to see what they can take out of it, but they will never say that it came from me. But that's okay, so long as it gets done. I hope that all that I outlined this morning will be taken up, or at least looked at.

I thank you, Mr. Speaker, for your indulgence. I am sorry we had so many interruptions from the Minister for Education. And I am sorry that he was at sea with some of his interruptions. I will say one more thing. He asked for a survey of the needs of small companies. This report did quite a bit of survey. What he needs to do is get on with the job, him and the Minister for Community Affairs, since he says that she's included too. The two of them need to get on with the job. Yes, this report is a little bit old at this point, but it is still relevant to the problem.

Thank you, and I lay the report on the Table of this honourable House.

The Speaker: So ordered.

It is my understanding that that has completed the debate. I shall now put the question that Private Member's Motion No. 2/99. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 2/99 PASSED.

The Speaker: At this time we shall suspend proceedings until 2.15 for lunch.

PROCEEDINGS SUSPENDED AT 12.40 PM

PROCEEDINGS RESUMED AT 2.25 PM

The Speaker: Please be seated.

Proceedings are resumed. Item 5 on today's Order Paper, Government Business, Bills. As The Honourable Minister responsible for Community Affairs, Women, Sports Youth and Culture is not present . . . The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Boddin: The minister is ill, and I would ask if we could suspend the same Standing Order to take the Private Member's Motion before the Bills.

The Speaker: Suspension of Standing Order 14(2). The Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(2) to take private business in preference to government business.

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

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 14(2) SUSPENDED TO ALLOW PRIVATE MEMBER'S MOTION NO. 5/99 TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.

The Speaker: Moving on to time 5, Other Business, Private Member's Motion's No. 5/99 Amendment to the Immigration Law. To be moved by the First Elected Member for West Bay. (Pause)

Are you prepared to go forward with this Private Member's Motion?

Mr. W McKeeva Bush: Mr. Speaker, if I have just a minute, I can deal with it.

The Speaker: Thank you.

(pause)

Mr. D Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. While the member is preparing for the motion sir if you don't mind I would just like to bring to the attention of the Chair that perhaps we could try to get a little bit better communication going in that it must have been known before now that the minister would not have been here to deal with these things. Perhaps if we were advised on the backbench about the situation we would have been better prepared to deal with it.

The Speaker: I did not know either.

Mr. D Kurt Tibbetts: I am not saying you, sir. It's nothing for anyone, I am just saying that if we know we are better able to be prepared.

The Speaker: Understood.

First Elected Member for West Bay, if you have another motion that you would prefer to move I—

Mr. W McKeeva Bush: Mr. Speaker, I am cool.

The Speaker: Fine.

Private Member's Motion No. 5/99.

PRIVATE MEMBER'S MOTION NO. 5/99

AMENDMENT TO THE IMMIGRATION LAW (RE: DOMESTIC PROBLEMS)

Mr. W McKeeva Bush: I better just go ahead on this one, seeing the other day they objected to us changing the agenda and made a big thing out of nothing. So I just better go ahead on this one. I note also that the seconder of the motion is not here. She was not aware, of course, but I believe that the Third Elected Member for Bodden Town is prepared to second the motion.

I beg to move Private Member's Motion No. 5/99, which reads:

"WHEREAS Members of this honourable House have received numerous complaints about domestic problems;

"AND WHEREAS the Immigration Board has previously made attempts to deal with some domestic problems based upon character;

"AND WHEREAS the Board has now been advised that such problems are a matter for the jurisdiction of the honourable Courts;

"AND WHEREAS in previous years this honourable House has set down in law sanctions against marriages of convenience;

"AND WHEREAS because of so many domestic problems there is a serious social disruption in families;

"BE IT NOW THEREFORE RESOLVED that this honourable House makes attempts, either by amending the Immigration Law, or otherwise, to allow the Immigration Board to take action, based upon the character of a person, whenever a matter is brought to its attention."

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In the absence of the Elected Member for North Side, I beg to second the motion.

The Speaker: Private Member's Motion No. 5/99 has been duly moved and seconded. Does the mover wish to speak to it? The First Elected Member for West Bay.

Mr. W McKeeva Bush: All of us recognise the growth of the country and the problems that come with growth in a small country such as ours. The most common problem the Immigration Board faces is in the category of unskilled workers, especially those here on short-term six month work permits to work in restaurants and bars.

Their experience is that these individuals earn very low incomes and apparently resort to supplementing their income by other means, even to the extent of alleged prostitution. The most common complaint the Immigration Board receives is from spouses of men in-

volved in these affairs who abandon their financial obligations to the family and in turn financially support the work permit holder by paying rent and buying luxury items like jewellery. This creates a financial hardship to the family unit, not to mention the emotional strain especially for young children in the home.

A growing concern is the number of unskilled workers who get pregnant for Caymanian men for the sole purpose of being able to reside permanently in the Cayman Islands. If the DNA proves the Caymanian father's paternity, the child and mother then become the charge of the Cayman Islands since the child has a right to remain and the mother has a new Cayman connection and cannot be made to leave the islands on the grounds of humanitarian issues, that is, the family unit should not be split. The irony in this whole situation is that this arrangement is meant to keep the family unit, such as it is, together, yet it is the Caymanian family that becomes split as a result.

Time would not permit me to provide this House with examples of complaints that I know of which go to the Immigration Board. But I can assure you that they receive many heart-wrenching reports. The Immigration Board accepts that it is not the proper forum for resolving family issues. I recognise that also. Nevertheless, there are cases that require intervention and where this involves a work permit holder with a Caymanian spouse the Immigration Board is the obvious body to which complaints are made.

The Board is of the view where these types of relationships create financial hardship, serious emotional stress to the victim's spouse and Caymanian children, and where violence is threatened the Immigration Board cannot turn a blind eye and recommend resolution in the Courts. Often divorce is not necessary especially where the work permit holder is here on a short-term work permit, and in other cases divorce is not an option for reasons of economics and/or religion.

I checked with the Immigration Board members, some of them. The Immigration Board is of the view that section 30(1)(a) of the Immigration Law (1997 Revision) which deals, inter alia, with a person's character may be used as a consideration in these circumstances. However, the Board, as I understand it, has been advised that it cannot involve itself in these matters.

In extreme cases where a work permit holder is known to be interfering in a Caymanian family, the Immigration Board is not a proper forum for resolving these issues. I feel then that some alternative must be provided for the Caymanian victims without resorting to divorce. As I stated before, divorce is not always an option. The Immigration Board is concerned with the growing number of complaints of this nature, from what I understand. And if the Immigration Board cannot help to resolve some of these issues there must be a relief provided to these victims elsewhere.

One suggestion I understood from them would be, for the short term, to expand section 30(1)(a) to allow the Board to deal with extreme cases of this nature and at the very least this should be a deterrent. Additionally, unskilled workers who have become pregnant in the

Cayman Islands, whether or not by a Caymanian man, should be made to return to their country. Some people feel this. It is not necessarily that I feel this way on all issues, but a lot of people feel that they should return to their country of origin before the birth of the child. This is one thing that representatives are faced with at times.

Some people feel that this would eliminate female work permit holders circumventing the Immigration Law by creating an alternative means of residing in the Cayman Islands permanently, and in some cases destroying Caymanian families in the process. From talking to different people on the Board, I understand they appreciate there is much opinion about the Board's ability to deal with these types of domestic issues and certainly there are good arguments both ways. At the end of the day a very real problem does exist for Caymanian families who up to now have only been able to use the Immigration Board as their only means of resolving the domestic issues. This is an area which requires attention and if the Immigration Board is determined not to be the proper forum in any case it is imperative and urgent that a remedy is created elsewhere.

I know the government proposes to amend this motion so that we can refer this matter to a select committee that is now underway. That perhaps is not a bad thing. I have no real problem with it. But when are we going to get a report or any kind of finalisation from that committee? We are hoping that work can be finished soon. I know that members are committed and the Chairman is committed to getting things done quickly, and we have been moving along in the right direction. But let no one minimise the seriousness of the situation because this affects people all around. You can say it affects a man's freedom to deal with any woman he wants to deal with, or the other way around. That is so, and human rights might seem to say that they should have that kind of fair play, let us call it. But then, on the other hand, when we as representatives are faced with the problems in some cases where children are affected and they don't have enough money to deal with children and treat their children properly, then these are things that we must come to grips with.

The Immigration Board used to deal with it as I understand it under the section I quoted earlier which really says that **"The Board, in considering any application shall subject to any general directions which the Governor may from time to time give in respect of the consideration of such application take particularly into account . . ."** and they name several items but (a) says **"the character, the reputation and the health of the person whose gainful occupation is sought to be authorised, hereinafter in this section referred to as 'the worker' and where relevant any member of his household."**

So the view of the Immigration Board, many previous members and even some present members, was that they could deal with it. But they have been told that this was not the place for it. Therefore they have been caught between a rock and a hard place—they get the complaint from the Caymanian family and they can see themselves what the situation is. And you can believe

that we as representatives are often faced with some serious problems. I am not for or against any nationality. I have never been and I am not now, but when it comes to certain situations we have to look at them.

I have seen cases where women in their 70s are now affected because certain persons working here get a chance to be with that husband and they entirely disrupt the lives of ladies of that age. This is heart wrenching to say the least. I mean, people who would not normally get into any kind of problem have been locked up over night, a lady 70-odd years old because of the trauma she went through. These are the problems we are finding and if anyone believes that they can minimise this sort of social crisis I believe we are in, then they are making a sad mistake. Or if anyone believes that they can make light, or make a joke of the situation then it's another matter. However, that would be on their conscience.

I would have no problem with putting it to a committee, but I would hope that what they have presently in the law that the Immigration Board will at least be allowed to keep looking at it until we can formalise a position that might be acceptable. But anything that we can do should be acceptable because we can't allow this kind of situation to continue.

As I said, I have no personal gripes with any kind of nationality because we have good people coming from all around, and there's good and bad in every situation. So I hope that we don't give the impression that the Immigration Board can't do anything because if a serious case comes up in the meantime what then? The motion is left for the conscience of members. Thank you.

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

Dr. Frank McField: Mr. Speaker, it appears that the mover is asking for an amendment to the Immigration Law regarding domestic problems. He has already indicated that the government will be bringing an amendment. If that is the case, I guess I will have the opportunity to speak to that amendment and to say that since we do have a select committee on Immigration maybe the mover is right in suggesting that perhaps that is the place this type of consideration should be at present. However, I would like to take the opportunity to speak to the motion briefly in order to outline what might be the challenges the country faces as put forward by the mover of this motion, the First Elected Member for West Bay.

I would have wished for the mover to be more specific in his definition of the social class or nationality or numbers of nationalities responsible for this crises in the country so that we could have gained insight as to why it is an emergency to deal with this outside the select committee of the whole House on Immigration. I know that my eyes and my ears are working, and I have seen situations in this country that are not considered to be in order with what we profess to be in this country, that is Christian people. There has been illegitimacy, fornication, adultery, all of these things for generations and

generations. I don't suppose that I am considered to be a traitor to say that fornication took place before immigrants started coming to the Cayman Islands, that there were persons in this country that abandoned the role of supportive father and husband; that there were persons who attempted to rear two or three families at the same time; that there were persons who stayed married for the period in which the woman was nice and beautiful and when she began to age under the stress of bearing children and working hard to support the family moved on to greener pastures.

I don't suppose anybody who is fair thinking would try to blame this on any nationality today or any social class today because it is a phenomena that has been with us for some time. The magnitude of the problem has increased with prosperity and as a result of men having choices to chose sexual partners, not only from the point of view of the nationality, but the complexions and texture of hair and all of those types of considerations are borne in mind when men are deciding to participate in this type of activity.

I am not here to create morals by way of legislation because I believe that if we were not ingrained with principles as youngsters that will cause us to withhold the oath that we make before God and the State, if those laws are not sufficient to cause men to behave in a particular way how this Immigration amendment will cause this I fail to see. I have always tried to suggest that the government has to be careful in becoming the dictators of morality. I believe that is within the realm of the churches and I believe that is within the realm of the families, and I believe that if government becomes involved in morality questions it could become too subjective and as a result of becoming too subjective it could begin to violate the very sacred rights of the individuals we are here to protect. We have to be careful about that.

There were cases when we had the so-called protection board where people were being deported from this country without even being told by the Immigration Board why, because persons could write letters and so on and so forth. We are a maturing society. I believe the way in which we must seek a solution to this particular problem has to be more mature. We cannot retrogress and go back twenty years and expect to solve the problems of today. The problems of today must be solved by greater intelligence than those problems of yesterday.

I believe that the motion is bringing, the question of the domestic crisis is a real important question today. I believe that to simplify its solution to this type of legislation is to try to simply the whole problem and to put blame where blame is only partly deserved. The blame is on both sides. The blame is on the side of "those women" the Member for West Bay talked about, those domestic workers, those people on the six month permit, that particular social class of people that may be underpaid in this society, that might be socially and economically exploited also because people are paying them a lowly wage. And it is not outside the customs of the Caribbean and Latin American countries that women do seek some kind of subsistence from other men. It is a

part of the cultural dynamics therefore it has to be a change in values rather than a change in legislation.

Whether we go to Honduras, Nicaragua, Costa Rica, Buenos Aires, Jamaica, wherever we go we find that a great majority of the women are left impregnated with children to raise while the men go on to greater pastures and as a result of this tradition existing in the Caribbean in particular from the days of slavery until after the abolition of slavery because of this they have created the immorality. The women have had to go out and do these things in order to survive. So the choices they are making are not solely the result of them, it is also the result of the social sexual practices of the Caribbean and Latin men.

I beg to show this honourable House that we can not respond as a government to every domestic dispute, to every inequality as a result of competition on a sexual level between women. The fact that a Caymanian man would want to find himself in a particular bar each day to drink and look at a woman from Honduras and spend more money not only on the drinks but eventually on her has nothing to do with the Immigration Laws of this country. It has to do perhaps with enforcement, the fact that the laws we do have are not being enforced. Why are these people being given permits to work in these bars? If these are the types of persons we are talking about.

I was hoping that the mover would have been a little more specific so that we could identify exactly who it is that we are talking about and know better what we need to do to find a solution.

I know that everyone wants to have a domestic. The fact that there are so many domestics here from Jamaica is the result that everyone wants to have a domestic and nobody wants to give us the domestic and people who can't even afford a domestic are getting work permits for domestics. Now, isn't the Immigration Board sufficiently competent to deal with this situation? Must we make more and more laws? The Immigration Board, according to how I understand the Immigration Law, is in the position to say no in instances where they realise that the person applying for the application to employ does not have sufficient money to support these workers.

Why do you think we have so many people on work permits looking for work? There are hundreds and hundreds of people of work permits are walking around looking for work. They have insufficient work. That is a problem that has to do, the more we look at it, with the lack of will to enforce the laws we do have. The easiest thing in the world is to make the law. The hardest thing is to administer it.

The problem we have has to be solved not by us politicians interfering in the decisions of the Immigration Board, calling them up saying, '*Could you reconsider? Because that person really needs that person*' and we come up with 110 different reasons why and we help people to bypass the scrutiny of the Immigration Department when it pleases us. I have seen situations where people have come down to this Legislative Assembly in regard to hiring persons hired to work in the bars upset that they cannot get permits for these people or that the Immigration Board even has the audacity to

screen them and require that they speak English. People get upset. They have a specific interest in bringing those types of people here to make money. It is not just the people who come here and find themselves in a situation where you have vulnerable they can exploit when they smile at them. It's not the fault of just those persons. The problem is deeper socially and rooted in the lack of some stern social values.

I believe that if you tend to drink alcohol and you are going out on a Friday evening and you made \$250, you need to be careful not to take that \$250 out with you before you give the family something. As sure as you go out, the more you drink, the more you lose your inhibitions, the less responsible you will act and the more money you will spend and you will end up home the next day and not have money for your family. But there are situations where I, a person who has frequented many bars for many years in many countries, know that when you end up in a bar and you start drinking and there are pretty women around you, you drink even more and show off even more. It is a social environment that causes you to not even realise where the money has gone. Nobody ever came and did anything to you. It's there; the drinks are there. They have a licence to serve alcohol. It's up to you, the individual must assume responsibility for his or her choices. If we are going to work with the assumption that the individual cannot be responsible enough to make these choices then we could sadly be eroding the very foundation not just of democracy but the world. Remember that Adam and Eve had choices and God allowed them to choose to go to Hell if that's what they wanted to do. He gave them choices. He gave them the alternative, but He gave them the choice.

I do believe that what we see being exhibited by persons today in our society is the exercise of these choices. I pray that we will try to find solutions to our domestic crises in this country by encouraging people to practice more healthy values from our side of the fence, not from insisting that the foreigners who come among us exhibit a lack of desire to exploit our weakness should they find it because in every situation, Mr. Speaker, people will take advantage of those who are not disciplined and controlled enough to protect themselves.

It is hoped that the law will attempt to mediate and assist persons, but in situations like this we are dealing with choices. I think it's important that we look at the possibility of even the police becoming a little bit more vigilant in regard to prostitution, if the member is correct in saying that there is what might be defined as prostitution. Then the police need to get involved in setting up the CID or whoever does the investigating. They did it once before. I have seen people actually tried here back in the early 1980s in the Courts because the police had set up a whole team of people to go around and approach people whom they suspected of this.

If we find that this is happening in the bars, we need to have our special police working in those areas trying to find out exactly who is responsible and therefore inflict the fear in the men that they too could be prosecuted as a result of being involved in these situations. So, I have looked at the extreme situation, I have not yet looked at

the situation that women are in fact having children for Caymanian men in order to stay here and that they should be sent away before they have the child. Well, I don't know about that idea. I think that would be a good idea to talk about in the select committee because we have already a lot of Caymanian men who are insisting that they should have the right to claim their children, although their children were already born outside the Cayman Islands. And they have gone to the extent of taking DNA testing and all sorts of things like that.

I won't get up and talk to the amendment, unless of course I have to answer certain people for certain things they might say. I will just end my contribution by saying that the complexity of the situation that we are talking about and the depth of the crises that we are trying to amend is so grave that this motion would be better off being a part of the select committee on Immigration.

Thank you.

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

AMENDMENT TO MOTION

Hon. Donovan Ebanks: Thank you.

The government is certainly receptive to the concerns this motion raises and recognises that there are social issues that often times involve non-Caymanians here on some temporary terms. But it doesn't see the issue as a simple one. In light of the machinery which is now entrain and is moving with good momentum as select committees go that the more appropriate course would be to refer these issues to the select committee on Immigration. So, I would beg your permission and the permission of the House under Standing Order 25(1) and (2) to move an amendment to the motion, which the mover alluded to earlier.

The Speaker: You can go ahead. I waive the two days' notice.

Hon. Donovan Ebanks: That amendment simply seeks to delete in the resolve section the words "makes attempts, either by amending the Immigration Law, or otherwise, to allow the Immigration Board to take action, based upon the character of a person, whenever a matter is brought to its attention" and substitute the words "*refers the matter to the Select Committee on Immigration for consideration.*"

The Speaker: The amendment has been duly moved. Do you wish to speak to it?

Hon. Donovan Ebanks: Just very briefly to say that there is provision within the law for the Board to take into consideration character. I think oftentimes the Board is expected to determine character, and I think there is a lot of difference between considering and determining. Whether that Board is the proper forum and has the resources to determine character I think is one of the is-

ues that the select committee in its forum could give consideration to.

I think the committee would also need to look at the causes. I have certainly felt for a long time that they are inherent implications of us practising a policy whereby we give preference to individuals who have no dependants, single individuals, feeling that by doing so we minimise the demands on other infrastructure and resources. But I think it comes with other implications. Certainly, whatever we look to do in addressing this situation needs to be cognisant of the fact that the problems we hear of aren't problems that simply involve a non-Caymanian. They are problems that obviously involve a non-Caymanian and a Caymanian.

We need to aspire to solutions that impose some sanctions on both parties, if sanctions are appropriate. But I won't try to set any agenda for the select committee. I am sure that members will give the matter due consideration if it's allowed to move to that forum. I simply wish to reiterate that the government is sensitive to the points raised and sees that piece of machinery as the appropriate route for this matter to be considered as thoroughly and as expeditiously as possible. Thank you.

The Speaker: The question is that Private Member's Motion 5/99 be amended as noted and circulated to members. Does any other member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you.

On occasion I have described the Cayman Islands as a frontier society. Certainly in reading this motion and in listening to the amendment moved by the honourable Acting First Official Member and hearing the argument of previous speakers, the mover of the motion and the Fourth Elected Member for George Town, I am reminded that my description is an apt one and to echo the words of the honourable Acting First Official Member, this is indeed a challenge. It is difficult to address the issues involved here using any kind of unilateral methodology or a one-dimensional approach. To a great extent all the arguments I have heard by the mover of the motion the Fourth Elected Member for George Town and the Acting First Official Member all have merit.

This is one of those motions where it think description is the better part of valour. Really and truly, I had not intended to say anything on the matter but because circumstances placed me in a position where I seconded the motion I feel constrained to say something.

From my experience as an immigrant in another country, I know there is a reluctance on the part of immigration when these matters are referred to it to deal with these matters because the attitude is that immigration is only interested in matters of a criminal nature. So if someone breaks the law in a criminal fashion then the immigration department sees it as within its prerogative to offer certain sanctions on the person. These issues are regarded as moral issues and social issues outside the ambits of the law as structured on the statute books.

However, that does not say that this kind of behaviour is to be condoned because we know that the gov-

ernment and its arms at various departments is duty bound to protect its citizens and the citizens of the country have every right to call upon the government for some form of protection. So when these issues come, they are not legal issues as much as moral issues and as such the best solution arises where we can get some kind of inculcation and change in values.

Now, it is interesting that certain developments have taken place in the Cayman Islands as a result of our being a frontier society. I am sure that anyone in their right mind with any knowledge of Caymanian society would realise that in a society of seamen, where our men travelled the world, they must have been exposed to all kinds of things. The difference now is that in the old days the men returned home and certain discussions were never heard, never discussed. But we know that certain temptations must have come across them. Now we are seeing these things on our doorstep and we are facing situations where we can see the behaviour.

That situation is compounded by the various cultural backgrounds from which some of the perpetrators come from. What compounds the situation is that the Caymanians who are at risk, particularly the women, when the act of trespass is so unbearable and they go to assert their claim, as they have every right to do, it is sometimes met with insult, threat of violence or downright physical abuse. And it is not farfetched to say that these cases are by no means in the extreme. It is difficult for persons, once dishonoured, to also expect to be humiliated, insulted and abused physically publicly. So this compounds the situation and makes it even more necessary for us to try to arrive at some kind of reasonable solution without depriving society of services which at this stage are not now provided by Caymanians.

The amendment proposed by the government seems reasonable. At the same time I have to acknowledge that the issue raised in the substantive motion bears investigation and seeks some solution. It is a challenge for us. Perhaps it can be best dealt with in the select committee dealing with Immigration. But I would like to say that it is a situation that will not be helped by trying to sweep it under the carpet. I believe that it would be a foolhardy approach if we tried to cut off our nose to spite our face, that is if we try to solve the problem by putting unbearable restrictions which will manifest themselves in a negative way in society by depriving those persons who really need help, or by stigmatising persons without giving them a chance to prove whether they are reasonable or not.

The difficulty in this situation is that human nature being what it is, it is next to impossible to entirely eliminate these types of occurrences. That is why I believe it is difficult, if not impossible, to legislate certain moral actions. I would say in all candour that our challenge is to find some way of inculcating a sense of responsibility and a sense of commitment and reasonableness. Societies from time immemorial have been trying to reach perfection in that regard, but that does not give us a right to abandon the exercise and give up.

I want to also say that there is another side to the coin because I have had experiences where my con-

stituents were Caymanian men who in an attempt to shoulder their responsibility have spent hundreds of dollars taking DNA tests to prove paternity of a child born of a non-Caymanian mother and have wound up in frustration. They cannot get the child even though they have sworn affidavits and all kinds of expensive lawyers. So there are many facets to this problem.

That again reinforces the position that the matter is best dealt with before the select committee on Immigration as the amendment proposes. I commend the mover for bringing these problems to the forefront because it's difficult and people who are, how should I put it, less conscientious beings who shy away from these problems because they have the potential to open up a can of worms. This is an issue which calls for maturity and great perception. But above all it calls for a sense of reasonableness. I recognise that there are many Caymanian families who have been dismembered, many Caymanian women who have been dishonoured and there are many men who perhaps in a fit of manhood said or did some things they would prefer to forget. But that does not give us as legislators the right to unilaterally impose an unreasonable or unworkable situation. I think it is something we should sit down and discuss and try to open it as broadly as possible to hear from as many sides as we can before we arrive at what is the best solution.

These things are the challenges which a growing country and a dynamic society will have to face. It is up to us as legislators and representatives of the people to balance and cast a decision in a way which our people, while they are protected, are not deprived through any insularity on our part of services the society is in dire need of in order for us to continue to progress socially, economically, and culturally.

The Speaker: Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)
The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Having heard other members speak to the amendment, and perhaps trying to expedite the situation maybe in speaking to the amendment we might not have to debate the original motion again.

I just want to take this opportunity to make a point that I consider being relevant in this situation. Whereas the resolve section of the original motion is proposed to be changed, I want to say that one of the things we need to bear in mind in deliberating this touchy topic is the fact that while we have certain circumstances which spurred the bringing of the motion, it is very important for us to ensure that a balance is achieved. When we speak about a person's character, be that person a Caymanian or a foreign national, we have to bear in mind the fact that as of now I do not believe that the Immigration Board has the wherewithal to ensure that any opinion that it forms based on what is before it is in fact a totally correct opinion. While people are supposedly given the opportunity to rebut allegations or reports made against them, I believe that on many occasions we find a situation where it is someone's word against another person's word and at that point in time it is only natural, if

you are in a position to make a decision, that you look at the individuals and tend to take the position of whichever seems more trustworthy or the person you know the most about.

In doing all that we are doing, I think we need to ensure there is a method by which truth can be determined so that proper judgments can be made. You want to be able to do that for more reasons than one. I hold the view that it has worked in a negative fashion for both sides. So while we may have certain problems and find that individuals dealing with it in a certain fashion perhaps as difficult as it may seem however we deliberate on this topic we need to ensure there is a proper method by which people can defend themselves against allegations while at the same time ensuring the truth is determined.

I don't profess to have all the answers this evening and I won't go any further with my debate. But I thought that it was important to point that out so that whenever we are dealing with it we look into those matters and find some type of method to ensure that the truth is known. On many occasions prejudiced circumstances caused some individuals to be literally persecuted (for want of a better word) depending upon the situations they find themselves in.

I think it is sensible to go the route being proposed by the government. I don't have any problems dealing with it in that fashion. I do believe there was genuine concern and that is why the motion has been brought. Perhaps with the amendment being put forward we will be able to get a solution to the problems that have been identified in a more speedy fashion. Thank you.

The Speaker: Does any other member wish to speak? Does the mover wish to exercise his right of reply?

Hon. Donovan Ebanks: Only to thank those members who spoke for their support.

The Speaker: I shall put the question on the amendment to the motion. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Speaker: Does anyone wish to speak further to the motion as amended? If not, does the mover wish to exercise his right of reply? The First Elected Member for West Bay.

Mr. W McKeeva Bush: As usual these kinds of motions, because of the nature of the motion, cause some people to be more careful than normal in what they say. But members made some very good points. There are problems out there that cannot always be solved by legislation. But that's not to say that as members of this

House we should sit down, keep our mouths shut and let it roll on and let social chaos continue.

The Fourth Elected Member for George Town felt that I should have been more specific. I thought I was specific enough in identifying the problem. I don't know what more he wanted. I guess he wanted something more so that he could jump up and beat me a little bit more. But I am learning his tactic now, the cut of his jib, and I well understand his mentality. I want him to know that I know history too, that fornication took place before immigrants came here. That was a long time before there even was a Cayman Islands. Families were neglected too. Those kinds of things cannot be cured. Man will be man and woman will be woman. That's not to say—and I will probably say this at the end of every sentence—that we must leave the situation alone so that the social fallout can continue to grow and they keep marching into this Legislative Assembly to look for us, or to our homes to look for us, or to our offices to look for us, or calling us on the phone crying about the situation.

What the Fourth Elected Member for George Town said about controlling morals is true. I never suggested that Immigration should control morals. We can't legislate morals, but we can be innovative in whatever we do or attempt to do. I am not asking Immigration to control morals, but under section 30 I believe that some matters can be addressed. We have the committee, and as I said I am not going to oppose that because it's good to have it thrashed out there.

I also want to say that when the Fourth Elected Member for George Town talked about this motion was putting blame on someone, a certain class I think he said, I was not planting . . . and I made that very clear. We are not putting blame on any one nationality. I said that in the opening. But if that member doesn't know he should know that there have been marriages of convenience. And while he might not have been here to face those problems or been around or aware of those problems, I have been. I have had to deal with them as a legislator. I have seen where these marriages of conveniences begin and where they end.

Most of the time when these marriages of convenience took place it was done with persons, or men, of lesser intelligence—married tonight and never seen again. I sought to have that matter addressed by putting in a section which penalised it. And do you know what it did? It made marriage officers more vigilant. That's what that motion that I brought, with its amendment, did. It made them more vigilant. We put in a stiff fine. So marriage officers began to question more the motives and to look into the situation when someone came to them to get married. Changing the law at that point greatly assisted that situation.

So no one needs to get up in here and talk like I am trying to do something that is not right. I gathered that from what the Fourth Elected Member for George Town said, and he constantly looks across to the Minister for Education and the Minister for Tourism to see if they are in agreement with him and he continues in that vein. He doesn't know where he wants to be and that's his problem.

I agree that there is exploitation on certain categories of workers. There has always been, and most likely will continue to be because of the nature and the makeup of this country. I am not telling anybody to pay maids \$5 per hour or \$2 per hour, to keep them locked away and do nothing to help them. That's not my mentality. I have gone above and beyond the call of duty when it comes to that because that's my background. I have those kinds of feelings in case the Fourth Elected Member for George Town doesn't know that.

He questioned whether the board is competent to deal with this rather than making more laws. Perhaps the board is. The board was dealing with it effectively. Sometimes, as the First Elected Member for George Town said, the right balance needs to be found so that people will have an opportunity to have a say about what they are being accused of.

So I am not talking about the workers or where they come from. The seconder of the motion and I are talking about the social problems, not just about drinking rum. Old men who don't drink rum are involved, I have seen it! So don't come here talking about the bar licence. You don't know what you are talking about. That's the problem! If you don't know about a situation why don't you sit down? You think just because you have a degree you know it all? Do you think that because you can philosophise on a situation that you know it all? You don't! The member doesn't Mr. Speaker, and he better learn that he doesn't know about it. He has just come here, and he should just listen, look and learn. That's his problem.

And when we see attempts by 30 year old and 25 year old women to marry 75 year old men with prostate cancer, that is not for love! That is an attempt for security of tenure. But marriage officers have to be vigilant and investigate it. It is done too often in this country. I am a marriage officer and I have been very vigilant.

I have no votes to gain or lose on this matter. I am concerned about the social fallout that is existing. Families are being hurt and people are being taken advantage of in case the Fourth Elected Member for George Town doesn't know.

It's not easy. It's very difficult to deal with these issues. What happens to a married man who somehow falls in love and has a child, where there is a genuine love? What happens in that situation? He was married and of course there's a negative impact on his wife. What we have to do is what the First Elected Member for George Town and the Third Elected Member for Bodden Town said, we have to find a balance. I can guarantee you that every time I raise a motion the Fourth Elected Member for George Town will try to find something that will gain him political advantage because he is so concerned about that situation with his George Town constituents. That's the problem he has. Well, if that's his problem, let him deal with it, but he better understand that whenever he mettles with me and tries to impute the wrong things I am going to do what I am doing now—deal with the situation and deal with him all in one.

We have to be fair as legislators to all concerned because to accuse someone of wrongdoing is a serious thing. And legislators need to be cognisant of that. I am

not and I have never attempted to do that, be it Jamaican, Honduran, somebody from Nicaragua, a person is a person and they have rights. But when we find situations we have to deal with them. I have never side-stepped my responsibility in bringing issues to the forefront in this House regardless of who does or does not like it.

Let no one believe that I am here trying to trample anyone, domestic worker or otherwise. As I said I have great sympathy because I know of the exploitation. I tried to address it in the Labour Law many times and I didn't have much support. The test about doing things for them is when you come here and put legislation that can help them. Don't get out there and shoo-shoo with the Chamber of Commerce and kill McKeever on labour issues. I come from that part of the street. My mother was a domestic worker. So I do know about that aspect of life.

It is true that these matters cannot be entirely eliminated. As I said, man will be man and woman will be woman. But I believe that we must be reasonable in doing our duty because it is our duty to deal with the matters. To do nothing is saying that we don't care about the social fallout. As I said, I have no problem with what government wants to do because I feel that as legislators we should sit down and discuss it because it is serious. I know that all members of this House has complaints and see the sad situation with some children, and we have to deal with 75 year old men To do nothing is an abnegation of our responsibility.

The Speaker: I shall now put the question on Private Member's Motion No. 5/99 as amended. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 5/99, AS AMENDED, PASSED.

The Speaker: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.17 PM

The Speaker: Please be seated. Moving on to Private Member's Motion No. 6/99, Multi-Disciplinary Environmental Impact Study, to be moved by the Third Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 6/99

**MULTI-DISCIPLINARY
ENVIRONMENTAL IMPACT STUDY**

Mr. Linford A. Pierson: Thank you. I beg to move Private Member's Motion No. 6/99, Multi-Disciplinary Environmental Impact Study, which reads:

“WHEREAS the protection of our environment is of paramount importance to the economic well-being of these Islands;

“AND WHEREAS it is important to balance the negative impacts of development of the environment with the need to encourage sustainable and sensible development;

“BE IT NOW THEREFORE RESOLVED THAT Government consider commissioning a multi-disciplinary environmental impact study as soon as possible, but not later than 31st March, 1999 [I will change that with an amendment], with terms of reference inclusive of but not limited to the following: (i) the impact of dredging in the North Sound; (ii) the impact of mining and quarrying in the environment; and (iii) the feasibility of importing fill and/or aggregate into the Islands.”

The Speaker: Do you have a seconder? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I beg to second the motion.

The Speaker: Private Member's Motion No. 6/99, Multi-Disciplinary Environmental Impact Study has been duly moved and seconded. Does the mover wish to speak to it?

AMENDMENT TO MOTION

Mr. Linford A. Pierson: Before speaking to the substantive motion, I wish to give notice of the amendment to the motion which was circulated from 14th April. It reads as follows: That the resolve section of the Motion be amended in the third line by deleting “31st March, 1999” and substituting “31st July, 1999.”

The Speaker: I waived the two days' notice.

The amendment to Private Member's Motion No. 6/99 has been moved. Do we have a seconder? The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I wish to second the amendment.

The Speaker: The amendment has been duly moved and seconded, do you wish to speak to it?

Mr. Linford A. Pierson: The purpose for bringing the amendment close on the heels of the substantive motion is since it is trying to make the motion more sensible to debate, and that we might take both the substantive motion and the amendment. The reason for this change is because the original motion was number 29/98 and was set down for the meeting in November, the fourth meeting of the 1998 session. But because of the business before the House at that time it had to be withdrawn and brought forward to the first meeting of 1999. The date of 31st March 1999 which would have been approximately three months is now being changed to 31st July 1999 to make this motion feasible.

The Speaker: Does any other member wish to speak to the amendment? If not I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Speaker: Do you wish to speak to the amended motion? The Third Elected Member for George Town.

Mr. Linford A. Pierson: The resolve section of the amended motion now reads: ***“BE IT NOW THEREFORE RESOLVED that Government consider commissioning a multi-disciplinary environmental impact study as soon as possible, but not later than 31st July 1999 with terms of reference inclusive of but not limited to the following: (i) the impact of dredging in the North Sound; (ii) the impact of mining and quarrying in the environment; and (iii) the feasibility of importing fill and/or aggregate into the Islands.”***

For the past number of years our people have been calling upon successive governments to commission an impact study on the effects of dredging, mining and quarrying on the environment. As recently as 1996, that is the in the last election, the Democratic Alliance made this particular subject a major issue in their manifesto. I would just like to make reference to that under the section “The Environment” the manifesto stated **“The protection of our marine environment is of paramount importance to the economic wellbeing of these islands. We will seek to enact legislation to regulate air pollution and adopt acceptable emission control standards. We will strive to ensure that legislation regulating land, air and sea pollution are closely policed and that offenders are prosecuted thereby providing a deterrent to potential offenders.”**

This particular part is of specific importance, “We undertake to commission an independent environmental assessment of the North Sound with terms of reference to include the impact of dredging within the Cayman Islands.” This motion is in line with the terms of that section of our manifesto in 1996. There is an urgency in the commissioning of this study.

I will try to be as brief as possible in my introduction, but at the same time I will give the reasoning and rationale behind this motion.

A balance must be found between the environmental system preservation and sustainable development. Government must deal with this matter as a matter of urgency as mentioned earlier. But in doing so a common ground between developers and government must be reached, if sustainable development can be maintained. Development driven operations such as offshore dredging, terrestrial mining and quarrying, must be carefully regulated by government if irreparable damage to our sensitive natural environmental systems is to be prevented.

In reaching such an accommodation with developers government must be cognisant of the fact that an acceptable level of sensible and sustainable development must be maintained to ensure that the quality of life and standard of living of our people are not compromised. Further, it is not appropriate, nor is it desirable, that private investors and developers should be required to commission and finance their own independent environmental impact studies.

The multi-disciplinary environmental impact study being called for in this motion needs to be given top priority so that developers can be informed up front what they can and can't do. This will also have the beneficial effect of avoiding members of this House, including me, sometimes positing views on technical and scientific issues that we are not really qualified to speak on.

The time frame for the completion of the study is really my main concern in bringing this motion. I am aware that provision has been made in this year's budget to commence with the study, but I understand that ExCo has not yet approved the terms of reference and given the Department of Environment the approval to commence with this study.

As will be noted, the resolve section of this motion as amended calls upon government to consider commissioning this study as soon as possible, but not later than 31st July 1999. During the meeting of 1998, a parliamentary question was raised by the member for North Side requesting an update on the environmental impact study by the Department of Environment. The Honourable Minister for Agriculture, Communications, Environment and Works provided a fairly detailed answer to this question.

Mr. Speaker, at what point are we? Do I have enough time to continue?

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30, do you want to continue, or shall we break at this time?

Mr. Linford A. Pierson: We can break now, and I will continue on Wednesday.

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

ADJOURNMENT

Hon. Truman M. Boddin: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 11.00 AM as there is a matter which members have been informed of that starts at 9.00.

The Speaker: The question is that this Honourable House do now adjourn until 11.00 AM Wednesday, 21 April. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM WEDNESDAY, 21 APRIL 1999.

**EDITED
WEDNESDAY
21 APRIL 1999
11.35 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper.

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

The Speaker: I am sure all members are aware of the tragedy that took place in Colorado, the shooting at the school where so many lives were lost. I would ask if honourable members would stand and observe a minute of silence in their honour.

(The House observed one minute of silence)

The Speaker: Item 3 on today's Order Paper, Government Business, Bills. Suspension of Standing Order 46 (1) & (2), the Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 46 (1) & (2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 46(1) & (2) to allow the first reading of the Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999.

The Speaker: Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 46(1) AND (2) SUSPENDED TO ALLOW THE STAGES OF THE MERCHANT SHIPPING (AMENDMENT) (MARITIME SAFETY AND MISCELLANEOUS PROVISIONS) BILL, 1999, TO BE TAKEN WITHOUT DUE NOTICE HAVING BEEN GIVEN.

The Speaker: Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

**THE MERCHANT SHIPPING (AMENDMENT)
(MARITIME SAFETY AND MISCELLANEOUS
PROVISIONS) BILL, 1999**

The Clerk: The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999

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

Bills, Second Readings, these bills were deferred from Monday 12th April.

SECOND READINGS

**THE LABOUR (AMENDMENT)
(TRIBUNALS) BILL, 1998**

The Clerk: The Labour (Amendment) (Tribunals) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I beg to move the second reading of a bill entitled, A Bill for a Law to amend the Labour Law (1996 Revision) to abolish the Labour Relations Board and to amend the provisions relating to the Labour Tribunals to provide for the payment of gratuities to employees by employers twice per month to provide for the remuneration of the members of the Labour Tribunals and for incidental and connected purposes.

Perhaps I can start by taking all members through the Memorandum of Objects and Reasons. This Bill seeks to repeal section 72 of the Labour Law (1996 Revision) which provides for a Labour Relations Board and amends section 73 of the Labour Law to provide for the constitution of a panel of persons from which members of Labour Tribunals are selected.

The person or persons constituting a Labour Tribunal are to be appointed by the Governor, that is the Governor in Council. A Labour Tribunal may consist of one person or more.

A member of the panel who is a member of a Labour Tribunal when his membership of the panel ceases under the terms of the instrument appointing him shall remain a member of the Labour Tribunal until all of the complaints before the Labour Tribunal at that time have been dealt with by the Labour Tribunal.

Section 37 of the Labour Law has also been amended to provide that gratuities shall be distributed once every two weeks. There are also consequential amendments have also been made to the Law.

In about March of last year a number of persons were appointed to the Labour Relations Boards, the Labour Tribunal as well as the Labour Appeals Board. Since those appointments the Labour Tribunals have

been meeting on a weekly basis in an attempt to clear up some 235 backlogged cases. Suffice to say, irrespective of their best endeavours, it has been deemed necessary to amend the Labour Law on their recommendation as well as on the recommendation of other relevant parties concerned in an attempt to make a conscious and realistic effort at trying to solve the problems relating to the huge and unacceptable number of backlogged labour complaints.

This is one of the ways we are sure we will have to look at the Labour Law in due course after giving it a chance to work and see whether there are other provisions in need of amendment or alteration.

As I said, there is still an unacceptable level of backlogged cases causing dissatisfaction to the parties as well as to the Labour Department and the Ministry. I am sure honourable members have received a number of complaints as to the unsatisfactory state. Presently the Labour Law has a provision for the Labour Relations Board but after having received a number of representations including the members of the Labour Relations Board themselves, the Labour Department and other relevant stakeholders, the Ministry took the decision which was endorsed by Executive Council that we would take the powers which were now given to the Labour Relations Board and give them back to the Labour Director as was in the first case and in my opinion had worked well.

This will also require the Labour Relations Board Regulations to be amended as is purported in Clause 11 of the amendment. It is our intention to use the nine persons who made up the Labour Relations Board in the resolution of the labour complaints. What we are trying to do is use the existing three tribunals to deal with the backlog to make the provision where at least one person can act and sit whereas the three that were used in the Labour Relations Board can start to deal with the new cases as they arise so that we won't have a compilation on this backlog.

The function of the Labour Relation Boards will be transferred, subject to this bill receiving passage, to the Labour Director. We found that this Labour Relations Board was creating an additional level of bureaucracy which added to the stagnation of the complaints and disputes being disposed of.

Section 73 of the Labour Law which provides for the Labour Tribunal is proposed to be repealed and a new section 73 is proposed. Under the new section 73 as set out in the bill, the members of the tribunal shall be selected from a panel of persons appointed by the Governor. It is therefore possible under the new proposed section to allow for a tribunal to consist of at least one person or more. Where there is more than one person, the Governor will appoint a Chairman and a Deputy Chairman.

This will allow for flexibility. For example, if there is a retired magistrate or judge, or an attorney or well seasoned justice of the peace we have the flexibility to appoint that one person to help with the disposal of the cases in a very professional and timely manner.

In respect to Clause 3 the bill allows for gratuity to be paid every two weeks as requested by Private Member's Motion 6/98. I believe the two members concerned were the Third Elected Member for West Bay and the Member for North Side. This bill is merely seeking to make it mandatory for those establishments who are not already practising the payment on a biweekly basis.

There are other consequential amendments as well as grammatical amendments throughout the proposed bill. With these brief remarks I commend this bill to the House.

The Speaker: The question is that a Bill entitle, The Labour (Amendment) Tribunals Bill, 1998 be given a second reading.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I rise to offer my support to these amendments to the Labour Law. I also want to say thanks to the minister for her prompt action in dealing with the issue raised in Private Member's Motion 6/98, brought by me dealing with gratuities, that is, where establishments are required to pay gratuities every two weeks.

Prior to this the establishments had 21 days after the end of the month to pay those gratuities and many establishments took advantage of that to the last day, not taking into consideration the needs and requirements of employees. I am very pleased to say that as a result of the passing of Private Member's Motion 6/98 most establishments have already put in place the practice of paying gratuities as called for, that is, every two weeks. I am aware that there are still a number of establishments saying they will not do it until law forces them to.

I am very pleased to see that the minister is addressing this very important issue with these amendments to the Labour Law. I give this bill my full support.

The Speaker: Does any other member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: The objects and reasons behind the amendment to the appeal of section 72 and the amendment of section 73 seems to be, as far as I am concerned, logical and has my support. However, I would like to take this opportunity to comment on the backlog of cases, some 235, that the minister referred to. There must be some reason why we have so many cases. Again, I believe that the amendment will deal with the symptoms of the problem rather than with the problem itself.

The problem regarding labour disputes in this country is very complex indeed. I would hope that in the near future the government will see it possible to bring legislation that will attempt to focus and correct those challenges which persons, both employers and employees, are facing in the workplace. To say that we are going to restructure the law in such a way as to be able to deal more efficiently with the problems or complaints that exist without realising that so many complaints exist because the law does not address the problem adequately I be-

lieve could suggest a certain degree of short-sightedness on the part of the government.

Labour is essential for the good functioning of any society. We cannot brag of a stable, prosperous society unless we have found ways for labour and management to coexist in harmony. Part of the reasons for the conflict in the workplace is the lack of communication between employees and employers, especially in the hotel industry. I hear with amazement over and over again the complaints by workers in the hotel industry against persons employed as general managers in the hotels who, according to the reports by the employees, seem to have very little respect for any Caymanians, including those of us in the Legislative Assembly. I believe that government needs to use this opportunity to see that the correction of the problem must start with the root of the problem which is the disagreeable situation which exists between the employer and the employee.

I have mentioned my concern in other debates over the way women are being exploited in the workplace. As far as I am concerned, if somebody is dissatisfied, whether or not it is a reality that feeling will lead to the person making a complaint to the Labour Tribunal or the Board or the Labour Director. A lot of times there should be people at these establishments to deal with employees' dissatisfaction and complaints. It should not remain a bureaucratic function that must be solved at the level of the Department of Labour. It must not be something that is resolved by way of tribunals that are appointed by the Governor in Council, but we know are mostly appointed because of favouritism by politicians. What causes a person to get appointed to boards is not necessarily the person's qualifications, but the person's contacts.

We need to manage the problems which cause the conflicts which produce the complaints, rather than trying to perfect the machinery to deal with the complaints. I believe that is a short logical submission. I believe it is simplistic, but it goes to the root of how we deal with problems.

In bringing this amendment we are almost accepting our inability to deal with the complaints or the situation which has caused the complaints. Women in particular are treated in a particular way in this country because Caymanian working people are not organised, because no government seems to believe that some type of primitive or elementary organisation in the workplace could not only help the workers but management as well. We have seen where management and labour have worked together in other countries for the benefit of the country. It does not always have to be a confrontational position as it is now when we have no form of encouragement, no desire to encourage the employees to organise.

I encourage the employees of this country to organise. And I will do whatever little I can to persuade them to resolve their problems and disputes by negotiation and discussion rather than by complaining. Because complaining does not solve the problem. And even when the complaints get logged on the shelves of the bureaucracy in one file after the other until we have 235 files without anybody really trying to ascertain why these complaints

are there in the first place, why the frustration with pay, why the frustration with the gratuity.

Now the whole point they have brought into the Labour Law, a section to compel the hotels and condominiums to pay gratuities on a biweekly basis I believe will help. The problem with the gratuities is that in a lot of instances management in the condominiums in particular believe that the gratuities are too much. In other words, because of the methodology used to arrive at the gratuity, if you have a condominium where somebody is paying \$500 per night, when you think about the percentage the workers would get if they were the only people to get gratuity, management looks at it and says, *'Oh, this is too much'* especially during the season. So what happens is that the gratuity begins to disappear. It begins to be used for things that it should not be used for.

If workers in Cayman have found themselves in a very fortunate position I don't believe that management should deteriorate that position, degrade that position by changing the whole meaning and concept of gratuity and what it was meant for in the first place. Gratuity was conceived of as a tip, a reward for the good worker, not for the person who was receiving profits; not for the person who had a greater stature because they were managers who were rewarded from not only a social point but from an economic point. The gratuity was to create the incentive for the person who was doing the servile labour to continue to perform this because this was a vital and essential part of the functioning of the hotel, restaurants and this particular industry.

So the fact that it has worked out well for a condominium where you have three maids and a few other people where the condominiums don't have to employ all the people the hotel has to, what is collected in grats is a whole lot of money to be shared among a very few people. And when the managers come to see that they say, *'We're not paying them all that money. That's too much money for this work. This work is not worth that money.'* That is the psychology of what's happening in the workplace. So they don't give them all their gratuity payment. And the complaints come.

I call to the Labour Department and I speak to Mr. Banks. And Mr. Banks only has so much authority. He can't go in there and demand to see the books. How many cases have we been able to prosecute? Although we might now want to pay people every two weeks does this amendment actually solve the problems with gratuities? No it won't. And the reason why is because that amendment has no teeth, no conviction from the government to serve those people working in these servile positions. That is my concern with this. I believe that government must go further in supporting working people in this country, the people producing and rearing the children, who are responsible to see that the children do not go wayward. The more hardship we create for our people, the more social problems we in turn will create.

No matter how difficult it might be to face the issue we need to get into the hotels, into the tourist industry as a whole, and begin to persuade if not by legislation then by dialogue to say, *'Look. We are watching the situation. We know what's happening here, and we are not going*

to allow you to take advantage of our Caymanian people. And we are not going to allow you to embarrass us and degrade us and push us away simply because you think we are legislators who don't have any power any way.'

I picked up the telephone and asked for the manager. I couldn't get anywhere. And I am not trying to be unreasonable. I am trying to find out what the conflict is, what the complaint really is, so that I can get management together with the employee to see whether or not the employee's criticism of the work situation is realistic. I don't just support somebody simply because they say they are right. I have to be convinced that the person is right, whether it's a poor Caymanian worker or a rich foreigner. I have to be convinced of the merits of the case for me to get involved. But I become involved in so many cases that I know if government does not take up a stronger position, and if that position does not include encouraging those people in the hotel industry to organise themselves to be in a better position to challenge management in the hotels when they won't train them or pay them their rightful gratuity because they are paying it to managers and other people, that they are using it to pay salaries. If we do not encourage the people to prepare themselves to be able to stop this it will not stop, it will not stop by tribunals sitting to listen to cases of complaints, it has to stop by active participation of the working people and solving their own problems.

It's time that working people be given the respect due to them. And that they be accepted as a necessary part of the economic order as they become a complimentary part of management and that they be given that respect in the law and in the workplace and that we show that we are a government, that we are a parliament that is not unnecessarily biased towards the worker but believe that the worker is an essential part of the society and that he should be treated with dignity and that he should be rewarded according to his labour.

I hope that the minister in answering will not see what I have said as an unnecessary criticism of her amendment nor of the government, but I am asking that government take up a more supportive role in terms of supporting working people in the country so that employers, be they Caymanian or foreigners, know that they cannot push our people around unnecessarily any more. We need to get at the heart of the conflict, we need to find ways of solving the conflict which has to do with bad pay. And in cases where there is gratuity the fact that there are persons in the establishment who don't think those people should be paid that amount of money for that type of work especially during the high season when the grats are coming in.

I shall rest with this, but truly my door is open to persons, be they workers or management who feel compelled to lodge complaints regarding the conflicts that are growing rapidly in the workplace in the Cayman Islands and to say that the resolution of the conflict will not be a resolution that government can legislate, but a resolution has to come from empowering the persons who are complaining to manage and deal with their complaints themselves.

The Speaker: Does any other member wish to speak?
The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The amending bill being brought forward is an attempt to rectify certain situations that by experience have been known to be problem areas and like the Fourth Elected Member for George Town I have had many complaints from workers, especially in the hospitality industry regarding gratuities. The bill does not concentrate on gratuities; it simply specifies a time period after which these gratuities should be paid to workers.

The law prescribes methods and means by which employers should distribute these gratuities and it outlines fairly clearly a system that if followed should really cause no problems. But as the previous speaker pointed out there are some things that are not right with the situation. Unless there is a clear and transparent method by which it can be proven what the correct situation is when these disputes arise then certainly there is a problem that will not be solved.

When we get into the tribunals and we look at the workings of a tribunal, even if we come to the point where these tribunals meet more often we still have a serious flaw in the way it works. It is obvious that the people in charge do not have the manpower to actually deal with spot checks the way the law prescribes. Without making any accusations, all of these complaints cannot be wrong. Given the fact that employees might talk amongst each other and some of the complaints might be misunderstandings or ignorance of how things work, and even if you get the matter resolved, regardless of how long it takes, . . . let me say a few things that I know tend to happen and why people become fearful.

People have an inherent fear (that is employees) that if they make complaints their jobs are jeopardised. And if people don't actually get dismissed they have such a hard time they leave of their own volition because they just can't take it. Let us get the picture straight so that no one thinks the arguments coming forward are skewed. I am not suggesting that I am talking about the norm within the hospitality industry. I am not suggesting that this is a situation that occurs in the vast majority of properties. I don't know that. What I do know is that I have heard a myriad of complaints over specific periods of time.

Prior to this there have been amendments trying to streamline the situation. Sometimes when you try to send a message to students in a class you sometimes have to take one and make an example of that one so the rest can understand what they shouldn't do. It is my view that that might well be what needs to happen. But it is not going to happen the way the system works now. I believe that if employers knew that anytime they might have a spot check, I am not saying that would cure the problem but that in itself would lead to better administration when it comes to gratuities.

It's almost like a cancer. If something goes wrong and it is not sorted out properly, down the line there's a scare every time something appears to not be right even though it is truly right. This happens throughout the

whole system. If we look at the way these employees are paid throughout the calendar year, there is a certain period when gratuities are added to the salary which make it seem very lucrative. But we also have to remember that these people have to put enough aside during that time to survive the rest of the year when gratuities are cut by two-thirds. Some of them are still getting \$3.00 per hour base salary.

I am not getting into the question of whether or not people are under paid, that's another argument. But I do believe that attention has to be paid to this problem and somehow or another we have to get to the point where the country is not just depending upon a piece of paper to ensure that everything happens correctly. This is what is happening. Because one reads the law, which states that if you do so and so then, this is what you are guilty of, just like we have to have policemen to enforce the laws of society, so too we have to have the policemen in this area.

I know there are people hired to do this but I am certain that it is not done as it should be in order to be effective. Because if that were the case then those responsible could come to me and give me a list of properties that were inspected. They can't do it because I have asked for it. There are no longer one or two properties, there are hundreds of properties involved. And there are thousands of employees involved. So my only reason for speaking on the amending bill was to reinforce the arguments put forth by the Fourth Elected Member for George Town and to say that I hope that due attention is paid to this problem. Let us use this as an opportunity to look into the situation and ensure that whatever can be done is done to protect both employers and employees. You don't want employers being branded as thieves when in fact they are not. But you don't want employees not getting what they should be getting because people can take advantage of a system which is only a system in theory but not in practice.

I hope that we will be hearing from the government in regard to what measures they can employ to rectify this situation. If it is an ongoing process, so be it, but I do believe it is time they looked into this matter very seriously.

The Speaker: Does any other member wish to speak? If not, does the mover wish to exercise her right of reply?

The Honourable Minister responsible for Education, Aviation and Planning?

Hon. Truman M. Bodden: Mr. Speaker, I will be brief on this bill. I think the two major amendments to the law are good. We have seen a very large backlog of cases stretching through 1995 left by the former minister who is now the First Elected Member for West Bay—in 1995, 39 cases; in 1996, 110 cases and in 1997, 109, making a total of 258 cases that were backed up. There is a legal saying that justice delayed can be justice denied. I think it is important to understand where responsibility for this very large backup of cases from 1995 was.

The present minister is now dealing with appointing seven tribunals (one for Cayman Brac and six for here)

which will deal with clearing this backlog. A lot of people have come to me and other members asking why their case has not been here. Now something is being done. A lot of those cases have now been heard since the minister, who is a lawyer, took over responsibility. In fact, out of the 39 cases from 1995 38 have been disposed of. So 1995's backlog that was left by the previous minister has been cleared. And in 1996 63 of the 110 cases have been heard. And seven cases of the 109 from 1997 have been heard.

I think this process where the labour tribunals will now be dealing directly with these cases is the right way to go and it will ease the considerable problems and burdens of the fact that for just about three full years people couldn't have their cases heard. That isn't right. That is something that attention should have been paid to by the First Elected Member for West Bay, who was then the minister.

I congratulate the minister in charge of labour for this amendment. I congratulate her with the machinery that was left for hearing these cases by the previous minister in getting so many heard in that time. I should say that it is very hard to clean up a backlog of cases because sometimes people leave the island or they move on, sometimes they die. So cases should be heard very quickly and I have confidence that she (the minister) has the ability to do that.

In relation to the paying of gratuities, I have had lots of complaints at times . . . not lots but I have had complaints over the years on this and I think paying it twice per month is good. Also, it is important that the employers realise that under section 37 of the law, failure to pay gratuities can bring in a fine of \$25,000. So there is a sanction in the law, a very strong sanction. But at the end of the day as the First Elected Member for George Town mentioned, it will need extra staff in the labour ministry to deal with putting the law into effect because we can make laws, but unless they are enforced then they do not bite.

I can endorse a lot of what the Fourth Elected Member for George Town said. There are problems. Labour problems are probably some of the most difficult problems to deal with but both sides have to be looked at carefully and then justice done towards both employer and employee.

So I support these amendments. I have full faith that the present minister has the ability (she is a lawyer) to deal with these cases and to point out again that the three years' backlog of 258 cases arose under the previous minister who is presently the First Elected Member for West Bay. I also believe that twice a month paying, together with proper enforcement, has to be the way to help our people sort out the problems in relation to gratuities at hotels.

I fully support the amendment.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you.

I have some observations I would like to make. The first is a very significant observation because I seem to vividly recall at a Finance Committee meeting of a year or so ago when we had the Director of Labour in as witness. The Minister for Education, Leader of Government Business, gave a commitment that he would undertake to clear up the backlog of cases that were then before the Tribunals. He mentioned that he was going to solicit the support of some attorneys and he gave the undertaking that if he had gotten the support he anticipated the backlog would have been cleared up.

I am therefore surprised to now hear that we have arrived at a position where we are attempting to lay blame at the feet of persons who for whatever reason did not get the work done—or could not get the work done!

[The Honourable Minister responsible for Education, Aviation and Planning rose]

The Speaker: Are you rising on a point of order?

The Speaker: Third Elected Member for Bodden Town, would you give way please?

[addressing the hon. Minister] Let me hear your point of order please.

Hon. Truman M. Bodden: What the member has said is misleading from the point of view that to get those attorneys to deal with the cases the amendment to the law had to be put in place so they had the authority to sit. That is now being done and 1995's were cleared off without it. So it is not correct for him to allege that the statement was made and nothing was done. This will now allow seven tribunals to sit.

The Speaker: That's an explanation.

Please continue, Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, was that a point of order sir?

The Speaker: No. It was a point of explanation.

Mr. Roy Bodden: A point of explanation, which is different from a point of order as I understand it.

That still does not exonerate the minister completely if his explanation is to be taken at face value because my question will then be, If the minister knew that it was going to take this amendment to get his proposal enacted, why then did we have to wait so long before the amendment was brought to the honourable House? After he gave the commitment!

Hon. Truman M. Bodden: *[interrupting]* I wonder if the member would give way—

Mr. Roy Bodden: Mr. Speaker, this is not a dialogue, as you know. This is my contribution—

Hon. Truman M. Bodden: You asked a question.

Mr. Roy Bodden: —and I am addressing the Chair. So I remain to be convinced that the minister has exonerated himself from the undertaking he gave. But the important point—

The Speaker: I would like to say that this is not question time. If you would make it in terms of your debate that is fine. You cannot ask me a question because I do not have an answer.

Mr. Roy Bodden: I want to say, Mr. Speaker, that I did not expect you to answer the question. It's a rhetorical question, sir. I know that you don't answer questions. I am making a point! And, Mr. Speaker, you know my capabilities with the English language, sir. I take second place to no one inside here where that is concerned. I don't for one minute doubt my capabilities.

Let me put it the way you want me to put it: The minister has just exposed himself because if he knew that that was the position and that indeed an amendment was needed to be brought to the legislature in order to effect these seven tribunals, then the minister abnegated his responsibility by not having the amendment brought prior to this point.

All right, Mr. Speaker? Are you satisfied now sir that I didn't place you in a position of—

Hon. Truman M. Bodden: Mr. Speaker, I am taking a point of order, sir because—

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: It is misleading the House to say the amendment has now only been brought. That is misleading. The amendment was put in in November and the House sat for six months, and like other business from six months ago it is still on the agenda. So I wish that he would not mislead the House into believing that the minister just brought the amendment. That is not so!

The Speaker: Again, that's a point of explanation.

Please continue Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you.

I want to say something about what I consider to be the solution to the problems confronting the country. I am not a partaker, and I am glad to see the dismemberment of what I consider an unholy alliance. I don't believe it is good enough for the minister to come here and say that the reason why things were not done is because the minister who held responsibility, but no longer holds responsibility, didn't do anything. As far as I am concerned they are all equally culpable and should be blamed.

If I am a member of an organisation and something is not done because one of the members of the organisation didn't do it, and I sat on my haunches knowing that it should have been done but said nothing, and then use as the minister after he is no longer around as my excuse . . . then I am equally as guilty. That does not

exonerate that minister or any other minister who was in that unholy alliance.

Do you know what, Mr. Speaker? Somebody is going to monkey around with these labour problems and our people who are so deserving of having concrete and positive solutions are going to go begging until someone with a sense of social justice comes along and says, 'Do you know what is needed to rectify this?' And they are going to come up with an idea and just like all other countries in the Caribbean someone is going to organise and then those people who have been dithering and forming excuses will have to confront a counter balance. Nature has a way of doing things. I hope those people who are dithering and insincere and disingenuous in their attempts understand that a time will come when they will no longer be able to deprive the people who labour so diligently in this country of their correct and proper representation.

I am in support of this amendment, but I say that it is high time we stopped procrastinating. I want to serve notice on the National Team Government that I am not going to sit in here and buy their excuse that the reason it is not done is because the person who ultimately held responsibility didn't do anything.

They like to get up and say they were a team and all together. I have vivid memories of what they used to do to the former Second Elected Member for Cayman Brac and Little Cayman and me. Now they want to use the excuse that the person who held responsibility didn't do anything and the rest are left in the unholy alliance are not responsible. Nothing could be further from the truth! And on the eve of the 21st Century these problems are begging solutions—solutions they claimed to the country they had! I am only asking what are they waiting for to effect the solutions? Are they waiting until someone comes up with the bright idea that to balance the situation they need to organise?

There is something else we have to get clear in this parliament. We are tired of hearing personalities being singled out, and focus being placed on them. The government is a collective entity and should be so organised that when one member doesn't do what he or she is supposed to have done, have appropriate sanctions to take. It should be done.

I give this matter my support, and I have been praying for years that the people who work in this country could have a system where when they have complaints they could be legitimately and quickly dispatched. Time is of the essence. We have been procrastinating for too long. Let us see what the results are going to be when we put these amendments in place, let us try to arrive at a position where we can alleviate some of the problems with sensible solutions rather than finger pointing and blame laying.

Thank you.

The Speaker: Does any other member wish to speak? If not, does the mover wish to exercise her right of reply?

Hon. Julianna O'Connor-Connolly: Thank you.

I would like to thank those members who saw fit to make their contributions to the bill now before the House. By way of responding, I am cognisant and would acknowledge that there are a number of complaints, and to be more specific, back in 1995 there were a total of 39 unsettled cases with 38 having been disposed of since I have been responsible for the ministry and not just on my own but with the dedicated staff and the hardworking members of the committee.

In 1996 there were 110 total unresolved disputes. We have now disposed of 63 of those. In 1997 there were 109 total cases, we have disposed of seven of those. In 1998 72 total cases and one has been disposed. We started with those who have been waiting for the longest time, being 1995, and have tried to dispose of them. We have been practically 100% successful in that of the 39 we have been able to dispose of 38 of those outstanding cases.

Some of the complaints we feel are because of a lack of understanding or shortage of communication as to the various provisions in the Labour Law and accompanying regulations. And in the past few months as a result of a suggestion from one of the members in here, the Labour Department has been vigorously pursuing a PR campaign using the *Caymanian Compass* and other forms of media to state in simple terms what the provisions, that is the rights and obligations, and the penalties and sanctions, under the relevant Labour Law and regulations are. Through that medium we are hoping to educate the public, employer and/or employee.

We also recognise that there is a desperate lack of manpower which equates to sufficient money to bring that to reality. There is a lack of manpower in my opinion in secretarial services, in our inspectorate team, and in the area of the legal or enforcement arm of the Labour Department.

If we would cast our minds back to when His Excellency gave the Throne Speech, we would see that under the Labour Relations section the government intends to put in place as an additional staff member a professional accountant so that they would augment the present inspectorate team at the Labour Department and be in a better position to go in to inspect the books as they are given the power under sections 34 and 35 of the Labour Law.

There is also another possibility, and I should say that the department and the ministry and the gentleman from the Commonwealth Office have looked and are still in the process of looking at various amendments we feel are necessary to the Labour Law, but we felt that these two were of paramount consideration. If we could get the machinery corrected, then we would have a better opportunity to look at the other perhaps more salient provisions of the Labour Law which also need correction. There is a whole scope of them. Many, many different sections would better serve the employee as well as the employer once amended. We will seek to bring them at a more appropriate time.

Just a brief reference to the Fourth Elected Member for George Town, and I hope by way of clarity, if one looks at section 37 of the Labour Law (Revised) and at

the proposed Labour Bill one will see that the ramification of the amendment would be as follows and I believe the First Elected Member for George Town alluded to it when he made his contribution. I would just like to augment the argument. Section 37(1) now says. "**37(1) A service employer shall distribute all gratuities collected or received by him amongst his service employees . . .**" and what this bill purports to do is add the words, "every two weeks" and delete subsection (3). What that means in simple terms is that section 37(2) kicks in. If the gratuities are not distributed twice per week as called for by the motion, the existing penalty will kick in which reads as follows: "**(2) Whoever contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of twenty-five thousand dollars and [I would not is does not say and/or but "and"] to imprisonment for twelve months, and the service employer shall [again, it's mandatory] be required to distribute the gratuity in respect of which he was convicted amongst his service employees within such period as the court may order.**"

I believe that if we are able to strengthen the manpower with the requisite funds whereby we can strengthen the secretarial arm, the legal arm, because what often happens is that there are so many competing entities for necessary and appropriate legal opinions (and the Legal Department has such a tremendous load, but is doing a tremendous job), and because we don't have readily available legal access or the funds to go and subcontract private legal opinion, we find that we are sometimes at a disadvantage. This is not only with the legal department but without fear of contradiction the same applies to the Immigration Board and the Trade Board and Liquor Licensing Board and so on.

So I believe in the process of reform we have to look at the manner in which these statutory bodies and our tribunals have to get legal opinion. We will see once closely scrutinising the present practice with the Legal Department having to give an opinion it gives rise to conflict of interest. As we move towards transparency this is one area I would like to see reformed.

One could have also been a bit more strong armed and said, '*Well, we could mandate a requirement for the respective persons responsible for distributing gratuities to submit to the Labour Department audited accounts.*' But because it was a very preliminary suggestion I chose not to bring it at this particular time because it is my own personal feeling that it's a bit highhanded and would cause much too much financial strain on the establishments and the very persons we were seeking to help, that is the employees, would find themselves becoming redundant or laid off because the P&L at the end of the day is what is important to most establishments.

So I believe that government has made the right choice after having identified a possible solution in restructuring the regime in the labour department. And having already initiated the process of taking a full look at not only the Labour Law and regulations, but the labour issue in the Cayman Islands. We feel that this is but one positive step that we can move towards coming to a positive and an affirmative resolution to these matters.

The statistics that I chose to share with honourable members will show that the ministry, the department, is making strides in having these complaints settled either by way of a full-fledged complete trial or by pre-trial settlement. I can also say that having been an attorney and having contacts with the legal world I used my endeavours to recruit attorneys to go on the tribunals as the law permitted and was successful in having at least one attorney appointed to each tribunal. But it didn't take very long before they had to resign because of the amount of time it takes and the pressure put on them by their principals to resign because they could not afford to give up that amount of time.

I have again attempted to identify attorneys and have been able to do that on all except one tribunal and that one we were fortunate enough to have a member who had served for some time come on as chairman. He worked for a private corporation who insisted that he had to take vacation time to be able to serve on the board and as a result he too had to resign. So it's not an easy chore to find capable and willing persons to serve on the tribunals, seeing the amount of time demanded. Hence the reason for putting the proposed provision where we can have the flexibility and discretion to set up a tribunal with at least one or more member because we believe there are persons in the community, a Magistrate, Judge or JP, who would be prepared to sit and help with the disposal of these cases once the law was so structured. So, with those words I strongly commend these proposals to the House.

The Speaker: The question is that a Bill entitled the Labour (Amendment) Tribunal Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE LABOUR (AMENDMENT) (TRIBUNALS) BILL, 1998, GIVEN A SECOND READING.

The Speaker: We shall suspend proceedings until 2.15.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.28 PM

The Speaker: Please be seated.
Bills, second readings.

THE NATIONAL GALLERY BILL, 1999

The Clerk: The National Gallery Bill, 1999

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

Hon. Julianna O'Connor-Connolly: I beg to move the second reading of a Bill for a Law to provide for a National Gallery and for incidental and connected purposes.

The Speaker: Do you wish to speak to it?

Hon. Julianna O'Connor-Connolly: As all honourable members will see there is a very detailed Memorandum of Objects and Reasons. I will read them for the benefit of the listening public, as well as for members.

"The purposes of the National Gallery shall be-

- "(a) to serve as an art gallery for the Islands and to establish in the Islands a national collection of works of art;**
- "(b) to promote and encourage the practice of the visual arts of and in the Islands and to increase knowledge and appreciation of the visual arts; and**
- "(c) to enable the interaction between the visual arts and other forms of art.**

"Clause 6 sets out the functions of the National Gallery which are as follows-

- "(a) to organise and maintain permanent and temporary public exhibitions of works of art;**
- "(b) to collect and preserve significant works of art for public exhibition;**
- "(c) to facilitate the public exhibition of works of art or collections of works of art loaned by persons or bodies for that purpose;**
- "(d) to present, or facilitate the presentation by others, of programmes of instruction in the visual arts;**
- "(e) to lend works of art in the national collection to other art galleries for the purpose of promoting the culture of the Islands abroad;**
- "(f) to encourage the evolution and the enjoyment of the visual arts in the Islands;**
- "(g) to promote the appreciation and interpretation of the visual arts in the Islands as an integral component of education;**
- "(h) to foster and encourage research in the visual arts;**
- "(i) to provide facilities for the curation and restoration of works of art; and**
- "(j) to perform such other functions as may be necessary to direct, manage and control the National Gallery and to fulfil its purposes specified in section 4.**

"The Governor in Council, after consultation with the Management Board, shall appoint a Director of the National Gallery, who shall be responsible for carrying out the functions of the National Gallery

within the policies established from time to time by the Management Board.

"The National Gallery shall be managed by a Management Board who shall establish policies and authorise activities and expenditure to further of the purposes of the National Gallery.

"In accordance with clause 8 of the Bill, the property of the National Gallery shall be vested in up to 4 trustees appointed by the Governor in Council to hold office at his pleasure, 2 of whom may be members of the Management Board, and who shall deal with the property in accordance with decisions made from time to time by the Management Board and directed in writing to the trustees.

"The trustees shall have perpetual succession, and a common seal, and may, with the written approval of the Management Board, hold, lend, borrow, sell and exchange movable and immovable property, and shall have the corporate name 'The Trustees of the Cayman Islands National Gallery.' However, the trustees shall not sell, exchange, transfer, encumber or lease for more than one year any immovable property without the approval of the Governor in Council.

"The expenses of the National Gallery shall be met by funds voted by the Legislative Assembly for that purpose, by admission fees paid by the public, and by any other money received by the Management Board or the trustees in their capacity as trustees.

"Clause 9 provides that the National Gallery shall have the status of a charity for the purposes of any law for the time being affecting charities.

"Clause 11 provides that any document implementing a transaction involving the National gallery or the trustees shall be exempt from stamp duty; and that no import duty shall be payable on any article imported or taken out of bond by or for the National Gallery, the Management Board, or the trustees when acting in that capacity.

"Under clause 14 it is provided that the Management Board may make bye-laws for the good conduct and general organisation and management of the National Gallery and for determining admission fees and fees for-

- "(a) the loan of any material for use outside the National Gallery;**
- "(b) copying any material; or**
- "(c) any other special services which may be requested from time to time."**

Clause 15 deals with various offences and the penalty thereunder.

Back in November 1995 several persons were appointed to what was known as the National Gallery Task Force Committee. They were charged with the responsibility for assessing the need of a National Gallery and its relationship in regard to various educational needs and other cultural bodies, the sources of funding and its regional relationship. This task force analysed points for and against the National Gallery and in so doing concluded that there was a growing interest here within the

Cayman Islands which would support the need for a National Gallery.

They proceeded to define what the word "gallery" actually meant and concluded that it was a concept of a medium to support the evolution of local visual arts and does not simply refer to the physical venue that will hopefully be erected in the very near future. The task force also looked at the concept and part of their conclusion was that they felt the gallery would offer an opportunity to respond to the vast quantity of artistic energy that was becoming quite eminent here within our community and that it would provide a means for us to recognise new work and talent and enhance the work of already established artists.

It was felt that the establishment thereof could also assist in enhancing the status of the cultural, social and political awareness and that it could also serve to expose works not only locally but internationally and vice versa. It was decided from the early stage that the name would be the National Gallery of the Cayman Islands. And we are proceeding on that concept. We are continuing to promote, encourage and foster appreciation and practice of visual arts within these islands.

The National Gallery provides a mechanism whereby we can promote and encourage this appreciation within the three islands and a purpose-built building can be constructed which will function as a main support and focus. We plan also to run various educational programmes in the schools. We have already started and they have been quite successful. I would like to thank all of the hardworking volunteers as well as the paid staff for their endeavours in this regard.

The newly appointed board will continue to work in examining various structural points including, but not limited to the fundraising committee. We have recently cleared this site. There was a groundbreaking ceremony a few weeks ago, just before the departure of Mrs. Owen. I should pause to say that she has been extremely instrumental in propelling the embryonic concept of a National Gallery to where it is today. Indeed, our gratitude goes out to her.

I should also single out Mrs. Helen Harquail who generously donated the property for the construction of the National Gallery. When one looks at this generous contribution coupled with the contribution that she made with the Harquail Theatre, I believe it would be right to say that it is one of the largest single contributions made to this Caymanian society. The ministry and the entire government is extremely appreciative for her efforts in this regard.

Going a bit more into the explanation of the clauses, Clause 1 provides the Short title, and Clause 2 has various definitions. I believe they are self-explanatory. Clause 3 Establishes the National Gallery under the direction of the management board and director. Clause 4 sets out the various purposes of the Gallery. It's broad aim is to provide a gallery whereby various works can be exhibited to promote and provide information and education about the visual arts and also generally speaking to encourage cooperation between the various artists in the different disciplines.

Clause 5 establishes the management board. There will be at least seven members who will be appointed for three years. They may be re-appointed as well. There is also an inherent power to co-opt up various specialist members and provision is also made for their resignations. The board has the power to elect its own chairman and adopt its standing orders. This is to be done at its first meeting. The secretary to the National Gallery Board will be the Director of the National Gallery, and the Clause makes the usual provision for the protection of the decisions the board may make from time to time in the event of accidental procedural irregularity and for the board to have the power to regulate itself and set its own bylaws.

The board will also have a statutory duty to make policies and to act only in accordance with the purposes and functions as set down in this law.

Clause 6 sets out the functions of the National Gallery which relate to the collection and exhibition of works of art and the promotion of appreciation of the visual arts here within the Cayman Islands.

Clause 7 provides for the appointment of the Director of the National Gallery and the various functions thereunder. And Clause 8 makes provision for the board of trustees who are very essential to the efficient running and functioning of the National Gallery Board.

The Gallery is empowered to receive various gifts, hence the need to give it the charitable status. Clause 9 provides that the National Gallery will keep this status throughout its entire tenure so that people in the United States who wish to make donations for various tax breaks or benefits will be able to do so legally to the National Gallery with the charitable status we are proposing.

Clause 10 sets out various provisions for the staff and Clause 11 deals with the exemptions with the Customs and Stamp duties with the proviso that it must be for the National Gallery by their management board or trustees acting solely in that capacity. We believe this is a safeguard to ensure there is no misuse of this requirement.

Clause 12 sets out the various guidelines the management board will follow and the advice of the director to grant permission for the various use of the National Gallery. We envisage that the National Gallery will have multipurpose uses and we would encourage that seeing that it is a community based facility.

Clause 13 makes the very necessary provision for the Governor in Council to make requisite regulations for the better implementation of the law and for prescribing from time to time any required or authorised regulations the law may deem necessary to augment the functioning and proper administration and implementation of the law.

Clause 14 allows the management board to make their bylaws as it relates to the good conduct and general organisation and management of the National Gallery.

Clause 15 deals with the offences and penalties. This will make provision for treatment of persons who behave in a disorderly fashion or uses abusive language or obstructs or molests anyone on the premises or

causes damage or defaces the property within the precincts of the National Gallery.

The ministry believes that the National Gallery is only one step towards our rounded out cultural development in the islands. We have made strides in regard to the museum and the archives. We have acknowledged the necessity for an addition to the various district libraries, the need for a proper national library and it would be one of my dreams to see a proper modern well functioning national library by the end of next year. I believe that when we educate our people in the various perspectives, especially as we are moving into the Millennium and the various energies arising from the need of reform that whatever we can do here in this honourable House to ensure the potential and opportunity for our people to ascribe to higher heights would be carrying out a small part of our duties properly as mandated by the people whom we dearly serve.

With those introductory words I recommend the National Gallery Bill to this honourable House.

The Speaker: The question is that a Bill entitled the National Gallery Bill, 1999 be given a second reading.

The Fourth Elected Member for George Town.

Dr. Frank McField: In an attempt to save time, I hope to make a brief contribution that is not legal and does not evolve around the framing of any law to bring a National Gallery, but to talk about what I consider to have been the sense of the country at this point considering this law as timely.

I would like to see the present Court House in George Town be the National Library. Let me start out by saying that I have taken every opportunity in this House to suggest that we need to begin to decentralise and in doing so it would mean that we would not be splitting hairs saying we need a National Gallery and we need a library. We are giving the National Gallery more priority than the library. The library is already built. What now has to be built is a Courthouse.

I believe the government needs to look at the expenses they incur as a result of the overflow of cases and courts and office space. They would see the good sense of moving the Court to Frank Sound, creating the incentive for other businesses to move to that area. I can see the library right there. It's a beautiful place and the parking lot and the little park . . . we could concentrate on beautifying the centre of our country, the capital, in such a way that the library could be taken care of. So in talking about the National Gallery, I am just saying that I recognise the need for a National Library just as the minister responsible recognises the need. I believe the solution is obvious.

From the point of view of the National Gallery I would like to mention the deceased Mr. Jim Bodden who as far as I am concerned was the person who really encouraged cultural development in these islands. I have here a letter from Mr. Jim Bodden, of course not a recent letter, a letter dated 15 January 1979. It is addressed to Jeff Creswell, Esquire, Cayman Islands High School, George Town. It is copied to Dr. Frank McField, Social

Development Officer. The purpose of the letter was to reply to a letter introducing to the Member for Tourism, Aviation and Trade at that time, the concept of establishing a cultural centre for the Cayman Islands. This centre would have provided space for drama, music, exhibiting of visual arts, workshop areas for their creation. It was supposed to be a multipurpose cultural centre. One of the things that Mr. Bodden says is **"I may be prepared in the near future to appoint a part of my tourism advisory council to deal with the cultural problems and then your committees could be co-opted and thus form the nucleus for which your present plans and ideas could come to fulfillment. It would be difficult until income improves for government to vote any large amount for this project. But within certain guidelines government's approval and assistance is possible once there are defined plans for accomplishing the goal. Once some of the above met with your plans and are accomplished, I would be prepared to consider recommending government take in a large involvement next year [that would have been 1980]."**

If we look at the time the museum was begun by the appointment of Miss Anita Ebanks in the Portfolio of Tourism, Aviation and Trade, we understand that the late Mr. Jim Bodden played an important role in encouraging and fostering the concept of developing a Caymanian approach to cultural development. An approach that was uniquely Caymanian, an approach that would involve not just a museum but also a theatre and a gallery or a centre for the visual creative arts. This was back in 1979.

For someone to actually come and talk about a National Gallery rather than a centre for the visual arts sometimes gives us the impression that they are moving away from reality, in other words, that the National Gallery seems to have this type of meaning that it is something big and has to have hierarchy, this that and the other thing. And sometimes when I look at the idea within the historical context, if I look at the concrete examples of what traditional national galleries have meant, the ambition to have a national gallery is substantially different from an ambition to establish a creative centre for the visual arts. I believe that we need to take careful view of the development of this concept so that it does not produce an elitism that would not be suggested in the concept we were working with back in 1979 which was the concept of the creation of a visual arts centre.

I can't fault the present attempts because of past failures of past governments, and because of my past failures in trying to communicate to persons in this country the need for us to pay attention to cultural preservation, creativity and development. But it's important for me to take the opportunity at this time to remind members of this House that when I decided to support the government in giving a subsidy of \$150,000 to the National Gallery, or persons working to establish it, that I was doing so because I could see the difference between reality and names. Although it might be named the National Gallery, I could see that the realities could be patterns and conditions in such a way as to include the more pro-

letariat type of activities and therefore not create this magnitude of differences in creating a lead system.

With a degree of flexibility and tolerance I could see that type of situation. Therefore I tried to see it also because of personal reasons. Since 1978 when I became involved with the In-theatre Company that was part of the reason why this letter was written to the late Jim Bodden. At that particular time persons like Anita Ebanks, Bendel Hydes, Jeff Creswell, Maureen Creswell, Jack and Evelyn Andresen others involved with focusing attention on the performing arts in this country, . . . I was involved on a level. Although I was promised a job as Cultural Officer in 1980, and money was put in the budget, that I would be involved in assisting and developing a cultural strategy for these islands and that drama would only be part of it, that the museum would be part of it, that the visual arts would be part of it because from back in 1980 when we went to Carifesta we took a large contingent of persons involved in the visual arts. That was headed by Margaret Barwick whose husband was David Barwick the Attorney General. I would like to tell the story because it's important. We forget about this history and the persons involved.

Margaret Barwick took persons to Barbados and it was the first time that we participated in the Caribbean Festival of the Arts and it might have been one of the last grand dos of this particular festival. It was a tremendous inspiration to all of us, expats and Caymanians alike, that attended as one contingent from the Cayman Islands. I believe that from the very beginning we believed that visual arts had to do with the expats, with the elitism and so forth.

I must say that we had a young man, Mr. Bush, who is now with the Environmental Health as a marine officer. He did a painting at that particular time. Also Miguel Powery began to paint at that time. In 1981 we also opened McField Square Gallery on Mary Street which is my grandfather's old house. We renovated that and opened an art gallery there with money that we got from the late Mr. Jim Bodden Sr. We started to exhibit Bendel Hydes work we had one painting from Miguel Powery. But the whole idea was that the need was recognised even back in 1981 that there was a specific need in this country for some type of gallery, a place where the artists could exhibit their labours, visions and creativity.

We tried to do this on a private level with the financial support of Mr. Jim Bodden to a certain extent. The project did not succeed. It was expensive, we didn't have people willing to pay for the paintings, except for Mr. John Hurlston and Mr. Steve McField who became collectors of Bendel Hydes.

I had a very fortunate experience. As a result of the National Gallery coming about I have had an opportunity to make contact with Bendel because he has been back here a lot more often and because of his interest in seeing this go forward. One of the amazing things that happened is that I went to lunch at Mr. Ugland's house. The reason I was invited was because Bendel was going back to New York. Mr. Ugland was trying to create a little atmosphere for Bendel before he returned to New York, so I was invited. I was taken on a tour of the gentle-

man's house and saw the artwork that Bendel Hydes had done. I was like going into a gallery. Here I was, this person comes from someplace in Norway or England and he's taken that kind of interest in Bendel Hydes' work. He's done a private showing for Bendel Hydes. This is a very wealthy gentleman. The reason I am telling this tale is to show that it is not impossible for the Gallery to be built by private donations, without government actually contributing because there are persons in this world who cater to this type of art as they do to good wine and champagne. They are connoisseurs of good art.

When one has been involved with the growth of Bendel Hydes' art, and been influenced on a personal and intellectual level by his development and see all the phases of his development in terms of the story that he is trying to tell about his identity and the growth and development of his country it is fascinating. We don't have too many Bendel Hydes.

It was also interesting in that the group that called themselves "Native Sons," a group of Caymanian people like Al Ebanks from Shedden Road and others I fail to call to memory right now, exhibited the same type of talent and enthusiasm to go forward in terms of creating a visual arts movement in this country as we did in 1979 when *Time Longer dan Rope* was written, and in 1980 when the play was performed. The same kind of enthusiasm that we saw in the theatre development in the 1970s and 1980s is what we are beginning to experience in the visual arts development in this country. Visual arts is not something that women who stay at home who are expatriates get involved with, it is also something that Caymanian people who are seeking to have an identity or to come to grips with the confusion of today are also involved with.

It's interesting to see when Ray Banker is making statements, social commentary with his art it's not just decorative it also has a function. So art in itself has a deep function, a very extensive function, educational, social and political as well. Like they say, the artist can interpret the world but it takes a politician to change it.

When we look at Anthony Ramoon who is now the coordinator of Cayfest and the fact that he is also a part of this group called "Native Sons" he is also expressing and exhibiting feelings, ideas and dreams. We cannot say that we won't have the people by the time the Gallery is finished to exhibit. We cannot make those judgments because creativity is a very strange thing and very subjective. If we believe in ourselves and our people we will be able to put what they create on a pedestal because we have to have something to worship that is not totally foreign. We have to be able to elevate our own creativity and we have to have patience with those who are beginning the process of being creators in our society.

I stand to say all of this because this is also the 20th anniversary of my writing *Time Longer dan Rope* and the cultural foundation will re-stage that play in July. They will also publish two of my other plays in hardback this year. But in 1979 when Mr. Jim Bodden was writing this letter and copying it to me I hadn't started to write *Time Longer dan Rope*, and I never knew that 20 years later I

would have a mark that I could leave behind. It's important that the Cultural Foundation would be there to look towards preserving it and packaging it, putting it in written form and publishing it. It is important that when they brought the law to create the Cultural Foundation back in those days, and I think that was brought by Mr. Jim Bodden or Mr. Truman Bodden at that time, it was brought to bring into being a national cultural foundation to make it possible for it to take over the gift that Mrs. Helen Harquail had given to the people of the Cayman Islands which is the theatre.

If we judge the time at which Mrs. Harquail became convinced that it would be beneficial to the Cayman Islands and to herself as benefactor to spend this amount of money on the theatre, which was 1979, if we compare the amount of her donation (one person, not two, three or four) . . . one person paid for that theatre. If we had practical experience knowing this can happen, then there is no reason why I should doubt that something similar to this won't happen in regard to the National Gallery. I have said this to remove from people's minds the feeling that supporting the National Gallery will impair the progress of the National Library because I believe that progress will only be impaired if we don't continue to focus on it, and if we don't continue to get people as excited about supporting a library as some persons have about supporting the National Gallery.

The theatre was supported because persons got out there and sold Mrs. Harquail the idea. She might have decided to give her donation in some other way. It's definitely important that you get people who are enthusiastic about this thing becoming a reality and once you have that it will happen. So Mr. Ugland who is the owner of shipping companies, and we know he has two buildings here on South Church Street, and he collects Bendel Hydes' work, sees the importance of Bendel Hydes' work, we should see the importance as well.

We don't have to put them in National Galleries necessarily, we should start to first put them in our homes to create some kind of income for the artist who is producing it. But it would not necessarily be bad to have some place to exhibit them publicly so that the people who cannot afford to collect them on an individual basis can still have access to the benefit of his renderings.

I am supporting the government's bill. I am saying that the whole idea of recognising by law that a National Gallery will be of benefit to these islands is not a contradiction either to my personal or political beliefs. As someone who has tried from the earliest age to imagine the benefit of artistic freedom and creativity, as someone who knows that artistic freedom and creativity assists society in finding greater freedoms because it is not the problem of art to establish the moral parameters of society it is to examine and question these things. In choosing to support art, be it the dramatic art or visual arts, we are not choosing to solve our problems, we are choosing to give those who are involved in the creative examination of society more freedom and tools to be able to do this because we believe that society is made whole by it's willingness to look and examine itself in the mirror

and the artist does provide that mirror, whether it be the visual artist or the dramatic artist.

I believe that the promotion of the artist will be well served by a National Gallery. I am not saying that there won't be contradictions but as long as I am around in politics, if I see that the Caymanian artists are being left out or used, I will speak up to try to prevent that. What becomes of this National Gallery concept will have a lot to do with how the minister or the persons on the board use their position to be loyal to what are considered local needs and requirements rather than being carried away by some fantasy about what should be in other places.

I believe we have to be careful not to give too much power away to the boards. I believe that the minister has to find a way of reserving some type of authority so that the people can articulate by way of the ministry their demands and desires and not be lopsided and controlled by entrepreneurs, by philanthropists solely. We need to have a balanced approach to what the Gallery will do and who the Gallery will serve. We need to have the Gallery not totally abandon it's obligations to the social and political needs of the country. We have to have painters and sculptures who are reflecting the deep contradictions in our society also exhibited and cherished as well.

One of the bad things I found with the Cultural Foundation is that a lot of my work for a lot of time has been stifled simply because I chose to have a more problematic approach to drama rather than entertaining. I have tried to examine not just myself but persons or situations I have come into contact with as well and I feel it is wrong when we have that type of wealth in the country like we have in the theatre and that persons' works are not shown simply because they are not considered to be in touch with the social and political ethics of the times. We have to maintain freedom for those persons in their artistic endeavours.

Freedom is not necessarily guaranteed because the public sector is involved. That's another thing we have to understand. Government doesn't mean lack of freedom, and the private sector doesn't mean freedom. I believe that if persons are conscience of the role art plays in the development of society then government's contribution and involvement can be very productive.

The thing to remember in all of this is that it is not going to hurt us to reach for the stars. That is what it appears that we are doing when we are talking about a National Gallery. There is no shame in saying that we can go that far, that we can develop artists that are of that calibre, that they can feel and support that feeling of a national accomplishment. When we look at somebody like Bendel Hydes (and it is probably easier for me to say it about him than about myself) and the sacrifices he has made from a financial point of view, and from a family point of view, when you look at all the misunderstanding that good gentleman has incurred and when you look at what he continues to be dedicated to then we understand that the love of art and creativity, the dedication creates a discipline, shows a sacrifice, shows that some of us are willing to lay down our time for these things we hold to be dear. We hold these things to be dear because these are the things that allow us to look at our-

selves because we can't see ourselves except by way of feelings and ideas. That is why art is so important.

I hope that if I have done anything today it has been to bring back the importance of the late Jim Bodden in giving life to the creativity which is now going to be supported on that particular level. I can remember specifically Mr. Jim's involvement with Bendel, and with Anita, and with Mr. Creswell. I can remember Mr. Jim going beyond what he was by constitution allowed to do to reach out to those of us who started what I consider to be the modern artistic movement in the Cayman Islands.

I would like to end by complimenting Bendel and saying that his father and mother should be proud of him, his family and his community should be proud of him, the Cayman Islands should be proud of him and I am thrilled to be one of his contemporaries.

The Speaker: Does any other member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you.

This bill is good. The minister has very ably outlined the importance of the Gallery. I think the Fourth Elected Member for George Town has extremely ably dealt with the importance of art and the importance of people such as Mr. Bendel Hydes in also teaching that. I know that he was very instrumental in assisting the art gallery here. I know at the Cayman National Bank we have all local art including several from Mr. Bendel.

Art itself is a way of expression. The minister is a qualified teacher as well as a qualified lawyer so she knows this better than I do. But from the time a child is young he is given a crayon and a colouring book. It's the way people begin to express themselves. I went to the service opening the Week of the Young Child and it was refreshing to have the young ones there singing and reciting. They are always so happy. That's another way they obviously express themselves.

Without the Harquail Theatre, as the Fourth Elected Member for George Town quite rightly said, and also the minister, the largest gift (from Mrs. Helen Harquail) this country has ever seen, we would not have had a facility, at least one that good. It sits on about eight acres of land. She gave the land to the people of the Cayman Islands and she built the theatre and assisted with running it for a period of time. It's obviously the largest gift this country has ever seen and we really owe Mrs. Harquail a lot of gratitude and quite a debt. She has now also generously given the property on which the National Art Gallery will sit.

I think it is so important that people like Mrs. Helen Harquail are remembered and respected and that that respect and consideration shows forth and that nothing is ever done to let her feel in any way that such large and generous gifts are not fully appreciated by the public. I know the public appreciated them fully. We are also most grateful in this case for her kind donation as well as her interest in the National Art Gallery.

The timing of this is very good because at 4.30 this afternoon the Children's Festival of the Arts will be

opened at the Harquail Theatre. That will comprise hundreds of pictures and paintings by children. The schools have sponsored this for many years and it is good to see the quality, and the improvement that has taken place in a few short years. Art is an important part of the school curriculum. It's taught in all schools.

I would invite members (and I may have to leave about ten minutes early) to come and have a look at what the children have done. The National Art Festival is very important as well. It's done a lot to promote art. There are so many people who put time and give money or work to see these come about. I think members of this House and the public should be supportive by going there. I guess it's a bit sad, but very few of us go to these things. I go to as many as I can. I think it's our duty to do so. And in with that are tied things like Batabano and Priates' Week, Heritage Day and everything that goes with it. It all goes towards a well-rounded personality.

I would like to endorse what the Fourth Elected Member for George Town said. We have good artists here and we need to support them. I have seen some very good art produced locally. I have some myself at my house, and I have also taught my children that they should appreciate it. They too have not only their own drawings, but some local art in their rooms.

I fully support this. I think it is very important that we understand the culture of our past because it's important to know where we are going in the future. Expressions through art is one of the best ways we can express our culture and our heritage. I commend the local artists and say to them, keep up the good work and continue your good job. The National Art Gallery is good for this country. We need to support it and we need the help of the people in these islands who can donate time and money to see it come to fruition. Thank you.

The Speaker: Does any other member wish to speak? If not, does the mover wish to exercise her right of reply?

Hon. Julianna O'Connor-Connolly: Just to say thanks to Mrs. Carol Owen for her invaluable contribution and continued support towards this National Gallery for the Cayman Islands, to Mrs. Helen Harquail for her continued generosity with the donation of several acres of property to make it possible to establish the National Gallery, and to thank Mr. Bendel Hydes for his continued support in this specific cultural vein, the staff of the National Gallery, the staff within my own ministry, and I would like to thank all other persons including all honourable members who supported the development of culture within these islands during the years. I would also like to thank those persons the Fourth Elected Member for George Town pointed out in his historical aspect of the cultural evolution for the role they played in bringing to the forefront the importance of culture in any developing civilisation.

With those words I commend this bill to the honourable House.

The Speaker: The question is that a bill entitled The National Gallery Bill, 1999 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL GALLERY BILL, 1998, GIVEN A SECOND READING.

The Speaker: We shall take the afternoon break. Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.34 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated.
Bills, second readings.

**THE NATIONAL PENSIONS (AMENDMENT)
(SELF EMPLOYED PERSONS AND PRESCRIBED
MAXIMUM) BILL, 1998**

The Clerk: The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I beg to move the second reading of a bill entitled A Bill for a Law to amend the National Pensions Law (1998 Revision) to introduce maximum contributions for employees and to widen the definition of self-employed persons who are required to contribute to a pension plan.

The Speaker: Do you wish to speak to it?

Hon. Julianna O'Connor-Connolly: As will be seen in the Memorandum of Objects and Reasons, the Bill seeks to amend the National Pensions Law (1998 Revision) which is the principal Law. Clause 1 provides for the Short title, and Clause 2 is the interpretation clause. Clause 3 includes the definition of "self-employed person" in section 3 of the principal Law to ensure that persons who are self-employed but who do not hold a trade and business licence must still have a pension. For example, we found a loophole for certain professions, attorneys being one, not required to have a trade and business licence. So it could have been argued that they were not mandated to have pension plans. That was not the case, but the loophole was there and we saw a need to tighten that up.

It widens the definitions to include self-employed persons who trade to their own limited company of which they are a director and not an employee and who obtain an income from dividends or directly from company shares. Clause 4 introduces amendments to section 47 of the principal Law to enable regulations to be made

that will provide a cap to the level of contributions, pensions and benefits required to be provided.

Members should have by now received circulation of six proposed committee stage amendments. And at this stage perhaps you would waive the two days' notice.

The Speaker: I will waive the two days' notice. Please continue.

Hon. Julianna O'Connor-Connolly: Thank you.

Seeing that they will be dealt with at the committee stage I will do that at that time but because of the ramifications these proposed amendments seek to make it would make very little sense to the actual bill unless I allude to them to some extent at this stage so that members can get a better grasp as to what is being sought and the necessity for these amendments.

For the most part Clause 3 will be the first amendment. This merely substitutes "**and includes earnings from companies producing goods or providing services in the Islands of which the person is a director, whether such earnings take the form of salary, allowances, fees, bonus or payment of expenses or dividends from shares.**"

The other proposed amendments, although in five separate motions, are for the most part the same. So I will just allude to one and members have already had notice, as I said. It merely seeks to delete in Clause 4 the words, "**inserting 'subject to a prescribed maximum' after the words 'for that year' and substituting 'inserting 'earnings up to the year's maximum pensionable' before the word 'earnings.'**"

That probably sounds like a lot of gibberish to a lot of people so I will endeavour to simplify it. For clarity, "year's maximum pensionable earnings" means totalling in any year CI\$60,000, or any other such amount that may be prescribed by regulation. It is my understanding that in the Pensions Law the sum of \$60,000 limit only applies to the defined benefit plan and contributions made in the initial step by step period allowed for under the law. Most people assume that the \$60,000 cap applied to all benefits and plans and contributions and consequently they budgeted their financial plans accordingly.

This misunderstanding I am informed came about as a result of the supplementary notes published during the PR time back in 1996 and the pension booklet in particular said that the cap would apply to all contributions and benefits. This was widely circulated throughout the islands and that is where the misunderstanding came, hence we are now seeking to correct it.

The law, strictly speaking, does not allow for the minimum benefits to defined contribution plans to be capped at \$60,000 and the superintendent or the board could not make any alteration, hence the reason we are before the honourable House today with the proposed amendment. It was always recognised that the National Pensions Law would need modification and amendment as time passed as it is a very complex piece of legislation, albeit a very new and innovative piece of legislation as well. Therefore, it is impossible to foresee all the prob-

lems that could arise and there is no hope, even now, of accurately forecasting future changes that this law will require as it continues to evolve. Therefore, alterations will have to be made to this law as the board is reviewing it constantly. We have made it very clear that the board is open to suggestions or recommendations from the public so that in the whole refining process we would have a better piece of legislation for the benefit of all concerned.

The amendment therefore allows for the cap to be reviewed on an annual basis thereby providing an ample opportunity for the board or persons responsible for pension legislation to identify any problems and to make a conscientious attempt at coming to very positive practical and affordable solutions.

With these few words I commend this bill as the ministry and government feel that it is necessary at this time and we have met with various stakeholders in the community who have made representations either orally or in written form. We believe it is a step in the right direction.

The Speaker: The question is that a bill entitled the National Pensions (Amendment) Self Employed Persons and Prescribed Maximums Bill, 1998 be given a second reading. Does any member wish to speak?

If not, does the mover wish to exercise her right to reply?

Hon. Julianna O'Connor-Connolly: Just to thank all members for their silent support and to again commend this bill to the honourable House. Thank you.

The Speaker: The question is that a bill entitled the National Pensions (Amendment) Self Employed Persons and Prescribed Maximums Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL PENSIONS (AMENDMENT) (SELF EMPLOYED PERSONS AND PRESCRIBED MAXIMUM) BILL, 1998, GIVEN A SECOND READING.

The Speaker: Bills, second reading.

**THE MERCHANT SHIPPING (AMENDMENT)
(MARITIME SAFETY AND MISCELLANEOUS
PROVISIONS) BILL, 1999**

The Clerk: The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the second reading of a bill entitled, The Merchant Ship-

ping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999.

For the information of honourable members of the Legislative Assembly the substantive matters addressed in the amending legislation have been presented to the Shipping Sector Consultative Committee for consideration. Their resulting input has been taken into account in preparing the amendment.

In addition, several routine matters have been addressed arising out of amendments to international conventions. The substantive matters that have been addressed are summarised as follows: The transitional provisions including schedules relating to the putting into force of Civil Liability Convention of 1992 and the Fund Convention of 1992 have been taken out of the legislation since the legislation is now in force and the transitional provisions are therefore redundant. These conventions of the International Maritime Organisation to which the United Kingdom is party and which have been extended to the Cayman Islands provide the international regime for liability and compensation arising out of oil pollution damage.

The provisions of Suppression of Unlawful acts Convention of 1998 to which the United Kingdom is party and which has been extended to the Cayman Islands has been incorporated through the amending legislation. In the United Kingdom this Convention is given effect through the Aviation and Maritime Security Act of 1992 and the Maritime Security Act 1997.

In addition, provisions relating to piracy contained in the United Nations Convention on the Law of the Sea 1982 have been included. These provisions also reflect those contained in the Maritime Security Act 1997 of the United Kingdom. Some changes have been made to regulations making powers to allow the incorporation through subsidiary legislation of the provisions contained in certain international labour organisations' instruments.

Minor changes arising out of the United Kingdom's amendments relating to the tension of unsafe ships have been effected. Amendments have been inserted to protect the government and the Cayman Islands Shipping Registry staff from potential law suits in connection with any Cayman Islands Shipping Registry function carried out in good faith.

Other minor amendments relating to the concept of one shipping register with multiple parts and minor consequential amendments in respect of the registration of submersible crafts have been effected. The lower size limit for demised chart of registration has been changed from 1500 gross tonnage to 24 meters in length. In addition, qualifications to own a Cayman Islands ship have been expanded to include a shipping entity which is designed to accommodate various types of business associations prevailing in the shipping world. These changes have been made to keep the Cayman Islands abreast of other Red Ensign administration.

The registration provisions have been amended also to facilitate the registration of ships under construction and attendant mortgages as well as the registration of mortgages of ships under provisional registration. Provisions have been extended for the director to set out

and vary the obligations of the representative person. Provisions for the protection of mortgages have also been increased.

With respect to load lines an amendment has been inserted to change from 80 tons registered to 24 meters length, the threshold below which ships may be exempt from the load line requirements. The word "organisation" (spelled with an "s") has been changed to "organization" spelled with a "z" where it refers to International Maritime Organization Rules so as to ascribe the officially recognised name of that body.

Section 465 of the principal Law has been amended to provide for the Cayman Islands to notify the Secretary of State for the environment transport in the regions of the United Kingdom regarding rules or regulations made under the law rather than such subordinate legislation to be made after consultation. Accordingly, members of this honourable House are being invited to favourably consider the proposed amendments to the Merchant Shipping Law, as outlined. Thank you.

The Speaker: The question is that a bill entitled The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999 be given a second reading. Does any member wish to speak?

If not, does the mover wish to exercise his right to reply?

Hon. George A. McCarthy: Just to thank members for their tacit support of this amending legislation.

The Speaker: The question is that a bill entitled The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE MERCHANT SHIPPING (AMENDMENT) (MARITIME SAFETY AND MISCELLANEOUS PROVISIONS) BILL, 1999, GIVEN A SECOND READING.

The Speaker: Do honourable members wish to adjourn at this time, or should we go into Committee for a short period of time? I think Mr. Truman has to leave.

We have approximately eleven minutes to the hour of interruption.

Hon. Truman M. Bodden: Mr. Speaker, by all means, continue on. I have to open the Children's Festival of the Arts at 4.30 and I would ask your permission if I could leave ten minutes early.

The Speaker: I would like to go myself.

Mr. Roy Bodden: I would like to go too.

The Speaker: I am in the hands of the House.

Mr. Roy Bodden: Mr. Speaker, I think a number of us would plan to attend that function but I believe that we would be forgiven for arriving a little late. We should avail ourselves of the time left to start this committee, and we could probably finish it. This is important business and I hope that the House does not have to drag on for too much longer. I think that most of us have other business to do, so let's try to go into committee stage and finish this work at hand.

The Speaker: The House will now go into Committee to consider a bill entitled The Labour (Amendment) Tribunals Bill, 1999 and other bills.

HOUSE IN COMMITTEE AT 4.20 PM

COMMITTEE ON BILLS

The Chairman: Please be seated.

The House is now in Committee. With the leave of House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such likes in these bills?

Would the Clerk state each bill and read its clauses?

THE LABOUR (AMENDMENT) (TRIBUNALS) BILL, 1998

The Clerk: The Labour (Amendment) (Tribunals) Bill, 1998.

- Clause 1. Short title.
- Clause 2. Amendment of section 26 - Overtime pay not necessary if parties agree to the contrary.
- Clause 3. Amendment of section 37 - All gratuities to be distributed.
- Clause 4. Amendment of section 53 - Remedies for unfair dismissal.
- Clause 5. Repeal of section 72 - Labour Relations Board.
- Clause 6. Repeal of section 73 of the Labour Law and substitution - Labour Tribunals.
- Clause 7. Amendment of section 74 - Procedure to be followed on a complaint to Director.
- Clause 8. Amendment of section 75 - Enforcement of award of Director.
- Clause 9. Amendment of section 76 - Establishment of Appeals Tribunal.
- Clause 10. Amendment of section 77 - Appeals from decision of Labour Tribunal.
- Clause 11. Repeal of the Labour Relations Board Regulations, 1997.

The Chairman: The question is that Clauses 1 through 11 do stand part of the bill. The member for North Side.

Mrs. Edna Moyle: I would just like to ask a question for clarity. If we look at section 74 of the law, subsection (7) refers to subsection (2) and if I read this correctly I think we are repealing that subsection. Can the honourable minister explain, or am I misunderstanding it?

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

Hon. Julianna O'Connor-Connolly: I don't have the Labour Law with me at present, so if I can get a copy I can perhaps respond. (Pause)

Perhaps the member could repeat her inquiry.

The Chairman: The member for North Side.

Mrs. Edna Moyle: In section 74 of the law subsection (7) says "The Governor may make regulations prescribing to procedure to be followed at any hearing to be held in accordance with subsection (2) . . ." If we are repealing subsection (2) are we replacing it with anything?

I am going by the white copy, I don't know if there is something different in the green bill. If the minister would look at Clause 7 of the amendment, where it says, "Section 74 of the principal Law is amended (a) by repealing subsection (2); . . ."

(Pause)

Hon. Julianna O'Connor-Connolly: From my understanding section 74 (2) is intended to be repealed as it related to the procedure the director followed once the labour relations board was set up. But under the labour tribunal he has already established various rights of notification, as I understand it.

Mrs. Edna Moyle: Would the honourable minister go to subsection (7) under section 74 of the original law where it refers to subsection (2)? Should that be deleted since we are deleting subsection (2) under 74? That's my question.

Hon. Julianna O'Connor-Connolly: Mr. Chairman, on a literal or strict construction that would seem the case, but surely that could not have been the intent of the legal draftsman.

(Pause)

Hon. Julianna O'Connor-Connolly: Mr. Chairman, having discussed this with legal counsel, when one looks at section 74 (2), if I am understanding it correctly, that is a consequential amendment because of the repeal of the labour relations board, and subsection (7) says "**The Governor may make regulations prescribing the procedure to be followed at any hearing to be held in accordance with subsection (2), and in default of such regulations the labour tribunal shall determine the procedure to be followed.**" So it would follow that subsection (7) would then become redundant if subsection (2) were being repealed.

(Pause)

Hon. Julianna O'Connor-Connolly: Mr. Chairman, I am advised that because of subsection (7) of section 74 being made redundant it would be advisable to repeal that subsection as well. Based on that advice I would then seek to move an amendment for subsection (7) to be repealed.

The Chairman: I recommend that we adjourn which will give the honourable Minister and the Second Official Member time to prepare the necessary amendment.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Chairman, but I would add, and I say this with great sincerity, that if any members go through and see that there are specific problems it would not only expedite the proceedings of the House

but just out of common courtesy rather than getting into political antics as far as I am concerned—

Mrs. Edna Moyle: Mr. Chairman!

Hon. Julianna O'Connor-Connolly: —if people would come and speak to me.

Mrs. Edna Moyle: May I interrupt please sir?

Hon. Julianna O'Connor-Connolly: Mr. Chairman, I didn't give way!

Mrs. Edna Moyle: I am not getting into any political antics. I came across it when I was going through the law and it is my right to bring it to your attention!

Hon. Julianna O'Connor-Connolly: Mr. Chairman, I said that because that same member came and spoke on another question which gave an opportunity . . . of course, if she just came upon it she has the right. And I do not wish to infringe on that. But I am saying that just out of common courtesy if members, including me, come across things would bring it to our attention it would be for the better running of the business. That's all I am saying.

Mrs. Edna Moyle: Mr. Chairman, if it is one member of this House who brings to the attention of the ministers corrections that should be made in legislation it is me! The Financial Secretary can bear me out on that. I have not political gains to make. And I do take it as an insult. But do you know what sir? In the future I will not bring it to the attention of the House, they can bring the law back here with another amendment to amend it!

The Chairman: I think it is fitting and proper that we conclude proceedings in the House. The Committee will now adjourn and the House will resume.

HOUSE RESUMED AT 4.35 PM

The Speaker: Please be seated. I will entertain a motion for the adjournment of the House. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

ADJOURNMENT

Hon. John B. McLean: Mr. Speaker, I move the adjournment of this Honourable House until Thursday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Thursday, 22 April. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 22 APRIL 1999.

**EDITED
THURSDAY
22 APRIL 1999
10:15 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: The Honourable Third Official is sick and will be absent from the sitting today.

Item number 3 on today's Order Paper, Presentation of Papers and Reports.

**PRESENTATION OF
PAPERS AND REPORTS**

**MONETARY AUTHORITY REPORT 1997
(Deferred)**

The Speaker: In view of the absence of the Honourable Third Official we will defer that. Could I get a motion for the deferment? Honourable Minister for Education, Aviation and Planning, would you defer the presentation of papers and reports, the Honourable Third Official Member is sick?

Hon. Truman Bodden: Mr. Speaker, I move that the Monetary Authority Report 1997 be deferred until a later sitting.

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

AYES.

The Speaker: The Ayes have it. The Presentation of Papers and Reports have been deferred.

AGREED: THAT IN THE ABSENCE OF THE HONOURABLE THIRD OFFICIAL MEMBER, THE PRESENTATION OF THE MONETARY AUTHORITY REPORT 1997 BE DEFERRED UNTIL A LATER SITTING.

The Speaker: Item number 4 on today's Order Paper, Other Business, Private Members' Motions. Continuation of Private Member's Motion No. 6/99, Multidisciplinary environmental impact study. The Third Elected Member for George Town, continuing his debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 6/99

**MULTIDISCIPLINARY
ENVIRONMENTAL IMPACT STUDY**

(Continuation of debate thereon)

Mr. Linford A. Pierson: Thank you, Mr. Speaker. When we adjourned on Monday (today is Thursday), I had just commenced with the presentation of Private Member's Motion No. 6/99 entitled, Multidisciplinary Environmental Impact Study.

I am not sure whether the minister of government has been given responsibility to reply on this, or whether the minister with responsibility is just running a little late or whether he is in the building. Ok, I understand he is in the building.

But one of the things I would like to mention before continuing with my debate is, there has been a lot of talk in the House between members and even the listening public about the duration of our meetings. I do believe that one way of getting around this without cutting back on the important work before the House is that we could decide amongst ourselves who would speak on certain business or pieces of business brought before the House. What I do find here is that there is a lot of repetition on some of these matters. If one member is more familiar with a particular subject then it could help the smooth running of the House and the discipline in the House if that member spoke. It would avoid every member on the backbench and otherwise feeling that they have to speak on an issue, whether they feel particularly qualified to do so or not.

I believe that would cut back on the amount of time we are spending here, because the job in the House as a backbencher these days is no longer a part-time job—it is now full time. We are basically running from one meeting to another with very little breaks in between. In the last meeting, we had to carry forward business to the first meeting of this House and even some of that business appears as if it won't be completed before we end this particular meeting of the House.

In particular, I speak on the question on parliamentary questions. As far as I am personally concerned there are a number of parliamentary questions that have not been answered from the fourth meeting of 1998—the November meeting. They were brought forward to the first meeting, this meeting of the House, and they are still not answered. It appears to me from the Order Paper

that they will not be answered before the end of this meeting. That is a very unsatisfactory situation and I thought that I would mention this since important matters like private members' motions and parliamentary questions could suffer if we continue in the position that we have been following in past months.

I believe also that the listening public will understand if every member of the backbench feels that it is not necessary for him or her to have to get up and speak on an issue just to appear to be doing the constituency duties. This is not to criticise anyone, because they have a right to speak on whatever they want. I am just saying this in the interest of efficiency and the smoother running of the House.

As I mentioned on Monday, the purpose of bringing this motion is not to in any way embarrass any minister or member of government. I try to work with ministers rather than embarrass them. However, I am concerned that this particular matter, that is, the terms of reference for this motion, the Multidisciplinary Environmental Impact Study appears to have been before Executive Council for some time without any action being taken.

Whether these terms of reference have been approved or not is not for me to say, because I am not privy to any matters that appear before Executive Council. I am just saying that as far as I am concerned nothing has been published on this to-date.

Mr. Speaker, I think the Minister of Education would like me to give way to him. I am pleased to do so.

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

Hon. Truman Bodden: I thank the honourable member for giving way, it is really just in reply to the first part of what he said.

There are questions for three members . . . I think most of us have actually answered all. I would suggest, sir, with the permission of the House that we carry these forward to the next session, the June sitting. They can be dealt with then so that members do not lose the questions being orally answered by a written answer, if that is okay. And I would move that at a later stage, and whatever motions that would remain sir.

The Speaker: Third Elected Member for George Town, please continue.

Mr. Linford A. Pierson: I am very grateful to the honourable minister for that flexibility because I know that at least one member had to leave the island and has one private member's motion. And there are others that may also have to be carried forward in addition to questions.

I don't want the other point that I had focused on to be lost and, that is perhaps more productive use of time could be made within the House that would reduce the amount of time we spend in here. I am very concerned about this and I have expressed this to other members of the House. They are aware of my views on this.

As I mentioned before I gave way to the honourable minister, I am concerned that this most important issue is

taking such a long time to be approved and for the study to be commissioned. If there are any matters that would be holding up the approval of the terms of reference and the appointment of the consultant, then I would ask that the honourable minister give an undertaking that he will try to get this completed within the time frame being suggested in the motion, which is as soon as possible but before 31st July 1999.

We should be looking at this motion not only as a motion to look into the impact of dredging in the North Sound, but it as a multifaceted motion. As it says, a multidisciplinary motion or impact study is being called for. It also deals with the impact of mining and quarrying in the environment together with a feasibility study to be carried out on the importation of fill or aggregate into the islands. The question of mining and quarrying and the environment has been queried in this House, and this highlights the need even more for this study to be carried out as quickly as possible.

This is not a brand new concept, as I mentioned on Monday. If it were, the terms of reference would not now be before Executive Council. They have been dealing with this matter for quite some time. A lot of time has been wasted because the first notice of my motion came in November last year, for the fourth meeting of the 1998 Session. At that time (as I mentioned on Monday), we were talking about a three-month sort of flexibility which would have given January, February and March. So in that motion—which was Motion 29/98—we were asking for the study to be commenced by the 31st March 1999 but because it had to be brought forward until this meeting of the House (we are now in April), we are now asking that it be done at the end of July, which gives another four months.

You have May through July—at least another three months, but at least four months from March. So, Mr. Speaker, there is ample time for this to be done. It is a waste of time for me, or any member of this backbench, to be getting up here asking for things to be done through private member's motions. The Honourable members or ministers agree to our motions but nothing is being done on it. So if the government does not intend to do anything about my motion then I would ask that it not be approved because all this motion is calling for is that we put a time frame on this.

The motion is not asking in fact that consideration be given to thinking about it because thought has already been given to the importance of this impact study. The main thrust of this motion is that the government now try to put a time frame on it and get the job done. What is the hold-up on it?

Mr. Speaker, as recently as the October 1998 Meeting of the Legislative Assembly, the Elected Member for North Side asked a Parliamentary Question on the same issue. The question was to the Minister for Agriculture, Environment, Communication, and was [answered in writing] as follows: **“To provide an update on the environmental impact study by the Department of Environment.”** [1998 Official Hansard Report, Vol. 3]

The answer (which was a good answer) provided by the honourable minister reads as follows, he said, **“Mr.**

Speaker, the study referred to was proposed by the Department of Environment but it was never envisaged that the department would actually carry out the study. The study will be conducted by qualified consultants selected by a project steering committee. The Department of Environment will however play a key role in the management of the project.”

Mr. Speaker, I have to question whether a qualified consultant has even been contacted and, if so, whether that person has been selected. And further, if selected, when will an appointment be made so that this work can commence? And if it has commenced, why haven't we been told about this since there is a question that is pending as to the progress report on this impact?

Mr. Speaker, the answer goes on to say, **“The study is a multidisciplinary study to address the environmental issues associated with the supply of aggregate for infrastructural and commercial development. It is therefore wider in scope than an environmental study of the North Sound.”**

I have just prior to this confirmed that this motion is in fact calling for an impact study that is much wider in scope than just the dredging of the North Sound. But we are also looking at the negative impacts that have now been caused to the terrestrial side of our island, that is, in connection with mining and quarrying in the environment.

Mr. Speaker, the answer to the question continues, (and this part of it gives the objectives of the study being proposed), it states: **“The objectives of the study proposed by the Department of Environment are to: (a) assess the present environmental status of North Sound with particular reference to the cumulative impacts of approximately 30 years of dredging and predict the extent of physical and ecological changes likely to occur as a result of continued dredging.”**

Mr. Speaker, I also intend to make reference to the report that was carried out by Dr. Wickstead, some twenty-something years ago and is still regarded as the bible on the environment especially the marine environment.

“(b) assess the environmental impacts of terrestrial quarrying and mining and predict the effects of continuing and/or expanding these activities.” As I mentioned earlier, there has been mention made in the Honourable House during this meeting of alleged abuses to licenses within the eastern area in connection with quarrying. So this motion is even that much more important because it will include that.

“(c) Quantify the demand for fill over the next 10-20 years and determine the costs and benefits of continuing to meet that demand locally; and (c) assess the feasibility and determine the cost and benefits of alternative means of supply.”

My motion covers every aspect of this answer and the objectives of the study as suggested by the Honourable Minister. He said in his answer, **“The draft Terms of Reference has been agreed by ExCo. Work is currently going on to finalise these . . . ”** That was in October last year! Now, if from October last year draft terms

of reference had been agreed by Executive Council and that work was currently on-going to finalise these, why is it that six-plus months later the appointment of a consultant has not yet been made?

And from what my understanding is (and I am sure the Honourable Minister will clear this up), the terms of reference are not yet finalised. If they are finalised, what is the hold-up in appointing somebody to conduct the study? Some money has already been made in the budget to carry on this activity. What is the hold up?

Mr. Speaker, the Honourable Minister in October last year, went on in his answer to say, **“It is hoped that this process can be completed this year,”** meaning 1998. We are now in the final weeks of April 1999—six months hence—and nothing has been done to commence with appointing. As far as I am aware, no appointment has been yet made of a consultant to commence with this most important study. So, I am sure that the honourable minister is in a position to say why the study has not been commenced. Or, if it has, why hasn't the House heard about this? Perhaps he can also give the names and qualifications of the consultant that has been appointed if indeed such appointment has been done.

As I said earlier, I am not here to pull down anybody; I am just here to see that these most important matters are dealt with in a timely manner. There is no good excuse that can be given for holding this up.

Mr. Speaker, as far back as 23 years ago . . . I think it was in 1975 (this year would make it more like 24 years), a report was done by Dr. Wickstead. It is still considered the most comprehensive report that has been done on our marine environment. Since then other reports have been done. And I would like to give credit to the Environmental Department, they are doing a very good job. They have been instrumental in conducting other studies and issuing other reports—but nothing, I would daresay, as comprehensive as the report that was done for the Cayman Islands Natural Resources Department sponsored through the Ministry of Overseas Development back in 1975.

The particular report that I am going to quote from was carried out by Messrs Raymond, Lockwood, and Swain, who worked together with the Wickstead Group as I understand it.

The reason I am going to quote from this is to show that even in that report some 23 to 25 years ago, the Wickstead was basically saying that if the Cayman Islands wants to continue with the level and pace of development that had been going since the mid 60s then we had to take a realistic approach to the whole matter. Fill, marl, aggregate will have to come from somewhere and this is why at this point in time it is important that a qualified person is put in place to conduct the report so that we can determine whether it is safe for us to do any dredging at all, or any further mining and quarrying in the Cayman Islands. Or whether we might have to resort to the more expensive method of shipping aggregate and fill into the Cayman Islands but something has to be done otherwise the development in these islands will come to a halt.

There is no grey line. We get it in the Cayman Islands or we bring it in, simple as that. It is not going to drop from the sky so we are going to have to bring it into the Cayman Islands, ship it in here or find it here locally. If the decision is to find the necessary fill and aggregate locally, then it should be done in the safest manner to protect the marine and terrestrial environment. It must be done in the very safest manner.

I am not here to say whether more dredging should be done or whether more mining and quarrying should be done. This is why this motion is being brought so that a consultant that is qualified to do that can advise the Cayman Islands Government what position we should take.

It is also my understanding and it has been advised to the House that there are a number of applications for dredging now pending. I think it is misleading to the applicant to tell him that we are approving his application in principle when Executive Council cannot really grant full approval—not under the existing regulations and procedures. Any application for final approval must be brought to this Honourable House, and in the circumstances it is very doubtful whether it will be passed because nobody wants to continue dredging in the North Sound that might result in irreparable damage to the North Sound.

Hon. Truman Bodden: Mr. Speaker, may I just take a point of order?

POINT OF ORDER

The Speaker: Let me hear your point of order.

Hon. Truman Bodden: I think the Honourable Member in what he said undoubtedly probably believes what he said but Executive Council has made no approval of large scale in principle dredging after this motion. It is a bit misleading sir. I am trying to put this in the nicest way I can. But it is a bit misleading to say that Executive Council has done something to which it had no authority. Whatever the member is referring to I think must have been prior to the motion coming to the House and maybe if he would just clarify that, sir.

The Speaker: Honourable Third Elected Member for George Town, could you clarify that point please?

Mr. Linford A. Pierson: I am not going to take any objections to my honourable friend interrupting me because I am seasoned enough to know that's one good way of throwing off your train of thought. I think the honourable minister understood what I was saying. But I will repeat what I was saying.

Mr. Speaker, I will say this again: It would be misleading to applicants for any of them (I am not suggesting that it has been done) to be even given the impression of in principle approval or the impression that their applications will be approved when in fact the Honourable Executive Council does not have the power to grant approvals. This is a factual statement I am making. That approval has to be made in the House. That is exactly

what I was saying. I am not accusing Executive Council of doing that. So, Mr. Speaker, that was really what I was saying.

Hon. Truman Bodden: Mr. Speaker, I withdraw that, I am sorry. I did not understand that. I thought he was saying we may have given approval. I apologise.

The Speaker: Point cleared. Please continue.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. As I said earlier, I really am appreciative that the ministers have given me the impression that this motion will be approved. So I am not here to bash anyone. What I am saying is factual. I am doing it out of concern for this country. I am very concern that we could be brought to a halt because the Honourable Minister for Education has just confirmed that approvals would be given to applications for dredging.

We are having a situation now where the East End Quarry is being questioned over extending their position. That is now before the House, and I understand it is being investigated. My concern is that this motion be dealt with as a matter of urgency and that a consultant be appointed forthwith so that we will know what we can and can't do. As I mentioned on Monday, it is not good enough for investors and developers coming in here to be told, *'You go and conduct your impact study and give it back to government. You do that at your expense—some \$2M - \$3M expense—and bring it back to government.'*

I see that as self-serving and it is not in the best interest of government to have a private developer conduct his own impact study and bring it to government regardless of whether it is being paid by him or not. It must be done by Government!

And this is such an important issue that money should be set aside even if we had to get a loan to do it. It should be done because of the importance not only on the terrestrial side as I mentioned earlier but indeed on the very delicate balance in the North Sound. We need to be careful if approval is given to any further dredging because a moratorium is now on that, that it is very carefully done.

But I would like to make the point again that if the decision is taken that no more dredging after this consultative process has been carried through, if no more dredging should be undertaken then what is the next step we make? Where do we then get our fill? Do we cut the bluff down in Cayman Brac to do it and ship the rock to [Grand] Cayman? What do we do? Do we import the aggregate and fill into the Cayman Islands, which is a more expensive process?

We have to be realistic—not only the government bench but also the backbench—if we really have the interest of the island at heart. If we have the continued sustained development of these islands at heart, we have to think about this seriously. It is one thing to say, *'No, you can't do so and so'* . . . but if something else depends on that then there has to be an alternative route to be taken.

Mr. Speaker, I was one that was calling for shorter debates in this House. As a matter of fact during the Throne Speech debate, I suggested that rather than four hours, members should be given a total of two hours to speak because what you cannot say in two hours is probably not worth saying. Rather than going through the details of the Wickstead Report, as I was planning to do, I would just refer members . . . and any member of the listening public that would like to contact me for more details, I would be happy to provide it.

I would like to refer members of the House to Section B, 6(3) of the Wickstead Report, dealing with areas recommended for future dredging. In that report, you will also see that the area that was perhaps being suggested was the southern fringe of the North Sound. But, Mr. Speaker, in the twenty-three years since this has been tabled there has indeed been some amount of dredging in the North Sound so this may no longer be applicable. This might now be somewhat redundant and that is the reason why we can no longer depend solely and fully on the Wickstead Report as the most authoritative guide to dredging and mining and quarrying. But this is so much more the reason why we need to have this multidisciplinary environmental impact study conducted as soon as possible.

Mr. Speaker, I have other things I could say in the introduction of this motion, but I believe it would be safe for me to wait until the honourable minister with responsibility gives his comment. I could deal with those issues in my winding up. So, I will not say any more at this point and will therefore await the comments of the Honourable Minister of Agriculture.

Thank you, Mr. Speaker.

The Speaker: Does any other member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I would like to thank the member who spoke last with regard to his comments and suggestions with regard to the motion that is before the House.

I am pleased to say that on behalf of the government we are happy to receive his motion and to advise the House and indeed the listening public that the terms of reference which have been talked about had been prepared by my department prior to the time when I actually answered questions. But as everyone knows, we have spent a lot of time in here. And while the matter was referred from my department to my ministry and on to Executive Council, it was necessary because of the seriousness of the terms of reference for Executive Council to take some time and no doubt go through it the way it should have been perused. I am happy to say that the terms of reference have now been approved and, of course, will be acted upon in the very near future.

Mr. Speaker, I would like to point out that it is only fair to say that no one on the government bench has tried to hold this up. The fact remains we are as aware as anybody else in this Honourable House of the importance of aggregate and/or mining or dredging of fill in

these islands. However, we had to be abundantly clear on what was put forward and to make sure that the terms of reference was something that would be in the best interest of the country.

The last speaker spoke about approval in principle and I would like to say that I have to agree with him. No approval can be given by Executive Council since the time of the motion, it has to be referred back to the Legislative Assembly and he is correct on that. As far as I am concerned, I think that we have been actually trying to work this in the best way we could. Unfortunately, I am not going into the Wickstead Report in depth but I would like to point out that what was also mentioned by the member is that we have only scratched the surface as far as that report is concerned because there has been no large scale dredging in the North Sound. Not more than one person who actually had permission for a long time and that was only a small section of what was actually reported in the Wickstead Report.

The government is happy, like I said, to accept his motion. Unfortunately, although the terms of reference was prepared, another factor that sort of held us up was the fact that the funds to employ somebody to carry this out were not in place at the time when I answered the question to the Legislative Assembly. But they are in place now, at least some of the funds are in place. We will be able to move on as quickly as is humanly possible.

So, once again we are pleased to accept the member's motion and I congratulate him on bringing it to the Honourable House. Of course, we will have to now put our heads together and make sure that what is done is in the interest of the Cayman Islands on a whole.

The Speaker: The floor is open to debate. Does any other member wish to speak?

First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. As the seconder of this motion perhaps it is fitting from me to give my support to the motion itself. While the mover certainly has in his opening contribution outlined the gist of the motion, the intentions of the motion and the various aspects surrounding the motion and the government has been kind enough to accept the motion, I believe that there are a few specific areas that need to be talked about.

To set the tone so that the direction that I am coming from is clearly understood, let me first of all try to put a picture to all of us so that we can really grasp the importance of what is being sought here. For many years now, this country has enjoyed a pace of physical development that certainly many of our older Caymanians did not even dream would occur. For that, I think in most respects all of us are very grateful. But, like everything else in life, this too has had its price.

Unfortunately, some of the things that we depend on tremendously for our economic survival are linked very closely to the protection of our environment. While many of us seem to be conscious of this fact and many of us talk about protecting our environment, too often the fi-

nancial rewards of certain types of development cloud the judgement at various levels with regard to the negative impacts on the environment. That is nothing new, it is something that we see all over the world and it is something that we have been living with for quite some time.

Mr. Speaker, it is with that in mind that this motion is before the House. As has been said by the mover, there is no question that we all would like to see development which is sustainable. But we have for some time now witnessed a continuing rise in what I would like to term indiscriminate development which pays little or no regard to the negative impacts on our environment. And the health of our environment plays a great role in the health of our economy.

It is useless for us to spin the wheels and have a lot of money circulating in one area when in another area, if we don't watch ourselves, we are going to lose greatly—that is our tourism. Added to the tourism aspect of it, is our own quality of life for those of us who live here.

In previous times we have had encounters in this Legislative Assembly; we have had people taking opposing views depending on which line of argument they wish to support at the time. But I believe that we need to come to a clear understanding that every inch forward that we move, we have to weigh all of the balances. We can't simply think that we will allow certain things to happen because it creates for that period of time great wealth in the economy and the economy is buoyant and figure that any negative impacts in another area because of that, will simply go away because it won't. We see various examples now of prices being paid because we have not paid attention to this area.

In the resolve section of this motion calling for a multidisciplinary environmental impact study, reference is made to three specific areas that would be inclusive of the study but certainly not just limiting it to these three areas.

The first one is the impact of dredging in the North Sound. As the mover mentioned, we have a Wickstead Report that is probably something like twenty-three years old. That is the last tangible evidence we have of any type of qualified study with regards to dredging in the North Sound. Now, this is one of those mornings, sir, that I am going to do my very best not to engage in confrontations but there are certain things which I know have to be mentioned and I will mention them.

When we talk about the Wickstead Study, I remember sometime ago there was debate in the House regarding dredging in the North Sound and I remember the Minister for Education choosing to take abstracts from that same report to try to balance his argument to justify certain actions. I am not going to go into those specifics but I just want to say that I hope that the minister and whoever else from the government who may familiarise themselves with that report, would take the report in its true context and not limit their thoughts to specific extracts which skew the purpose of the report.

Fortunately for us, if the government does as it says it has done . . . or, rather, let me rephrase that: If the government does as it says it will do—which is to com-

mission the study—we will have a new document which is up-to-date. From there on in we will be able to make sound judgements rather than as I have come to believe that decisions have been made on requests for permissions to do certain things—based on who the person is and whether they feel like doing it or not but with no knowledge as to whether it should be allowed or not.

Another section that the terms of reference will include will be the feasibility of importing fill or aggregate into the islands. And I know that there are people who are now making moves to do this. I am not by any means qualified in this area to say that is the most sensible route to take. I don't know, but perhaps this too will be properly addressed in such a study and we may be properly armed to deal with applications of that nature.

Before I go any further with this, let me make it clear so that there is no misunderstanding here. All of us—and I am sure the mover and the rest of us on the backbench will agree—all of us do not wish at any time to impede the development which is taking place in our country, once it is done in such a way that it is sensitive to certain negative impacts which may occur. And that as much care is taken when it comes to any future development in this country, that as much care is taken to ensure that the negative impacts are minimised as much as possible.

So, far be it from us to try to let anyone believe that we are overly conscious about our environment and we are extremist or anything like that. Nothing of the sort, sir. We know what makes our country tick. But we have not—and I repeat, we have not—paid close enough attention to the fragile areas in our environment and as a result, many things have happened which we are regretting now and possibly will regret in the future.

I choose now to stray away from the argument just a bit to make mention of something. I trust it is not going to raise any alarms, but I think it is relevant. I saw in the papers recently where there was some application to re-alignment the South Sound Road (and here again, we are talking about the environment that we enjoy in this country). Obviously, the sole purpose of any application to the Central Planning Authority to re-align this road would be, for instance, to allow for more landmass to be on the seaside of the road, which would then allow construction.

This is a typical example. If we look at the possibility of a Caymanian getting a building contract and also the possibility of Caymanians getting or sub-contracting electrical plumbing and other areas . . . for instance, if a development of the nature of condominiums or apartments was to take place in this area, one might be tempted to say, *'That is good. It means work for some of our people, it means there is more money in the economy, it means people may be able to earn a better wage for some time.'*

But you see, that is the type of judgement call that we have to make at this point in time. What about the country on a whole? What about the people on a whole? What about the people who drive that road daily and enjoy that part of nature that God has provided for us — just the view that is refreshing but that is so limited nowadays in our country?

I just took that example to show the way of thinking that we need to responsibly deal with at this point in time. I want to say here and now that I trust that no arm of government, no agency would see it fit to grant such an application—not because I don't want to see development to take place, but the price that will be paid to allow that specific development to take place as far as I am concerned is too high a price to pay. Not every price that is paid can be equated to a dollar bill.

That is where the arguments come. Who will go against the one that I just put forward? Not everyone can own a piece of property that is on the water. That too, we, Caymanians are responsible for. But I am not arguing that case right now. The fact is that the way life is, there are but few individuals who have the wherewithal to purchase land on the water. So, because that is the case, is it right then for us to be so insensitive to deprive the majority of the people anytime of access, if it is even a view to that water just to allow more development to take place? I say, no, Mr. Speaker!

And again as I said while that may not seem very relevant to the motion, I think the example is worth mentioning to prove the point that I am trying to make.

Just to finish off with that same little point, I want to repeat again that I am not suggesting there is any premeditated course of action. But I am saying once more that I trust that there is no agency in government that will allow such a thing to take place.

There is another aspect, one that I recently voiced my opinion on. It has to do with the impact of mining and quarrying in our environment. And here we go again, being totally insensitive to exactly what we should be doing with regard to our environment. When we are calling for this study . . . and I am going to give a little example. Frankly, I am really being honest here. I have given up trying to ensure that no one misinterprets my intention. I have realised that once certain things directly affect certain people in a negative manner, they are going to sit down and contrive reasoning to justify their line of action, to cause anyone else's opinion which differs from there's to be twisted and bent out of shape when in fact if they would just pull back for a minute and be objective, they would understand. So I have given up trying to do that.

I am not even going to bother this morning to go over why I say what I say and all of that kind of stuff. It brings no result to me. People will just have interpret what I say the way they wish. But I will try to be as clear as I can.

There is a specific instance that on hand. It is an instance that I have spoken about in this Legislative Assembly in recent times. I am going to try to deal with it as quickly as I can. The area that has been mined and blasted by Quarry Products Limited, the original area that was done . . . the blasting, the quarrying and the mining has been done below the water table. The fact that this has occurred is problem enough, I don't wish to waste time today talking about the fact that this was contrary to approvals and all of that because really the point here now is not that—at least not right now.

But I want to try to show the kind of negative impacts which are occurring right now—which it seems no one in the right place is paying attention to—which will bring about some serious problems in the very near future if it is left unattended. We talk about the water table and the water lens in that area, which as everyone knows is the largest water lens in the island.

Let us just look at two simple aspects relating to this problem. We have what we call city water, older homes in this country have cisterns. Many of the homes that have cisterns also have themselves hooked up to city water. But from the time you and I both sir were at the Central Planning Authority (which was in the mid to late 80s), I am sure you will remember when we had city water connecting. The areas that were connected to city water, people were not required any more as a part of their planning permission to build cisterns. So as a result, there are many homes in the country nowadays that do not have access to water except through city water.

Now, it is far from impossible that we can have a disaster the size of [Hurricane] Mitch, which may be a direct hit. Very quickly we could have a vast number of homes in this country without any water and we wouldn't know how long it would take to get water back—not just because there is physical damage to whatever it is that brings the water to the homes but because of contamination. At that point in time, this entire country may depend on that water lens up there.

I am not trying to exaggerate any point to make the point, but the fact that it has not happened yet doesn't mean it cannot happen. If the truth be known, the members of government themselves know today that that water lens right now is contaminated because we have not paid any attention to what we are doing. And because nothing has happened to make attention be paid to it, there is no regard for what might happen in the future, which is totally typical of how the country is run and has been run.

You take care of what you need to take care of right now because it looks like that's all you have to take care of—make tomorrow worry about itself. Probably when it happens somebody else will have to worry about it. That is exactly what we are dealing with and how we are dealing with it. This has nothing to do with who is who, or who is doing what, it's the situation that I am dealing with.

You see, if we look at a possible scenario of that nature because we can look for the past 30 or 40 years and say nothing like that has ever happened, *'God is good to us, God always smiles with us, he always shows us how fragile we are and what can happen to us but he always takes care of us.'* Mr. Speaker, I agree with that, and from the depths of my soul, I thank God for that. But what happens the day when God decides that it is time to send us a message? It doesn't mean that that cannot happen, does it? So because nothing has happened, that is not important? I say it is!

The second aspect of that specific situation (and I am using just that as an example) is this—and this too is a fact: The farmers in that area, not only the individual farmers who come and operate their grounds in the dis-

tricts of East End and North Side but there are commercial farmers in that area. In fact, the largest of the commercial farmers come from or operate in that area. They must totally depend on the groundwater for their crops. They have to—our climate is not one where natural rainfall suffices during the course of year, we know that.

Now, I am not here to ask anyone but to tell every single soul that if that place is left as it is, it is not going to be long—and I am not qualified to say how long but I know that it is not going to be very long—before the contamination level of the groundwater in that said water lens, just by salt alone, I am not talking about anything else . . . I am not talking about chemicals or anything else just by the salt alone . . . is going to cause those same farmers, some of them whose livelihood depends on what they do in that area, not to be able to produce crops where they are producing.

But you see, there is the point again. Because it has not happened yet, no one is paying any attention to it. My position is not to want to pin anyone to a cross for anything; my position is simply saying that this is a problem. We must do something about the problem and whatever has to be done about the problem let us do it. That is what I am saying.

I want the government that might think that I am just looking to point figures at them . . . Again, as I said before, that doesn't matter to me anymore, I give up with that. But I want them to think carefully that when either one of the two scenarios that I just talked about happens it is the government that is going to be blamed for it. Nobody says anything now because it has not happened. But it is the government who is going to be blamed for it when it happens. And then I wonder what excuses will be made at that point in time.

I just pray to God that somebody understands what I am saying. The way does not matter to me anymore but something needs to be done about. Now, I can't here today say to anyone or any of the authorities, *'This is exactly what has to be done to correct the situation.'* I don't profess to be qualified in that area. But I know that there are people in the right places who know what has to be done and it is simply a matter of ensuring that it is done, that is all I am saying.

When the mover of this motion was speaking earlier, he was mentioning about how things take such a long time to happen. I think he even went so far as to say that if the government is not going to do this then, please do not accept the motion. He was not just throwing out words to make them sound good. The point he was making was that it makes no sense for us to stay here, day in and day out, and run up our gums about all of the various issues that we have to deal with and the people in the authority who agree with what you are talking about don't do anything about it. I am not asking them, I am not challenging; I certainly cannot dictate to them. But I am telling them and I am telling them as plain as I can in the Queen's English the best way I know how, if they don't do anything about it they are going to pay the price for it as much as I and the rest of the country. But they certainly will too.

Mr. Speaker, I want somebody to tell me how is it possible for two calendar years to go by with the government having full knowledge of a situation like that, and people like myself who don't really like being in the position I am in right now . . . I don't enjoy it. I have to step up (as some of them call it) to the plate and go beyond the point and seem to actually come down hard on a situation, just to get action. That is pathetic!

Do you know what is worse about it? Even after all of this, we still might not get any action. I almost have to laugh at that . . . but anyway. Mr. Speaker, I hope that point is made.

There is a thing that everybody in this country must learn: There are laws in this land that are on paper, there are things that all of us have grown with, no matter how humble our beginnings. But I know that all of us know what is right and what is wrong. We are now to the point . . . and I am going to tell you what is happening to us. We are now to the point where some of us are able to equate how wrong something is by what price has to be paid. What a shame! That is not how we knew right and wrong to be.

Nowadays, if it is going to cost too much to right the wrong, it is not wrong anymore. I hope that doesn't pass over people's heads because that is as important as anything else I have ever said in my life. That is where our problem lies. If it takes too much to correct the wrong then the easiest way to go on with life is let's not make it be wrong.

Mr. Speaker, I don't stand here today with any holier than thou attitude; I am far from perfect. In fact, if I am conscientious about it, there probably is not one day that goes over my head when I don't have to ask the Good Lord forgiveness for something. Hopefully, it is only a small little something but it is something; whether it be my reaction to someone with anger whether it be right in sight of this House, it has happened and I have had to do it because I believe that I should do it. But take all of that away from all of us, there still is no reason why we can't do things right. I guess enough said on that specific issue.

I have made a conscious decision while I have been standing here this morning, and I am going to let it be very clear. The intention of this motion (and this is a judgement call, sir) does not in my mind necessarily give me license to expand on the same issue I have just been talking about in a myriad of other areas. I could probably get away with it, once I say the right things, but I am not going to do that today. Insofar as my intention regarding that issue, I am going to do everything I can to ensure that the intention is not misunderstood.

But I am going to serve some people notice this morning, that is the trade-off. I am not going to make anybody tense for an hour and a half talking about something, but I am begging for five minutes to just serve some notices.

I want the government to understand this crystal clear: However, they look at themselves individually as the government the same collective responsibility that they preach about—they must live it. I am not accusing any single person of not doing something that is not right

or that is wrong. But all that I am saying is that if the government knows that a situation is not the right way it should be and it has not only the authority but the responsibility to ensure that situation is righted, then it must do so. I understand due process, and because I live in it daily, I cannot fight due process. I am not here to do that.

Mr. Speaker, in serving notice right now . . . walls have ears. The people of this country know how life is. I expect that whatever is done; is done fairly, correctly and above all, transparently. Time will tell.

The other little bit of notice that I have to serve is this: On that specific issue with Quarry Products, I have gotten my messages indirectly from people about that. But if any human being thinks that any message direct or indirect is going to make me shake in my little shoes that I paid for myself, they are sadly mistaken. It is not going to happen. I have a responsibility to the people of this country and if might beats right then the God that I know is not the God that I know and for forty-five years of my life it has been the God that I know and I am not changing that now.

I hope that they will take the time to truly understand what I am trying to get done and to deal with it in the right way rather than to spend the time trying to figure the quickest way out of this situation is to shut people like me up—because it is not me one. I know that the people of this country, once they are informed, will know what is right and what is wrong. But we don't have to get to that. I cannot believe that someone would instinctively think that I am a person that cannot reason. I think I can. But because I like to reason things out doesn't mean now that you are going to send some little jive at me and make me figure that I should stop saying what I am saying.

Do you know what all that does to me? It makes me know that I am more right. That is what it does. So, I hope that too is understood very clearly.

Let me say something else. Someone in this Legislative Assembly or from outside may have been much better equipped to say all that I have tried to say today in a nicer way, or in a more meaningful way, or in a more forceful way, or whatever way. However, what happened today is my way, and that is all I can do because that is me. But it will not go away. I can promise the world that because even some of the people who because they might not fully understand the serious ramifications down the line with this, who may feel like I am an impediment . . . I am also acting on their behalf.

I know if it is allowed for the problem to get worse that down line the end results are going to affect those same people and they are going to wish that something had been done from the beginning. So even with all of that in mind and knowing that at some point in time even those that I am defending may be adversarial, will not deter me. And I am sure that I am not only one who thinks like that.

The government must not this morning misunderstand me to think that I am choosing this moment to try and chastise them or to make them look bad. When I am out to do that, I say that clearly. I want them to under-

stand that this is nothing new to them and for too long whoever was involved, whoever even was here and is not here now, I don't care. There will be no excuse for the situation not to be rectified.

Mr. Speaker, even though that situation that I just dealt with may be spoken about as if it was a specific situation, there was still a thought process why it was included in this motion because it brings to light the problems that we are facing daily. It shows the reasoning why this has to be done. The government has too many decisions to make on a daily basis not to be armed with the right information to make sound decisions. It needs to have the information to make those decisions and this is what will give it that information.

If it takes a private member's motion to get a commitment then so be it—here it is.

Mr. Speaker, we live in changing times. We live in times when my word is no longer my bond. The government must adjust to those times to ensure that it has a mechanism which will not say, *'My word is my bond,'* but say, *'This is what you are authorised to do, this is how you can do it, this is for how long you can do it. If you contravene any of these licenses or authorities, these are the penalties.'*

Do you know what Mr. Speaker? The government cannot afford to penalise me because of what I am, who I am, how I look, where I live, where I don't go to and where I don't visit. And then don't penalise the man behind me because he lives in a different place. He visits and frequents a different place and he enjoys the airs of different people. It must not happen.

Mr. Speaker, there will be other times for further discussion on this matter. I am sure there will be. The government now has the opportunity to correct a situation that is a black eye for it. That is what it is now. It must act with reason but it must act with firmness to ensure that the results it is seeking. I hope they have the resolve to deal with it.

Again, I certainly commend this motion. I would certainly hope that we would see action, by the fact that the government has accepted the motion. I am not going to go into the details about the terms of reference because I too remember how long the terms of reference have been developed by the department. There can be no reflection on the department for not preparing those terms of references thoroughly and timely but today is not a day to chastise them for taking so long to do something. They will have the opportunity to do what they have to do but if it is not done, they will hear from us again.

Thank you.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:48 PM

PROCEEDINGS RESUMED AT 12:15 PM

The Speaker: Please be seated. Proceedings are resumed. Does any other Member wish to speak? The

Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: This motion is one that government supports and what it is seeking to do to get a study is what is in the best interest of the Cayman Islands. It is a matter that as the minister responsible for the environment has stated that he accepts.

The last study that was done was the Wickstead Study, done many years ago and that study obviously needs further updating. Really for a new study to look at this and to ensure that whatever is done is one that is in the best interest of the country.

Our children have to inherit in the future what people and governments of today do and it is important that we preserve as much as possible of the natural environment that can be done to ensure that our young people, our children of today will be able to grow up in an environment that is beneficial to them and that has preserved as much of the God given environment as we possible can. The problem of getting fill for roads, buildings, for the construction is one that is always going to be with us and we have to manage that in such a way that we do the least damage to the environment. In so doing, fill must either come from the land, the sea, or be imported from some of the surrounding islands. And the study should show what is the best way that this can be done and it will be good for them to look at the three alternatives and to decide, or at least recommend what is the better course to take.

The decision of this government about three or four years ago to stop major dredging in the North Sound was in my opinion timely. It was action taken by the government at that time and I think that the subsequent years between then and now have shown the wisdom of that decision. Whatever is said, it was a policy by this government and stated by the then Governor in the Throne Speech. Since that time there has been no major dredging in the North Sound.

The last major dredging was very extensive and it was quite a while ago, I would say twelve years ago. It would have been the SafeHaven area of which I believe (and I am not certain of this) about 2 ½ to 3 million cubic yards of fill was removed. Extremely extensive dredging prior to which as I understand it, there was no extensive study done as is now being moved in this House.

That study, as the mover quite rightly pointed out, is one that has been discussed by government. It is one that has now been decided upon, and it is one that is going to be carried out. But the important thing is that this government other than what went on a motion that came to the House on the extension and/or renewal of an area that had been approved (I believe it was 1989) or other than that there has been no extensive dredging in the North Sound. Indeed, whatever can be levelled at this government, in our six years there has been no extensive dredging in the North Sound and I believe that the people of this country appreciate that the government has been careful to look and ensure that it acts in the interest of the people. Even though it was done probably twelve years ago and not on our government at all; it

was done under another government—the dredging within the SafeHaven, which is really, I guess, the only extensive dredging that has been done.

It must have been twenty-five years before that, that dredging at the Snug Harbour, and Omega, Prospect was done. But that was not really that extensive. But even that, sir, I believe would have been done in a controlled way. And, hopefully, the least damage would have been done by it.

So, this government has always taken a very responsible approach to this and we have never given final approval for any extensive dredging in the North Sound. Also, this government has extended through the development plan and through the wishes of the people of these islands have extended the storm belt though out the islands. Also, we have very carefully monitored the different environmental areas including areas like dive sites and those that are used for tourism purposes and created the Botanic Park and the nature trails in the other two islands.

It is important and I understand the mover's position that we know where the fill is coming from. There is a demand for fill but as I said it has to come from wherever causes the least damage to either to the sea or the land or to be imported from other countries.

The feeling of ensuring the environmental preservation of our three islands is one that I believe is very important to all people in these islands. I have had the opportunity during the break of speaking the Managing Director of the Water Authority and I am now going to state what is the position in relation to the monitoring of water lens. The Managing Director has assured me that the – water lens in the Cayman Islands, I am talking about Grand Cayman specifically, that they are properly checked, they are carefully monitored. He has stated that the Lower Valley and the East End area lens are (to use his words) extensively and closely monitored and that includes the area where the quarry is. Now, I am not going to get into this argument as I saw that looming earlier.

He has assured, sir, that he has three full-time staff members who monitor the water lenses throughout the island. They are full-time people monitoring. They not only monitor the lenses that they draw water from which the Lower Valley and the East End are but they also monitor around fuel stations, fuel depots and anywhere that there could be contamination as a result of it. From what I understand, and I am stating this objectively because I think it is important that we dispel any fear or any worry that may have arisen that the lenses or the underground water of these islands is not being properly monitored. He has assured me that....

Mr. D. Kurt Tibbetts: Mr. Speaker.... Would the Honourable Minister give way for a point of elucidation.

The Speaker: Will you give way?

First Elected Member for George Town, go ahead.

POINT OF ELUCIDATION

Mr. D. Kurt Tibbetts: Just to make the point very clear. The minister is talking about monitoring. And I just wish to make it very clear that the monitoring is not where the problem lies. The risk that is at hand with the water lens is where the problem is. The water lens has been exposed extensively and the situation needs to be corrected. So let not the argument shift from the Water Authority's ability or will to monitor. Let the point remain where it is—that the water lens is at risk because it has been exposed.

That water lens is the water lens in the eastern district which is the largest water lens over which Quarry Products has mined for several years.

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

Hon. Truman Boddén: Okay sir. So having isolated this to a specific area, because as I understood and I got reasonably worried when the First Elected Member made the statements . . . because if there was an overall lack of monitoring or if there was a risk overall then that would have made what he was saying considerably worse so....

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, this time, sir.

The Speaker: Let me hear your point of order.

POINT OF ORDER

(Overruled as Point of Elucidation)

Mr. D. Kurt Tibbetts: Mr. Speaker, if you need to get the *Hansards* then you can do so, but when I was making my point, I made it specifically clear where I was talking about. I made no general statement about the water lens or the water lenses in this country as if to say that there was a problem with all of them. I was very clear. And if you so desire, the *Hansards* can prove that because I know what I said, sir.

The Speaker: I think that is a point of explanation.

Please continue, Honourable Minister for Education, Aviation and Planning.

Mr. D. Kurt Tibbetts: I am not questioning your ruling, sir, but while you may call it a point of explanation, the minister was just saying that what I said got him worried about all the water lenses, as if what I said was left to be interpreted that that's where I was going and I was not doing that.

The Speaker: I understand what he said what he understood. Please continue, Minister of Education, Aviation and Planning.

Hon. Truman Boddén: The Water Authority does monitor and they have assured me that if contamination arises they will be aware of this. They have three people full-time who are doing this.

I asked specifically about the area that the First Elected Member referred to which is over the East End water lens and where the Quarry Products has gone into or dug into that water lens. I was told that it is being closely monitored and, speaking generally I guess, the worry was not in relation to contamination at this stage but evaporation. So there is a worry in there and, secondly, obviously if it is open then there can be contamination.

So that I think is accepted. I am not going to go any further into that but I would like to assure members of this House because the minister in charge of the Water Authority has already spoken that the matter is being effectively dealt with and that there is close monitoring of these areas.

Mr. Speaker, I believe as well that the Water Authority has done quite a good job of monitoring not just quality but also the extent of water in the lenses. Indeed, it was the Water Authority that picked up this problem at the East End lens. So that aspect and it is very important that we ensure that the two main lenses, the Lower Valley and the East End remain with good quality and sufficient water in it.

The legislature finally approved (I think it would have been about March) funds for the report (I think it was \$250,000) to get consultants and to do the report that this motion is dealing with. I do appreciate the motion was actually brought on the 14th October last year. So the motion was brought six or seven months ago on this. The funding is in place and the government will now get on with getting the study underway.

I would like to just mention . . . and while not putting this forward as an excuse for anything, but after six months in this Legislative Assembly continuously, it has now reached an extreme strain on ministers to try to carry on their work in government. Basically, when we are here every day (not every day but nearly every day), if it lasts a month you can survive it. But when you are out of being full-time or at least getting into the office during the day for six months, it becomes really impossible to do a large amount of the work that we need to do.

And as such, Mr. Speaker, I work night and day. I walk around with my two briefcases with me; I take them home with me, I work on weekends, I work nights. But it has reached the stage where I am finding that I am just getting further and further behind and I no longer even have a life where I can try to do some of my personal work. I think it is important and the will seems to be here now to try to end this mammoth session—which has to be one of the longest, I think, any parliament has ever sat including the United Kingdom and Canada! And, it must be a strain as well on the opposition and the back-bench because they too are in here all day so they are out of their offices all day.

I think, sir, unless we can get back to a normal period in this legislature that the toil of the extensive sittings, the extensive periods when ministers are not in government is going to detrimentally affect the country in the long run. Because when we are here, we can't be there in the government and there is only a limited amount that we can do in here. I am not giving this as an

excuse in relation to this specific thing, but anyone with common sense knows that you cannot be out of your office for six months and still work at the same performance you would have worked at if you could be in there every day and only out for a few hours at a time.

So I appreciate the will of this House to try to finish on Friday because in a few weeks' time, the first part of June, we start again. It really is something that is hurting all of us, it may not just be the government but also the backbench I know is feeling the strain. With that strain once again come short tempers; really come things that we don't need to get into here.

So the government is very happy to accept this motion. As I said, we took the first move about three years ago when we said that there would be no more dredging in the North Sound and the governor in his Throne Speech gave that undertaking. Subsequent to that, there was a motion in the House that in any event sought to preclude the Executive Council from granting any approval—not that we had granted any—major approvals for dredging in the North Sound have to come back to the Legislative Assembly for approval. And I am sure that not only government needs this impact study but also the Legislative Assembly needs this Environment Impact Study because ultimately the decision on any major dredging will be done by the Legislative Assembly in this Chamber.

It is important that we have the proper information on which to make a decision. It may well be that the report may come out and say that there should be no more dredging. It may well say take it from the land, or it could say import it. I don't know. But I guess until we find that out and with the Wickstead Report which recommended, as I remember it, 12 million cubic metres of fill from the South Side, as the mover of this motion said, I think maybe 2 million has been taken out of that area but it may well be that the study may have other findings.

So the government agrees with this motion and government supports the proper study of the environment and we all have to leave something for the future of this country and for the future of our children. To that effect I am happy to support this motion and to ensure that whatever this Legislative Assembly does in relation to dredging, there will be a proper study before the House before any decision is taken.

Thank you.

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

Dr. Frank McField: Mr. Speaker, I rise to support this motion for a multidisciplinary environmental impact study to be done. Before I get to the meat of my contribution, I would like to basically give some type of historical grounding because it is important when we are dealing with problems that we understand the historical root of the types of considerations that we are entertaining.

From the very beginning, man began to struggle with nature in order to be able to provide himself with shelter, food and clothing. In order to be able to improve

his potential for survival and for some type of betterment, he found that his exploitation of the elements of nature presented him with certain types of problems or challenges. Today, fortunately, man is from a scientific point of view aware enough or has access to the type of information that can make his exploitation of nature more harmonious in such way that we can sustain or we can begin to talk about sustainable development.

Let us not forget for one moment that in order for man to exist that existence must be carved from the belly of nature. In other words, there is nothing that we can create; all that can be done is that we can develop that we can manufacture from what has already been created by God. So we as human beings are dependent upon what is here because we cannot invent it, we cannot create it, let's say. So even if we make glasses, we are taking elements from nature in order to be able to mould that and develop that. So we are in fact developed, we are in fact dependent upon the natural resources of our world, of our planet in order to form the tools and the conditions that can improve our physical and spiritual existence.

I was in Jamaica last weekend and one thing that struck me was the fact that there are so many hills there. Every time I was going towards Morant Bay and it was up the hill and winding roads and so much hill, so much fill, and so much places that didn't need to be filled. But in Cayman, it is the complete opposite. What we have here is a lot of swamp, so every place just about is lowland and has to be filled, and more so as the development conditions in the country, as the conditions by the Planning Board, the requirements become more stringent upon seeing in fact that persons do not go and develop swamp areas that are flooded very easily if there is a major hurricane.

Now, costs are a major consideration in terms of whether or not man has the resources to exploit his environment, to extract from it for his own betterment. That is a question: How do you get the fill? How do you get the quarry rocks? How do you get all those things? You need a certain amount of capital, you need a certain amount of material to be able to do so, but once you can do so, it is assumed also that you can also improve the standard of your living.

It is against this that I remember specifically when we were campaigning for the elections, when I was asked about dredging I said that I would not want to take any kind of position on anything like this without first having information. So, of course, I am happy that a multidisciplinary environmental impact study will be done and will enable me to be able to make a scientific judgement with regard to the particular impact these types of exploitation are having on our environment.

I would also like to say that I was quite pleased to note that the Minister for Education, Aviation and Planning said that, in fact, he had been in contact with the Director of the Water Authority with regards the fear that the water lens in the district of East End was being contaminated. I say this because it is important that we realise that the quarrying of aggregate for construction in particular, is a very essential part of the economy of our

islands. Because without people being able to be employed in the construction industry, it would be more difficult for us to be able to achieve the improvements in living conditions that we are so trying to improve.

It is important that quarrying does not destroy precious natural resources as well, but it is also important that a certain amount of tolerance is shown towards that particular project because of the fact that it is an essential service within the community. It is difficult to understand how the community would be able to function without being provided with the construction aggregate.

Now, the multidisciplinary study might be able to give us some type of answers as to what the alternatives could be. But before we have the alternatives on paper, before we know scientifically what the alternatives are, we have to be careful how we treat what we do have, which is the situation that we have at the moment. So it is important, therefore, for me to have known that I should not have any fear or worry about the contamination of the water lens at this particular moment. I don't mean to get into a big debate about it but I feel that if the Minister of Education, Aviation and Planning stood up there and said something that I should give him some type of credit for telling the truth. That, in fact, he is conveying to me, to this Legislative Assembly what the Director of the Water Authority has said so that we know how to deal with the situation.

Now, there has been mention about the importation of aggregate and we have had questions in this Legislative Assembly before about whether or not a person needs an actual permit to import aggregate. The minister responsible for that said that they don't need a permit. So any company or any individual who wants to import aggregate into the Cayman Islands at this particular time can do so—but it is not being done.

So, the question is if it is not being done whether or not it has something to do with the cost? If it is more expensive to import aggregate than to quarry aggregate then, of course, we need to begin to balance the two. Or would it be only profitable to import aggregate if there was no aggregate being produced on the island? Would that be an incentive, therefore for persons to be engaged in the importation of aggregate?

Now, I am basically aware of the role Quarry Products plays, in particular in the East End community. I am also aware of some of the sentiments of some of the workers involved with Quarry Products. I am also, Mr. Speaker, aware of some of the sentiments of some of the truckers, the many truckers that are involved with this particular operation. It is my understanding that this operation employs a substantial number of persons within the East End community and within the Cayman Islands as a whole. So it is an important economic institution for more reasons than it produces the aggregate that is used to build the buildings that we are building in this country and to employ people in the building trade.

It also employs those persons that produce the aggregate in the quarry pits. It employs persons who are trucking this aggregate to the particular sites that are using this. I think it is important that at least the general public knows that if there is no immediate fear that the

water lens is being contaminated, that if in fact what has happened with regards Quarry Products (and this has been brought into the debate) quarrying on what is considered to be Crown land, we need to have a little bit more of an understanding of what the legal implication of that is.

What were the negotiations that have led up to this between Quarry Products and Government? Were there or were there not certain types of negotiations that have led up to this? I think it is not right to make any kind of assumption that somehow it is any kind of intention on anybody's part here to break the law.

It is important that we realise though that government's position with regards Quarry Products' operation at this particular point has to come from several different positions because what happens tomorrow if we didn't have the aggregate being produced for construction. What would happen to the economy of the country? I am quite sure that government has thought about this and that government should think about what the possible economic repercussions would be of stopping that operation if, in fact, the operation at this particular time is not damaging the environment or if we can offer no proof, in fact, that this is happening.

It is important that we understand that this particular operation has been integrated into our community not only as a necessary economic institution but as a social institution in that it helps to sustain the East End community as well. It is not something that started yesterday. This operation started a long time ago. And there were other people that were quarrying aggregate in the Cayman Islands that stopped doing so. That particular operation has ceased and therefore, as a result of that, the Cayman Islands construction industry—the building of roads and swamps—is dependent upon this one place unless, of course, we begin to import aggregate.

Now, like I said, since there is no law preventing anyone from importing aggregate (since I don't see why it is so feasible to do as an alternative) why is it not being done? No one is stopping anybody. I don't believe that it is correct in this particular instance to point figures in this particular direction to say that somehow something is going on here that should not be going on because I understand why quarrying continues in this country. It continues because (a) there is no fear and worry that the water lenses is being contaminated; (b) it continues because both the Government and the private sector are heavily depended upon construction aggregate at this particular time for the building of roads—the Harquail Bypass, the Crewe Road Bypass—and for the construction industry.

So, the suspicions with regards this particular situation, I don't think are logical to assume. Now, I don't want to deal much more with that, but I dealt with it because it was brought up as a point of emergency in a previous discussion by the First Elected Member of George Town. And then it was brought up again in this particular debate and the emphasis on it, okay.

The government has not responded yet in specific terms and said, *'This is what the legal situations are with regards that particular allegation, that Quarry Products*

was in fact quarrying on government Crown land without permission.' Now, I am not so sure, first of all, that was a correct assumption that Quarry Products was in fact quarrying without permission or without knowledge of the government. But that is the government's problem. I don't think that if the government has the problem in terms of having to explain what is going on necessarily that there should be any kind of bad light cast upon the person who is managing Quarry Products—who is a business person, who has an interest in seeing that his business continues, that he sells his stuff and that his company is productive.

I felt somehow compelled to offer my contribution in this particular light. I know there will be those who will assume somehow that I have other motives for doing so. But I would like to assure everybody that the truth of something should be decided by the merits of the logic in the situation. If I can show you something not to be what someone else said it should appear to be by logic, then I should be believed regardless of what my relationship is with anyone. That is the only way that the human being has a possibility to arrive at any kind of idea of objectivity and truth.

The objectivity of the matter is, in fact, that we need to clarify the situation. We need to find if necessary ways of coming to a conclusion with regards the outstanding question regarding government's relationship with Quarry Products regarding the Crown land that is being said that Quarry Products is now quarrying. I don't suppose in fact that the royalties that would have to be paid to government should deter anyone from wanting to make a legal and binding contractual arrangement with government. Until other evidence is brought to this Legislative Assembly, I would give the persons at Quarry Products, at least, the benefit of the doubt.

Mr. Speaker, I support this motion and have always believed that we need to become more conscious of the harm which can be caused by our exploitation of our environment. But I have always believed that if the human being does not live from his environment, he cannot sustain himself so we must try to strive for a sustainable compromise.

Thank you.

The Speaker: We shall now suspend proceedings until 2:30 p.m. for lunch.

PROCEEDINGS SUSPENDED AT 1:00 PM

PROCEEDINGS RESUMED AT 2:46 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No 6/99. Does any other member wish to speak?

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. Just a few words.

I rise to give this motion my full support. I am very proud and glad to see that the government has accepted it because dredging and mining here has come to a

place now where it really needs to be studied. When it first started with the construction, nobody thought it would ever come to this. But it has been progressing and the need for fill aggregate, and whatnot, has all gone into our construction business, development, or finance. But there is a day coming that it has to stop and we best look at it now.

I said this sometime ago and we cannot be too careful. I know it is hard to try to stop it but we are not talking about that now, we are talking about to study it and see how much further we can go.

The thing is we have to look at another way to get fill and aggregate. And there is only one other way to get it from and that is to import it. That is not an easy job but it is being done in other places, so if they want the buildings and they need the stuff, you have to get it here.

I give my support. Thank you.

The Speaker: Does any other member wish to speak?
The Third Elected Member for West Bay.

Mr. John Jefferson, Jr: Mr. Speaker, I rise to offer my contribution on Private Member's Motion No. 6/99 dealing with the call for a proper environmental impact study. I think this is a very necessary undertaking at this time because the last major study that we had, which was Wickstead Report, was done back in the 1970s.

I believe that this particular study has to be a very comprehensive study. We must take into consideration all of the needs and requirements that we have here in the country with regard to aggregate for construction and all the other ancillary products. You know, it is good for us to stand here and talk about maybe looking at alternatives, and also stand here and talk about shutting down operations. But the fact of life really is that if tomorrow a decision was taken to shut down some of these operations that are now very busy attempting to fill the demand for aggregate, this country would stop immediately as far as construction is concerned.

I have always contended that this particular study needs to be funded or paid for by government. If you say to the developer, 'Well, you need to do an environmental impact study and you are going to have to pay for it,' the chances are that study is going to basically support the position that the developer is taking. I believe that this study has to be paid for by government. Like I said, it has to be comprehensive in that it must take into consideration all of our needs here in the country.

It is also kind of ideal of us to say, 'well, we want to keep all the mangroves,' that is one of the recent pet slogans. Again, if a decision is taken overnight that we are going to protect all the mangroves that we have in this country, once again, immediately, most major construction would come to a halt.

Mr. Speaker, I was not here but I understand that the issue of mining as it relates to Quarry Products was mentioned again with respect to this motion. Now, I have never been one to excuse or support any establishment or activity that is illegal. And I continue to hold that position. This particular issue was raised sometime ago by the First Elected Member from George Town on a clo-

sure motion. And far as I am concerned, that was his right to raise it. But I think what has to happen now is that if there are any shortcomings, government must have an opportunity to address those shortcomings and correct the situation.

Now, what I have been aware of, is that, unlike operations like Quarry Products that deal with supplying fill, one of the ways that a lot of the local developers are getting around is by applying to Planning Authority for approval of a subdivision with a lake associated with that development or subdivision. What is done, is that once the approval is given, in most cases it is approval given to take out 100,000 yards or 200,000 yards or whatever it is. They can sell 100,000 and use the other 100,000 for filling a respective development. In most cases, once the approval is given that is not done. What happens, all of a sudden they have an operation or an establishment that has the right to mine aggregate without a license because it is not a quarry and they are doing the same thing that Quarry Products is doing that there is such issue now about licenses.

We must be consistent. What is the difference between taking a product out of a lake or getting it out of the land? There is no difference. It is used for the same purpose. The only difference between the two is that one is defined as a quarry and the other one is strictly a development. One requires a license and the other one requires a planning approval. Once it is done, after that nobody checks to see what amounts are taken out. Nobody checks to see that the requirements are complied with as far as amounts used from that particular lake to fill the lots in the subdivision.

It is my information that on many occasions the aggregate is mined, there is nothing used from that development to fill the lots round and about it. It is taken and sold.

Mr. Speaker, regardless of whether we want to agree with it or not, aggregate mining is very essential in this country. My experience with what I have seen with regard to the operation at Quarry Products is that I think that they run a very efficient, very good operation. The Managing Director not only has the experience, he has done that in other islands. There is no one better qualified to have permission for that purpose.

The other thing that is very important about that particular operation is that it employs, I understand, over fifty Caymanians. Not only that, it has created a number of Caymanian entrepreneurs. I wish personally that we had more operations in this country that had that kind of attitude towards Caymanians. The attitude that I see that exists is *'let me get everything I can get out of it. I couldn't care less about the local Caymanian as long as me and mine have our fill.'*

Now, Mr. Speaker, if we are going to start investigating illegal activities, if that is what this is all about, then it extends far beyond Quarry Products. Let us look at some of the competitors. I have heard a few things about those as well, but I am not one who gets up in the House and touts these things. My attitude is if someone is doing something that is not right, let's go to the parties involved and say, *You need to shape up in this particular*

area, here is what you need.' We need a stronger enforcement unit to go around to see that once these permissions are given that they are complied with. That is, from the Water Authority, from the Central Planning Authority, from Environmental Health and all other agencies responsible.

My experience in dealing with the Managing Director of Quarry Products is that particular operations attempt to abide by the rules. Now, on a personal basis I have had some experiences that I am not very satisfied with. I remember applying for a trade and business license. It took me six months to get the license. I am aware in this particular case that the trade and business license application for approval is something like two years pending. We have to be fair.

You know, one of the things that I held against a previous government was victimisation. I cannot see inconsistencies or victimisation and not have something to say about it. Now, let me stop right here and say that I have never been one who has ever condoned or supported any illegal activity or operation. My attitude would have been (after the issue was raised by the First Elected Member for George Town) that the respective authorities involved should have gone and said, *'Let's see what needs to be done. Let's see if what is being contended is fact. If it is not fact, let me tell you what you need to do in order to comply.'* That is the right approach.

You know what is fortunate is that as representatives, first of all we have immunity in here. The other fortunate position we are in is that we have the right to come in here and talk about things or raise issues and no one on the outside has the right to come in and rebut anything that we say. So we have to be extremely careful with issues that we raise, how we raise them and how we deal with them.

Mr. Speaker, I would recommend that the authorities responsible to see to it that these things are complied with, see to it that it is done if that is the case. But let's not continue to raise issues that government has the responsibility to take care of and let's give government an opportunity to deal with those. I am always leery . . . and I am not throwing any aspersions on the First Elected Member from George Town because as far as I am concerned I have always found him to be a straight shooter. But we have got to be careful how we handle issues of this nature.

The question I have is: Why is it that the issue has only been raised now? Why? I think this company has been operating in this country for the last 20 – 30 years. Why is it that all of sudden we have just discovered now that this company (and these are the allegations we are throwing out there) all of a sudden is operating illegally? Why? I have my suspicions, but I am not going to say it.

Like I said, we have to deal with these kinds of things in a very objective manner. I believe the true intention or concern of the First Elected Member for George Town is that if something is wrong, let's get it right. There is nothing wrong with that, but let us at least give the authorities an opportunity to deal with these issues.

I am sorry I had to say that, Mr. Speaker, because I am not one of these politicians that believes in adversarial politics. I am a very friendly, very congenial representative. I'd rather love than fight! But once in while there are certain things that have to be said. It doesn't make me feel good to have to deal with these issues. But I have always been one of those representatives that will go in to defend when I believe that maybe the party is not being fairly treated.

Mr. Speaker, like I said, I trust that we will give the authorities sufficient time to deal with this issue. We have elected an Executive Council; we have given them the responsibilities to deal with such issues now let us let them do it. But the onus is also on them to make sure that these things are done and done properly.

Let me close by saying that if we are going to look at this issue, let us look at the parties involved (and we all know who they are) in the aggregate mining business.

I had an opportunity recently to go out and have a look at some of those operations. Let us look at all of them to see whether or not they are complying. And if they are or they aren't, let us make sure that it is brought to their attention what needs to be done and allow them to correct those inefficiencies.

Thank you, Mr. Speaker.

The Speaker: The floor is opened to debate. Does any other member wish to speak? (Pause) If no other member wishes to speak, does the honourable mover wish to exercise his right of reply?

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I wish to thank the honourable minister with responsibility for this subject, the Honourable Minister of Agriculture, and the Honourable Minister of Education for the support they have given and for advising that government accepts this motion. Indeed to my colleague, the First Elected Member for George Town, who seconded the motion for his support, and other members who spoke in support of this motion, I thank them also, and those who through their silence also gave support to the motion. I will not spend too much time in my winding up but there are a few points that I wish to have cleared up.

In the comments made by the First Elected Member for George Town, my colleague, as in the comments made some evenings ago in a debate on the adjournment he mentioned that . . . he warned the House, in order words, that we should be very careful to ensure that urgent action was taken in the matter raised by him, which had to do with the Quarry Products Limited. I think that members who spoke after him may have given the wrong impression of what he said—at least what I understood him to say.

It was my understanding that the First Elected Member for George Town was not stressing that there was at present any proof in contamination to the water lens in East End. My understanding in his statement on the adjournment, a few evenings [ago and] as it was today was that there is a *danger* because of that company mining beyond or below the approved level.

As he said in his statement on adjournment a few days back, because of this mining below the approved level, the water lens could run the danger of evaporation. I would like to stress that particular point because what I understood the member to say is that it was the *evaporation process* that could result in the contamination. I think the Minister of Education was quite right in saying that the Water Authority carried out a close and frequent monitoring process on the water lens around the island and that is true what the member, the First Elected Member for George Town, was saying, notwithstanding that close monitoring process.

The fact that the water lens is alleged to be below what was approved, that the evaporation process if the water is exposed could cause the fresh water to evaporate to such an extent that the fresh water would then be replaced by the salt water which would create the contamination to the lens . . . if such a process occurred it would be very hard to impossible to reverse that process. That was the warning that I understood the First Elected Member from George Town to be making not only today but when he spoke on this on adjournment some afternoons ago. I cannot remember the exact date he spoke on that but I know it was about a week ago.

I do not want the impression to be given that the First Elected Member for George Town was saying that the lens is in fact presently contaminated. He did not say that. He said that because of dredging below the approved level (mining, sorry) it could create a situation where the fresh water part of the lens could evaporate thus leaving the salt water that could then contaminate the lens and it would not be fit to be used for drinking or for use by the farmers in that area of Grand Cayman.

I trust that I have cleared that up quite well. If I have not, I would give way for any member to show me where I might need to further clarify that point or even to give that opportunity to the First Elected Member for George Town, if it needs to be further cleared up.

Mr. Speaker, there is no question that dredging has been done since the Wickstead Report. Some amount of dredging has been done, and I am sure that some will probably be done even after this report—if it is done in a safe manner. What we are talking about here is the negative impact of dredging, and dredging that is uncontrolled; dredging that is done without proper guidance. This is why we are now asking for urgent action for the study to be undertaken on or before the 31st March 1999, within three months time or before.

I would like to stress again that we were not saying that government had not already considered this matter. What we were concerned about is that it seems to be in some kind of deadlock—nothing was being done. The terms of reference we understood were approved but yet no appointment was done. I understand that the reason for this was that no funds were available. I do not want to go into the details of why this was not done. This is not the purpose of this motion; the purpose of this motion is to try to get some kind of consensus that it will be treated as an urgent matter and that indeed it will be given that sort of top priority.

I was pleased to learn that the lens has indeed been monitored very closely. This is very good to hear and I hope that this will continue. This is not to say that the points that were raised by previous speakers, in particular the points raised by the First Elected Member for George Town, should not be given the sort of urgency that those points appear to require. I hope that as soon as the study is carried out or the examination that we will be further informed as to the results. If indeed there have been any sort of abuses up there at the Quarry Products—and I am not aware of any, just what I have heard—then I would hope that this matter would indeed be given very urgent attention.

Mr. Speaker, one member mentioned that he had a very good experience and his experience with Quarry Products was that it was operated in a very strict and acceptable manner. I do not care to speak to that because I cannot say that this is not the case, and this is really not the purpose of this motion. The purpose of the motion is to try to get the study underway as quickly as possible.

I understand that this whole matter to do with Quarry Products is now being investigated, so I am happy to wait until that investigation has been completed. I trust that it will not reveal any sort of very questionable problems.

With those few remarks, I want to again thank the honourable minister with responsibility for accepting this motion. As I said in my debate on the substantive motion, in introducing it in my presentation that is, I hope that in accepting this motion that urgent attention will now be given to the appointment of the consultant and that this will be done as soon as possible but not later than the time frame suggested in the motion—which is the 31st July 1999. Again, I thank all honourable members for their support of this motion and I trust that we will get the results of the study within the time that is being requested.

Thank you, Mr. Speaker.

The Speaker: I shall now put the question on Private Member's Motion No. 6/99 as amended. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 6/99 AS AMENDED PASSED.

The Speaker: Moving on to Private Member's Motion No. 3/99. Seeing that the mover of this motion is absent, could we get a motion for the deferment of this to a later sitting?

The Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 3/99

HOUSING INITIATIVE FOR AFFORDABLE HOUSING

Mr. Roy Bodden: I move that Private Member's Motion No. 3/99 be deferred until a later sitting as the mover of the motion is not here at this time, sir. Probably, the next meeting of the Legislative Assembly would be a good time.

The Speaker: Thank you. Do we have a seconder? Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I second that motion.

The Speaker: The motion is made and seconded. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion 3/99 has been deferred until the next meeting of this Honourable House.

AGREED: PRIVATE MEMBER'S MOTION 3/99 DEFERRED UNTIL THE SECOND MEETING OF THE 1999 SESSION OF THE LEGISLATURE.

The Speaker: Moving on to Private Member's Motion No. 7/99, to be moved by the Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 7/99

ENGINEERING INVESTIGATION INTO THE CAUSES AND POSSIBLE EFFECTS OF FLOODING IN THE SAVANNAH AREA

Mr. Roy Bodden: I beg to move Private Member's Motion No 7/99 standing in my name entitled, The Engineering Investigation into the Causes and Possible Effects of Flooding in the Savannah Area, which reads as follows:

"BE IT RESOLVED THAT the Government consider commissioning a marine engineering investigation/assessment into the causes and possible effects of the recent flooding experienced in two sections of the Savannah area;

"AND BE IT FURTHER RESOLVED THAT such a study provide some plans which may be effected to alleviate or eliminate potentially serious property damage and loss of life."

The Speaker: Do we have a seconder?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second that motion.

The Speaker: Private Member's Motion No 7/99 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy to say that I need not take long on the induction or the winding up of this motion,

although I would crave the indulgence of the House to make a few points. The reason I need not take long is that it is my understanding from government that they are going to accept the motion. Indeed, I noticed that the government sometime ago made the announcement that it was going to have a study commissioned to see how we can best solve this problem.

I would begin by giving credit to the persons who so willingly and ably assisted me, and those who are interested, particularly the other representatives of the constituency, in collating information for this matter to be brought before the Legislative Assembly. I would especially like to commend Mr. George Ebanks, Chairman of the Savannah Acres Homeowners Association. The support and help of this gentleman is greatly appreciated indeed. There were other people, including Mr. Kennedy Hay, and his good wife Carol Hay, as well as other residents of the area. There is a lady who did extensive work and gave me a map and a compendium of photographs and she wished for her name not to be called. So, out of respect for that request I will not call her name but I would just like the House to record my appreciation for that support.

This is a matter discussed among and between us, the three representatives of the area—the Honourable Anthony Eden, the Minister of Health, and Miss Heather Bodden, MLA, the Second Elected Member for Bodden Town and me, as well as my colleagues on the backbench. I would also like to thank the seconder of the motion, Mr. Kurt Tibbetts, for his interest in the matter. I suppose not least of which stems from the fact that while he represents George Town he is a resident of the district of Bodden Town and knows many if not all of the people affected.

Mr. Speaker, during our brush with Hurricane Mitch, Savannah, and in particular the Savannah Acres area, the area that we know as the Gully, and parts of Newlands and North Sound Estates, were significantly affected by salt water and flooding which emanated from one section that we call the Gully, which is really a break in the iron shore out towards the Savannah Acres way. This as I understand it, there is a natural break in the iron shore. I want to underscore that it would seem that any attempt at solving the problem, barring the absence of professional advice, must culminate in efforts other than to blocking this gully that is a natural flow of the water.

From speaking with people knowledgeable about the area over the years, the consensus of opinion would seem to suggest that what is needed is a way of challenging this overflow, possibly routing it across the district into the North Sound so that it wouldn't have any possibility of flooding out the area. Certainly it is recognised that any attempt to block the gully using boulders or any kind of concrete block would result in further damage because the force of the waves would mean that these boulders would be carried and could probably take down houses. It certainly would devastate people and trees and so on.

So, it is a welcomed gesture on the part of the government to announce that they are going to have this engineering study professionally done.

But I want to say something else, which is allied to the damage that was done. I think we were fortunate and God was with us. The physical damage itself was limited. Most of the damage really came from the flooding of the seawater and I have received letters from several of the residents in that area and our constituents who suffered significant losses. This is an area where many people utilise the fertility of the soil to plant fruit trees and exotic trees for their gardens.

I have received letters from some of my constituents with losses totalling over \$4,000, and in one case, \$4,827.00 to be exact. The fruit trees alone came to \$3,751. There is an itemised list, and the cost of replacement totalled \$4,827.00.

There is another categorised loss of about \$3,000. These are monies which cannot be recouped from insurance policies because insurance companies are quick to remark that flooding is considered an "Act of God" and under these circumstances they offer no compensation.

I want to make an appeal to the government for something that I raised as far back as 1995, which I am prepared to bring back again. I have spoken with the Member for North Side who has graciously agreed to get involved in this. I would like to see our government consider seriously the establishment of a National Disaster Fund, a fund that the government can have at its discretion to be used in these kinds of cases exclusively to be put into action in the event of such disaster.

I am not rehashing that whole debate which the *Hansards* will recall was defeated. I want the government to reconsider it because I think it is necessary in light of the predictions I mentioned then, that meteorologists and climatologists and people who study the weather have come to understand we will be in for the next decade having more hurricanes of a greater intensity. So that it is only by God's good grace and mercy that we can continue to escape serious damage. I believe we should sincerely consider setting in motion this fund.

And I note with interest the Financial Secretary in his contribution, I think it was at the wind-up of his contribution to the Budget Debate, said that government is going to consider the establishment of such a fund. Now, the question that will not escape is why have we got to put so much politics into these kinds of suggestions and literally wait until years have passed before we adopt what should be seemingly positive and beneficial motions? Why have we got to play politics?

I remember quite vividly the same gentleman who is proposing it now said that there was no need to do that because that's what the general reserves were for. We now that the general reserves are not for that because this would be an exclusive fund set aside to cover damages brought on by natural disasters be they hurricane, be they any kind of natural disaster. These funds could be dispensed to help and assist those victims as the managers of the fund saw fit. Unfortunately, we haven't got any further than just wishful thinking because we have debated the Appropriations Bill, allotted the expenditures and no money has been set aside for the Natural Disaster Fund.

Mr. Speaker, I am serving notice and I am requesting the government to please bear in mind and set aside some money so that we can really have this fund started out of the coming year's budget.

There was another of my constituents living across the road adjacent to the Savannah Heights area, whose fruit trees were devastated. These people are hard-working conscientious Caymanians, out of pocket thousands of dollars. There was a situation where the First Official Member (now the Acting Governor) was flooded out and had to be moved by the fire truck from his family's residence in this area. So, Mr. Speaker, what I am talking about is real and this flood flooded literally dozens of homes. There was one woman in that area who had to have her whole household furnishings replaced.

There were other areas, Mr. Speaker, to give you some appreciation of how widespread this thing was. It stemmed from as far down as the Savannah Acres, right across the road by the Adventist Church up to the Savannah Meadows subdivision—way in the back, you know. Literally, the water was from sea to sea so we are not talking about something minuscule or flimsy by any means. We are fortunate that the damage was not more extensive and was not more devastating because all of these people, who are conscientious homeowners and have insurance policies, would not have been covered for this loss. And it would not be an exaggeration to say it would have been a national disaster.

That is why I would like to see the government realistically become serious about setting this. The politics must be removed from these kinds of motions. I do not necessarily care whether I get any credit or not. It is my responsibility as a conscientious representative of the people to bring these kinds of things to the Parliament, and it is the obligation and the responsibility of the government to access and to weigh the merits and significance of it. And if it has merits and bears significance, the government is duty bound. It has a God-given and a human mandated obligation and responsibility to investigate and examine the feasibility and if it is at all feasible to adopt it.

Mr. Speaker, let me tell you something sir. The country and the constituency is greater than I am individually and us collectively—greater than all of us. When I am gone from these hallowed chambers, these mechanisms will be in place for future generations to benefit from and it only spells sense. So I use this opportunity to bring this to the government again, and am most humbly requesting of them to examine the matter and to set the mechanisms in place. We don't know, we could all be victims because we are aware of the damage [Hurricane] Mitch did in Central America.

I am happy to hear that the government is willing to take on the engineering study and investigation, and I await the announcement of when it will formally begin.

Thank you.

The Speaker: Does any other member wish to speak?
The Second Elected Member for Bodden Town.

Miss Heather Boddén: Thank you, Mr. Speaker. I rise to offer my contribution to Private Member's Motion No. 7/99 brought by the Third Elected Member for Bodden Town, regarding a government commission for a marine engineering investigation and assessment into the causes and possible effects of the flooding experienced during Hurricane Mitch, last October, in the Savannah/Newlands area.

Although, Hurricane Mitch passed through the Cayman Islands several months ago, you can be assured it is still fresh in the minds of the people—especially those in the Savannah/Newlands that suffered property damage and major setbacks. Although damage was received island-wide, we all know that this set back a lot of people in that area. As everyone is aware, the waves pounded the oceanfront known as Pedro's Bluff for hours and hours until it finally made its way over the iron shore through the Harris' property and down through what is known as the Gully.

The salt water proceeded onto the main Savannah Road converting the street into a river, and while some of our youth found this exciting and took advantage of the fact that they could run their jet ski through the main streets, the surrounding neighbourhoods experienced severe water damage and flooding. The water travelled as far inland as the Savannah Heights subdivision, which is off the Newlands Road. In that subdivision, some residents had to be evacuated. And speaking of evacuating, a lady who resides in the Savannah Heights subdivision was one of those residents who had to leave the comfort of her home for several weeks. This lady lost everything—furniture, appliances, cabinets . . . she lost everything.

This lady lives about a mile inland. She had salt water in her home almost six inches deep and it pained my heart when I finally got to her and saw what she had gone through. I immediately decided to seek help for her. And what is the normal reaction by fellow Caymanians? This lady was quickly supplied with all her basic needs. Help came from everywhere and by the first week of December, this lady was able to return to a newly furnished home.

I would like to take this opportunity to thank a few people: Mr. Phillip Wood of Wood's Furniture, Michelle of Marble Craft, Andrew Eden of Savannah Springs, Paramount Carpets, and Mr. Jimmy Powell, and many, many others who came forward to assist in a time of need. I know this lady is most grateful for what was done to help in putting her home back in order.

Mr. Speaker, perhaps government would consider placing several drains in those subdivisions.

Having visited with my constituents in the Savannah Acres and Savannah Heights subdivisions during and after the hurricane, many of them expressed their frustration over the amount of damage received to their properties—devastation to the structure of their homes, driveways, lawns, gardens and plants. I was told that in all their years of residing in Savannah, they have never witnessed anything like this before.

Following the aftermath of the hurricane, I took it upon myself to write a letter to the Honourable John

McLean, Minister in charge of Environment, and at that time for Works, expressing my concern in the wake of this destruction and the need for government to urgently address, review and complete an analysis to provide the basis for future preventative actions as expeditiously as possible. Shortly thereafter, a visit was made by Executive Council and Public Works Department Officers to the affected areas and was reported in the 12th November 1998 issue of the *Caymanian Compass*.

The article confirmed that a decision had been made by government to commission an engineering study to the areas that had been affected by sea and rain water flooding.

Mr. Speaker, in the weeks following, the vegetation throughout the entire community appeared to be ravaged by fire. As people picked up the pieces and moved on with their lives, they were not only grateful that lives had been spared but that the losses sustained were replaceable. We all know that the damage experienced here in Cayman was mild compared to what had taken place in our neighbouring countries, especially in terms of human lives. As we watched the news of the devastation and loss of lives in Honduras and Nicaragua it made us so much more grateful that God had spared us. We are truly a blessed people.

Mr. Speaker, it has been noted that this was the worst hurricane in ten years, and as I mentioned earlier, fortunately no lives were lost in the Cayman Islands. However, government has a responsibility to the people of the Cayman Islands not to sit back and wait for tragedies to happen before the appropriate measures are taken. We need to ensure that the information gathered from this study will be used to undertake all the necessary action to prevent this level of damage from happening in the future. Let us take heed of the old saying, "A stitch in time saves nine."

I would also recommend that perhaps older members of the community who recall what occurred during the 1932 hurricane be given an opportunity to offer their advice and opinions as to what might be the best route to take with regard to the investigation and assessment. Who better to ask than those who witnessed and experienced those days? Believe me, many of them have a wealth of knowledge that can be of benefit in the process of compiling this study.

In closing, I would like to mention that I received some representation from a lady who resides on Tuckerman's Lane, which is approximately half a mile from the Savannah Heights subdivision. She informed me that the saltwater had travelled from Savannah Heights into her property. I have given her the assurance that the subdivision in which she resides will also be included in the study. I, therefore, ask that government give an undertaking that the investigation will be carried out at the same time. I am happy to give this motion my full support.

Thank you.

The Speaker: Does any other member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. On behalf of government and my colleague, the Honourable Minister for Works (who is not here), it is with great anticipation that I accept this motion. I would like to thank the mover and the seconder, and the able Second Elected Member from Bodden who put forth. I also see my good friend, the Fourth Elected Member for West Bay sitting there who lives in this area and knows what transpires.

Historically, Mr. Speaker, this area of Savannah has always been prone to this problem of flooding. I have a feeling that in years gone by this was looked at to a certain degree. I think the information given at that time was that we had to be very careful of the way forward. Similar to what the Third Elected Member said, that if it is not done in the right manner, water could be trapped behind there and cause bigger problems.

When Executive Council, led by the Honourable Minister at that time (Minister for Agriculture now) went out there, Public Works, the Second Elected Member for Bodden Town and several other people observed what was going on. We didn't go right away because we thought it was better to see what was happening after the water started to dry down, to see the extensive degree of flooding. Not only there, we travelled on to certain areas of Cayman Kai, Breakers. I think we also looked at the Bodden Town Public Beach and certain areas of the West Bay Seven Mile Beach. I am also reminded by my colleague of Randyke Gardens and what was happening there. I do know that at that time the Minister for Communications had an engineer look at these problems.

Mr. Speaker, in my 50-plus years I have never seen some of the flooding that took place this time, which was to the west side of the Adventist Church. But I have been reliably informed (because I did have some concern about the development that was going on there which may have caused a greater degree of flooding) that before my time this area was also flooded.

My family told me that in 1932 (and God forbid that the Cayman Islands ever has something like that again) that this area we have talked about which causes flooding from the gully and goes up behind the road and crosses over the road . . . this whole area going right into Newlands was totally flooded in 1932. As a matter of fact, you had to literally climb up into the trees to get over. What we saw here from [Hurricane] Mitch was just a little pool of water, so it is imperative that government take this necessary action as advocated by my colleagues.

I do know and on talking with the Deputy Financial Secretary when we were doing the budget last year, he has placed funds under the Department of Finance in the area of professional fees for the study to be undertaken. I think this needs to be expedited now.

As was mentioned by the Second Elected Member from Bodden Town and the Third Elected Member, there was extensive flooding in areas on the seaside of the road and then down into Savannah Heights. The lady that was mentioned there, we all visited her. Through the

great organisation of the Second Elected Member of Bodden Town she was able to pull in many people who rendered assistance. It was very touching to see how appreciative she was.

It has been mentioned in regard to digging deep wells. I have been there and I am sure all of us as Bodden Towners when we look at that area . . . I have to be frank, I think to dig deep wells in that area is a waste of money. Because I have said similar to Treasure Island, there are literally hundreds of acres of land underwater. To dig a deep well in an area like that it is not going to be effective because once the flooding is there, there is nowhere for the water to run.

One of the areas that has to be looked at is for those people that suffered the most if government has to help or whatever, to help them get the lands around their houses raised or do some modifications to their floor level, or at least at their doors or something. But this needs to be looked at. It certainly proves what is now being done, I think by Planning, where in certain areas it is insisted that the land level be raised to four feet above the main sea level. This in certain areas will help but we know Cayman that is a low area and many areas are prone to flooding.

Now, the suggestion that I thought was very valid by the Second Elected Member for Bodden Town was to get input from the older people that lived in that area because they went through much more difficulties than what we in recent times have. And, not only there but [also] throughout the island wherever problems may have arisen. I don't want to be a prophet of doom, but I was also told by my father that up in Red Bay the sea actually met there. And, when I see the condominiums and apartments being built there, I just hope and pray with the help of God that we don't experience to the degree what our forefathers did in 1932.

As I said, this is supported by the entire government and I feel sure by the entire Legislative Assembly. I want to thank specifically my two colleagues, the Second Elected and the Third Elected from Bodden Town, the First Elected Member for George Town who lives in our district and the Fourth Elected Member from West Bay. I think by working together this is something that is non-partisan and is for the good of these islands. I am sure all of our constituents in that area when you look at the devastation a few weeks after the flooding there, it just looked like you went through there with a fire storm and all the trees were burned up. Many people lost some very productive fruit trees and you cannot measure in cost the time, effort, the loving kindness that is put into trying to raise these trees and one fell swoop and they are all gone.

So, I would just like to say that we accept this and look forward to getting it resolved.

The Speaker: Does any other member wish to speak?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This is one of those motions that with what has been said before, there probably is not much room to add anything without being repetitious. My

support of this motion has been explained by some of my colleagues already, but the one point that I would like to make Mr. Speaker . . . and this is just an observation having gone out there during the time when the place was actually flooded and the path of the water could be traced.

I think whenever this study is being conducted (and I am assuming that terms of reference will have to be drawn up to engage in the study) I think it is important because I see where there are some intentions for future development in that area both on the periphery of the existing development and extending out towards the cliff. I think it is important to understand and include in the terms of reference what plans exist for future development to ensure that future property owners will understand exactly what is going to happen physically with regard to the results of this study because it could certainly affect if there is any physical construction which has to go on as regards to remedial measures for this problem.

Both developers and prospective landowners need to have a very clear understanding of what might transpire. I do believe that we might find ourselves in a problem down line. We (meaning the government of this country) might find ourselves in a problem down line with wanting to do whatever this study might recommend and having a problem with what might be future or proposed development in the same area.

So I just think that it is very necessary that everyone be very clear with an understanding as quickly as possible with regard to what might transpire. I think this is something very similar to when you make a road reservation and you gazette it, and although the road is not built, you know that the road needs to be built there. So it is important that you don't build a building where it has to be built otherwise you are going to end up with either it costing the government or costing a property owner in some form or fashion. So I just wish to make that point and certainly as the seconder of the motion, I do support it.

And, the very last point that I would like to make is that while again just like in other areas that I might mention from time to time, we don't know when something is going to happen, from experience we know what is possible to happen. So I would like to see the matter treated in an expeditious fashion so that we don't find ourselves facing the same problem over and over without any action being taken.

Thank you.

The Speaker: Does any other member wish to speak?

Is it the wish that we take a break at this time or continue on? Does any other member wish to speak? If no other member wishes to speak, does the mover wish to exercise his right of reply?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Again, my conclusion would be rather brief by the standards we have come to know in the Legislative Assembly, but I wish to make two important points before I conclude. And, of course, it would be re-

miss of me if I wouldn't express appreciation to the government and to those colleagues who gave their verbal support and also who gave their tacit approval.

I thank the government for accepting the motion and I certainly would wish that we could move expeditiously with this study because I am reminded that June 1st is the official beginning of the next hurricane season and we are not far away from that right now. Although it seems the Cayman Islands is affected during the latter part of the season rather than at the beginning, one never knows. It is nature and we have no control over that.

I want to make one point, which I don't know if it is possible for the government to take into consideration in drawing up the terms of reference. But let us say in the event that nothing can be done, from an engineering point of view, one of the things that is obvious to me as the representatives (and this is my eleventh year now of representing the constituency) is that there is a need for some kind of a hurricane shelter in this area. The reason I say this is that this area—the whole of Bodden Town according to the last census—is the most rapidly developing area on Grand Cayman, indeed in the Cayman Islands.

If we further examine the district of Bodden Town, we will see that the greatest growth and the greatest increase has taken place in what I would call the lower section of Bodden Town, that is from Savannah. Now, the Savannah School is used as a hurricane shelter. But we all know the story: it is a hurricane shelter but then it is not a hurricane shelter because it is not constructed to what we would consider properly engineered hurricane standards.

So I want to further burden the government by asking them to consider at some future stage—as early as is affordable and as is convenient—choosing some appropriate site within what I would call the Savannah area proper, where we can construct a hurricane centre/civic centre, a multipurpose building. My reason for this is that if we have seen flooding on the scale that we have seen it during the time we are talking about as a result of Hurricane Mitch.... And let me tell you something about this area, this area affected has some of the best, most expensive, most exclusive best cared for properties in the Cayman Islands second to none. But it is clear that for all the quality of construction and all the sturdiness, if we had a little more intensive pressure, families, people would have had to evacuate their well-constructed homes literally by the scores if not by the hundreds. So, this adds to the necessity, it compounds the necessity for us to investigate into the feasibility and possibility of conducting a proper hurricane shelter in this area.

No evacuation exercise would be effective if people had to travel miles in stormy, inclement and hazardous weather to seek shelter. I made the point that people could not go to their neighbours because the neighbours would have to leave also. So, I would further add that to my wish-list that I would give to the government in this regard.

Before I close I want to crave the Chair's indulgence by not disclosing either the company or the individuals to

whom this letter was written, but I received a copy . . . and I could Table it if I so wish but I don't wish to for many reasons. I can make the point without doing that.

This is a letter from an insurance company to two clients who are our constituents in the Savannah Acres area. Our clients had put in a claim to this company for losses incurred as a result of this flooding of Hurricane Mitch and I will just detail the losses.

They put in a claim for replacing some pavers in the yard to the tune of \$1,200. There was a replacement of an air-conditioning unit for \$681, and there were repairs to the front steps of their house, to the tune of \$955.61. In addition to this, there was a claim for the clearing of debris from the front yard, which was estimated to have cost \$100, making the total \$2,936.

The insurance company wrote back to inform the clients—our constituent—that the deductible was \$6,000 based on their present sum insured. There was a 2% deductible, which applies to losses of this nature according to this communication. However, the insurance company went on to say, **"You may be interested in knowing that prior to 1990, very few policies were subject to such a deductible. The change occurred just after the Caribbean was hit with such catastrophic [storms] as Hugo and Gilbert etcetera, in the late 80s and early 90s.**

"After these hurricanes, a number of insurers and re-insurers decided that it was no longer economical to write business in the region and some even left. Their rationale was that the Caribbean generated such little premium income and was producing such major losses from hurricanes that they would simply do business in other regions of the world.

"In order to continue to provide for these (catastrophic) [and they have catastrophic in parentheses] perils, we insurers arrived at a compromise arrangement and imposed a 2% deductible on all insurers operating in the Caribbean region, and, in turn, all policies were similarly endorsed.

"I appreciate that the above explanation does not assist you with paying the bills you have occurred. However, I trust that you will appreciate that you have not been singled out for harsh treatment by the insurance company."

And they ended with a very kind of pristine and assuaging sentence, **"Please feel free to contact me if you require any additional information or assistance."**

Now, Mr. Speaker, I read that to underscore my point for the urgency of the government to establish some kind of national disaster fund in conjunction with these efforts, which the motion has requested. I will formalise this in a subsequent meeting of this Honourable House by bringing a formal motion requesting the government to do so.

In conclusion, I thank honourable members and especially my colleagues and fellow representatives of the constituency for supporting the motion and would wish the government to get on with the investigation and as-

assessment and would pray that we are spared any further visits from such devastating hurricanes.

Thank you very much, Mr. Speaker.

The Speaker: I shall now put the question on Private Member's Motion No. 7/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 7/99 PASSED.

The Speaker: Moving on to Private Member's Motion No. 9/99 to be moved by the Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 9/99

MORATORIUM ON FURTHER DEVELOPMENT OF THE FRAGILE STORM BELT AND ECO-SYSTEM ALONG THE SO-CALLED 'WEST BAY PENINSULA'
(Withdrawn)

Mr. Roy Bodden: Mr. Speaker, I have just been informed that there may be a problem with the way this motion is worded in that accepting the motion may present some legal complications. The government has informed me that they were prepared to accept the motion, but in a spirit of cooperativeness and congeniality, if such is the case I would prefer to withdraw the motion and have a go at wording it properly at some subsequent stage and bring it back to the House possibly as early as next meeting. I don't think there is any necessity now for any kind of adversarial politics or quarrelling because I am very sincere about this motion.

I would crave the indulgence of the Chair, therefore, to withdraw the motion on those circumstances.

The Speaker: I would entertain then a motion for the withdrawal under [Standing Order] 24(14).

Dr. Frank McField: I second that motion to withdraw.

The Speaker: The motion has been made and seconded that this motion be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion No. 9/99 has been withdrawn, to be brought back to this Honourable House at a later stage.

AGREED: PRIVATE MEMBER'S MOTION NO. 9/99 WITHDRAWN.

The Speaker: Moving on to Private Member's Motion No. 11/99 to be moved by the First Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 11/99

REFERENDUM LAW
(Deferred)

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, assuming we are talking about Motion No. 11/99.

The Speaker: That is correct.

Mr. D. Kurt Tibbetts: The Referendum Motion, sir. As has been agreed with the government, we are quite happy to put this motion forward and deal with it when we meet next.

The Speaker: In accordance with Standing Order 24(14), the motion is made that this motion be withdrawn.

Do we have a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I take pleasure in seconding the motion and I would just like to remind the government that we are keeping a score of all these favours that they will be owing us.

Mr. D. Kurt Tibbetts: Mr. Speaker, just to get a point very clear, sir. The motion is not being withdrawn. What we have agreed on—and I thought that it was discussed with you, sir—is that it is being *deferred* until we next sit. Just want to make sure, sir.

The Speaker: It will be brought back. I will add that.

Mr. D. Kurt Tibbetts: I understood that the minister was going to move a sort of sweeping motion to take care of the whole situation.

The Speaker: He did discuss that with me.

Mr. D. Kurt Tibbetts: But it doesn't matter who, I just want to make sure, sir, that there is no misunderstanding.

The Speaker: That is clearly understood. The motion is whether it be withdrawn or it be deferred that.... Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion has been deferred and it will be brought back at a later stage.

AGREED: PRIVATE MEMBER'S MOTION 11/99 DEFERRED UNTIL THE SECOND MEETING OF THE 1999 SESSION OF THE LEGISLATURE.

The Speaker: Moving on to Private Member's Motion No. 12/99 to be moved by the Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 12/99

**CUBAN NATIONALS WITH
CAYMANIAN CONNECTIONS**

Mr. John Jefferson, Jr: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 12/99 entitled, Cuban Nationals with Caymanian Connections and it reads as follows:

"WHEREAS many Caymanians before the advent of tourism and banking found it necessary to travel abroad to support themselves and their families financially;

"AND WHEREAS many of them travelled to Cuba to live and in search of employment;

"AND WHEREAS because of the Economic and Financial plight of Cuba many of these Caymanians and their descendants are desirous now of returning to Grand Cayman to live and work;

"AND WHEREAS many of these Cuban nationals who now live and reside in the Cayman Islands are experiencing difficulty to travel for Business, Medical or Pleasure to other countries because they hold a Cuban Passport;

"BE IT THEREFORE RESOLVED THAT Government now consider granting the following: (1) The lifting of the existing Moratorium with respect to Cuban Caymanians and their dependants returning to the Cayman Islands; and (2) the granting to the Cuban Residents here travel documents that will allow them to travel abroad, for Economic, Pleasure and Business purposes."

The Speaker: May we have a seconder? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I rise to second this motion.

The Speaker: Private Member's Motion No. 12/99 has been duly moved and seconded. Do you wish to speak to it? The Third Elected Member for West Bay.

Mr. John Jefferson, Jr: I understand that government is proposing an amendment to this motion. With your permission sir, I would propose that the amendment be put first so that we can debate the whole thing at once.

The Speaker: I waive the two days' notice. The Honourable [Acting] First Official Member.

**AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 12/99**

Mr. Donovan Ebanks: Thank you, Mr. Speaker. In accordance with provisions of Standing Order 25(1) and (2), I wish to move the following amendment to Private

Member's Motion No. 12/99, that the words, **"Government now consider granting the following: (1) The lifting of the existing Moratorium with respect to Cuban Caymanians and their dependants returning to the Cayman Islands; and (2) the granting to the Cuban Residents here travel documents that will allow them to travel abroad, for Economic, Pleasure and Business purposes"** be deleted and substituted by the words, **"This Honourable House refers the matters to the Select Committee on Immigration."**

The Speaker: The amendment to the motion has been duly moved. Do you wish to speak to it?

Honourable Acting First Official Member.

Mr. Donovan Ebanks: Only to say that with the Select Committee on Immigration currently in train, the government sees that as the appropriate route for this matter to go—if it is to be duly considered by this whole House in an expeditious manner. So the proposal reflects the government's acknowledgement of the matter that has been raised but also is acknowledgement that really the most appropriate route at this time would be to refer the matter to the Select Committee on Immigration.

The Speaker: Does any other member wish to speak? The floor is open to debate. (Pause) No honourable member wishes to speak. Does the Honourable Acting First Official Member wish to exercise his right of reply?

I shall put the question that Private Member's Motion No. 12/99 be amended as per notice circulated to members. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion has been amended.

AGREED: PRIVATE MEMBER'S MOTION NO. 12/99 AMENDED.

The Speaker: The Third Elected Member for West Bay, do you wish to speak to motion as amended?

Mr. John Jefferson, Jr: Thank you, Mr. Speaker, and I also thank the Acting First Official Member for his amendment to the motion.

Like the motion reads, **"...before the advent of tourism and banking. . ."** things are very difficult and very different in this country with regard to financial activity or employment opportunities. As a result of that, our men were forced to go elsewhere in order to find employment to support themselves and their families.

I didn't have that experience, but I am aware that you also had that experience in that you became a first class seaman in pursuit of opportunities elsewhere. Many of our people went to places like Cuba, Honduras, Nicaragua, Panama, the U.S.A, and also many of them chose to find employment on the open seas. As a result

of that, our Caymanian men became known world wide as some of the best seamen in the world.

The motion specifically suggests that we deal with those Caymanians who moved to Cuba, took up residence, found employment; many of them married in Cuba, raised families and in a lot of instances have been there a very long time. I have never had the opportunity or the privilege to visit Cuba, but I understand that many of our Caymanian descendants now reside in the island that we now as Isle of Pines.

Mr. Speaker, back in the days when this exodus of our people took place, Cuba was known as the playground of the Caribbean. It was a very prosperous country. Anything you wanted you could find there. And it also offered an opportunity for employment. Because of that many of our people, like I mentioned, did migrate to Cuba for that purpose.

We are aware that things have changed drastically in Cuba. It is not the same. It is under a very tight and rigid Communist regime. The economic activity there has been severely restricted, and, as a result, the Cuban people and many of our people who chose to go to Cuba now live under very harsh and very severe conditions.

Since the advent of tourism and banking here in the Cayman Islands, we no longer find it necessary to travel abroad for the purpose of employment. The situation that we enjoy in this country is over employment. In other words, there are more jobs here than we can possibly fill with Caymanians. For that reason, there is no reason why we should not consider what this motion is calling for, that is, lifting the present moratorium that is in place with regard to Cubans with Caymanian connections being able to migrate back to the Cayman Islands.

I have a very different philosophy from a lot of Caymanians. I recall hearing even some of our former members saying, *'You know, when the only source of defence we had was mosquitoes, we stayed here and we beat mosquitoes while the other Caymanians ran elsewhere. For that reason they should not be able to come here and enjoy the privileges that we now have in this country.'* I don't subscribe to that philosophy, Mr. Speaker.

My attitude is and always has been that regardless of where Caymanians have had to go and where they come from today, they are still Caymanians. I know that is the way the Jews think—regardless of where Jews have had to migrate to, they are still Jews. I believe that is the attitude that we have to have in this country.

Now, the experience we have had with regard to those Cubans with Caymanian descent returning, I think in most cases has been a very positive impression. They come in, they right away find employment. It is not long before they have a home or piece of land. The Cuban community is a very close-knit community in that they look out for one another and before long they are established, they have a home and they are doing very well and that speaks well for those people.

Mr. Speaker, I don't know what the latest statistics are with regard to persons on work permits, but I would daresay it is probably in the region of 14,000 or 15,000 people. Now, by continuing the policy of allowing Cubans with Cayman connections to return to this country not

being subject to immigration controls, not being required to apply for a work permit, reduces the number of applications that have to be dealt with by the Immigration Board. And, it also limits the number of persons that we need to bring from other countries in the region and elsewhere in order to fill the jobs that we have in this country.

Mr. Speaker, one of the other difficulties that this motion seeks to address is the privilege of travel. I am at my MLA office in West Bay every Tuesday and Wednesday, and I hear a lot of very sad stories from Caymanian Cubans who are well established in the community. They have children, they have homes, they have a good source of income. But because they hold a Cuban passport and not Cayman travel documents, it severely limits the countries that they can travel to for medical, vacation purposes or otherwise. They can't do it.

I recall a young lady coming to see me just recently who is married to a Caymanian and has three or four children. The children are all Caymanian. They have their passports. You know, she came to me and said, "Mr. Jefferson, I have been here 10 – 11 years, I would love to be in a position where at least I could travel with my family. I would like to take my kids to Disney World or somewhere else for a little vacation." But they are not able to do that because government has not addressed the issue of providing these people with a proper travel document.

I believe that as part of the overall process that anyone who government gives permission to migrate here from Cuba with Caymanian connections, that should be part of the whole process. In other words, they come in here, and after two to three years of residency here, once they are well established then they can apply and be granted maybe a travel document to enable them to have some freedom of travel for recreational, medical or other reasons.

I don't mind this issue being referred to the Select Committee on Immigration because I have been assured by the Chairman that it is the intention that the Committee's findings and any new policies will be hopefully brought into effect in our September sitting. So, I do recommend the support of this motion by this Honourable House, by government, and I look forward to hearing from government with regard to their position.

Thank you, sir.

MOMENT OF INTERRUPTION—4:30 PM

The Speaker: We have reached the hour of interruption, I would entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman Boddin: I move the adjournment of this Honourable House until 10:00 a.m. tomorrow.

The Speaker: The question is that this House do now adjourn until 10:00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10:00 a.m. tomorrow.

**AT 4:32 PM THE HOUSE STOOD ADJOURNED UNTIL
10:00 AM FRIDAY, APRIL 23 1999.**

**EDITED
FRIDAY
23 APRIL 1999
10.30 AM**

[Prayers read by the Honourable Minister for Agriculture, Communications, Environment and Natural Resources]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading of messages by the Speaker.

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

APOLOGIES

The Speaker: I have received apologies from the honourable Third Official Member who is sick.

The next item on today's Order Paper, Presentation of Papers and Reports. The Cayman Islands Monetary Authority Annual Report, 1997.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE CAYMAN ISLANDS MONETARY AUTHORITY
ANNUAL REPORT, 1997**

Hon. Truman M. Bodden: Mr. Speaker, the honourable Financial Secretary is ill and he has asked me to deal with his matters for the House today as this will hopefully be the last day until the June session.

The Speaker: So ordered.

Moving on to The Water Authority of the Cayman Islands Annual Report 1997. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**WATER AUTHORITY OF THE CAYMAN ISLANDS
ANNUAL REPORT 1997**

Hon. John B. McLean: I beg to lay on the Table of this Honourable House the Annual Report of the Water Authority of the Cayman Islands and to say that I am pleased to be the Chairman. I would like to pay a tribute to the last Chairman, Mr. McKeeva Bush, for all the efforts he put into it and to know that I can report to the honourable House that the Water Authority is in very good standing and we will continue to keep it that way.

The Speaker: So ordered.

Report of the Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year Ended 31st December, 1997. The Third Elected Member for West Bay.

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE
ON THE REPORT OF THE AUDITOR GENERAL ON
THE AUDITED ACCOUNTS OF THE CAYMAN
ISLANDS GOVERNMENT FOR THE YEAR ENDED 31
DECEMBER 1997**

Mr. John D. Jefferson, Jr.: In accordance with Standing Order 77 (5) I beg to lay on the Table of this Honourable House a copy of the Standing Public Accounts Committee Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year Ended 31st December, 1997.

The Speaker: So ordered.
Do you wish to speak to it?

Mr. John D. Jefferson, Jr.: Yes sir.

(The Third Elected Member For West Bay read the report in it's entirety, please see attached Appendix)

PROCEEDINGS SUSPENDED AT 12 NOON

PROCEEDINGS RESUMED AT 12.25 PM

The Speaker: Please be seated. The Third Elected Member for West Bay continuing.

Mr. John D. Jefferson, Jr.: *(The Third Elected Member for West Bay continued with the reading of the report. please see attached Appendix)*

**MOTION TO DEFER DEBATE ON THE REPORT OF
THE PUBLIC ACCOUNTS COMMITTEE UNTIL
THE SECOND MEETING OF THE 1999 SESSION**

Mr. John D. Jefferson, Jr.: Mr. Speaker, I would like to close by saying that I would also move that the debate on the Report of the Public Accounts Committee be deferred until the June sitting. Thank you.

The Speaker: Is it not customary for 90 days to be permitted in order for the Government Minute to be tendered?

Mr. John D. Jefferson, Jr.: Yes, that is customary, but I am aware that we previously recommended that the report be debated, and it was debated even though we didn't have the Government Minute. So Government would still have an opportunity to lay that.

The Speaker: You're moving that as a motion? I will put the question that it be debated at the next session in June—

Mr. Roy Bodden: Mr. Speaker, it needs a seconder, sir.

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

Hon. Truman M. Bodden: The debate on that normally takes place with the Minute. I think maybe what should be done, rather than taking a decision now to debate this in a month's time, provided government within a reasonable time brings the Minute to it, because remember we haven't seen this, or the Financial Secretary would not have seen this yet, then the debate on everything takes place at one time. That I think would be fair, and what is usual. This matter could be reviewed in the June meeting when we see where the Financial Secretary has reached on the Minute, sir.

The Speaker: That was what I called to the attention of the member. Third Elected Member for West Bay, what is your intention?

Mr. John D. Jefferson, Jr.: I believe it is reasonable and fair that debate on this particular report be deferred until June. Government will still have an opportunity to offer its contribution during the debate and at the same time have the opportunity to lay the Minute. What we have to keep in mind is that this Report is already six months late and the next Report, which is the 1998 Report, is soon to be tabled again. I would not agree that debate be deferred until the Government Minute is laid, that could be September.

The Speaker: The motion has been made and seconded. Those in favour please say Aye. Those against, No.

AYES and NOES.

The Speaker: The Ayes have it.

Hon. Truman M. Bodden: I guess we may as well do a division.

The Speaker: Madam Clerk, please call a division.

The Deputy Clerk:

DIVISION 3/99

AYES: 6

Mr. John D. Jefferson, Jr.
Mr. D Kurt Tibbetts
Mr. Linford A. Pierson
Mr. Roy Bodden
Mrs. Edna Moyle
Miss Heather Bodden:

NOES: 5

Hon. Donovan Ebanks
Hon. Samuel Bulgín
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Hon. J. O'Connor-Connolly

ABSENT: 6

Hon. George A. McCarthy

Hon. Thomas C. Jefferson
Hon. John B. McLean
Mr. W McKeever Bush
Mr. D. Dalmain Ebanks
Dr. Frank McField

The Speaker: The result of the division is six Ayes, five Noes. The motion has passed.

AGREED BY MAJORITY: DEBATE ON THE PAC REPORT TO BE TAKEN AT THE SECOND MEETING OF THE 1999 SESSION.

The Speaker: Item 4, Audited Accounts of the Cayman Islands Government for the Year Ended 31st December, 1997; and Report of the Auditor General on the Audited Accounts of the Cayman Islands for the Year Ended 31st December, 1997.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the honourable Financial Secretary is ill and I will not be laying these papers sir. When he comes back he can deal with the matter.

The Speaker: Honourable Minister for Education, would you then suspend Standing Order 77(7)?

Hon. Truman M. Bodden: Sir, let me just repeat what I said. I am not laying the papers on the Table for the Honourable Third Official Member. He is not here and therefore I am not laying them. This matter has to be discussed with him in light of what has gone on. I do not intend to lay them sir.

Mrs. Edna Moyle: Mr. Speaker, if I may, sir. I think Standing Orders say that the Auditor General's Report shall not be laid until the Public Accounts Report has been laid and they will be laid together. I think if it was the decision to accept that the PAC Report be laid on the Table, this Honourable House has no choice but to accept the laying of the Auditor-General's Report and the Audited Accounts of the Government.

Mr. John D. Jefferson, Jr.: Mr. Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the absence of the Financial Secretary, I would have thought that he would have spoken to some member of Executive Council regarding the laying of the reports on his behalf. I think personally that it would not be in order for the PAC Report to be laid without the Auditor-General's Report and the Audited Accounts.

Mr. D Kurt Tibbetts: Mr. Speaker, if I may.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Rather than us getting into a dilemma here, perhaps it is safer for the House to take the luncheon suspension now and allow the government an opportunity to discuss the matter with the Honourable Third Official Member's office, if they cannot get him personally, so that a decision can be taken.

One more thing I would like to say regarding the problem about debating the Public Accounts Committee Report in June . . . the truth is if we check the time that will evolve between now and the next sitting and during that sitting, the 90 days that the Government Minute is supposed to be tabled in will have passed. So perhaps there may be no need for any problem about it if the Public Accounts Committee Report can be dealt with during that time and the Government Minute is laid then. If I understand it correctly, that is supposed to happen within 90 days after the Public Accounts Committee Report is tabled. And if that is the case, the 90 days will have crossed before the June sitting is over.

The Speaker: We shall suspend proceedings until 2.15.

PROCEEDINGS SUSPENDED AT 12.55 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

When the House took the break it was laying on the Table the Audited Accounts of the Cayman Islands Government for the Year Ended 31st December, 1997; and the Report of the Auditor General on the Audited Accounts of the Cayman Islands for the Year Ended 31st December, 1997.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1997

~and ~

THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1997.

Hon. Anthony S. Eden: I beg to lay on the Table the Audited Accounts of the Cayman Islands Government for the Year Ended 31st December, 1997; and the Report of the Auditor General on the Audited Accounts of the Cayman Islands for the Year Ended 31st December, 1997.

The Speaker: So ordered.

The House will go into Committee to discuss a Bill entitled The Labour (Amendment) (Tribunals) Bill, 1998 and four other Bills.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILLS

House in Committee at 2.40 PM

The Chairman: Please be seated.

The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the honourable Second Official Member to correct minor printing errors and such the like in these bills?

Would the Clerk state each bill and read its clauses?

THE LABOUR (AMENDMENT) (TRIBUNALS) BILL, 1998

The Clerk: The Labour (Amendment) (Tribunals) Bill, 1998.

Clause 1. Short title.

Clause 2. Amendment of section 26 - Overtime pay not necessary if parties agree to the contrary.

The Chairman: The question is that Clauses 1 and 2 do stand part of the bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk:

Clause 3. Amendment of section 37 - All gratuities to be distributed.

Clause 4. Amendment of section 53 - Remedies for unfair dismissal.

Clause 5. Repeal of section 72 - Labour Relations Board.

Clause 6. Repeal of section 73 of the Labour Law and substitution - Labour Tribunals.

The Chairman: The question is that Clauses 3 through 6 do stand part of the bill. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Chairman, I have a question regarding section 3. It says, "**Section 37 of the principal Law is amended (a) in subsection (1) by inserting 'every two weeks' after 'service employees'; and (b) by repealing subsection (3).**"

I seem to recall that in a motion brought by the Third Elected Member for West Bay, which was accepted by the House, there was the proposal that gratuities be paid twice monthly on pay days. Now, if we accept this amendment, there will be a discrepancy.

I think that there is a necessity to address that discrepancy because I interpret every two weeks to not necessarily mean twice monthly because there are some months with 31 days. And twice monthly on the 15th and the 30th I think was the stipulation then. So the employees would be disadvantaged in those months with 31 days.

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

Hon. Julianna O'Connor-Connolly: The member is correct in that [Private Member's] Motion 6/98 did say that. I spoke briefly to one of the movers (the Third Elected Member for West Bay) and he indicated that he didn't have a problem with that. That was only this morning. I did not get an opportunity to speak with Mrs. Moyle who was the other mover on this. It actually slipped me while I was thinking about other things.

But the government has no strong feelings either way. If it is the wish of the House to amend it to read exactly as the motion, provided gratuities are distributed in an equitable fashion causing little or no confusion, as that is the intent and the purpose of the amendment sir.

The Chairman: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: That is what I would suggest, that it be amended according to the motion because I think the motion was predicated upon that fact that it was presented in such a way that the workers would not be disadvantaged.

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

Hon. Julianna O'Connor-Connolly: I don't have Motion 6/98 before me. If any of the members has it, I would be grateful. Otherwise perhaps we could ask Mr. Glidden to retrieve it. Failing that I can seek to move a motion that the precise wording of Motion 6/98 be used to replace "every two weeks" to say . . .

Mr. Bodden, if you could assist me. Do you remember exactly what the motion said?

Mr. Roy Bodden: Well, it said twice monthly at the same time they pay the wages or salaries.

Hon. Julianna O'Connor-Connolly: Okay.

So, if I could still move the motion for an amendment so that it could be "paid twice monthly" to correspond with the same time as the salary, we would not have any objections. I feel free in moving that motion.

The Chairman: The question is that Clause 3 be amended as read out by the honourable minister moving it. Do the members request a written amendment, or will you accept the oral? The oral is okay?

Mr. John D. Jefferson, Jr.: Yes sir.

The Chairman: I will put the question that Clause 3 be amended as read out. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 3 AMENDED.

The Chairman: Now I put the question that Clause 3 as Amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 3 AS AMENDED PASSED.

The Clerk:

Clause 4 Amendment of section 53 - Remedies for unfair dismissal.

Clause 5. Repeal of section 72 - Labour Relations Board.

Clause 6. Repeal of section 73 of the Labour Law and substitution – Labour Tribunals.

The Chairman: The question is that Clauses 4 through 6 do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 4, 5, AND 6 PASSED.

The Clerk: Clause 7. Amendment of section 74 - Procedure to be followed on a complaint to Director.

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

Hon. Julianna O'Connor-Connolly: In accordance with Standing Order 52 (1) & (2) I, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, give notice of the following amendment to the Labour (Amendment) Tribunals Bill, 1998: That Clause 7 be amended: (a) in paragraph (c) by deleting "(7)"; and (b) by inserting the following new paragraph: "(d) by deleting subsection (7)."

The Chairman: I waive the two days' notice.

Hon. Julianna O'Connor-Connolly: Thank you.

Mr. Chairman, we took the time to look at this Clause 7 and it was discovered that the need for this amendment arose out of two clerical errors that occurred when the law was being consolidated back in 1996 with the revision. When one looks at the original law of 1987,

it referred to Regulation (2). But subsequent amendments were made and subsection (2) then became subsection (5). But when the consolidation was done (2) wasn't changed to (5), hence the necessity to have it deleted now. As a result of our amendments it has become redundant.

The Chairman: I will put the question that Clause 7 be amended as circulated to members. If there is no debate I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 7 AMENDED.

The Chairman: Now I shall put the question that Clause 7 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 7 AS AMENDED PASSED.

The Clerk:

- Clause 8. Amendment of section 75 - Enforcement of award of Director.
- Clause 9. Amendment of section 76 - Establishment of Appeals Tribunal.
- Clause 10. Amendment of section 77 - Appeals from decision of Labour Tribunal.
- Clause 11. Repeal of the Labour Relations Board Regulations, 1997.

The Chairman: The question is that Clauses 8 through 11 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 8 THROUGH 11 PASSED.

The Clerk: A Bill for a Law to amend the Labour Law (1996 Revision) to abolish the Labour Relations Board and to amend the provisions relating to labour tribunals; to provide for the payment of gratuities to employees by employers twice per month; to provide for the remuneration of the members of the labour tribunals; and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE NATIONAL GALLERY BILL, 1999

The Clerk: The National Gallery Bill, 1999.

- Clause 1. Short title.
- Clause 2. Definitions.
- Clause 3. Establishment of the National Gallery.
- Clause 4. Purposes of the National Gallery.
- Clause 5. National Gallery Management Board.
- Clause 6. Functions of the National Gallery.
- Clause 7. Appointment of Director.
- Clause 8. Finance and property.
- Clause 9. Charity.
- Clause 10. Staff.
- Clause 11. Exemption from duty.
- Clause 12. Use of premises.
- Clause 13. Regulations.
- Clause 14. Bye-laws.
- Clause 15. Offences.

The Chairman: The question is that Clauses 1 through 15 do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 15 PASSED.

The Clerk: A Bill for a Law to Provide for a National Gallery and for Incidental and Connected Purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE NATIONAL PENSIONS (AMENDMENT) (SELF EMPLOYED PERSONS AND PRESCRIBED MAXIMUM) BILL, 1998

The Clerk: The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998.

- Clause 1. Short title.
- Clause 2. Definition.

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk: Clause 3. Amendment of section 3 – Definitions.

The Chairman: The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, you have an amendment?

Hon. Julianna O'Connor-Connolly: Thank you.

In accordance with Standing Order 52 (1) & (2) I, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture give notice to move the following amendment to the National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill 1998: That Clause 3 be amended by deleting the words and substituting “and includes earnings from companies producing goods or providing services in the Islands of which the person is a director, whether such earnings take the form of salary, allowances, fees, bonus or payment of expenses or dividends from shares.”

The Chairman: I shall put the question that Clause 3 be amended. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Chairman: I shall now put the question that Clause 3, as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 3, AS AMENDED, PASSED.

The Clerk: Clause 4. Amendment of section 47-Contributions.

The Chairman: The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, you have an amendment?

Hon. Julianna O'Connor-Connolly: There are a couple of amendments to Clause 4. Perhaps I can read them all at one time. (i) That Clause 4, paragraph (a), be amended by deleting the words “inserting ‘subject to a prescribed maximum’ after the words ‘for that year’” and substituting “inserting ‘earnings up to the year’s maximum pensionable’ before the word ‘earnings.’”

(ii) That Clause 4, paragraph (b) (i), be amended by deleting the words “inserting ‘subject to a prescribed maximum’ after the word ‘earnings’” and substituting “inserting “earnings up to the year’s maximum pensionable” before the word ‘earnings.’”

(iii) That Clause 4, paragraph (b), be amended by inserting the following sub-paragraph after sub-paragraph (i): “(ia) in paragraph (b) by inserting the words ‘earnings up to the year’s maximum pensionable’ before the word ‘earnings.’”

(iv) That Clause 4, paragraph (b) (ii), be amended by deleting the words “inserting ‘subject to a prescribed maximum’ after the words ‘ten per cent of the member’s earnings’” and substituting “inserting the words ‘earnings up to the year’s maximum pensionable’ before the word ‘earnings.’”

(v) That Clause 4, paragraph (b) (iii), be amended by deleting the words “inserting ‘subject to a prescribed maximum’ after the word ‘earnings’” and substituting “by inserting the words ‘earnings up to the year’s maximum pensionable’ before the word ‘earnings.’”

The Chairman: I shall put the question that Clause 4 be amended as read and circulated. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENTS TO CLAUSE 4 PASSED.

The Chairman: I now put the question that Clause 4 as amended stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 4, AS FIVE TIMES AMENDED, PASSED.

The Clerk: A Bill for a Law to amend the National Pensions Law (1998 Revision) to introduce maximum contributions for employees and to widen the definition of self employed persons who are required to contribute to a pension plan.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: The next Bill is the Merchant Shipping (Amendment) Bill, will the Minister represent the Honourable Third Official Member?

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

Hon. Julianna O'Connor-Connolly: Mr. Chairman, I have no problem doing it since there are no amendments, but if members have specific questions I may not be prepared to answer them and can only give an undertaking. Subject to that, I will do it sir.

**THE MERCHANT SHIPPING (AMENDMENT)
(MARITIME SAFETY AND MISCELLANEOUS
PROVISIONS)
BILL, 1999**

The Clerk: The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999

- Clause 1. Short title.
- Clause 2. Interpretation.
- Clause 3. Amendment of section 2 – Interpretation.
- Clause 4. Amendment of section 4 – Qualifications for owning a Cayman Islands ship.
- Clause 5. Amendment of section 5 – Entitlement of ship to be registered under this law.
- Clause 6. Amendment of section 6 – Representative person.
- Clause 7. Amendment of section 7 – Refusal of registration.
- Clause 8. Amendment of section 8 – Termination of registration.
- Clause 9. Amendment of section 10 – Registrar of Shipping.
- Clause 10. Amendment of section 11 – Register.
- Clause 11. Amendment of section 12 – Entries in Registers.
- Clause 12. Amendment of section 28 – Registration of ships chartered by demise to a qualified person.
- Clause 13. Amendment of section 33 – Dispensations for ships chartered by demise and registered outside the Islands.
- Clause 14. Amendment of section 65 – Matters to be prescribed in registration regulations.
- Clause 15. Amendment of section 72 – Rights of owners and mortgagees.
- Clause 16. Amendment of section 80 – Mortgage of ship or share.
- Clause 17. Amendment of section 90 – Regulations relating to crew agreements.
- Clause 18. Amendment of section 107 – Crew accommodation.
- Clause 19. Amendment of section 207 – Interpretation.
- Clause 20. Amendment of section 210 – Register of submersible craft.
- Clause 21. Amendment of section 240 – Power to make exemption orders.
- Clause 22. Amendment of section 263 – Power to detain unsafe ships.
- Clause 23. Repeal of Chapter 3, Part 15 – Transitional provisions.

- Clause 24. Insertion of Part 24A – Maritime Security.
- Clause 25. Amendment of section 396 – Limitation calculations.
- Clause 26. Amendment of section 401 – Limits for passenger claims.
- Clause 27. Amendment of section 447 – General functions of Minister and Director.
- Clause 28. Amendment of section 465 – Consultation with Secretary of State.
- Clause 29. Repeal of Schedules 2 and 3 – Prevention of oil pollution, transitional provisions and overall limit on liability of funds.
- Clause 30. Amendment to references to International Maritime Organisations.

The Chairman: The question is that Clauses 1 through 30 do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 30 PASSED.

The Clerk: A Bill for a Law to amend the Merchant Shipping Law, 1997 to facilitate the registration of ownership of ships by foreign entities; to require provision of additional information on the registration of ships; to clarify and amend the provisions relating to the Register of Shipping, mortgages of ships, the regulation of crew agreements and accommodation; submersible craft and unsafe ships; to make further provision for maritime safety; to amend the provisions governing the limitations of liability and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee. The question is that the Bills be reported to the House. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THE BILLS BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 3.03 PM

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

REPORTS ON BILLS

**THE LABOUR (AMENDMENT)
(TRIBUNALS) BILL, 1998**

Hon. Julianna O'Connor-Connolly: I beg to report that a Bill entitled The Labour (Amendment) (Tribunals) Bill, 1998 was considered by a committee of the whole House and passed with one amendment.

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

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

THE NATIONAL GALLERY BILL, 1999

Hon. Julianna O'Connor-Connolly: I beg to report that a Bill entitled The National Gallery Bill, 1999 was considered by a committee of the whole House and passed without amendment.

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

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

**THE NATIONAL PENSIONS (AMENDMENT) (SELF
EMPLOYED PERSONS AND PRESCRIBED
MAXIMUM) BILL, 1998**

Hon. Julianna O'Connor-Connolly: I beg to report that a Bill entitled The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998 was considered by a committee of the whole House and passed with amendments.

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

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

**THE MERCHANT SHIPPING (AMENDMENT)
(MARITIME SAFETY AND MISCELLANEOUS
PROVISIONS)
BILL, 1999**

Hon. Julianna O'Connor-Connolly: I beg to report that a Bill entitled The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999 was considered by a committee of the whole House and passed without amendments.

The Speaker: The Bill has accordingly been set down for Third Reading.

Third Readings.

THIRD READINGS

**THE LABOUR (AMENDMENT)
(TRIBUNALS) BILL, 1998**

The Clerk: The Labour (Amendment) (Tribunals) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I beg to move the third reading of The Labour (Amendment) (Tribunals) Bill, 1998.

The Speaker: The question is that a Bill entitled The Labour (Amendment) (Tribunals) Bill, 1998 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AGREED: THE LABOUR (AMENDMENT)
(TRIBUNALS) BILL, 1998, GIVEN A THIRD READING
AND PASSED.**

THE NATIONAL GALLERY BILL, 1999

The Clerk: The National Gallery Bill, 1999

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

Hon. Julianna O'Connor-Connolly: I beg to move the third reading of The National Gallery Bill, 1999

The Speaker: The question is that a Bill entitled The National Gallery Bill, 1999 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AGREED. THE NATIONAL GALLERY BILL, 1999,
GIVEN A THIRD READING AND PASSED.**

**THE NATIONAL PENSIONS (AMENDMENT) (SELF
EMPLOYED PERSONS AND PRESCRIBED
MAXIMUM) BILL, 1998**

The Clerk: The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I beg to move the third reading of a Bill entitled The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998.

The Speaker: The question is that a Bill entitled The National Pensions (Amendment) (Self Employed Persons and Prescribed Maximum) Bill, 1998 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE NATIONAL PENSIONS (AMENDMENT) (SELF EMPLOYED PERSONS AND PRESCRIBED MAXIMUM) BILL, 1998, GIVEN A THIRD READING AND PASSED.

THE MERCHANT SHIPPING (AMENDMENT) (MARITIME SAFETY AND MISCELLANEOUS PROVISIONS) BILL, 1999

The Clerk: The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999.

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

Hon. Julianna O'Connor-Connolly: I beg to move that a Bill entitled The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Merchant Shipping (Amendment) (Maritime Safety and Miscellaneous Provisions) Bill, 1999 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE MERCHANT SHIPPING (AMENDMENT) (MARITIME SAFETY AND MISCELLANEOUS PROVISIONS) BILL, 1999, GIVEN A THIRD READING AND PASSED.

The Speaker: Bills, Second Reading.

SECOND READING
(deferred Monday 12 April)

THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999

The Clerk: The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

The Speaker: The Honourable Acting First Official Member.

Hon. Donovan Ebanks: I beg to move the second reading of a Bill entitled The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

The Speaker: Honourable member, do you wish to speak to it?

Hon. Donovan Ebanks: Yes, thank you.

About six months ago I was here moving the Liquor Licensing (Amendment) (Protection of Minors) Bill 1998. As I recall it was a similar Friday afternoon as the House was looking to come to an end, and I was like a fisherman with more lines than I had hands. Not surprisingly, a couple of things got tangled up. As a result there were a couple of omissions during the Committee stage (on my part) of that Bill that subsequently resulted in the need for us to move this Bill.

However, during the time between when this was discovered and now, there have been some representations from persons in the service industries—particularly the restaurant industry—in respect to some of the provisions of the Bill which was passed in October of last year. As a consequence, I have a second line again today. There are some amendments to be moved during the Committee stage, which have been circulated, and I would beg your indulgence sir, to refer to those during my presentation.

The Speaker: Please go ahead, I will waive the two days' notice.

Hon. Donovan Ebanks: Thank you.

Clause 2 of the Bill refers to an amendment to section 7(5). The Bill had been intended to clarify that. But the government has taken into consideration representation it has received and now proposes to only require that access to and egress from restrooms be separated from bars in the case of new premises which have not previously been licensed. As a consequence the provision which was inserted last October to allow a period for physical alterations to be made in a period of one year is now obviously redundant. So it will be further suggested that we repeal section 6 which provided that grace period for alterations.

Turning to Clause 3 of the Bill, there are a few minor amendments which simply aim to clarify the provisions of section 9(1)(b)—not (a) as the Bill refers to, but I will deal with that in Committee stage—as it relates to licences which were exempt from the provision of 9(1)(a). We propose to add after “transfer” also variation of licences and to insert a new subclause dealing with the

renewal of a licences, so it is clear that renewals are not restricted by Clause 1 (a) above.

Clause 4 of the Bill deals with subsection (3) of section 21A. This was one of those that I referred to earlier where I omitted to delete “licensed premises or” and so the new Clause in the Bill simply differs from that which we approved in October by the deletion of those three words in the first line. The intention was that this prohibition of persons under the age of 18 was in respect of them being in a bar of a licensed premises—not simply being in a licensed premises as the Bill recently passed provides for.

The final point that I want to touch on deals with a new Clause 5 which is perhaps of greatest substance in that while the House had supported the position that persons under the age of 18 should not be employed in a licensed premises, there has been representation in respect of the impact of that, particularly on young Caymanians who are trying to start careers in the tourism related industries or service industries. We have come up with a proposal which we think will allow persons under the age of 18 to be employed in a broader range of jobs, including jobs in restaurants but still with some restrictions.

The new provision allows a person under the age of 18 to be employed in licensed premises, but not to be involved in the preparation of, serving, selling or otherwise dealing with liquor with two categories of exceptions. The first is unless that liquor is unopened or contained in a sealed container. Hence, with that exception a person under the age of 18 could be employed in premises licensed as package premises, or wholesale premises and not contravene this new Clause.

The other exception is if the person is employed in disposing of liquor that has been served on the premises and not consumed, or only partially consumed. So the person can be employed but not allowed to prepare, serve or deal otherwise with liquor with the exception of being involved with disposing of liquor which has been served on the premises and not consumed or partially consumed. And with that provision we are basically looking to enable a young person to be able to work as a waiter in a restaurant where they can prepare tables, serve food, clear tables but not be employed as a bar waiter/waitress, taking drink orders, preparing or serving drinks as a bartender.

[Inaudible interjection]

Hon. Donovan Ebanks: Yes, Mr. Speaker, they can clean it off the table afterwards because we certainly think that a person who is going to resort to drinking what someone has left behind is desperate enough that they will find alcohol in any case somewhere else.

It is hoped that these provisions will allay some of the concerns that have been raised while at the same time maintain the spirit of the early amendment which is that persons under the age of 18 should not be consuming alcohol, or sitting in bars because the government still feels strongly that after [reaching] 18

[years] there is plenty of time for people to make those choices and indulge in those activities.

Without prolonging it further, I think that covers both the Bill and the amendments suggested. I simply covet the support of members. Thank you.

The Speaker: The question is that a Bill entitled The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999 be given a second reading. Does any member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: I rise to suggest to government that they withdraw this Bill and the amendments. And to also say the reason is that from the very beginning this was not thought out. I often mention the carpenter’s rule about measuring twice and cutting once. This is a situation of cutting twice and not measuring at all.

We cannot bend the logic or the reality to suit this type of legislation. The reality defies this in that as we know the first attempt was to legislate, compel restaurateurs to change major construction and design in their restaurants in order to fit a law. If the law was intended to protect people in some physical sense from some physical harm, one could see it. The intention of the law is to prevent minors from coming into contact with alcohol and we all believe that it is desirable to prevent as much as possible minors from coming into contact with alcohol.

But we cannot police all over. Society does not have total control simply by legislation. As I always stress, our only way of really policing is by values. That is one reason why the Police Department (260 or so policemen) always says that they are helpless without the community. We need the parents to become involved. We cannot just say that we don’t want this to happen and therefore we will make a law and this will be prevented. It doesn’t work that way.

There is no reason to create economic hardships for a major industry like tourism. The tourist industry is dependent upon the restaurants. And we all know that it’s a part of our social/cultural habit to have a glass of wine with the food and so forth. We also know that this is something that people have come to accept—not just persons who have invested hundreds of thousands of dollars and many, many years of their lives in building the restaurant culture in Cayman to this extent. So it’s not just them, but also persons who have come here noting that Cayman is a nice place to go out and have a nice meal and glass of wine or piña colada. That is the kind of atmosphere we package and sell to our customers. It does not necessarily mean that our population has to become involved with it.

Just as the countries with gambling. The native population is not allowed to participate in that but tourists are. I think that is the case in the Bahamas and places like that. Although we can see the restaurants out there, many of them are a little expensive for us local people. We know that they are catering specifically for the tourist, and we need to think about our customers and our economic livelihood.

That is why the law is being amended again, because the persons involved in the restaurant industry were so shocked and surprised by the government's logic that they got them to see, *'Look guys, we understand that you want to protect minors, but you don't want to destroy your industry at the same time. You have to be able to do both at the same time. You have to be able to protect the minors and your economic livelihood at the same time.'* So it was amended to this particular point.

One aspect that I am concerned with is that if we have young people who want to go into the tourism industry to be an apprentice cook or a waiter or whatever, where they can get a job at 16 or 17 to help their families and themselves, I do believe that if you start with people trying to socialise themselves into that particular type of work ethic in this industry that 18 is a little bit too late. We need to start early inculcating in these kids the idea that this industry is a worthwhile one to be involved in. So we have a contradiction once we begin to say that kids who are 18 years old should not be around alcohol under any circumstance. The paradox we find ourselves in saying that they can't be around alcohol is that we kill the possibility of any kind of apprenticeship going on in the restaurants in this country. I believe that would be a tragedy.

Although Caymanians are not necessarily being attracted to the hotel/restaurant industry, it doesn't mean they won't be in the future. A lot should be done to see that our young people find part time work in the hotel/restaurant industry. To deal with this paradox the amendment now suggests that they can be around drinks that have already been served, but they can't be around drinks that have not been served. In that situation it would have to be locked up, this, that, and the other thing. But reality doesn't work that way. This is part of the problem.

To assume that a young person under 18 who wanted a drink wouldn't drink it after removing it from the table to the kitchen is ludicrous because most people don't take their first drinks in those types of situations. Those people whom you see drinking in those situations have already been acquainted with drinking. People usually get acquainted with drinking at home. They go and rob their parents' bar or go over to their friends who rob their parents' bar. You do not start as a young person in the establishment where you are employed simply because you have a boss, you have other people you are working with, you are more supervised. It's almost impossible to get away with getting a drink there.

If you are really going to do it you steal a drink and hide it in something. I would say that when a person is that criminally oriented it has nothing to do with alcohol, it has more to do with the dysfunctional personality who will go to any extent to steal from his employer or parents and then consume it at the end of the day.

The problem of having youngsters exposed to vices is something we are experiencing worldwide. We have no quick solution to it. Just as in that very unfortunate situation in Colorado, everybody is asking what it is that we need to do to protect young kids from doing things that will harm them and others. Nobody has any easy solutions to it.

I therefore believe that it does not pay for the government to bring this amendment simply because there might be some persons who believe it is necessary to prevent children from being in restaurants where alcohol is being served. I think that parents rather than the government should take on that responsibility. In cases where parents are not responsible, that class of people will not find themselves in restaurants anyway because they can't afford it. So it's only going to be a particular class of people who will bring their kids to these restaurants. Why are we concentrating on this legislation when what we are really interested in is preventing our young people from being associated with alcohol—our kids, not the tourists' kids.

We have to see that this particular desire on the part of government to bend the amendment in order to pass the motion is not correct and that we should ask the government to reconsider the logic and save the House the time and withdraw this.

The Speaker: Does any other member wish to speak?

If not, would the mover like to exercise his right of reply?

Hon. Donovan Ebanks: Thank you.

I listened to the comments of the Fourth Elected Member for George Town and I have tremendous respect for his views. I certainly followed some of his rationale. I fail to see however how these proposed amendments would create any hardships on the tourism or restaurant sector. It would seem to me that the opposite is true, and that they would relieve in light of what we previously enacted, would be the requirement for restaurants, for example to effect these physical separations of access and egress by October of this year. That's what the legislation currently requires. This amendment seeks to remove that provision from existing properties and have it only apply to new properties which were not previously licensed. In that regard it seems to create a relief rather than a hardship.

While no one will disagree with his comments in relation to the environment in which a young person first gets involved in the consumption of alcohol, I would simply say that I don't think the currently proposed restrictions on what the young person can do should overly distract from that person making a career start in that field. Certainly the ability to work in that environment, albeit the person is not able to start to train and practice as a bartender until the age of 18, there are certainly a lot of other things within that work environment they can do and learn. This amendment simply looks to try to make that range as broad as possible while preserving the exemption of the actual preparation and serving.

The government still feels, in light of the comments made by that member, that there is merit to the bill and I trust that perhaps other members who did not speak may share that view. I covet their support. Thank you.

The Speaker: The question is that a Bill entitled the Liquor Licensing Law (Amendment) (Protection of

Minors) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled the Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

House in Committee at 3.37 PM

COMMITTEE ON BILL

The Chairman: Please be seated.

The House is now in Committee. With the leave of House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such the like in these bills?

Would the Clerk state each bill and read its clauses?

THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999

The Clerk: the Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

The Clerk: Clause 2. Amendment of section 7 – Nature of a licence.

The Chairman: There is an amendment to Clause 2. The Honourable Acting First Official Member.

Hon. Donovan Ebanks: In accordance with Standing Order 52 (1) & (2) I beg to move an amendment to Clause 2. This has been circulated.

The Chairman: Please read it.

Hon. Donovan Ebanks: That Clause 2 be deleted and the following substituted. "Section 7 of the principal Law (1996 Revision) is amended (a) by repealing subsection (5) and substituting the following: '(5) A Board must be satisfied before granting a new restaurant licence or retail licence which relate to the same

premises and in respect of which a licence has not previously been granted, that the bar and the restaurant on the premises are separated in such a manner that access to and egress from the restaurant and the toilets of the premises are not through the bar.' and (b) by repealing subsection (6)."

The Chairman: The amendment has been moved. Does any member wish to speak on the amendment? If not I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Chairman: The question is that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2, AS AMENDED, PASSED.

The Clerk: Clause 3. Amendment of section 9 – Requirements for licensed premises.

The Chairman: The Honourable Acting First Official Member.

Hon. Donovan Ebanks: I beg to move that Clause 3 be amended by deleting (1A) and substituting (1B).

The Chairman: The amendment has been moved. Does any member wish to speak on the amendment? If not I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Chairman: The question is that Clause 3 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 3, AS AMENDED, PASSED.

The Clerk: Clause 4. Amendment of section 21A – Children prohibited from bars.

The Chairman: The question is that Clause 4 do stand part of the Bill. If there is no debate, those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 4 PASSED.

The Clerk: Clause 5. New Clause 21B, Employment of minors in licensed premises.

The Chairman: The Honourable Acting First Official Member.

Hon. Donovan Ebanks: I beg to move that section 21B of the principal Law be repealed and the following substituted: *"21B (1) A licensee who employs a person under the age of 18 in licensed premises shall not allow that person to prepare, serve, sell or otherwise deal with intoxicating liquor unless – (a) such liquor is unopened or contained in a sealed container; or (b) the person is employed in disposing of liquor which has been served on the premises and not consumed or only partially consumed.*

"(2) A licensee who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000."

The Chairman: The question is that new Clause 5 do stand part of the Bill. Does any member wish to speak on the amendment? If not I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: NEW CLAUSE 5 PASSED.

The Clerk: A Bill for a Law to amend the Liquor Licensing Law (1996 Revision).

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled the Liquor Licensing (Amendment) (Protection of Minors) Bill, 1999. The question is that the Bill be reported to the House. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE BILL BE REPORTED TO THE HOUSE.

House resumed at 3.44 PM

REPORT ON BILL

The Speaker: Please be seated. Reports.

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

THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999

Hon. Donovan Ebanks: I beg to report that a Bill entitled The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999 was considered by a Committee of the whole House and passed with amendments.

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

Bills. Third Reading.

THIRD READING

THE LIQUOR LICENSING LAW (AMENDMENT) (PROTECTION OF MINORS) BILL, 1999

The Clerk: The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999.

The Speaker: The Honourable Acting First Official Member.

Hon. Donovan Ebanks: I beg to move that a Bill entitled The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Liquor Licensing Law (Amendment) (Protection of Minors) Bill, 1999 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AGREED. THE LIQUOR LICENSING (AMENDMENT)
(PROTECTION OF MINORS) BILL, 1999, GIVEN A
THIRD READING AND PASSED.**

The Speaker: Item 5 on today's Order Paper, Other Business, Private Members' Motions. Continuation of debate on Private Member's Motion No. 12/99 Cuban Nationals with Cayman Connections.

The Third Elected Member for West Bay continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 12/99

CUBAN NATIONALS WITH CAYMANIAN CONNECTIONS

(Continuation of debate thereon)

Mr. John D. Jefferson, Jr.: When we adjourned yesterday I had made my opening remarks and I had recommended the support of the House. I also mentioned that I really didn't have a problem with the motion going to the Select Committee on Immigration.

The Speaker: Does any other member wish to speak? (Pause) The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: Only to clarify that obviously the intent of the government in suggesting the amendment to the motion was that the government would be amenable to accepting it, subject to that amendment. If I didn't make that clear yesterday, certainly that was the intention and that remains the position. Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? (Pause) If not, would the mover like to exercise his right to reply?

Mr. John D. Jefferson, Jr.: Just to say thanks to the government and my colleagues for their tacit support. I look forward to dealing with these issues on the Select Committee on Immigration. I believe this is an issue that has to be addressed. It's a legitimate concern and difficulty. I look forward to a prompt resolution to this issue.

The Speaker: The question is Private Member's Motion No. 12/99. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 12/99, AS AMENDED, PASSED.

The Speaker: That concludes items on today's Order Paper and the motion as amended has passed.

This has been a very long sitting. I think every one of us is fully aware of that. I would like to thank Honourable Members for their courtesies and tolerance to the Chair.

I would like to thank the Clerk, the Deputy Clerk, the entire office staff, the Hansard Officers, the Serjeant-at-Arms and Anita for their services rendered to us during this extremely long sitting. Those who are privileged to have a vacation, have a pleasant and happy vacation.

I will now entertain a motion for the adjournment of this honourable House.

Mr. D Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

FINANCE COMMITTEE PROCEDURE

Mr. D Kurt Tibbetts: Just before the adjournment, sir, it is my understanding that there is a task the government needs to perform in order for Finance Committee to take place Monday morning. I just want to ensure that they have remembered it. If they choose not to do it, then we will know what to do from there. Just wanted to make sure they remembered.

The Speaker: Do you crave a suspension before the adjournment? I think it would be appropriate to suspend for ten minutes.

PROCEEDINGS SUSPENDED AT 3.56 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated. The Honourable Acting First Official Member responsible for Internal and External Affairs.

STANDING ORDER 67(1)

Hon. Donovan Ebanks: I hereby beg to refer to the Finance Committee Agenda and Addendum of 23 April 1999, which has been circulated to all Members of the Standing Finance Committee for a meeting to be held at 9.00 AM on Monday 26th April, 1999.

The Speaker: The papers stand referred to the Standing Finance Committee at 9.00 AM on Monday, 26 April.

I will now entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, this is one of the happiest motions I have ever put! I am very happy to move the adjournment of this Honourable House until Wednesday 9th June at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday, 9th June, 1999. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.02 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 9 JUNE 1999.

**EDITED
WEDNESDAY
9 JUNE 1999
10.07 AM**

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

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

There are no apologies. Item number 2, Presentation of Papers and Reports. Number one is Cayman Turtle Farm 1983 Limited, Financial Statements ending 31st March 1998. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**PRESENTATION OF
PAPERS AND REPORTS**

**CAYMAN TURTLE FARM 1983 LIMITED FINANCIAL
STATEMENTS ENDING 31ST MARCH 1998**

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

I am proud to lay on the Table of this honourable House the financial statements of the Cayman Islands Turtle Farm 1983 Limited as at 31st March 1998.

The Speaker: So ordered.

Public Passenger Vehicles (Amendment) (Taxi Drivers) Regulations 1999. The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

**THE PUBLIC PASSENGER VEHICLES (AMENDMENT)
(TAXI DRIVERS) REGULATIONS 1999**

Hon. Thomas C. Jefferson: Thank you.

I beg to lay on the Table of this honourable House the Public Passenger Vehicles (Amendment) (Taxi Drivers) Regulations 1999.

The Speaker: So ordered. Do you wish to speak to it?

Item 3, Veteran's and Seaman's Society of Cayman Brac and Little Cayman, Lease of a portion of Crown land situated on the Bluff at Cayman Brac Block 104A, Parcel 9. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**VETERAN'S AND SEAMAN'S SOCIETY OF
CAYMAN BRAC AND LITTLE CAYMAN
LEASE OF A PORTION OF CROWN LAND
SITUATED ON THE BLUFF
AT CAYMAN BRAC BLOCK 104A, PARCEL 9**

Hon. John B. McLean: I am very pleased to lay on the Table of this honourable House the Veteran's and Seaman's Society of Cayman Brac and Little Cayman Lease of a portion of Crown land situated on the Bluff at Cayman Brac Block 104A, Parcel 9.

The Speaker: So ordered.

Report on Vision 2008. The Honourable Minister responsible for Education, Aviation and Planning.

**THE CAYMAN ISLANDS' NATIONAL STRATEGIC
PLAN 1999-2008**

~and~

**THE KEY TO THE FUTURE—A GUIDE TO THE
NATIONAL STRATEGIC PLAN**

Hon. Truman M. Bodden: I beg to lay on the Table of this honourable House The Cayman Islands' National Strategic Plan 1999-2008; and The Key to the Future—A Guide to the National Strategic Plan.

The Speaker: So ordered.

Do you wish to speak to it? The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, sir.

This is a historic day for the Cayman Islands as we have seen the end of the second phase of a Ten-year National Strategic Plan, Vision 2008 Initiative. The planning phase has taken a full 12 months and has been marked by wide public consultation and input. Prior to this, in phase 1 of the project, the visioning and public polling stage an exercise was carried out to determine the public's main concern about the future and how they wished to see the islands develop.

One thousand residents of the three islands were polled through a random and confidential telephone survey using state-of-the-art equipment and programming through a well established American company. The results of the poll and of input received through in depth interviews, district meetings and letters, were considered by a 30 member planning team representative of the community, who were selected by a profiling process. In June 1998 the planning team met for three days and developed a statement of beliefs, a visioning statement, three objectives and 16 strategies. The outcome of this, the first planning session, was tabled in this honourable House in September 1998.

In October 1998, over 300 individuals signed up to work on the Action Plans needed to make the 16 strategies a reality. Two hundred and fifty people worked for over four months, sometimes meeting up to 8 hours per week, during hurricane Mitch and the Christmas season, to keep to the January 1999 target and have their Action Plans ready for the planning team's second planning session. The planning team then met for a total of ten and one half days to consider the action plans against agreed criteria. At the end of March, the planning team had agreed on 208 action plans which would be recommended to the government and the Legislative Assembly.

Because of the scope and complexity of the plan, the planning team asked a small committee made up of representatives from their group to pull together the main themes which ran through the plan into an executive summary. This guide to Vision 2008 is known as the Key Document which is also being tabled today. However, the Key is intended to be read in conjunction with the National Strategic Plan. It is not intended to be read on its own.

This Ten-year National Strategic Plan is a compilation of the hopes and aspirations of the people of the Cayman Islands. Recommendations herein are intended to assist the government and this legislature in setting the direction which will guide the islands over the next ten years from 1999 until 2008. Vision

2008 should be considered the policy framework under which government's reform initiatives fall. It is anticipated that the bulk of the implementation of Vision 2008 will fall to the civil service. Every effort will be made to integrate the Vision action plans with financial management reforms and with the Freedom of Information initiative.

The design of the plan calls for regular evaluation, and Executive Council has agreed that the plan should be evaluated approximately every two years. In between this ministries will be responsible for updating Executive Council on a regular basis as to how the implementation of Vision 2008 is progressing.

The Vision 2008 initiative is the most extensive planning exercise ever undertaken by a government. It has involved a very wide cross section of the community in all three islands. It has caught the imagination of the people of these islands and given them the opportunity to have their voice heard. I am extremely grateful to the hundreds of people who have contributed to the Vision 2008 process. I am particularly grateful to Mrs. Joy Basdeo, my Permanent Secretary, whose outstanding ability, experience, dedication and hard work, has delivered today the Cayman Islands' first Ten-year National Strategic Plan. Both the Cayman Islands and the Legislative Assembly owes Mrs. Basdeo a very large thank you. I am also particularly grateful to the planning team and to the round table leaders and their teams who stayed the course to deliver a plan of undoubted quality and credibility.

Executive Council has accepted the action plans as recommended. Because the planning process has covered a span of some 15 months, some projects already in train have moved ahead. The most notable under this category is the Little Cayman Airport which government has decided to build on Crown property. Government will, however, take into consideration the other recommendations made by the Little Cayman roundtable on the style and other matters of the Little Cayman Airport.

The action steps contained in the National Strategic Plan must be considered as a guide to the implementers which in most cases will be the civil service. Here government's controlling officers will be able to add to, or delete action steps which will be able to best deliver the specific results to be achieved in implementing a strategy.

I am extremely humbled to be part of a government with the foresight to commission a long-term plan of such scope, a government with the confidence to go to the people and determine what they want for this country. Now the people have spoken. They want to see the country continue to develop in harmony and prosperity and according to the principles of growth management. At this stage I propose to read the key to the plan. I will not be reading the plan itself because it is very long and it has been made public.

[The Honourable Minister for Education, Aviation and Planning read "The Key to the Future (A guide to the National Strategic Plan)" pp 3-5, 29-35 attached hereto]

Mr. Speaker, I am very humbled to be part of this process, of these people, of this government, of this legislature, which has had the foresight to commission this long-term Ten year National Strategic Plan. And to be part of a government which has the confidence to go to the people and determine their wishes, their needs, their views and what they want for the Cayman Islands. Now that the public has spoken, they want to see the country to develop in harmony and prosperity and in accordance with the principles of growth management.

A motion has been filed and will come up for debate at a later stage which will move to adopt the long-term ten year national strategic plan. I recommend the long-term Ten year National Strategic Plan to this honourable House and I look for-

ward to it meeting with the approval of honourable members of this House. God bless this country and God bless this plan.

The Speaker: Moving on to item 4, Government Business, Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1999

The Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999.

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

SECOND READING

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1999

The Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move the second reading of a bill entitled, The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999.

This Bill seeks to amend the Banks and Trust Companies Law (1995 Revision) by correcting an error made in a previous amending Law, and provides that licence fees and surcharges for late payment should be paid to the Financial Secretary for the benefit of the revenue of the Cayman Islands.

By way of background to this amendment, section 5(8) of the Banks and Trust Companies Law (1995 Revision) as amended by the Monetary Authority Law, 1996, reads as follows: **"Every holder of a licence shall, on or before every 15th day of January after the first grant of the licence, pay to the Financial Secretary for the benefit of the revenue the prescribed annual fee provided that unless the Financial Secretary waives the same there shall be payable to the Financial Secretary for the benefit of the revenue by a licensee who fails to pay the prescribed fee by that date a surcharge not exceeding 1/12 of that fee for every month or part of a month that the fee is not paid."**

Members will recall that an amendment was made in 1998 to section 5(8) which transferred the power of waiver of liability of penalties for late payment of annual licensing fees from the Financial Secretary to the Monetary Authority. Accordingly, section 5(8) was amended by repealing the words "Financial Secretary" and substituting "Authority." However, there were three references to Financial Secretary in section 5(8), and as a result all references were changed to "Authority," whereas only the second reference should have been changed.

This section of the Banks and Trust Companies Law (1995) now reads as follows: **"Every holder of a licence shall, on or before every 15th day of January after the first grant**

of the licence, pay to the Authority for the benefit of the revenue the prescribed annual fee provided that unless the Authority waives the same there shall be payable to the Authority for the benefit of the revenue by a licensee who fails to pay the prescribed fee by that date a surcharge not exceeding 1/12 of that fee for every month or part of a month that the fee is not paid."

This Bill seeks to correct the error in section 5(8) made as a result of the amendment in 1998 by repealing the word "Authority" in the first and third places where it occurs, and substituting "Financial Secretary." The Bill also provides that licence fees and surcharges for late payments should be paid to the Financial Secretary for the benefit of the revenue of the Cayman Islands.

I commend this Bill to honourable members.

The Speaker: The question is that a Bill entitled, The Banks and Trust Companies (Amendment) (Waiver of Penalties Fee) Bill, 1999, be given a second reading. It is now open to debate. (Pause)

Does any member wish to speak? If not, does the mover wish to exercise his right of reply?

Hon. George A. McCarthy: Just to thank members for their tacit support. Thank you.

The Speaker: I shall now put the question that a Bill entitled, The Banks and Trust Companies (Amendment) (Waiver of Penalties Fee) Bill, 1999, be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTIES FEE) BILL, 1999 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a bill entitled, The Banks and Trust Companies (Amendment) (Waiver of Penalties Fee) Bill, 1999.

HOUSE IN COMMITTEE—10.56 AM

COMMITTEE ON BILL

The Chairman: Please be seated. The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct all printing errors and such likes in these bills?

Would the Clerk state each bill and read its clauses?

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTIES FEE) BILL, 1999

The Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalties Fee) Bill, 1999.

Clause 1. Short title.

Clause 2. Amendment of section 5—Application to be made to Governor.

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. The Elected Member for North Side.

Mrs. Edna Moyle: Just for clarity, I wonder if the honourable member moving this Bill could explain the first amendment to the Banks and Trust Companies Law changing the word "inspector" to "Financial Secretary" or "Authority" that we are now changing back to "Financial Secretary". I have researched the Banks and Trust Companies Law and the amendments, but I cannot find the amendment that originally changed the word "inspector" that appears in section 5(8).

The Chairman: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I would have to do some further research in order to accurately respond to the honourable member. I can only say what the situation became after the amendment was made in 1998. I could look into the matter, but what I have set out for the honourable members of this House is the state the current legislation is now in and the amendments we are seeking to effect.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: I understand what the honourable member is saying, but my concern is that the Banks and Trust Companies Law refers to "inspector" in section 5(8). Law 10 of 1998 amends "Financial Secretary," which did not appear in the original Law, to "Authority." Now we are amending "Authority" to "Financial Secretary." Somewhere along the line an amendment had to have been made for "inspector." That's my only concern, sir.

The Chairman: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I think if the member were to look at the Monetary Authority Law of 1996, wherever the word "inspector" was referred to in previous legislation the Monetary Authority Law would have effected the change from "inspector" to "Monetary Authority."

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: I don't want to get too deep into this argument because it's a simple thing. It's just that I would like the correct procedure and amendments to be made. Maybe it does appear in the 1996 Monetary Authority Law, but the revised Monetary Authority Law of 1998 has totally dropped that schedule. My concern is, should there be another amendment to the Banks and Trust Companies Law to bring in all those amendments that

were done under the schedule to the Monetary Authority Law, . . . maybe the honourable Attorney General can give me some—

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

Hon. David Ballantyne: Mr. Chairman, the answer is that the amendment was, I believe, made in the Monetary Authority Law of 1996 which in a schedule attached to that Law had consequential amendments to laws, including the Banks and Trust Companies Law.

The revision of the Monetary Authority Law does not contain these consequential amendments and therefore it is not immediately obvious that the Banks and Trust Companies Law was amended because the Banks and Trust Companies Law has not been revised since the 1995 revision which obviously came before the 1996 Monetary Authority Law.

However, if you check the addition of the gazette on 24th May 1999 you will find a repetition of what was contained in the schedule of the Monetary Authority Law of 1996 and in it you will find the amendment which relates to the Banks and Trust Companies Law substituting “Monetary Authority” for “Inspector” so that the present reference is, I believe, correct.

If an opportunity to verify that was required, it could perhaps be taken. I would like the opportunity to confirm that myself before I go final on this position.

The Chairman: Would it please members if we suspended until this information is available?

Hon. David Ballantyne: If I am given the gazette for the 24th of May 1999, Mr. Chairman, that would allow me to confirm this position. The problem is that the 1998 Revision of the Monetary Authority Law does not contain the consequential amendments that were made in the 1996 Law.

The Chairman: As soon as the Serjeant-at-Arms returns we will get the necessary gazette.

Hon. David Ballantyne: In fact, Mr. Chairman, I may be able to clarify the issue now because in the Monetary Authority Law (1998 Revision) at the very last page of the schedule says “**From 1st January 1997 the powers, functions, and duties of Government and of the Authority shall be such as are provided in the regulatory laws as replaced or amended from time to time and in any subordinate legislation made thereunder. Any reference made in any law other than the regulatory laws or in any other subordinate legislation to the Inspector of financial services appointed under section 12(1) of the Banks and Trust Companies Law is to be read as a reference to the Authority.**”

I think that in fact deals with the point rather than the gazette of 24th May. But I think it’s a useful opportunity to draw attention to that gazette of 24th May because there are important consequential amendments to the Monetary Authority’s powers contained in that gazette. I wel-

come the opportunity to draw members’ attention to that gazette and the wider public. Thank you.

The Chairman: The only problem I have with that is that this committee stage is not broadcast so the public will not hear it.

Hon. David Ballantyne: I hope the public will have access to the gazette, Mr. Chairman. But that was the purpose of gazetting the particular information so that it should be brought to the public. I don’t want to broadcast, but just to make sure it is emphasised. Perhaps we can’t do that in this forum, but I am content to leave it to the gazette to speak to the position if that’s the appropriate way to do it.

The Chairman: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I just wanted to observe, notwithstanding the fact that this committee is not broadcast, that we do have the media available and they will no doubt make special mention of this particular point for the benefit of the public.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: Just one comment, sir. Persons buying the Banks and Trust Companies Law, the Companies Management Law, Insurance Companies and Mutual Funds, which the Attorney General just read from the back of the Monetary Authority (1998 Revision) . . . how are they going to be aware of all these amendments that took place under the Monetary Authority Law other than the gazette? Are these amendments going to be available for sale from Parliament?

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

Hon. David Ballantyne: The Monetary Authority Law of 1996 obviously contained these amendments. Only when the revision was made were they dropped. The Law Revision Commissioner acknowledged that and arranged for the publication pending a revision of the Banks and Trust Companies Law which is the law that is primarily affected and the problem will be corrected or cured when the Banks and Trust Companies Revision is next produced, which I hope will be very soon.

The other Laws affected are the Mutual Funds and Insurance. The same should go for them. I will make it my business to ensure that the law revisions for those show the correct position so that people are fully informed. This is just an interim measure and it happens when you have a law revision programme that is a rolling programme.

Mr. Chairman, in the gazette of 24th May, on pages 44 and 45 there is a heading “Law Revision Notice to Subscribers—Banks and Trust Companies Law.”

It says, “**Due to an unavoidable delay in revision of the Banks and Trust Companies Law until such**

revision is published it should be read in conjunction with both [and the laws are mentioned] and with the schedule, the transitional provisions, of the Monetary Authority Law.” And it sets out in full the amendments to the Banks and Trust Companies Law, which are referred to.

Among these amendments is “**Authority, means the Cayman Islands Monetary Authority.**” And the reference to the law is amended by “**repealing ‘Inspector’ wherever it occurs and substituting ‘Authority’ except that in section 5(8) ‘inspector’ is substituted by ‘Financial Secretary.’**”

So you will see that the three references to “Inspector” in 5(8) were substituted by three references to Financial Secretary.

[Inaudible interjection]

Hon. David Ballantyne: Well, looking at that now it appears to me this is the wrong way around and that the proper course of action is to repeal “Financial Secretary” presumably in the second reference, and leave the other two references standing. That looks to be the case, but I would like to take the opportunity of having a look at the 1995 Banks and Trust Companies Law just to make absolutely certain, if the committee will bear with me for just a moment.

The Chairman: Would members agree that we take the morning break while the honourable Attorney General does some further research?

We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.10 AM

PROCEEDINGS RESUMED AT 11.52 AM

The Chairman: Please be seated. Proceedings in committee are resumed. The Honourable Second Official Member responsible for Legal Administration.

Hon. David Ballantyne: Let me apologise to members for the delay in resolving this matter, but I believe it is now resolved. However, it does require to be explained, and if you bear with me it will probably take about five minutes to give this explanation.

The Chairman: Please go ahead.

Hon. David Ballantyne: The Banks and Trust Companies Law (1995 Revision) in section 5(8) said this: “**Every holder of a licence shall, on or before every 15th day of January after the first grant of the licence, pay the prescribed annual fee provided that unless the Inspector waives the same there shall be payable by a licensee who fails to pay the prescribed annual fee by that date a surcharge not exceeding 1/12 of that fee for every month or part of a month that the fee is not paid.**” So far so good.

The 1996 Monetary Authority Law came along and in the amendments to which I referred (which are re-

peated in the 24th May gazette) said two things: that the Law was amended (that’s the Banks and Trust Companies Law), by “repealing ‘Inspector’ wherever it occurs; and substituting ‘Authority’ except that in section 5(8) ‘Inspector’ was substituted by ‘Financial Secretary.’”

So at the moment we’ve only got one reference to Financial Secretary and that’s in the proviso. It would then read “. . . **provided that unless the Financial Secretary waives the same there shall be payable**” a surcharge.

However, those amendments in 1996 also went on to say that section 5(8) was amended by inserting after ‘pay’ the following “to the Financial Secretary for the benefit of the revenue” and by inserting after ‘payable’ the same words. So we ended up with three references to Financial Secretary in the same subsection.

Part of the confusion (in my mind at least) was which ‘pay’ was referred to “by inserting after ‘pay.’” It didn’t say where it occurs for the first time, because there are two references to ‘pay’ in the subsection.

At any rate, set that aside. If you accept that that 1996 amendment amended the first reference to ‘pay’ so that it would mean that “every holder of a licence shall, on or before every 15th day of January, after the first grant of a licence *pay . . .*” and then the new words “*to the Financial Secretary for the benefit of the revenue . . .*” and then it would go on “provided that unless the *Financial Secretary waives the same there shall be payable to the Financial Secretary for the benefit of the revenue. . .*” Those are the three references to the Financial Secretary.

So far, I think, so good . . . except that in 1998 along came a bill called the Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Law, 1998 which said section 5 of the Banks and Trust Companies Law is amended in subsection (8) by repealing “Financial Secretary” and substituting “Authority.” The net effect of all of that is that instead of three references to “Financial Secretary” you end up with three references to “Authority” in section 5(8).

Three references to “Authority” would mean that the fees would be paid to the Authority—and that’s not the idea. So the 1998 bill was wrong in that regard. What it ought to have said (with the benefit of hindsight) was that the reference to Financial Secretary in relation to waiver only should have been changed. That’s what ought to have happened. The other two references to Financial Secretary as being the person to whom the revenue is payable should have stayed there.

This, then, is correct. And this Bill—which is now right I am happy to say—is correcting that position by repealing Authority in the first and third places where it occurs, that is where the revenue is payable. It is repealing it by saying it should be payable to the Financial Secretary.

I am afraid this is rather tortuous and I hope the explanation is sufficiently clear. But the way this will end up by this amendment (if it helps to explain that) will be that the section will read: “**every holder shall pay to the Financial Secretary for the revenue of the islands the prescribed annual fee provided that unless the Au-**

thority waives the same there shall be payable to the Financial Secretary . . .” that’s the effect of the current amending bill, which is what the Bill in 1998 ought to have done but did not.

Because the 1998 bill was wrong, the revision was held up. If it had been published it would have been wrong and the idea was that it should await the passing of this correcting bill. Once this correcting bill has been passed the entire revision with all of these amendments will be published so as to give everyone the true picture.

I apologise for the length of that explanation. I apologise again for the delay. I would only add that to avoid any such delay in the future I have asked that the person responsible for the drafting of any particular measure be available in the Chamber to assist us when we are at the committee stage of bills. I believe that will help to expedite the business of the House. Thank you.

The Chairman: The question is that Clauses 1 and 2 stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk: A Bill For a Law to Amend the Banks and Trust Companies Law (1995 Revision) to provide for the proper payment of late payment surcharges by licence holders.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999. The question is that the Committee do report to the House. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED—11.59 AM

The Speaker: Please be seated.

Reports. The Honourable Third Official Member Responsible for Finance and Economic Development.

REPORT ON BILL

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1999

Hon. George A. McCarthy: I beg to report that a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999, was considered by a committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for third reading. As there is a luncheon scheduled at 12.30, I think this is an appropriate time to suspend proceedings until 2.45 PM.

PROCEEDINGS SUSPENDED AT 12 NOON

PROCEEDINGS RESUMED AT 3.05 PM

The Speaker: Please be seated.

Item 5 on today’s Order Paper, Private Members’ Motions. Private Member’s Motion No. 3/99, Housing Initiatives for Affordable Housing. The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS’ MOTIONS

PRIVATE MEMBER’S MOTION NO. 3/99

HOUSING INITIATIVES FOR AFFORDABLE HOUSING (Deferred)

Mr. W McKeeva Bush: I had a chat with the minister responsible for this matter and we agreed that we would deal with it in the morning. But we are prepared to carry on with item 5 (ii). I spoke to the member moving that motion.

The Speaker: I will put the question to the House that we defer Private Member’s Motion No. 3/99 until tomorrow and proceed with Private Member’s Motion No. 13/99. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER’S MOTION NO. 3/99 DEFERRED.

The Speaker: Private Member’s Motion No. 13/99, Assistance for Local Potable Water Producers. The Third Elected Member for Bodden Town.

PRIVATE MEMBER’S MOTION NO. 13/99

ASSISTANCE FOR LOCAL POTABLE WATER PRODUCERS

Mr. Roy Bodden: I beg to move Private Member's Motion No. 13/99, entitled, Assistance for local potable water producers, standing in my name, which reads as follows:

“BE IT RESOLVED THAT the Government investigate into how best it can provide assistance into helping local potable water producers, given that Caymanian merchants import water duty free.”

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I beg to second the motion.

The Speaker: Private Member's Motion No. 13/99 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: This motion has been brought to seek the assistance of the government in addressing a need that has been brought to the attention of some honourable members by persons producing potable water for local consumption.

As I understand the situation, the producers who wholesale water have recently had to contend with an increase in fees by the government. Those who are in the retail business, in addition to having to pay increased Trade and Business Licence fees, are also in the unenviable position of having to import the materials used to bottle the water. At least one of these producers told me that the arrangements his company had with the government regarding a waiver of duty on these materials has expired. He has subsequently written to the government but there has been no response. That producer has to now pay duty on materials used in the bottling of water. All this in comparison to merchants that are allowed to import water duty free.

The House will take note that the motion is not asking the government to put any duties on imported water, it is asking the government to investigate into how best it can help these producers of potable water. The motion is not designed to hamstring the government, but it is one where the government can make a sensible and reasonable assessment.

From conversations with some of these producers (and I have discussed it with some of my colleagues on the backbench and they have had the same kinds of approaches) . . . I might just say the consensus of opinion from our side is that we believe the situation warrants some kind of examination by the government.

One of the problems, as I understand it, is that local producers of water have to contend with this differential in cost of imported water and water produced locally which is rather non competitive, believe it or not, as a result of producers having to pay the increased Trade and Business Licence fees and also having to pay for imported materials used in bottling of the water. It is not unusual that they do not get their fair share of the market

because what will happen is that when the weather is good and there are no hiccoughs with orders from Miami, local water producers, suppliers to the supermarkets and merchant establishments, don't do as well as they do because naturally these people are attracted to the imported water which is duty free.

When we have nor'westers, or any other bad weather, there is a greater demand for locally produced potable water. As I understand it, the local producers really cannot gauge their businesses on this ad hoc kind of sales and marketing arrangement because all of them have commitments. One producer has ten Caymanians in his employ. If the market does not show any significant improvement in the next little while, this person has told me that he will have to seriously assess the future of his operations—which may mean that something will have to be done in terms of reducing the number of Caymanians employed. I wouldn't like to see something like that happen. If one entity has ten Caymanians employed, that is certainly a start and there should be more of these entities.

Certainly, those of us who speak about diversification of the economy have to encourage these employers and these operations. I hope that government is sufficiently sympathetic and interested so that it can diligently and conscientiously examine this request.

I have another concern that I should express. I believe that one way we can ensure that the water consumed in the country is of the highest quality and standard is if we produce it ourselves, and is monitored by the Water Authority. If we as a nation fail to encourage those people who invest in the supply of these kinds of essential services then how can we as a nation really move forward into the 21st Century? We have to be looking at diversification issues far more seriously.

So I will not prolong this introduction except to say that I believe the motion has merit. These persons—both those who are into the wholesaling, that is the trucking of water, as well as those who bottle it and do more of the retail business—need assistance at this time because they have all been grumbling since the imposition of the new tax measures. There are certainly ways the government can alleviate some of the burden they have been experiencing. I hope that government is so disposed to examine and see what can be done.

I leave this worthy request to honourable members.

The Speaker: Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause)

The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Perhaps it is worthy to note at this point in time that government doesn't seem to have the ability to reply to the motion. I don't know what procedure will take place. Perhaps the member coming in might reply.

The Speaker: Does any other member wish to speak? (Pause) The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: The motion before the House is substantially in line with what concessions have been given in the past. From what I can understand, the position is that the containers, the bottles and caps and other material needed by the Caymanian producer, has been given duty free concession in the past. This brings it therefore in line with the fact that water which is imported from abroad comes in duty free. I remember when that was done many years ago, probably fourteen years ago. That was good.

So the input of the motion which is seeking to continue the Caymanian producer of water getting his raw materials in duty free, by all means government will continue to do that through Customs. The concession is in place. I guess it must have been in place for quite a while now.

But this producer of water is given a concession on import duty on the bottles and the caps and that sort of thing. So, this motion is very much in line with government's present policy and position on it. I will continue to support and I am sure the government will continue to support that position because we feel that it is fair. So, in effect, government is happy to accept the motion and to continue to carry on this policy which has been in place for quite some time. I can't really say any more on that. It seems to be a nice simple one.

Also I noticed that presumably the word "local" where it talks about helping "local potable water producers, given that Caymanian merchants . . ." I would assume that the mover meant to say "Caymanian potable water producers" or does he expect this to be extended to non-Caymanian people? But the Caymanian water producer does have this concession.

I don't know if there are any others doing this who are not Caymanian or not local. But in relation to the one being referred to—Mr. Eden—he does have this concession and it's a concession that government will continue to renew, depending upon what length it is, at least for the foreseeable future.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I am in support of the motion. In view of recent costs to local companies we need to somewhat level the field. Those persons bottling and producing and trucking water are disadvantaged presently because of recent costs by government. Even the Caribbean Development Bank gives local companies a 15% margin on supplies for goods, that is local companies can be 15% higher because of all the higher cost of production on small scale in the islands.

Government has water duty on several areas in the country, but not on importation. For instance, another disadvantage is that all equipment used to process, truck, and handle is subject to 27% and even 30% duty, that is for local companies importing their equipment. So that cost is added to the companies. There is no effect on companies who import water.

Cayman Water Company also pays 7.5%. That's what they call a dredging or franchise fee. Diesel fuel has

a tax per gallon. This is used by local companies. So there again, that's a disadvantage; more cost for the local company. Government wants \$25,000 for a licence. So in view of these costs and government's recent addition of \$25,000 for companies producing local water, government should now look at finding ways to assist the companies in view of their increased costs.

I am glad to hear that government is prepared to look at it and do whatever (according to the Minister for Education) they can. I am glad they have now agreed to do that. Thank you.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: I rise to make my contribution to Private Member's Motion No. 13/99, Assistance for local potable water producers. My colleagues and I have all been very instrumental in identifying the need for providing assistance for Caymanians. One business of potable water is situated in my district and is ably run and owned by a Caymanian. This company provides potable water to the entire Cayman Islands at a reasonable price and is of very high quality.

Having this business situated in the Savannah community has been a great convenience to my constituents as well as the other neighbouring districts. Also having this business in the Savannah area is a very successful move to decentralising businesses from central George Town to the outer districts.

I am also convinced that the owner of this business has made every effort to make this a success and any reasonable assistance government can provide to help this business to sustain its operation will be worthwhile and value for money seeing that potable water is such a valuable resource which is needed throughout the islands.

I give this motion my full support and also in the absence of my colleague, the honourable Anthony Eden, I would like to pass on his full support as well. Thank you.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: This is not one of these motions that will really require long debate, so let me just say that I give the motion my full support. This is something that I remember bringing to the attention of honourable members on more than one occasion prior to this.

I think what we need to be looking at in the wider purview is the fact that this is one of those situations where we are able to see tangible results in diversification of our industries locally. If we look at what is being done locally, when we talk of one of the producers employing ten Caymanians, what we need to appreciate is that there is room for growth in these areas once these businesses are able to operate in such a way. It's not a matter of making exorbitant profits. But if they can cover their costs while their operations are going on for a certain period of time, certainly once they get their own little niche in the market they will be able to sell more and compete with the imported water. And once their volume increases the business will become more successful.

The seconder of the motion mentioned the fact that in the Public Finance and Audit Law of 1998, when government

brought it's last tax package—or to use their nicer term “revenue enhancement measures”—they skyjacked (for want of a better word) the Trade and Business Licence Fee for bulk water distributors from . . . I don't remember exactly what it was but it was a figure under \$1,000 and it has gone to \$25,000!

I have to say that that shows how ill thought out these revenue measures were. I am certain that it was not government's intention to try to prevent these people from surviving as they have graciously accepted the intention of the motion. It is obvious that they would like to see themselves do whatever they can to encourage businesses of this nature. So when we look at that fee being arbitrarily increased to \$25,000 it makes me wonder who sat down and dreamt the whole thing up.

While the motion doesn't call for it (and there is another motion that will deal with such matters specifically), I want to sow the seed now for government to be examining circumstances like that. I know that they know that that was not a very smart move on their part. I am not talking politically—I am talking about getting the best results and doing what not only seems right for the country, but doing what is right for the country.

I give the motion my support and I would like for government to be thinking in these areas for the other motion that will come at a later date. Thank you.

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

If not, does the mover wish to exercise his right of reply?

Mr. Roy Bodden: I am happy to learn from the government that it is willing to consider this. I have to remind the House that in the past the government has offered certain concessions to some of these persons in the business of selling bottled water and in the business of bottling water. The government offered them certain concessions on the materials used in the bottling of that water.

But one of the weaknesses—and this has been a direct request of at least one of the persons who spoke to me regarding this motion—is that these concessions were granted for specific time periods. Now in one of the cases that convinced me to bring this motion the time limit for the concessions had expired. The particular entity wrote to the government requesting an extension, but some months have passed and they have received no reply. Consequently, they had to revert to paying duties.

Perhaps government can move to address a weakness by monitoring more closely the time limit given and either institute an automatic rollover or make the rollover a mere formality. It is also not farfetched to request a rebate on the duties collected since that time because these people really deserve a break.

Honourable colleagues mentioned the licence fees that are now \$25,000. That is not an insignificant sum! Believe you me, you have to sell a lot of water to realise that—particularly when we realise the market for trucked water (now that the areas of George Town and West Bay are on piped water) is sufficiently contracted. That means that you only have certain sections of Bodden Town, East End, and North Side. With few exceptions in the George Town and West Bay areas, it is rare that these people would require trucked water any more. So this is really difficult for these persons.

As is usual in most things, the consumer is the one who has to pick up the tab. So this \$25,000 increase in the licence fee has been passed on to the consumer. And in the first instance, many of these people who resort to buying this water were people who for various reasons could not afford any other kind of arrangement where they could have a more secure supply. It is fortunate for the producers that we have had in

some areas of the country a drought, which has afforded them a rather steady market. But if there were heavier rains, they would have been really hurting and some of these people rely heavily on the money they get from this.

And apart from the investment in equipment, they hire drivers and other people. So it is not a one-off operation that one man does himself. It is an extended operation and the cash flow really trickles down which makes it even more important to our economy that some kind of assistance be given to these persons.

As I have said, I welcome the acknowledgement by the government that it is willing to look at this. I hope that we can get some kind of satisfactory arrangement and that government can use its initiative to effect the best most effective and efficient solution to this rather budding problem. I shall encourage the government, and I will keep in contact with the potable water producers.

Now, the minister who spoke on behalf of government raised a point. When I said “local,” that's really semantics because these people are Caymanians. I meant that they are Caymanian producers whom I know are in the business. So “local” was just used in place of a better word. Really and truly, I must confess that I hadn't noticed that it could have been slanted in such a way until the honourable minister remarked on that.

Before I wind up, I would implore government to not limit its examination of what government can afford to do to the removal of duties on the bottles and containers, but to also take a more comprehensive look at the whole operation and see what else it may be able to do to help these people get into a position where they can be more competitive, their products can be more attractive and where they can possibly expand their business.

One honourable member made reference to an establishment in our constituency. That is a significant investment by the gentleman involved. I would hope that business is so encouraged that he might be able to expand rather than have to think about contracting.

I leave it with government and hope that government can allay my concerns and have reason to encourage the producers that they may continue to produce water without fear of losing any business and be able to realise returns on their investments.

The Speaker: I shall now put the question on Private Member's Motion No. 13/99. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 13/99 PASSED.

The Speaker: Moving on to Private Member's Motion No. 14/99, Motion to restrict the practice of tattoo artists and other persons from having school age children as their customers. The Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 14/99

MOTION TO RESTRICT THE PRACTICE OF TATTOO ARTISTS AND OTHER PERSONS FROM HAVING SCHOOL AGE CHILDREN AS THEIR CUSTOMERS

(Deferred)

Mr. Roy Bodden: I would crave the leave of the House because it has been brought to my attention that this motion, which was drafted by me, could be more efficiently and effectively crafted. As it is, the government has informed me that it is a little problematic the way it is.

So, I would crave the leave of the House for an early adjournment, if it pleases the Chair. I will have the rest of this afternoon to try to effect the repairs needed on the motion.

The Speaker: Is it the wish of the House that we adjourn for the day or that we move on?

I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow morning at 10.00.

The Speaker: Before I put the question, the Third Elected Member for Bodden Town has asked permission to move a motion of importance.

RAISING OF PUBLIC MATTER (Standing Order 11(6))

BREAK-IN OF POLICE SHED

Mr. Roy Bodden: Mr. Speaker, you will recall that I spoke to you in your office and requested that you give me leave to raise a matter under Standing Order 11(6) which is of some national importance.

The matter has to deal with a report which was carried in the newspaper, but when I heard the story I confirmed it with the police high command, that is of a break-in at what the *Caymanian Compass* in its issue of Monday 7th June, described as a "shed."

As I understand it, this building contained important, if not vital evidence and specimens for some cases that were before the courts. Some of these were serious drug cases. This is a matter of national importance and concerns the Legislative Assembly because under our system, any attempt to tamper and subvert the courts and justice has to be viewed in the dimmest of light.

I also wish to say that this airing gives us the opportunity to strengthen the way in which these matters are handled. One of the requests I wish to make of the Chief Secretary, who has the Parliamentary responsibility, is that when government is aware of these situations, bearing in mind that many of these situations are sensitive and of a confidential nature, we think that it is not only appropriate but would be better handled and better managed—and certainly convey the impression of some form of transparency—if government is willing to share with members of the Legislative Assembly, even if we have to be requested to give some kind of guarantee that we will hold matters in confidence.

A case in point is when I was at my place of work. I received a telephone call informing me that this incident had taken place. I had not heard of it before. Subsequently, a customer came in and repeated the story. I then felt duty bound to call the police high command because this was "marl road" talk of a rather serious nature. The stories were confirmed, and I was satisfied that the police were doing all in their powers to get on top of the situation.

But I want to conclude by saying that in addition to assuring the House of what information they can spare as to the developments in this case, I would also like the honourable First

Official Member to consider that in the future when these cases occur, that members of the Legislative Assembly be apprised, even if only that "such and such" has happened and that "government is on top of the situation." Then it puts us as representatives of the people in a position to say when approached that we are aware of it; that government has made us aware of it, that we are satisfied that we have an undertaking from government that it is doing all within its powers to normalise the situation or get on top of the situation.

That prevents the spread of panic, misinformation, wrong information, and mischief on the marl road and puts us in a position where when we are approached we can say to our constituents and the wider public that we know, rest assured the government is doing all it can to get the situation under control, there's absolutely no need to worry.

Thank you.

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

Hon. James M. Ryan: Thank you.

On the night of 31st May this year an outbuilding at the rear of Central Police Station was entered by force and certain property was removed. The following day a statement was released to the press. That has since been out in the *Caymanian Compass*.

The enquiry is continuing and any further information at this stage could prejudice both the police enquiry and possibly the prosecution. If and when additional information is available, it will be passed on. Thank you.

The Speaker: I would like to thank the Third Elected Member for Bodden Town for the way in which he presented this, and the honourable First Official Member for his reply. I think in view of the sensitivity of the matter we should go no further.

The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 3.55 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 10 JUNE 1999.**

**EDITED
THURSDAY
10 JUNE 1999
10.15 AM**

[Prayers read by the Second Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for late attendance from the Honourable Second and Third Official Members. They will be arriving later this morning. Item 3, Government Business, Bills, Third—

Mr. W McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

RAISING OF MATTER OF PRIVILEGE

ABSENCE OF QUESTIONS ON THE ORDER PAPER

Mr. W McKeeva Bush: I rise to bring to the attention of the Chair a matter that I believe affects the procedure and privilege of the House, that is members' business on the Order Paper.

It is a sad fact that government seems to be ducking some of these questions on the Business Paper. I am concerned, as a member of the Business Committee. And we already had one member from this side of the House who resigned from the Business Committee because of this type of action. I am not here blaming the Chairman, Mr. Speaker.

I am raising this matter because yesterday in a Business Committee meeting I asked why no questions were being put on. The answer was that ministers were busy and, in particular, questions that were put down from Monday to be answered today were not going on the Order Paper. The reason is that there could be something legally wrong with those questions. Those questions were to the Minister of Tourism in regard to the matter of Pedro Castle.

I would like to hear what is the illegality about it, and why we can't get those questions answered.

Ministers must do better than this. Members on this side are as busy as they are. I don't know if they can stand in this House, or anywhere else, and tell the world that they are that busy and that they cannot answer some questions that have been on the Order Paper for nearly a year now.

This affects the procedure and privilege of this House. Members' business! It stinks! It seems that some ministers are running from a matter that should be properly aired in this House; a matter that you as Presiding Officer have allowed to be put on the Business Paper of the House. We cannot continue in this way.

I know they can be busy. And I would like to say that while I was there I was busy too. But they have executive staff. They have a lot of support staff. And as I understand it, they don't sit down and write the answers themselves—the support staff provides the information and they merely go over it, correct it, and send it on to the House for answering. This has got to stop!

Why are they running and ducking in this fashion, talking about "illegality" of questions? If there were some illegality, wouldn't the Presiding Officer have known that?

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

Hon. Truman M. Boddén: As Chairman of the Business Committee, I explained to the First Elected Member for West Bay that for the past two weeks the Executive Council together with the Third Elected Member for George Town has been putting together very extensive submissions on the OECD. This has taken just about our complete time, including sittings on Saturdays and some members working on Sunday.

The procedure that is now in place is no different from the first five years that the First Elected Member for West Bay was in this House. He ducked! And if it stinks—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order!

Hon. Truman M. Boddén: If it stinks—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order!

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: I want to find out from that minister what time I ducked any questions. Anytime I was asked any questions I came here and answered them, and if I couldn't answer them, I said I would answer them in writing.

The Speaker: Give him an opportunity to answer, please.

Mr. W McKeeva Bush: Well, Mr. Speaker, I would like to hear what time. That's a point of order I am raising.

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

Hon. Truman M. Bodden: The procedure now is the same as—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order. Is this a different point of order?

Mr. W McKeeva Bush: I already raised that point of order and the minister is not replying to the point of order.

I want to find out what time I was involved in that stink which I ducked. He is misleading the House. That's the point of order. I don't need to spell that out to the whole world, but that's what it is. And I would like to find out what it is that he is talking about.

The Speaker: I think we have to give him an opportunity to tell us. The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I am going to move off the question of "ducking" and go on to the "stinking" part of it.

It is unfortunate that this House has to put up with this type of language. What I am saying is that the position now is no different from what it has been in the past. I know that. A point that was just raised by—

The Speaker: Could I just ask you then to withdraw the word "ducking" and just—

Hon. Truman M. Bodden: Well, if that honourable member withdraws—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order. Is the member confronting you now with argument?

Hon. Truman M. Bodden: No, no. Now you sit down.

Mr. W McKeeva Bush: Me, sit down? You're not big enough to make me sit down, Mr. Truman Bodden!

The Speaker: Please. Order!

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I withdraw "ducking" but I would like that member to withdraw that the five members of Council are ducking questions as well. What goes for one, goes—

Mr. W McKeeva Bush: Mr. Speaker!

Hon. Truman M. Bodden: No! Would you let me finish please?

Mr. W McKeeva Bush: On a point of order.

Hon. Truman M. Bodden: No! You let me finish my point of order.

Mr. W McKeeva Bush: This is a point of order!

Hon. Truman M. Bodden: How can you have two points of order on the floor?

Mr. W McKeeva Bush: Because you're arguing one, and you shouldn't be arguing with the Chairman.

The Speaker: Parliamentary procedure says that one member should speak. Please, let us have some decorum in here this morning.

Mr. W McKeeva Bush: Mr. Speaker, I am rising on a point of orders am I not?

The Speaker: He has just risen to reply to the point of order.

Mr. W McKeeva Bush: Mr. Speaker, he's arguing with you, and if you don't recognise that now, then I don't understand why you are not recognising it. He must withdraw the misleading statements he made and that is my point of order.

The Speaker: Let us get back to what we are dealing with. He has said that he withdraws "ducking." He has raised a point of order that you used the word "ducking" prior to his using it. So I am now asking that you withdraw that.

Mr. W McKeeva Bush: Mr. Speaker, I am not going to withdraw that this morning. Do you know why? Because he is the Chairman of the Business Committee!

And you let me explain, since you gave him a chance to explain. We put down questions from Monday—from Monday!—so the Minister of Tourism could answer. And then they have questions from last year. Mr. Speaker, this has to stop! And he raised the matter that there was some illegality about it. What is the illegality?

I want to find that out on the floor of this House because the people of this country ought to know if I ask a question and you, as Presiding Officer, allow the question to go to the Minister, then what is the illegality about it? If that is not ducking, you give me another word Mr. Speaker!

The Speaker: Let me clear my point now. As the Presiding Officer of this House I have asked you to withdraw "ducking."

Mr. W McKeeva Bush: I withdraw "ducking" and say they are "running" from the question . . . or they don't want to answer it. What is the problem?

The Speaker: I would like to call to the attention of honourable members that the procedure in this House is that Business Papers are prepared. From that, the Business Committee selects what goes on the Order Paper. You stated earlier that you are a member of the Business Committee. I want to make it abundantly clear that [neither] the department nor the Chair has anything to do with what goes on the Order Paper.

It is my responsibility to see that what goes on the Order Paper is carried out in a proper manner. And I intend to do that this morning. So, let us get on with the business of the day.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman M. Bodden: If I may finish. On another point of order, the First Elected Member for West Bay has called me a "rat." I wish to have him withdraw it, please.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I will withdraw that, if you heard me say so and if it is recorded in the *Hansards* of this honourable House. I would like to stop here and see. I don't recall that I said it, but let's see.

The Speaker: This is only going to delay the proceedings. We will have to suspend while we get the recordings. If that is the wish of the House, we shall do so.

The Honourable Minister responsible for Education, Aviation and Planning.

Mr. Roy Bodden: Mr. Speaker, before you take the suspension, I would like to say something sir.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I think, sir, that honourable members have a right to feel frustrated about the business of the way questions are handled. I speak from the point of view of those of us who take our business of representing the people conscientiously. I have 44 questions now on this Business Paper. Some of these questions have been outstanding from a year ago, last June.

I want to say this because it is serious. What is being demonstrated to us is that those of us who are conscientious about representing the people are being deterred from our conscientiousness. We go to extraordinary lengths to gather questions, many of which emanate from concerns of our constituents and the wider public. And the questions are not being answered.

I have to say that the government has to convince me that it is not treating this with an element of contempt.

I take cognisance of the position of the Chairman of the Business Committee, the Leader of Government Business, that he has pressing matters such as the OECD. But is the government telling us that it has the capability of only dealing with one important matter at a time? That they are one-tracked? I hope not! If that is the

case, that means they have been running on the same track since last June since some of these questions originated at that point.

Previous experience and comments I have heard lead me to believe that there is an element of contempt in the way our queries are treated and that this whole business of questions from members is treated with a nonchalance that is not indicative of good Westminster style parliaments. I would hope that government takes note of our concern.

I leave them with the old adage that what goes around, comes around. Thank you.

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

Hon. Truman M. Bodden: Mr. Speaker, the Business Committee is comprised of five people. It takes its decisions on a democratic basis. That is the way the Standing Orders of this House have it. The fact that the First Elected Member for West Bay might not like the decisions of the Business Committee . . . he's not entitled, as a minority in there, to come in here and dictatorially change the Business Committee's way of doing things.

Mr. W McKeeva Bush: Mr. Speaker, on a point of order!

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mr. W McKeeva Bush: I want the minister to withdraw the word "dictatorially." That's unparliamentary and it imputes a lot of things that he knows are not true.

The Speaker: Honourable Minister responsible for Education, Aviation and Planning, use another word. Please withdraw that.

Hon. Truman M. Bodden: I withdraw it, Mr. Speaker.

He's one person in there. And when the First Elected Member for West Bay does not get his way in there, we have the position that has come out here today. To begin with, we shouldn't be talking about what goes on in the Business Committee because it's held in camera, not in public. That is the first breach that has gone on.

But what goes on the Order Paper . . . and if we notice there are no questions for the Official Members. They have been tied up as well. I want to make that clear.

The other problem which the First Elected Member for West Bay brought out before his triad is that we are trying to assist and go along with the backbench instead of answering questions in writing we are bringing them forward to answer them orally. What has happened now, by changing that procedure in the course of trying to help, there is a very large backup of questions.

Nobody is dodging anything. The Official Members are in the same position as the Elected Members, but we are only human beings. Dealing with questions takes a

lot of time. There is no two ways about it. Hundreds and hundreds of man-hours can go into dealing with questions before they reach the House. So I would like to make it clear that the Business Committee is a democratic committee and the decisions of a minority, or one person in there, as against the other three or four will not override.

It will be unfortunate if this House attempts to force its view on committees that it has set up, because more and more I see the House wishing to do as it wishes regardless of procedure or otherwise. I would ask them to respect the Standing Orders of the House. As soon as we can get the questions ready they will go on the Order Paper.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The sense of logic in what the Honourable Minister for Education just said is not travelling on calm waters. His sense of logic is travelling on very stormy waters and being swallowed up because there is no sense of logic to what he just said.

The minister just said that in trying to comply with the wishes of the backbench—by not answering questions in writing—that the government and/or (I am assuming) the Business Committee has put forward these questions to be answered orally while we meet. The immediate question is, If they were going to answer the questions in writing and it would have been done long before this, then what's the problem with bringing them onto the Order Paper to answer them? That means the answers are already prepared. So what he just said makes no sense whatsoever.

But that was just to deal with that specific point, because while the minister uses his own methods to try to bring his points across in this honourable Legislative Assembly there are some of us who can see through him in the way he does things—not through smartness but through tenure alone—having to listen to him so often.

The whole point about questions . . . some arguments have been put forward by other members of the backbench this morning. But what we must truly understand is the reason why members are frustrated with the arguments put forward as to why the questions are not being answered. The arguments wear themselves away and even if you try with the best of hearts you just have to stop accepting the watered down methods with which the government is trying to justify the questions not being answered.

I want them to hear me out!

When it is not that “we are meeting in here for six months” and they can't get to do it, it's because they are talking about other issues. He mentioned the OECD issue. I know—and they don't have to tell me—that not all of them sit down and spend all of those hours dealing with this thing!

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: I know that!

Mr. W McKeeva Bush: They've told us so.

Mr. D Kurt Tibbetts: No one is expecting more than can be done. But the truth of the matter is that it has become a battle. And I hold the view today that there are some members of the government who will use whatever means available to avoid bringing the questions to the Legislative Assembly, having to answer them.

When they talk about doing this and that all of the time . . . the government has staff at its disposal. The ministers have staff at their disposal. Are they saying to us that they have no confidence in their staff? Because the way the arguments are put forward it is like they have to answer the questions. And we know better. They know better and they know that we know better.

Perhaps we might be able to stop the arguments about it and maybe they will come with a different frame of mind and try to answer the questions. They talk about not having time to answer questions. But if we look at all of the questions that have been put forward through almost a year (as was mentioned before) there is no reason why even if the recent questions take longer to answer, that the other ones that were backed up can't be brought on the Order Paper to be answered. There is no reason.

Because the Legislative Assembly meets in March and then you finish that meeting doesn't mean that you don't go back and answer any questions until you come to June. What happened to all the time in between that?

Regardless of how busy they were, they have the wherewithal by which staff could do whatever research to come up with the answers and they can simply look at what is prepared and make whatever changes they want to and bring the answers to the questions to the floor of the House when we meet.

Regardless of what they might say, there is no justifiable reason why there is not enough time for questions to be answered on the Order Paper when we are meeting now because some of the questions go back over a long period of time. And while people may believe that they will just fall away, let me say something that they might consider to be a joke and will laugh amongst themselves about it, but I take this business seriously!

Right now, outside of my family commitments and everything else, this is the most important thing in my life because I have made a commitment!

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: This is no joke! And I don't play games and I don't care about positions. I have a responsibility, and if my responsibility stops at asking the questions and their responsibility extends to answering them, then let them face their responsibility. I don't want to hear any more foolishness!

No matter what they say, it is going to come back down. There is no excuse! And anything else that they say from here on in will be treated by me (and I think I speak for the other backbenchers) as pure excuse! Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: The Chairman of the Business Committee raised a number of issues that I need to address. First of all, this matter affects the procedure of this House. It affects members' business.

The decision to put on three questions on Monday, was not the decision of the minority in the committee—namely McKeeva Bush—it was the decision of the membership of that committee. Now, if I am wrong, get the records of the Business Committee. He might rise on a point of order to say I am wrong. Get the records and let him read the record.

Hon. Truman M. Bodden: Mr. Speaker, I rise on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Bodden: What the Business Committee decided was at 3.45 yesterday, we would look at putting questions on. That member wanted questions put on—

Mr. W McKeeva Bush: Ask Georgette.

Hon. Truman M. Bodden: —that had to be referred to the Attorney General because they may prejudice any future investigation or cases.

Mr. W McKeeva Bush: Which questions are you talking about?

Mr. Roy Bodden: Mr. Speaker, on a point of order, sir.

The Speaker: Let him finish his point of order.

[Addressing the Honourable Minister responsible for Education, Aviation and Planning] Please continue.

Hon. Truman M. Bodden: The questions I am talking about are the questions the First Elected Member for West Bay was talking about.

Mr. W McKeeva Bush: The same?

Hon. Truman M. Bodden: And what he is saying there about what the Business Committee did is not correct. We decided to review it at 3.45 yesterday and deal with putting on the questions then.

The Speaker: May I remind members of this honourable House that proceedings in committees are not supposed to be openly discussed in the House.

Mr. W McKeeva Bush: Mr. Speaker, please.

The Speaker: They are private.

Mr. W McKeeva Bush: Mr. Speaker, I appreciate what you are saying. But this has been going on so far and so long that you cannot raise it at the end. By the time you get a Business Committee report to this House where you can raise it, it's months afterwards. And, Mr. Speaker, it affects the procedure—the non-answering of questions affects the procedure and our privilege to have those answers in this honourable House. And the only way that we can determine what he is saying and what I am saying would be to get that record. Now we are not going to get that until months afterwards.

I know that what he said concerning we would discuss other matters is true. But I specifically asked for those three questions—and they agreed! And it is down in the record because the Clerk said "What do we do about the three questions that we agreed on Monday?"

Furthermore, I would like to hear what the illegality . . . they are ducking! They are running because they don't want the Pedro Castle issue aired. And it should be aired—and the Minister for Tourism should want it aired! The people of this country are demanding that it be aired!

Now, Mr. Speaker, I can understand. I am a past member of Executive Council and I know the difficulties ministers face. But they cannot constantly come here and make us believe that that's all they are doing. I will give you two examples: We saw them on a road visit the other day. What good did that do the country?

For two and one half-hours yesterday we all went to a luncheon for Vision 2008, very important. But they had already heard those things through a presentation to Executive Council. That's two and one half-hours they could have used to answer some questions, in particular those pertinent to the business of this country. And people are demanding it!

I am saying that they are running from the matters of those three questions because they plan to say something about illegality in the answering of the questions and the motion!

That is not all that affects the privilege of the House. And please give me the opportunity, Mr. Speaker. We have some 14 motions on the Order Paper. From what I understand they are not going to take any more than three today. Maybe we could only get through three today. When I asked about tomorrow, they said that they were not ready with the balance of the 11 motions.

Now, we have nothing happening in the House tomorrow because government has no more business. They are going off next week, so nothing else gets done again. As the First Elected Member for George Town said, we take our duties seriously. Every one of them should want to answer questions and do all they can because they just gave themselves a hell of a raise!

We take it seriously! I know that the Minister for Education would like the minority to be kept down all the time. I know that! And we have to observe the democratic process. The minority is the minority, yes. But if we put work before the House, we deserve to be heard. And not because they are the government should they think that they can just give these answers and everybody has to swallow it. It is not fair!

It is not right! It is absolutely wrong what is going on in this country!

Why are they running? Why are they ducking those questions on Pedro Castle? Thank you for your indulgence Mr. Speaker. I really thank you. I know your patience was stretched this morning. I thank you because these things need to be aired.

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

Hon. Truman M. Bodden: If I may reply to what the member said—

Mr. W McKeeva Bush: Mr. Speaker, how much longer are we going to go on with this now?

Hon. Truman M. Bodden: *[Addressing the First Elected Member for West Bay]* Are you rising on a . . . Well, you started this!

Mr. W McKeeva Bush: I had the right to reply. I thought everyone else had spoken.

Hon. Truman M. Bodden: I am standing—

The Speaker: One member may speak at a time, please. I recognise the Honourable Minister responsible for Education, Aviation and Planning.

[Addressing the First Elected Member for West Bay] I will give you your turn after he has finished.

Hon. Truman M. Bodden: Thank you.

First of all, the Standing Orders are clear: The matters of select committees should not be on the floor of this House. You made that point yourself.

Secondly, when a question is answered in writing a lot of preparation for supplementaries does not have to go into it. It's a very simple thing to answer a question in writing. It's a different task when you are questioned afterwards. I point that out.

The third thing is, and the Financial Secretary can bear this out, the majority of our staff (and at one stage I had only one receptionist in my office) were out trying to deal with the financial reform measures. That is still going on. Workshops have been held in the last three weeks where sometimes two days running just about all the staff were out.

The third thing is that the ministers here take their work seriously. But there is only a certain limit to what we can do. We have to prioritise what we are doing and the position has been . . . and it's not just the OECD we are dealing with. We are dealing with the G-7 measures and also the European Union measures. We have to leave for the United Kingdom on Tuesday. Monday is a holiday and, to be frank, two of those measures still have to be dealt with. It would be better, in my opinion . . . I think our time would be better spent trying to take as much time as we can to prepare for them. If they go wrong then this country can't live off questions.

It is going to radically . . . or, it is going to affect this country if that preparation is not done as fully as possible. So, what is being said by the First Elected Member for West Bay is unreasonable. He has been a minister here. He knows the pressures that are up there. Ministers do as much as they can and as quickly as they can. Last time I think four or five of the members of Executive Council answered all the questions. There were some left over and we agreed to bring them across.

Every effort is made to answer them. But now, in one session we answer more questions than previous parliaments answered in a full year, it's the same with motions. Some of these motions have to be looked at very carefully and until we are ready to debate them, I don't think it is right for the public not to get a complete picture on these motions. And research has to go on in several of these motions, legal advice has to be taken on several of them and we do have these three ready that we can move on.

But on the other hand, we could have done more work on the last day we were here (Wednesday). But, once again, some of the members who were moving these motions were not here and as a good-hearted government, we said we would stop early. I am just saying that it happens to both sides of the House at times.

There are times when members are not ready and we bend and we put it off. We meet with members at times to try to work out a joint position. So this flows both ways, Mr. Speaker. We are doing everything we can and I know the public appreciates that sir.

The Speaker: The First Elected Member for West Bay. After this we are going to move on.

Mr. W McKeeva Bush: Thank you, Mr. Speaker.

The minister is right. And I point out again that the privileges of this House are being affected. He can get up and talk about OECD all he likes. We know, because we have been in committee with them, that not all of them are involved. We know that! Why would he come and try to make us believe that everybody is involved? They are not!

And he is right. They should prioritise. That is what I am asking them to do so that this Parliament is not left without work being done. That's all I am asking, Mr. Speaker. They cannot continue in the vein they are.

He is getting up and making the world believe that they are spending all their time on this OECD. That's not true! They are spending their time on things they should not be spending their time on that's why the country's business is in shambles.

I just hope that we get our questions answered and they don't run behind this "illegality" that they are planning to dump on us regarding Pedro Castle. As far as being a good-hearted government . . . some of them don't have any heart!

The Speaker: Honourable Members, I would suggest that in the future we have an informal discussion on this rather than on the floor of this House.

We shall now proceed with the business of the day. Item 3 on today's Order Paper: Government Business, Bills, Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1999

The Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1999.

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

Mr. W McKeeva Bush: Mr. Speaker, before you move on, I think you should point out that today being Thursday, you need to suspend the relevant Standing Order since [Private Members'] Motions are given precedence this morning.

The Speaker: You are perfectly right.

SUSPENSION OF STANDING ORDER 14(3)

Mr. W McKeeva Bush: Mr. Speaker, since the Leader of Government Business is so busy doing everything else that he didn't know this had to happen, I would move that we suspend the relevant Standing Order so that we can take Government Business before Private Members' Business.

The Speaker: Do we have a seconder?

Hon. Truman M. Bodden: Mr. Speaker, on a point of order, I am really getting tired of being insulted by the First Elected Member for West Bay—

Mr. W McKeeva Bush: Please, Mr. Speaker, there is a motion before the House and unless the minister is addressing—

Hon. Truman M. Bodden: I am taking a point of order!

Mr. W McKeeva Bush: What point of order do you have?

Hon. Truman M. Bodden: I am tired—

Mr. W McKeeva Bush: Mr. Speaker, what is the point of order?

Hon. Truman M. Bodden: The point of order is that the member is consistently insulting other members and imputing improper motives!

Mr. W McKeeva Bush: You should be the last one to talk!

Hon. Truman M. Bodden: Will you please sit down?

The Speaker: Please one—

Mr. W McKeeva Bush: You make me! You're big enough. You make me this morning, because I have had enough of this little man, Mr. Speaker!

The Speaker: Listen, honourable members, let's get back to order!

Mr. Roy Bodden: Mr. Speaker, I second the motion, sir.

The Speaker: I understand what the minister for education is saying, but it's not going to solve the problem today. Let us get on with the business of the House.

The motion has been made and seconded that Private Members' Motions give way to Government Business. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

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

The Speaker: Continuing with item 3 on today's Order Paper: Government Business, Bills, Third Reading.

Hon. Truman M. Bodden: Mr. Speaker, in the absence of the Financial Secretary, I move the third reading of The Banks and Trust Companies (Amendment) (Waiver of Penalty Bill, 1999.

The Speaker: The question is that The Banks and Trust Companies (Amendment) (Waiver of Penalty Bill, 1999 be given a third reading and passed. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY BILL, 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: Moving on to item 4 on today's Order Paper: Other Business, Private Members' Motions. Private Member's Motion No. 3/99, Housing Initiative for affordable housing to be moved by the First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/99

HOUSING INITIATIVE FOR AFFORDABLE HOUSING

Mr. W McKeeva Bush: Thank you, Mr. Speaker.

I beg to move Private Member's Motion No. 3/99, Housing Initiative for affordable housing, standing in my name, which reads as follows:

"WHEREAS between 1992 and 1996 Government accepted a policy through the Ministry of Community Affairs for various housing needs, making it possible for a number of people to obtain homes;

"AND WHEREAS in 1997 further initiatives were approved to assist first-time home ownership;

"AND WHEREAS there still remains a dire need to meet the housing requirement in the low-income group and otherwise;

"BE IT NOW THEREFORE RESOLVED THAT the Government directs its attention to addressing the need for affordable housing in general in the country as a matter of priority."

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I am pleased to second the motion.

The Speaker: Private Member's Motion No. 3/99 has been duly moved and seconded and is open for debate. The First Elected Member for West Bay

Mr. W McKeeva Bush: Mr. Speaker, it is public knowledge that the government's guaranteed home mortgage scheme has been in existence since August of 1994. In this scheme several locally registered class A commercial banks are providing the mortgage financing, with government providing a guarantee of up to 35% of the upper layer of each mortgage.

The maximum mortgage can be granted for up to \$125,000 (and we know that we have moved that up to \$150,000) for 20 years, at an interest rate of prime plus 3%, which stands at some 11 $\frac{3}{4}$ %. The last count that I had of the number of homes was somewhere around 170 Caymanians have been successful in purchasing mortgages to purchase a home or to have one built.

These applicants otherwise would not have been able to own their home due to the equity down payment requirements of most mortgages at commercial banks on these islands. The joint income of the applicants range from \$2,000 per month to \$5,000 per month, as I understand it. Similarly, mortgages have ranged from \$45,000 to \$120,000 thus far.

These homes have been through the width and breadth of this country—George Town, Bodden Town, Newlands, Midlands, West Bay, and some even in Cayman Brac. Much time and thought went into the exami-

nation of ways and means of designing a programme that gives greater access to mortgage financing for these income groups. But there is another area that remains of serious concern to government and members of this honourable House. This particular sector of concern includes single parent families as well as low wage earners. We all know that people who own their homes are generally more content. They have more of a stake in the country and therefore are better citizens as a result.

We encountered many problems trying to get a handle on that aspect of the housing sector—the low wage earner, and the single parents. Representatives of the Ministry at the time, the Public Works Department, and the Planning Department, visited several countries in the region to look at various systems because one of the main problems is the high cost of construction for housing. We found several models and we were well underway with discussions in the private sector to provide some housing for that sector. But in one area at least one person objected (possibly several objected) to having that category of housing next to them.

It's funny because that was just the run-up to the elections, and I thought it was a lot of electioneering. It seemed that way because in the same vicinity another company has gone in, bought another piece of property and has started building. So it must have been electioneering.

In the guaranteed home mortgage scheme a common hindrance to qualification is the ratio of the applicant's monthly payment to his monthly income. One aspect of the problem in this instance is the person's ability to pay a mortgage when he has other loan commitments. For instance, unpaid credit card balances, which together may take him to 40% of his salary as required by the banks as a maximum debt service ratio. Those problems, coupled with the lack of available homes at that time which could have been readily purchased or constructed for an amount these persons could qualify to borrow, still make it impossible to provide housing for the lower income group I am talking about.

To give an example of the schedule of what a person or couple would pay for various levels of mortgage loans based on a 20-year repayment period at 11 $\frac{3}{4}$ %, the monthly payment on a \$40,000 loan would be \$419.70. The monthly income that the bank requires is \$1,271.83. For a loan of \$50,000, \$524.63 would be the payment. The monthly income requested is \$1,589.79. For a loan of \$60,000, the payment would be \$629.56, with a monthly income requirement of \$1,907.75. For a loan of \$65,000, \$682.02, with a monthly income of \$2,066.72. For a loan of \$70,000, \$734.48 with a monthly income of \$2,225.70.

For a loan of \$75,000, \$786.95 with a monthly income of \$2,384.68. For a loan of \$80,000, \$839.41, with a monthly income of \$2,543.66. For \$85,000, \$891.87, with a monthly income of \$2,702.64. I could go on, but I will stop there because then it really rises and I am trying to focus on the lower income group. At \$85,000 is what we would hope to get homes for. That is what the very top of the low-income group could probably reach. But

not the lower end. The income figure I was given was either a single or combined salary.

There are prohibiting factors to implementing a scheme that falls within a mortgage payment range of \$250 to \$650 per month. These obstacles include costs such as import duties, stamp duties, as well as labour costs and building materials. We investigated several schemes, one that made \$3 million to \$4 million available for housing and took all of those factors into consideration. But it must have fallen away after I left Executive Council.

It is not so much the financing now. As I understand it, there seems to be fund available, but not available to that sector. So we are going to have to come up with several ways to come to grips with this problem.

I always felt that the only way to tackle the housing needs in the country was to do a number of initiatives dealing with the problems from various angles. One way that could be introduced is for government to get more involved, do a rental agreement between the buyer and the owner and the bank with an up front commitment from the buyer that a portion of the rental payment goes to paying down the deposit. Once this has been achieved the bank would then roll this over into a mortgage. Government and the banks could be made to join a pool to fund these types of mortgages.

Interest rates on these types of mortgages would need to be set at special rates, below what the norm now is in the guaranteed mortgage scheme so that it could be beneficial to the buyer and the lender. There are a number of apartments and homes being built today. Government needs to go and negotiate with the owners and have a roundtable discussion with them and the banks so that the initiative I am talking about can be quickly explored.

As I said, government could do a little bit more and some of the ideas that I had to be implemented in this four year term was that government would put aside sufficient funds annually to provide soft loans up to a maximum of \$100,000 for a period of 30 years. Then government would give a 5% interest rate for first time homeowners. Also in that particular thought process, if a couple was building a first home for \$150,000 or \$175,000 government could still finance the \$100,000.

One of the things I accomplished at the Caribbean Development Bank Board meeting in Canada in 1997 (attended by the Financial Secretary, a member of his staff, my Permanent Secretary and I) was to get Caribbean Development Bank to agree to a different outlook of the Cayman Islands in terms of how we borrow funds from them. I discussed the matter of housing and it is a source we can tap because there was agreement for an initiative for Cayman. What happened after that I don't know as I resigned in October. That is an initiative that could be taken up by government because it was the thought process when we were putting together the scheme to address the needs of the lower income group.

The cost being what it is, legal fees and so on, government could approach an attorney, or perhaps their own legal department for a flat rate for all legal work for the purchase, a reasonable flat rate of \$500 or less,

which would include pre-qualification for the stamp duty waiver and everything pertaining to the sale. As I said, one prohibiting factor is the interest and the qualifying ratio of the applicant's monthly loan payment requirement to their monthly salary.

One way that we had discussed (and we had intention of carrying the programme through) was looking at introducing a system that if the interest had to remain the same in the country that is being offered to people for mortgages, especially the lower income group, if the interest had to remain the same government with the banks would enter into another agreement. Government would be the 100% guarantor to the bank and the agreement would be structured so that government could pay the interest of the mortgage through a fund set up for such purposes and take back that payment from the borrower interest free but over a 30 year period so that the borrower's payment to government on that side of his commitment would be very minimal.

We thought that these different initiatives could assist the people we are trying to help but it would entail a lot of discussion and it would entail government giving some more commitments.

I don't know what has been done with the guaranteed mortgage scheme since I left Executive Council. I don't know how many people have received mortgages, if any, since 1997. But I am asking government to look at these different aspects I have mentioned this morning and be up and running with the scheme.

I see that the minister is not in the Chamber, but probably in a meeting. Probably we could take the suspension at this time.

The Speaker: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.19 AM

PROCEEDINGS RESUMED AT 11.57 AM

The Speaker: Please be seated.

Proceedings are resumed. Debate continues on Private Member's Motion No. 3/99, Housing Initiative for affordable housing. The First Elected Member for West Bay continuing.

MOTION TO AMEND PRIVATE MEMBER'S MOTION NO. 3/99

Mr. W McKeever Bush: I now want to move to the amendment to the motion which says: "**In accordance with the provisions of Standing Order 25(2) I, the First Elected Member for West Bay, wish to move the following amendment To Private Member's Motion No. 3/99: 'That at the end thereof, the following resolutions be added: "BE IT FURTHER RESOLVED that the Government assistance with waiver of Stamp Duty on first time home owners be increased from \$125,000 to \$135,000 or \$150,000; and BE IT FURTHER RESOLVED that the waiver of Stamp Duty on**

first time owner of house lots be increased from \$25,000 to \$35,000.”

Mr. Speaker, the Third Elected Member for Bodden Town is the seconder and the Serjeant is getting him. He had to step out a minute.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Given the circumstances, I am happy to second that motion for the amendment.

The Speaker: The amendment to Private Member's Motion No. 3/99 has been duly moved and seconded. Do you wish to speak to it? The First Elected Member for West Bay.

Mr. W McKeeva Bush: As I said, since the introduction of the government guaranteed mortgage scheme, many Caymanian families have been able to get a home.

During the 1996 election various members of the House campaigned on the housing issue and we also campaigned for more assistance. And in 1997 I was able to get government to agree to waive stamp duty for first time homeowners for houses up to \$125,000. We also got government to agree to waive stamp duty on first time owners of house lots up to \$25,000. We do know that this has been very successful and once again we were able to demonstrate that through sensible innovation we could get things done to benefit our people.

This amendment goes a bit further to once again address the need facing our people by increasing the waiver of stamp duty on first time homeowners from \$125,000 to \$135,000 or \$150,000, and house lots from \$25,000 to \$35,000. I believe this initiative will also go a long way in assisting our people to be able to get a home. We have had people come to us at various times saying that they have this type of income, which is not a big income. And in trying to get a house which might be \$135,000 instead of \$120,000 or \$125,000 but the government agreement only goes up to that \$125,000 so they can't get assistance. So it is with house lots also. This is an attempt to give them that little bit more working room to assist them in getting a home for themselves and their children.

As I outlined earlier, there are different areas that need to be looked at, different initiatives to attack this housing problem. It is not going to be addressed from just one angle; it can't be because of our type of development and the makeup of the country. It would be good if we only had to deal with one area, but there are various factors that stop us from just saying we will introduce this scheme and that's all we will do. We did that. It helped some people, but it didn't help others. So, as I pointed out this morning, we need to move on different angles to help the people in the different salary levels.

There are various issues that impact upon people getting homes, which I outlined earlier also. There's the matter of import duty and planning fees. I think that developers of this type of housing I am talking about for lower income groups could be given concessions on a

percentage basis on duties on materials. This would require some policing I know by government. I understand that the planning fees on a 12-unit apartment could be between \$10,000 and \$15,000. This kind of savings can be passed on to the purchaser and I am not talking about wholesale waiver, but for the income group we are trying to help that can't get a home.

So we have to look at various ways of helping them. At one point we looked at a Swiss programme which was being done in San Pedro Sula of cement sheeting. These homes were good homes for lower income people. We were talking between \$35,000 and \$60,000. That's the bracket we need to be looking at. We looked at different types of building material. Today big apartment buildings are made not just from cement blocks but from various kinds of materials made to withstand the elements, 250-mph winds.

I should say that the way we have been used to building cement or block houses is not the biggest cost. If it were, I am sure that the owners of those companies would work with government. But blocks are not cost prohibitive in the building of these homes. That's not where the cost is. The cost is in the labour and government fees, and in other building materials. We are going to have to look at these various means of addressing the housing issue. It cannot be done by any one way. Businesses, the banks, government, developers working together will provide the opportunity for people to get access to affordable quality housing.

There are those who are able to help themselves somewhat, but then there are those who cannot reach the bank limits. Something has to be devised to assist them and this is where government needs to get involved again.

Thank you.

The Speaker: I seek the guidance of the House. In view of the fact that the proposer has moved the amendment at the first would we want to take the question, or do you want to debate the amendment before taking the question? Or debate the substantive motion as amended? It would save one debate.

Hon. Truman M. Bodden: I think it would save a lot more time if we took the amendment and the motion together and then just put both at the end.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The original motion has to do with a policy that is wider, or it hopes to address a solution to the housing problem that is wider than what the amendment is asking for. I would have hoped to have been able to debate the whole housing situation, the challenges which the country and the government face and possible alternatives or solutions that we might engage in in order to find a reasonable resolution to this problem that has been with us for so long. The amendment puts it in too confined a resolution.

The Speaker: I hear exactly what you are saying, but these are just added resolve sections, "**BE IT FURTHER RESOLVED that the Government assistance with waiver of Stamp Duty on first time home owners be increased from \$125,000 to \$135,000 or \$150,000; and BE IT FURTHER RESOLVED that the waiver of Stamp Duty on first time owner of house lots be increased from \$25,000 to \$35,000.**" So we are not altering the substantive motion, the first part.

Anyway, whatever. I shall now put the question on the amendment. The question is that Private Member's Motion No. 3/99 be amended as in the notice provided to members. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Speaker: The substantive motion as amended is now open to debate. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I rise to offer my support to Private Member's Motion No. 3/99 entitled Housing initiative for affordable housing, as amended.

The issue of affordable housing in the Cayman Islands is a real serious issue, one that the people of this country who are affected are looking for government to for some solutions. What is happening in our country because of the demand for labour, the cost of construction continues to increase. I won't even say on an annual basis, I would daresay on a monthly or weekly basis we have not only the labour being increased, but building materials and other things associated with that project.

When we hear quotes of \$120 to \$160 per square foot, and sometimes higher as far as construction costs, it is mind boggling. When I look at what it cost some of us here when we built 25 years ago as compared to what people are asked to pay for the same housing today, it is a grave concern. The average Caymanian pays \$150,000 to get a home. That is extremely expensive. It prohibits a lot of people from ever realising that particular dream of owning their home.

The other problem we have is that the cost of living is going up but wages and salaries are not keeping pace. Every day there is a new demand on that salary being earned. To give you an idea, just recently government introduced a national health insurance programme and a national pension plan. All good initiatives, but it all comes back to increasing the demand on the limited income that some of our people are earning. When you talk about some people earning \$250 or \$300 per week, and then out of that you have to take out \$75 or \$100 just to pay for pension and health insurance, it doesn't leave a lot left for things like housing.

The other difficulty we have here in this country is that many households are run by single parents. In most cases it's the female parent. In a lot of cases these are

women who are required to work in our hotels or condominiums and then in the evenings having to work a part time job just to make ends meet. I see them, and I am quite sure other representatives see them on a daily basis. These single parents are very responsible, they want the very best for their families but because of the cost of housing and the cost of living in this country they are not able to realise a dream of owning their own little home regardless of how small that little place may be.

I want to publicly thank the First Elected Member for West Bay because when he was the minister of housing I thought government introduced a very creative and workable housing assistance programme through the government guarantee programme. It has helped a tremendous amount of young Caymanians who have the ambition to own their homes by saying to the banks '*Well, if you are satisfied with the applicants then we are prepared to cover the required amount they have to come up with on a personal basis.*' Regardless of what income a person has the cost of living makes it impossible in a lot of cases to put one's hands on \$15,000 or \$20,000 cash. It is extremely difficult. The government guaranteed housing scheme has helped and continues to help.

The other day government moved ahead and said it would increase the guarantee from \$120,000 to \$150,000. Another excellent initiative in regard to assisting our Caymanians in the issue of housing. The other thing that has been of tremendous assistance is the waiver of stamp duty for first time homeowners on property and housing up to a certain value. This amendment to this motion is asking government to even consider raising the value as far as the land is concerned in regard to waiver of stamp duty. That is a very good initiative because many ambitious potential homeowners have come to me saying they understood that the limit is \$30,000 for property, but they were able to find a piece of property for \$35,000 or \$40,000, and asked if they qualified for the exemption. Unfortunately, that is not the case.

If we move that up to \$35,000 or \$40,000 as far as the property is concerned with respect to waiver of stamp duty it will help. On \$35,000 it would attract a 7.5% stamp duty. We are talking about \$5,000 or maybe \$8,000 that one has to find out of one's own pocket. If that is waived it means that less money you have to find in order to realise your dream of owning a home.

The challenge of finding an affordable housing scheme for those persons who do not qualify under the present government guaranteed housing programme is a real challenge. What we have to recognise in this country is that there are some people who just can't afford, or don't earn \$25,000 to \$40,000 a year that would qualify them under the present scheme. It doesn't mean they are bad people or not responsible individuals. Because they do not earn the income, they just do not qualify for that assistance.

Government can take a number of approaches in regard to assistance. One alternative would be to go out and invest some money in the people by purchasing large parcels of property, government owned; they could

have their own contractors build a number of houses that are affordable and at the same time say to the individual that government is prepared to finance those homes over a period of time. The only problem with that is that here in the Cayman Islands we are very independent, we don't want to be restricted to a certain area in houses that all look alike and maybe attract the same level of people. If it is done well and people can afford it, I personally see no reason why government cannot consider taking that approach on a limited basis. As I said, it is a real challenge for us to come up with a scheme that will assist those persons who at present do not qualify for consideration under the present programme.

I remember back in the 1960s when things were pretty slow in this country. Contractors were basically sitting on their hands. Some attempt was made to bring in prefab housing. It caused quite an uproar in this country. The contractors were all up in arms against it. As a result a policy has been put in place basically prohibiting that kind of construction here in the Cayman Islands.

When a contractor is telling you that he can build your home for you but it will cost you \$140 (or whatever the going rate is) per square foot, we have the responsibility to look at some alternative options in regard to housing. It doesn't mean that if we allow prefab housing in this country that people are going to go out and buy something that will only cost \$5,000 and not be very attractive. Our people, regardless of what level they are at, have a lot of pride. They really do! You will find that if they are allowed to purchase a little home that costs them \$25,000 they would bring it in and put it together. It would put them in a position to own a little home and they would have the pride to take care of that little place and keep it attractive.

The other alternative government needs to look at is in regard to mobile homes. I was talking to someone the other day who said he purchased a three-bedroom mobile home for \$12,000. I don't know if you have ever been in one of those units, but they are very attractive indeed. They don't take a whole lot of space. It's something that people could afford and it would help us address a very important need in this country—affordable housing.

I have been told that I should take into consideration a hurricane. Let me just say this: If we have a hurricane like Mitch that just passed through here recently, even those homes you paid \$120 or \$160 per square foot to build will have a problem. I personally don't believe that is a good enough reason to deprive some people who cannot afford consideration under the present system the opportunity to own a little home. The other thing to keep in mind that this type of housing does not have to be concentrated in any particular area, as long as they have access to a septic system and water system, and that would be very easy to do, then I believe that government has to have a very open mind in regard to this issue. It has to explore and discuss all possibilities and options and at the end of the day come up with the most attractive and affordable options.

I don't believe that we can continue to insist that it only be a certain material that we build out of. I was

pleased to hear what the First Elected Member for West Bay had to say about the type of options they were looking at as far as building materials and that type of thing. We need to address this area and we need to do it urgently.

For example, I have an office in West Bay that I attend at least twice per week. A young lady came to me recently. She has three or four kids, was married to a Caymanian, has a decent job at one of the hotels. But she was in a panic. First of all, she couldn't afford \$1,000 to \$1,200 per month for rent. The sad situation in this country is that if you have children and you want to rent, there is discrimination against people with children. So even if you could afford it, but you have two or three children . . . watch the ads for rentals—"No children, No pets, No boyfriends, No girlfriends." There is discrimination.

As a result of the incident I mentioned this young lady slept in her car with her three children. It is all good for us to say that we are going to maintain a certain standard as far as housing is concerned because of hurricanes. I am 49 years old, and in my lifetime I have only experienced one hurricane here in the Cayman Islands. It may be another 90 years before another one comes. Is that reason enough for us to deprive some people of affordable housing?

The minister for housing is a good friend of mine. I know that he is thinking along the same lines as I am. I hope that when this thing is cast that he is able to go to Executive Council to convince his colleagues to look at all the alternatives. The other thing I would suggest is that you put together some committee, a good cross section. It is amazing what you can come up with and accomplish if you have a good group of people who are thinking about a particular issue.

I have been advised that there was a committee of that nature in place. I am trusting that maybe the same committee, if it has been shelved, can be reactivated for this purpose.

As I said, this is a very serious issue, one that almost on a daily basis we are confronted with. It is one that has to be addressed. I believe that the people of this country should have an option. If they insist on having a block constructed home, then they must pay for that. If they can have a T-111 that they can paint and maintain, then they should have that option. Alternatively, if somebody wants to purchase and bring in a mobile home that's attractive and affordable then I think they should have that option.

I believe that we need to look at all options in regard to this problem because the difficulty that we have is that issue is not going away. It's getting worse. Mr. Speaker, we have good families with children going away to university. They come back and find a job, but because of the cost of housing in this country, we find that a lot of those students return to living at home with mom and dad for four or five years to give them a break as far as accumulating some income so that one day they will be able to own a little home of their own.

It's an issue that has to be addressed. It is very near and dear to my own heart and I suggest, and would ap-

preciate, government looking at all options in regard to this problem. I want to congratulate the First Elected Member for West Bay for moving this very important motion. I was pleased to second it and I look forward to hearing government's concurrence that it is prepared to look at all possibilities in regard to this issue. Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you.

I am pleased to know that I can stand here on behalf of government to say that we accept the motion that is presently before us, and to state that although much action has not taken place as yet does not mean that the government since the First Elected Member for West Bay was responsible has not also tried, as well as he did, to continue to promote housing for those in need in the Cayman Islands.

I realise that there is a need and so does the government of the day. We realise that although during his tenure he did do some work, more work needs to be done to establish something whereby we can actually cater to those who are really and truly in need similar to what was pointed out by the last speaker.

For example, he mentioned the young lady who slept in her car with her children. I think here is a good example of where we have mixed our priorities up. There are persons who have actually catered to a car and not to the place they should sleep. However, that does not in any way deter the government from what it is doing. I would say until this point in time, as a matter of fact until yesterday evening, it is my understanding that a meeting was held and that government continues to put proposals now directly to Executive Council whereby we can try to deal with this matter.

As I said, I know the minister who was responsible for this before did put in a lot of work on it. I think the country is grateful for what was done. But I think that he too realises that it was not an easy task. It was a continual battle and since he has been in office, this government has tried its best to work along with banks. We have actually tried to increase certain guarantees. We have tried to work along with first homeowners and this is exactly the way we intend to do it.

However, as I said, we have in place a group that has been working along with us and while we have tried our best to push this as far as possible, we must take every means possible to make sure that when something is presented to this House that it is something that will be accepted by all of us. The problem in Cayman, as I see it, is that for a long time we have catered to those who could walk into a commercial bank. And the fact remains that like the last speaker said there are those who cannot go to a bank and qualify to construct a home. It has always been my contention that this is what we need to address. However, we need to do it across the board. We did make a start and the government is now commit-

ted to try as soon as possible to make sure that those in dire straight are catered to.

I feel it is safe to say that whatever it takes we intend to do to make sure that our people are housed properly. The one thing we have to take into consideration is the fact that we must take a stand that will cater to our people, but it should be something that we can feel is safe and sound even through hurricanes. I would never agree with certain suggestions of actually bringing in houses that could be bolted down and moved from place to place. I think that if we are going to do something for someone, especially an individual who may have a small piece of property, or if they don't and government sees fit to construct a little home, I would like to know that when I am asleep they are as safe as I am.

I trust that the Opposition and my good friend the First Elected Member for West Bay will bear with us and understand that we are not turning this away. It is a problem for us all. I feel that in each district we have a certain amount of it and it is something that we must work together to address. The Government is committed to it and I ask for the support of the Opposition to support us when something is brought here, which will be a report through Executive Council and that we continue to assist those in dire straight in these islands in regard to housing. Thank you.

The Speaker: Proceedings will be suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.39 PM

PROCEEDINGS RESUMED AT 2.27 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 3/99, as amended. Does any other member wish to speak? (Pause) The Fourth Elected Member for George Town.

Dr. Frank McField: The motion before the House tries to stimulate debate in regard to the needs of a certain income group in the Cayman Islands for assistance in housing. I remember back in 1980 when I first ran for a seat in the Legislative Assembly, I prepared a manifesto that dealt with low-income housing. In other words, we were talking about trying to assist persons we did not feel would be able, even with all the hours and years that they worked, to afford to buy into the private housing market.

This concern back in 1980 was really the result of the fact that we have all known for many years that housing is a very important tool of integration. We can hold our society together as a cohesive collective element if we pull along those persons that are falling behind because of the wage scale and their profession does not allow them to purchase some of the more essential goods and services in this society.

They are providing an essential function for the society so they are playing as important a roll as someone who is a politician, or a Financial Secretary. They are playing an important roll. They are an important spoke in

the whole wheel. But they are not getting enough from it to provide themselves with the basic necessities of life.

So even as far back as 1980, the Unity Team Government was making those types of considerations. It is very peculiar that today, nineteen years afterwards, we are still making the same considerations. We are still at the same point in the debate. The debate does not seem to have matured in our ability to recognise what the real problems are and how they are caused, or how they can be solved without creating other problems.

I believe that there are persons in the society that will not be able to own their homes if they are not assisted, if government does not intervene in the housing market. If these people are not able to have a stake in the society, these persons could become a detriment to the social order of society. Therefore the interest of the whole is in protecting these particular parts as well. It is not just altruism that we are talking about, but egoism in the sense that we are protecting others so that we can protect ourselves.

This is the basic logic behind that particular philosophy that has been advocated in this country in different ways over a period of time, but like the labour problems, nobody seems to be able to pin it down and make a firm decision as to why people should be assisted in owning their own homes, that is people earning a low income below \$1,500 per month.

If we look at the statistics we will find that the majority of people in the country are earning below \$1,500 per month. Of the people working in this country, 53% are earning \$1,500 per month or below. So if we are going to find a scheme to assist the majority we have to find a scheme that tailors itself towards low income families, one parent families/two parent families. The real cost of borrowing money is in the interest. If you borrow money for 20 years you will find that the interest is really that element which causes the monthly payment to be so high. It tells us that if we are dedicated towards integrating the lower income persons in this society into the private housing market, into the ownership market, that we can only do this if we can effectively control the cost of monthly payments and we can only do this if we can control the interest.

The cost while important is not so important. The main problem is with the interest. The interest runs at such a fast rate that most people can't keep up with it. So if you are paying something like \$1,400 a month you will find that some \$1,000 to \$1,200 per month is interest. We know that we are fighting a battle against high interest. So government intervention is only going to become meaningful if government intervenes to affect interest. Government can't go tell the banks what to lend money at, but the government is in an advantageous position in that the government can borrow money cheaper than I can as a private individual. Local banks will lend government money cheaper than it will the low income person. So why doesn't government borrow on behalf of the lower income person?

Why doesn't the government go to Europe and not just talk about the OECD but talk about all the benefits we can have by getting cheap money in Europe? We can

get cheap money in Europe to effect the housing markets here. This has been said over and over again by governors who come here. We know that we have an opportunity to borrow money in Europe as a government to form a housing development corporation, or whatever it is we want to form. It would be like the Port Authority. We'll call it the Housing Authority. That authority would borrow the money from the government. The government would guarantee and then the Authority would begin to lend the money to the lower income persons—not to everybody who says they will vote for us if they can get a house, but the lower income person and persons who are so adversely affected by competition in the housing market in Cayman today.

The poorer Caymanians have to compete against all the persons that are coming in here on work permits who are not encouraged to buy property simply because there is no security in tenure. So the competition in the housing market is extreme and cruel and brutal. Therefore we need to alleviate the pressures that are occurring in that particular area by allowing Caymanians the possibility to get their own homes.

They don't have to be fancy homes. We can start with small structures. If we go into the Windsor Park area, where I live, we still see those economy homes that were being built at that particular time. Once you have the basic structure, a little living room, a kitchen, a bedroom or two, as the family progresses in terms of earning its income it invests the money in making the house larger. It doesn't have to invest it in the pockets of the landlord, it can invest in its own house. That's a positive thing because we are creating people that have something invested in the country, some stake in preserving social order and political stability.

We need not to be always talking about the housing problems, we need to see that the solutions to the housing problems are there for us. Government needs to have the motivation to do this. I remember in the 1996 election everybody talked about housing. Everybody is going to talk about it in the year 2000 too because it is always what everybody talks about. Then we talk about wages and when they get in we don't do anything about housing or wages, really.

We need to get a firm commitment to begin this particular process by creating a housing authority that would be responsible to be independent from government, that would take the money that government would borrow and lend to the housing authority and that they would then make these lower interest loans to lower income families. The key therefore is low interest loans to low income families. The key is not in always trying to find some kind of political acceptance by saying let us deal with those persons who can afford to pay \$1,500 per month mortgage. Everybody has it hard, but we are concerned in particular about those persons who are not having it hard because they are just starting a life but they have had it hard all of their lives. The lower income person who has been paying rent for ten or fifteen years and can't find the way from paying rent to owning a home are the people the government has to pay attention to, not the person who has just been out there two or

three years paying rent. Although I sympathise with them because of the cost of renting in this society caused by the severe competition for housing because of the competition that results from the importation of this abundance of labour in the Cayman Islands.

We have to begin to deal with those persons who are making below \$1,500 per month because realistically they form 53% of the wage earners in our society. My point is that to be really looking for a solution means to be looking to borrow money at a cheaper interest rate. I believe the only breakthrough we will make is when we begin to look to Europe where the money is, where we as a dependent territory can by way of the British government have access to this money and that we do that and stop trying to think that the banks here will be able to solve the problem.

It just goes to show that we had a housing development corporation and the portfolio was sold to Cayman National Bank. The start made in 1980 (or 1984) came to a halt between 1992 and 1996 because that portfolio was dismantled and sold to Cayman National Bank where those people are now under a different kind of pressure because Cayman National does not have the same interest that a housing authority would have. The interest of the housing authority is not just a profit interest, it's a stability interest. It is interested in stabilising the country by being able to subsidise, to a certain extent, persons entering the ownership pool in our society.

We can't take one step forward and go two steps backwards all the time with these issues. We can't begin anew every day. We have to learn how to work with things that have been there in order to improve them. The government that came to power in 1992 had the opportunity to have been able to say to us more concretely by now how this particular predicament would be resolved. I say that I can agree with government taking away the stamp duties on land for \$35,000, but that is not going to help in the majority the people who were deprived when the Housing Development Corporation was sold to Cayman National Bank. What is going to help them is for the government to realise that that real economic group exists and will continue to exist in our society and that we must cater to them by finding money that is cheaper to borrow. That now is what I believe the government should be doing.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you.

I rise to offer some comments on the motion before the House. I have to begin by expressing regret that almost since I came to this House in 1988 we have been searching for solutions to this problem and we have not quite arrived at the proper solution.

There has been no shortage of spin-doctors prescribing what they think should be done. I find it regrettable that the present government which had such a glorious opportunity to once and for all come up with some satisfactory solution to this area that has gone begging for so long in our society has procrastinated and let all of

the opportunities pass them by. I believe that to address this matter of housing for the low income group in our society is one that entails the efforts of all of us as the people's representatives. As I listened to ideas in the past, and even in the current debate, I realise there is much credence to what members have had to say. The problem with our system is that the government has a monopoly and uses that monopoly to enforce the solution that is politically expedient to that particular government. If the government thinks it is politically expedient not to do anything but talk until election time comes and promise if re-elected they will address the matter because it suites them, that is what they will do. That is indeed what has been done.

I also find it lamentable that in a country boasting 500 banks that there is such a lack of social conscience that among 500 lending institutions every one is so (how shall I put this) Shylockian that all they are interested in is a pound of flesh from that closest part of the heart, and not interested to lay some money aside to help those who are less fortunate. They are so . . . well, I better not say that.

They are so bent on making a profit, getting the greatest return on the money, that they are devoid of any social conscience, not even to realise that if there is a significant element in the country who are discontented because they believe the economic development of the country has left them far behind, so much so that they cannot afford to acquire one of the necessities of life, namely a comfortable shelter, they cannot see that this element will say they have no vested interest in the society. Why should they tolerate what is going on if they are being left out? If we don't come to that conclusion soon, we are going to have to deal with a social phenomena of no small proportion. Time is of the essence, and we need to find a way to address this lack of housing for what we call the lower income element.

The last honourable member who spoke said that 53% of the working populace earns below \$1,500 per month. That means that those persons cannot qualify for mortgages at the present lending rate. I am saying that if these lending institutions had a social conscience they could get together and say they would individually lay aside \$.5 million or \$1 million to go into a special pool to meet the needs of this 53% at interest rates they can afford. Failing that, it is incumbent upon government to search abroad. There are institutions. There are countries that if approached would put up this money if the predicament were known.

We have been wasting time. We have been treading water. We are going to wait until the problem has reached overwhelming proportions and then we are going to throw our hands up and say *'I know that element is going to tear down society. I told you you couldn't deal with them.'*

Mr. Speaker, it is a situation that is begging to be addressed. We (myself included) have got to stop playing spin-doctor and find a solution. We have got to exercise the political will to deal with this problem and stop playing the game of political expediency and getting up every year before the election saying *'If you elect me, I*

am going to get a low cost housing scheme for you. Elect me! and then once elected forget about it until one year before the election and start all over again. I pledge that part of my responsibility is going out, educating the people not to fall for that trick any longer.

I see the opportunity is going to ably present itself for me to come back to this. Twenty years ago I wrote a paper. This is one of the things I talked about, the fact that the Cayman Islands was developing in such a way that it was leaving a certain element out and that there was going to be a class of people in this country who were going to be what I called 'land-less and house-less.' Do you know what they said? They said I was a Communist—including some ministers in here!

Yesterday I heard that they are now touting some of the things I advocated twenty years ago. It shows the value of a broad, liberal education. I was able to see these situations twenty years before they occurred. I wonder what category those persons who said I was only a follower are now in when they are following me—and they are twenty years behind! They are following because if they don't follow they will become extinct like the dinosaurs.

This is a serious matter and I hope that at the conclusion of this debate government can realise its awesome and tremendous responsibility. I hope the government can realise that it has a moral obligation to do something about this and stop playing political expediency.

I recall one famous debate brought by three members. At that time I, being one of those members, thought it a little foolhardy. I don't want to rehash that debate, but we put up very cogent and tangible arguments, impassioned at that time. What did the government do? It flogged us! It said it had the situation under control. Fortunately (unfortunately from my point of view), the portfolio has since been sold to one of the leading banks. I called that then, a conflict of interests and a move inimical to the interests of those persons who so badly are in need of adequate housing. I still stand by that.

I have to say in all credence that some efforts were made to address this housing need. But the fact is, there were too many forces against those people making the efforts. Now we have a compounded problem because through speculation the cost of land is unreasonably high and eliminates persons in a certain economic category from even getting . . . and if they have access to that land, they have to spend umpteen dollars trying to fill and level it because all they can buy at the price they can afford is swamp. So they have to de-swamp it and fill it and it makes it prohibitively expensive.

I am saying that as a parliament and a country we need to be perceptive when approaching these problems. We cannot only look at developments on this accord—tourism, international finance—without looking at the consequences of such development, particularly the consequences as they relate to those persons in the lower socio-economic group. At this particular stage we have another problem because Planning Department has regulations which are also inimical to the interests of housing developments for lower income people. I get

complaints every day, as do other members of the Legislative Assembly.

The First Elected Member for George Town and I have an almost constant stream of people. And I have even had to rely on him for assistance because of his experience and familiarity with the Planning Regulations from his tenure on the Planning Board some years ago. It is frustrating for the proverbial little man. One of the things they complain about is that the regulations make it particularly burdensome as far as money is concerned for them to lead up to the stage where they get the plan passed. They have to put out untold sums of money and there are all kinds of frustrations.

The problem is not only the simple one of finding money to develop a housing scheme, even the individuals who are so entrepreneurial or so bent on self help that they exercise a little initiative are frustrated. We brought some matters to the attention of the minister responsible for planning and development. And he said he was going to make some changes. If the changes have been made, they certainly are not put into practice because I get the same complaints every day from people who want to put up a little apartment on a plot of land. They get the same problems. So I hope the government can look further into this because it is all tied together.

We agree that we don't want vast areas of row houses, or boxes that are all painted alike and have the same shapes. We want to have a system where owners can exercise a little individuality. But we cannot make even the most rudimentary progress because it seems there are too many axes to grind and too many interests other than the interests of the people who so badly need this housing.

The Fourth Elected Member for George Town is correct: If government was really conscientious it could have set up a housing authority and borrow the money and lend it to the authority as is now done with some other authorities. But one of the government's problems is that it believes it knows everything, that it has all of the answers. They are too willing to put down the ideas of others because it doesn't come from them. Well, sometimes the animal in me wants to come out. It's there quandary, let them deal with it! I will go out in the streets and help the people flog them. Believe you me, I might just do that!

All of these years have been wasted. And all I have been hearing from certain corners are put-downs—"I am more sensible than you. If you had 10% of the sense I have you wouldn't be in the trouble you are in." Well, do you know what? All of us are in trouble now because we have a country where the poor cannot get housing. Then when some other people come up with the ideas, they are called "defunct." I read where the Leader of Government Business, instead of doing the work of the country, told me that I was unsuccessful because I am destined to be a leader. Well, if he is so successful, let him find a solution to the housing needs for the poor of this country.

Thank you.

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

Hon. Truman M. Bodden: Thank you.

It is hard in here to really understand when government supports a motion why there should be such an adverse attack on government. It is not as if we are opposing the motion. Government is supporting the motion. It just supported the amendment that came in. It is really unfortunate when people take the approach that when you support them they still, to use the words of the last member, "flog" you. When you don't support the motion they flog you. I guess if we abstained, and I am not one for abstaining, it would probably be the same thing. In my view that is really not a constructive or optimistic approach to things.

Government realises, and I was part of the government as was the First Elected Member for West Bay that brought in this scheme in relation to housing and the loans that government guaranteed. That has covered very well a certain bracket of income person in the islands. What it has not addressed, and government admits this, is people who really are in a bracket where they cannot afford a loan for a house. The Social Services does a fair amount of assisting and repairing, or sometimes also with trying to get houses for people. But I agree that this is not sufficient because there are people there who are in need and there is no use in us talking about the question of loans for some people.

Let me say that the most stable person in a country, and a country with the greatest stability and continuity is a country made up of homeowners. People who have a home are not prepared to rock the boat. So the higher the percentage of homeowners the better off a country is. We accept that.

The nearest we ever got to this was back in 1980 to 1984 when Social Services was under my portfolio then. What I had done at that stage was form a committee. It analysed two areas, one was Rock Hole and the other was the Watler's Road area. It analysed the income of the people, who could afford and who could not afford. Based on that we then produced a scheme (when I say we, it was Planning, the private sector, Public Works). I saw the need and we set up a small subdivision on property where the National Trust Building now stands. I don't remember the size of it, but it was somewhere in the area of 11 lots.

On that the government then started to build houses. The housing scheme for the low income Caymanians was on a basis that when a house was built the family that needed it most in the area would be put in the house. If they could not pay rental on it, then so be it. If they were capable of paying something back, either on a mortgage or whatever, the land could be transferred. I can't remember the details of that, but what happened is that one house was built and the scheme was over a period of a couple of years and it got to a stage where the first house was built and what I do remember is that it was built of concrete. The first family that moved into that was Mr. Vern Miller and his family.

In 1984 the government coming in after disbanded that as it disbanded another area that was unfortunate, that was the reception classes in the schools. But this

one specifically was one that would have provided, as that first pilot project for the Watler's Road area, those people with proper homes. What was done in return was sometimes people were living there, and sometimes they owned the land and sometimes they didn't; sometimes it was a very small fraction of an acre. They would transfer that to government and the plan was that when a sizeable enough area that could be used to put another house on was there in accordance with the present planning regulations then also houses would be built there. But the people would have a home.

I believe that this is the route, and I support the members who have spoken on this. I believe that this government and this Legislative Assembly because it is going to take money should look at a scheme similar to that with advice coming from planning, public works, wherever, and try to begin to work on areas and on persons in the lower income group. If it becomes necessary then what Finance Committee approves should be given for the assistance of the persons in need.

It was unfortunate, and I took a lot of objection from other people within the area, but the area was approved, it was divided up the first house was built and obviously everything was in place for another eleven houses to go there. A similar thing had been looked at for a second project in the Rock Hole area. So I have a lot of sympathy with what the Fourth Elected Member for George Town said, that there are people who the scheme of the government guarantee loans are not going to help. Also the question of getting low interest rates for those who are in a bracket who cannot pay the interest even though the banks that operate the schemes now give a preferred rate of interest. We have discussed as recently as when we were in Belgium ways of getting cheaper money, less interest for government, and there is money available in the European Union but we are still a colony, a dependent territory and there are some institutions we cannot access just as we cannot access the United Nations and bodies that provide certain very low interest loans.

I support increasing, as the minister in charge of this has said, the government guaranteed loan scheme and that has worked well. I don't know how many millions, but I think quite a few (I will ask the Financial Secretary how much) but I would say the loans total in the area of 15 million or more people have benefited. That works well in the bracket it is in. However, other than the scheme that when I was member back in the early 80s set up, the First Elected Member for West Bay, the mover of this motion, had housing for four or five years and this scheme, or a similar scheme, was not brought in during that time. So for the Third Elected Member for Bodden Town, what he is talking about, government should have done this or that in the past, that member needs to remember that his colleague the First Elected Member for West Bay is the government that he is talking about. The responsibility only shifted to the minister for Communications and Agriculture a couple of years ago, 1997, when the First Elected Member for West Bay ceased to be the minister in charge of Community Affairs.

For that five years that the Third Elected Member for Bodden Town has criticised government, and I am just making it clear sir, I don't want to get into a lot of controversy, but basically it is the mover of this motion who had responsibility for those five years for it. My question is a very simple one, Why in five years did the minister not do—something about this rather than moving a motion a year or two after he ceased to have responsibility for it? It's not quite as simple to do, apparently, as it appears because the present minister has only had it less than a couple of years.

But, I believe the motion is good. We support the motion and I think a way has to be found to get back to a scheme in which the government is prepared to assist people in the low income group, not through loans, but through the provision of accommodation whether it's in apartments or houses or whatever because it is very important to have as many homeowners in a country as possible. The stability and continuity depends upon having homeowners in the country.

I am prepared to support, speaking personally, and I believe the minister will get this going. No one in the past has been able to do other than the scheme that I did in the Watler's Road area, and that it will be for the benefit of the country. I give my full support for whatever I can do at planning because planning will need to be involved. I believe that public works would be prepared to assist also with this.

The range of people in need go from those who may be getting a home for \$135,000 or \$150,000 the concession on stamp duty and all that obviously we support because we put that in place earlier. The same as I criticised the First Elected Member for West Bay for not getting the low income group going, he was the person who pushed to bring in the loan scheme, and I give him credit for that. So that has worked well at that level. I think in between that needs to be a second level that was put forward by the Fourth Elected Member for George Town perhaps where interest free loans, or very low interest loans could be done for another income bracket. I think under that is an income bracket where those people will probably never get a home unless government assists directly and government should assist directly with those people.

So I will support the motion and I will also support the minister for agriculture in his move to try to bridge the gap for the low income group of people for housing which in the past as I said no other minister has been able to do on a scale beyond the project that I began many years ago. Government has land in different areas. It's important that there not be too large a concentration in one area. And in fact the level of some housing in this country generally, the rental areas, are really in a very poor shape. Maybe assistance could be given to try to upgrade also some of the housing schemes where non-Caymanian workers live.

So it has my full support and I will actively assist and ask the Planning Department to assist in any way possible. The motion is good and I support it.

The Speaker: I think this would be a convenient time to take the afternoon break. We will suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.19 PM

PROCEEDINGS RESUMED AT 3.50 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 3/99 as amended. Does any other member wish to speak? (Pause) The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

As hard as I try sometimes I fail. I just listened to the Minister of Education in his contribution to the debate on Private Member's Motion No. 3/99 in his half-hearted attempt to justify government's support of the motion. It is truly a pity that he is not in the Chamber because what I want to say right now I was hoping to eye him while I was saying it. But an opinion is an opinion, is an opinion. And my opinion is that the Minister for Education is the poorest excuse for a representative the people of this country could have. That's my opinion. But because it is more important for people like myself to focus on the needs of those same people, I am not going to spend any more time talking about my opinion of that minister.

Let us get down to the motion and its amendment. As others have said before, I think it is not only fair comment but a statement of fact that the situation that prevails in our country today dictates that many of our citizens who are doing the best they can under the circumstances in which they find themselves will never be able to own their homes without some pointed effort coming from some direction which will give them the latitude to qualify under different circumstances that prevail now within the institutions here who lend money for those reasons.

Let me go back so that we can have a clear understanding of what has happened in our country. Many years ago when our population was not what it is today, even when the opportunities were much fewer in those days, and even when education and earning power were not parallel to what they are today, when most of the working people in this country went to sea, the opportunities were different. I am sure that those of us who are second generation to those people will remember that in the vast majority of cases the first thing that you did once you went out to work was buy a piece of land if there was no distribution through family. It probably took you two trips to pay for that, depending upon where it was. After that you started sending your allotment home, your wife or mother (depending upon whether you were single or married) started building a home. Many times it took up to five years for that exercise to be completed.

After we understand that that is how life used to be, let us now come to the situation that obtains today. It is no longer like that. Everything moves a lot faster. Costs are totally prohibitive and unless your earning power is up to a certain level all the costs involved in owning a

home become impossible to conquer. Where we have failed, is that too many of our people have not been properly tooled to have the earning power to cope with the additional costs in order to own their homes. I believe it is a fact to say that the system has failed the people.

In many instances it has not prepared them for the challenges that face them today and the responsibilities they will have to be looking at if they are able to have their own homes and all of the other stuff that the "Jones's" have.

We have a problem that involves education. Nevertheless, perhaps in debating this motion is might not warrant delving too deeply into that even though we need to recognise the root of the problem. We have to be dealing with matters as expeditiously as possible in order to bring about certain solutions.

Let us go back into more recent history. This motion refers to a policy during the 1992-1996 government which addressed certain types of housing needs. I remember when it was initially brought to this House to organise these government guarantees to assist. The terminology used at the time was "low-income" housing scheme. I fought tooth and nail arguing that it was not—because it was not! But again, we are not going to argue that. Since then it has been accepted that it was not, but I don't argue the case that it does not assist at certain levels of income, because it certainly does.

While I might be debating the motion and its amendment cart before the horse, I want to get the easy part out of the way first. So, regarding the amendment that has been brought to the original motion, and the government has said it will support it, I believe that it is justifiable for these amendments to take place simply because time has evolved since its initial stage and moving the stamp duty waiver from \$125,000 to \$150,000 should take place because costs have escalated to that level. In other words, \$150,000 today is probably worth no more than what \$125,000 was worth when it was initially done. So I think that's quite in order, and also the waiver of the stamp duty for first time owners of house lots. I don't think any long debate needs to take place on that.

My greatest fear with the motion—and I like for things to go on record. I learned that from some of my colleagues here because I did not pay much attention to that at one time. I want it to go on record on this 10th day of June 1999 that while government has accepted this motion I do not believe that on the 10th day of June 2000 we are going to see any tangible results from government's acceptance of this motion. If God spares my life, I am going to remember to ask the question on the 10th day of June 2000. But we will see.

I would like to be surprised. It won't be pleasant—it will be shocking! But I would love to be shockingly surprised.

When the Minister of Education talks about getting flogged if they say yes or no, and he wonders whether the best thing to do would be to abstain, he must understand that the reason for all of this is the track record that people like him have displayed. If he takes that personally, well, that's entirely up to him. I can care less. But he

spent half an hour laying his pitch in his debate, saying who did what wrong, who didn't do what wrong, and talking about the little business he started down the road which was purely political on the eve of an election. Tell him to come!

Mr. Speaker, I cannot have any respect for the debate that people like him bring on a matter of such importance such as this. Instead of trying to look for concrete answers in support of the motion, he spends his time talking about who didn't do what and all of that. But I am not going to get into all of that because then I will be doing the same thing he does, and I am not going to do that.

Regardless of how many battles ensue on motions of this nature about who was there, who is there, who wasn't there, my position is that I have never been there; I know what my responsibility is and I am going to carry it out while I am standing up this evening. And whatever their responsibility is, they must do that. It's as simple as that.

This motion was not brought with any intention of trying to look at our society with a view of creating a band of people who believe that because they exist then can get what they need for nothing. I don't want anyone to even think that because that is not what is going to shape our society in the right direction for the future. There is nothing like that in mind. The arguments that have been put forth simply want us to accept that there is a certain percentage of our population with an earning power that is not at the level that will allow them to get their own homes under the situation and circumstances that presently prevail. We need to do something about it. That's what it is all about.

But we need to be looking at the long term, not simply to find a way to assist this group of people in our society. We need to find a way—most important—that that number does not continue to increase but decreases so that people will find their own niche in our society and be able to have their own self-worth, self-esteem and everything else because they have the ability to take care of themselves. So when the government is thinking of supporting the motion, the government needs to think much further than that.

I noticed something that the government needs to learn. Even when it involves just one member there are times when people like me have to refer to all of them as the government and their inherent responsibility is that when they know that one of their members is erring then it is their duty to correct that error within themselves so that they don't get classed with it. I can't help them with that. They live with each other, not with me. So when I refer to the government, it might only be one person who might be involved. Sometimes I just have to say "the government" and I can't separate the rest from the immediate circumstance, which may only involve one, sometimes two, but not all. I just hope they understand that. If not, I can't do anything about that either.

On a very serious note, when I mentioned the number of people who find themselves in the category we are discussing this afternoon it is almost to frightening proportions. As each year goes by that category of people

multiplies disproportionately to the other numbers in our society.

I want to make a point here: Mention was made that of the working people in this country 53% earn less than \$1,500 per month. Much has been said about the per capita income in the Cayman Islands and it has actually been boasted in many areas. But if I were the government I would be shocked and worried to know that that percentage of my working force in my country is earning that amount compared to what the average income of the working person is.

There was a time when most of us would be afraid to talk about this because certain people in government would talk about "Communist" and "Socialist" the minute you did—

Mr. Roy Bodden: And "Defunct"!

Mr. D Kurt Tibbetts: —to try to scare people from talking about what is real.

We have a problem in this country today. We have it! And trying to deal with it in the haphazard fashion with the half-hearted attempts that have been done thus far is only going to compound the problem and make it multiply itself. I don't have any time to talk about who didn't do what right. Today is today. Yesterday cannot come, but tomorrow will! I can learn from yesterday, sure; but if I spend all of my time just talking about who was wrong yesterday then I am so wrong that whatever was wrong yesterday can't be half as wrong as the wrong that I am.

I don't think I could say that again, but I think I made my point!

Others have heard me speak of the disparity of the wealth distribution in this country. Others have heard me talk about the widening gap where the vast majority of the wealth in the country is rested or vested (both of those words) with a very few. Those very few people who I am talking about need not be scared of what I am saying. What we all need to be cognisant of, and be totally aware of, is that if we leave the situation alone as it is that wealth will be worth nothing because wealth without a country is nothing. If our society becomes one where law and order does not prevail, where social harmony does not exist, all the wealth that all of us put together might accumulate will be worth nothing.

We hear people talk about in other countries you work hard and you build your house and something happens in your country and a man comes and runs you out of your own house because he says *'I want this house.'* Making mention of those things may scare people. I know. Understand this, sir, no one told me that. I K-N-O-W—I know! I didn't have to hear it from anybody else, I know. That's why I can say that I also know that is not what we want for our country.

I know the people who live in our country, whether they be part of an indigenous population or an imported population. They don't want that in our country. I know that. But we need to understand from where we sit that whether we like it or not, whether we challenge the private sector or we do not, the buck stops right here. We have to understand how right here works. We on the

backbench cannot create the policy, we can only try to spur it on and that is what we are trying to do now. If government doesn't mature itself to the point where it can accept spurring on the policy rather than trying to spend all of its time indoctrinating a population about the rights and the wrongs so the population can vote for who they want them to vote for, then that government is not only irresponsible, but that government should go because the whole thought process is wrong.

That, sir, is what has prevailed. That is when I got into hot water with you, sir, a while back talking about misleading this country for many years. And it still persists! But I am not going to say anything about misleading this evening, don't worry.

The Speaker: Thank you.

Mr. D Kurt Tibbetts: The real truth is that this kind of thing is near and dear to me. I remember many years ago. Do you know what we used to do on the average Sunday? I kid you not, sir, I even believe the Honourable Third Official Member may have memories of this. On the average Sunday, whomever we knew fairly well who was building a house we would organise on that Sunday that we would pour the floor. Fifteen or twenty of us would get together and that floor would get poured. Of course, we had our little perks because we had some nice food prepared and nice fellowship and that kind of stuff. You would probably work for four hours and then we'd chat for another four hours and the day was gone and it was well spent. But we don't live like that any more, Mr. Speaker.

Unfortunately, I don't think we will ever see it again. And I have to kind of accept that. Every now and then we see it happening, but it's not often that we see it any more. So times have changed. So too has the terrain and we have to understand and accept the terrain that we are working in. Possible solutions have been put forward. And as I said before, I grant that in the amendment that is going to assist at a certain level.

But when we talk about special interest rates which can help people deal with the situation better, that's very valid. I don't stand here this evening saying that I have the plan, but I think we know enough about the problem and where we need to arrive to do something about it, not necessarily having to cost the government a fortune. All it needs, like most people need in life, is a little jump-start. But again I come back to the point. If a person, or a couple, does not have the tools to increase his earning power . . . I just want to use a typical example.

Let's say that we have a husband and wife, even if it's common law, with one child, and that they are able to find a two-bedroom home or apartment for \$700 per month. It's still possible. If the people can afford to pay \$700 per month rent, surely they should be able to pay the \$700 towards a mortgage. Let us assume that they invest in a little two-bedroom home and are able to get a mortgage for \$700 per month. Under the scheme that exists now, government can make a decision to fill the gap in the collateral or the down payment by guaranteeing that. But they can make the payments. Here's where

the solution is not really there: If you are in your own home, regardless of how many things you do for yourself, in the long run it is going to cost you more than simply paying rent. I am not suggesting that the answer is to continue to pay rent. But I am saying that it is going to cost you more.

When you rent you don't pay for home insurance, you don't pay the other little things that have to be paid, you simply pay rent. The point I am making is that while we are looking to find the ways and means to help people to own their homes as a government, as the leaders of this country we must also be concentrating on finding the ways and means of increasing their earning power. We have to do that.

One might think that both of the points I am trying to make are divorced from each other, but I don't think so. I think they go hand in hand just like husband and wife.

It all comes down to the vision that we must have for the people of this country. We cannot act in a disjointed fashion to boast about taking care of this. We have to understand what it takes to make people live; we have to understand what makes them tick, we have to understand the whole business of family to really make a sensible difference in the situation that now prevails. When we look in our society and see . . . I am going to tell you what's happening to us.

What everybody loosely terms the middle class is disappearing and being replaced by an imported middle class. If that is not the perfect scenario for serious social problems, then I want somebody to tell me what is. I am going to explain it. I have nothing against the people I term an imported middle class. We are importing that set of people for the skills that they bring into the labour force. Because they have the good sense and the ambition to want to do things right, when they settle in our communities they are going to do the best they can to better themselves. They are going to be prudent, they are going to be frugal, they are going to know when to use the credit card and when not to, and they are not going to live on next month's salary. So they progress slowly, but surely.

You find them buying their own homes after four or five years here and moving on. Which is what our society should be doing. And there are not enough of them doing it because they are not told to do it!

[Some Members' applause]

Mr. D Kurt Tibbetts: That's where the problem is!

Mr. W McKeeva Bush: Hear, hear!

Mr. D Kurt Tibbetts: So when we are talking about housing and houses, I am not trying to shift the argument from that but we need to understand that is not just housing and houses.

Mr. Roy Bodden: You have to add the educational dimension, the training dimension.

Mr. D Kurt Tibbetts: When this all happens and you find a larger percentage of your indigenous population earning less than your imported population they are going to scream bloody murder as they are doing now.

Mr. Roy Bodden: True!

Mr. D Kurt Tibbetts: And they are going to say, as they are saying now, that we are bringing in too many people to take away their jobs. But we are not even telling them that the reason why those people are being brought in is because they can't do the jobs!

[Some Members' applause]

Mr. D Kurt Tibbetts: And here we are spending day after day using fancy words to see who can talk better than the other one. What a crying shame!

Mr. Roy Bodden: Talking '*Oh, McKeeva didn't do it*' as if that's important now.

Mr. D Kurt Tibbetts: This is serious, Mr. Speaker. What I just said is happening in our society is a fact. It's not what is going to happen tomorrow, it's already happened! Who do we blame for that? We cannot blame the people we have brought in. We can only thank God that the vast majority of them are honest people, God fearing people, and law-abiding citizens. Otherwise we'd have another problem again.

So where do we start from here? By talking about one little house that we built? That's where we start from, Mr. Speaker?

Mr. Roy Bodden: Eleven years ago! Ha!

Mr. D Kurt Tibbetts: Mr. Speaker, I know you understand what I am saying. I just pray to God that others do. Do you hear me talking about poor excuses? Do you understand why I think how I do?

It is time for us as representatives of the people of this country to understand that while we each try to outdo the other one, because I am one of the four representatives for George Town I must make sure that I do well enough in the eyes of the people to get re-elected . . . I want you to understand that I am not running from that because I understand how that is. But it must be tempered with the responsible actions that you make sure the decisions you take part in are for the best interest of those people first—not afterwards! And so many decisions are being made on how I end up because elections are coming around the corner.

Mr. Roy Bodden: Political expediency!

Mr. D Kurt Tibbetts: I am going to tell you a secret. Even when I don't tell them, people like me can see through it when it happens. If I can see it, and I am not that smart, people on the outside can see it, Mr. Speaker. Let's forget about that for a while. Let us do what we know is right. Let us not take a motion of this

nature and find the time to be talking about all of the things that have been said today, especially from the Minister of Education—E-S-P-E-C-I-A-L-L-Y from HIM!

Mr. Speaker, the other thing—and people are going to misunderstand me when I say this. But I am going to make you know that I am a fair person. That same man I am talking about is very capable. That man that I am talking about works hard. I know it. I would never try to take that from him. But when it comes to the politics of it . . . oh, man. I won't even bother to make a comment on that.

The motion that government has said it will accept, I pray to God that government will pay heed to some of the things that have been said so that in any attempts being made to formulate a type of strategy that will be meaningful and effective in this area is done in such a way that it gives positive gains in these areas. When I talk about the education of the people in this country, the re-tooling of the people in this country, the re-training of the people in this country, and the social harmony that we need to cling to the best way we know how, all of these things hinge on motions like these being accepted, not only accepted but something being done rather than talk, talk, talk, talk, talk.

I can say no more as to whether or not something is going to be done because time has not passed for me to give comment to say they had time and they didn't do it. I am not going to talk about all the things that happened before because that already happened. We are now saying the situation definitely needs addressing regardless of what has gone on before. Let us try to address it now. Let us not just try to see who wins the battle of the words and then go to the next battle while in the meantime nothing gets done. Which is what happens too often. Unfortunately from where I sit there is not too much more I can do other than what I am doing, but I want them to know that I am not running scared from any of that.

I also want the government to understand that even when we have a holy or unholy battle, the very next morning if I can assist with whatever initiatives they have once I am totally satisfied that those initiatives are for the betterment of our people, they will get any assistance they can from me. And not one of them can look me in the eye and tell me that from past experience that is not the case. That's what we need to do.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Excuse me for a second. We have reached the hour of 4.30. Will you be finished in a few minutes?

Mr. D Kurt Tibbetts: I am really just about finished.

I could bring up a lot of other things that are relevant to this motion, but I think enough has been said. I think government understands how people like me feel. I can only now sit and see if government will try to do something sensible so that we can see some results from their acceptance of the motion.

I commend the motion and its amendment. The last thing I want to say before I finish is in regard to the gov-

ernment guaranteed mortgage scheme that Finance Committee approved in January, I think, from \$125,000 as the ceiling to \$150,000 for the mortgage. I can only say that to this point while that was approved five months ago none of the banks can engage in lending under those premises because nothing has been sorted out yet. Five months is long enough almost to make babies! And there is no reason why that should not be in place by now.

Having said what I have said, understanding it is not in place yet, I truly hope that it gets in place very, very soon. I can't do anything about it and perhaps I don't know all the details involved as to why it has taken so long, but I would implore the government—because there are a lot of people out there who have been saving their little dollars to try to own their homes and at this point in time because they can't reach to fill the gap they can't get it, some of them have been told verbally by the relevant banking institutions that they feel very comfortable that these would qualify under the system but it is not in place at present. So I just hope that at least they get that part of it sorted out early.

Again, I commend the motion and trust that we will see some results from government accepting it. Thank you.

The Speaker: I will entertain a motion for the adjournment of this House. The Honourable Minister responsible for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Friday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Friday, 11 June 1999. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.33 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 11 JUNE 1999.

**EDITED
FRIDAY
11 JUNE 1999
11.07 AM**

[Prayers read by the Elected Member for North Side]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I wish to apologise for the late start this morning. It was unavoidable. I have apologies from the honourable Third Official Member who will be arriving later this morning. Moving on to Question Time—
The First Elected Member for West Bay.

Mr. W McKeeva Bush: Mr. Speaker, on a matter that affects us as members, can we hear what the late start was all about?

The Speaker: I don't think it's my responsibility to report that. And I am now moving on to Questions to Honourable Members and Ministers. Question 36 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 36

No. 36: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works what procedures the Public Works Department follows in ensuring that importers of explosives for quarrying purposes store, handle, and use such explosives safely and responsibly.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Chief Engineer ensures that importers of explosives for quarrying purposes store, handle and use such explosives safely and responsibly by:

1. restricting the necessary permits to very few people known to be responsible and knowledgeable in handling explosives in a safe manner;
2. restricting the number of magazines (secure storage for explosives) such that they can be easily supervised;
3. rigorously investigating any complaints and taking appropriate corrective action;

4. maintaining a close liaison between his office and permit holders.

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

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

Mr. Roy Bodden: I think that we need to suspend Standing Orders so that questions may go on beyond the hour of eleven. I would so move that the necessary Standing Order be waived so that we may continue.

The Speaker: Do we have a seconder?

Mrs. Edna Moyle: I beg to second that motion.

The Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

SUPPLEMENTARIES

Mr. Roy Bodden: May I ask who ensures that the facility in which such explosives are stored is secured in terms of its access only to authorised and responsible persons?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer is the Chief Engineer together with the permit holder ensures that the facility remains secure.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Does this mean there is a physical examination of the storage area? If so, is there a schedule of when such examinations have been conducted?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to that supplementary is that the regulations prescribe the way in

which the magazine or the storage facility must be configured and the inspection is carried out by the Chief Engineer and his office on the Explosive Law 1975 and Explosive Regulations 1976.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I ask if the importers and licensed users of such explosives are required to keep a log or any record indicating date, place, and amount of explosive used so that government may have for their records and for comparative purposes a way to ascertain how much was imported thereby assuring that all that has been imported has been accounted for in legitimate use?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There is a particular regulation that deals with the permit holder and his obligations under that regulation to ensure that the . . . let me start again. The permit holder under the regulation is responsible for due observation of the regulations and that they can commit an offence if they do not do so.

The Chief Engineer is actually the competent person to make regular inspections. But the regulation of the physical facility does not necessarily go on to require the Chief Engineer to inspect the records of those particular areas. There is a little bit of weakness in that system. It is an area that we have to look at to bring into the current requirements.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I request that the minister give an undertaking to the House to address this weakness in that the licensed importer and user be required to keep a log which denotes the date, the time, the amount of explosive used and by whom, so that if necessary government can have corroborating records thereby placing itself in a position to justify requests by importers when they wish to import? The government could then be knowledgeable about the extent of explosive used.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am happy to provide that undertaking to the Third Elected Member for Bodden Town and other members of the Legislative Assembly because I think it is in the best interest of the public and all of us in the present and future.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if the permits mentioned in the answer are issued to the

importers of the explosives or are they issued to the individuals who carry out the work for the importers?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There are really two permits, one to allow the importation of explosives and another to deal with the blasting of any particular area.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if the blasting permits are issued for specific locations or are permits issued in a generic fashion allowing the holder of the permit to blast at any location?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The blasting permits that are issued can allow the individual to blast in any place but they are also powers to restrict the blasting. That is done on occasion.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Perhaps I am not quite with it this morning, Mr. Speaker, but I did not fully understand what the minister said. Let me try to rephrase it. Can the honourable minister state if permits are issued on request to people to blast specific locations?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer is that they request for specific locations, if I am understanding, whether the permit is issued in that way. The answer to that is no, the license is issued to the blaster. The regulations prescribes the way in which blasting can be done and the amounts that can be done, is my understanding.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The reason I ask that question is because if it is not done in that fashion what check and balance is there to dictate that blasting is done in locations where it is permitted?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think in an earlier statement I made reference to the Explosives Law 1975 and the Explosives Regulations 1976, what is really included in both of those (and I don't intend to read it all) governs the way in which explosives are dealt with both in terms

of the handling and the blasting, the storage among other issues and really we are guided by what is laid down in that legislation. We really don't have power to go beyond what the legislation actually says. I believe, given that the law and the regulations appear to be in excess of twenty years old, it is time to look at the entire law as well as the regulations, and I would undertake to do that as well.

The Speaker: The First Elected Member for George Town, two additional supplementaries please.

Mr. D Kurt Tibbetts: Let me quickly explain to the minister why I am asking what I am asking, and I will turn it into a question. What happens when the authorities become aware of a situation where there is no permission granted to quarry certain pieces of property and blasting is done on that property? Does that constitute any contravention of the law? Because if there is no permission to mine the property, certainly there should be no permission to blast it.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that once the individual has a blasting licence the Explosives Regulations and the Law in the case put forward by the First Elected Member for George Town, the blasting would not be a contravention of the regulations or the law. As I said earlier, I think it is time we looked at it in great detail and take input from members across the floor to see how we can amend the law to bring it into modern day legislation to deal with this matter.

The Speaker: The final supplementary, the First Elected Member for George Town.

Mr. D Kurt Tibbetts: So the minister is saying, just to make sure that we understand, that it is possible at present for someone to receive a permit to blast and that person may blast on property where there is no permission to quarry and that is fine to do that at present? And in asking it in that fashion, I note where number 4 in the answer says "maintaining a close liaison between his office and permit holders." Would this not be part and parcel of this liaison? And if not, why not?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it the blasting permit is issued for two to three years and if an individual is blasting a particular area because he has a blasting permit he would not be contravening the blasting permit, however he may be contravening the Planning Regulations or maybe the Water Authority Regulations, is my understanding.

I did say from the beginning that there is a need to revisit the entire law and regulation and bring it into modern day legislation.

The Speaker: Moving on to question 37, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 37

No. 37: Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state when the playing field in Bodden Town will be completed.

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

Hon. Julianna O'Connor-Connolly: The Bodden Town playing field is scheduled to be completed and ready for use at the end of July 1999.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what work remains to be completed prior to the field being ready for use?

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

Hon. Julianna O'Connor-Connolly: As I understand it the work remaining is the ongoing weeding and feeding of the grass. The grass is growing well, but it needs further strengthening prior to opening it up for football practice, training and competition. There is modification to the toilet block at the Civic Centre still to be carried out and it is anticipated by Public Works that this will be completed by the end of July. The car park is to be landscaped and the fencing finalised.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Can the honourable minister give us an indication as to the status of the hard court?

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

Hon. Julianna O'Connor-Connolly: The department is presently having an estimate of that project with expectation to bring it forward later this year at budget time as there are no funds presently budgeted for the project.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Regarding the plants and so forth being ready at the time of the opening, can the honourable minister also say what is the decision on a sign being placed at the entrance of the parking lot?

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

Hon. Julianna O'Connor-Connolly: As members will recall, although the question refers to the Bodden Town Playfield, a decision had been taken previously to call it after the late Mr. Haig Bodden. The sign will actually be done in full consultation with all three members from the district of Bodden Town and at that time we will look at the proper placement of the sign, not only from an esthetical perspective but for safety as well.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Since the completion date is just around the corner, may I ask the honourable minister if she is in a position to give the House the completion cost of this project?

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

Hon. Julianna O'Connor-Connolly: I am informed that expenditure as of 8th June was C1\$941,731. The final cost is estimated to be C1\$1,020,000. The estimated project in March of 1997 was C1\$1,188,175.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether it will be necessary to do any more work after July 1999, and if so, can she outline what this work might be?

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

Hon. Julianna O'Connor-Connolly: I am answering under the assumption that he is specifically referring to the field. Based on the information provided from the Public Works Department and the Ministry's staff and the Sports Office, this is the extent of the work in relation to the field which is anticipated to be concluded at the end of July. Out of an abundance of caution, I insert the caveat, subject to weather conditions and other unforeseeable circumstances.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I now ask the minister if the answer she has given takes into consideration the hard courts? There was a hard court before and the use of that court was disrupted by the construction of the field. I understand that the hard court would be replaced, so I am asking the minister if this has been taken into consideration in her answer. To date I don't see any reconstruction of the hard courts, nor has there been any pro-

vision for re-lighting the hard courts. Also, what about the seating for spectators both on the hard courts and the field?

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

Hon. Julianna O'Connor-Connolly: As far as the seating is concerned, the last time I visited there there were three aluminium bleachers on site. Originally, according to my instruction, the \$1.18817 included covered bleachers. My note from Public Works says that's the reason for the decrease in estimated project cost, because it decided to install three regular aluminium bleachers for the time being.

Again, according to Public Works, the hard court was not included in the estimated plans. I take the point of the member and that's why my sports director informed me that costs are now being estimated for what is needed to rectify it. We have three options: We can either look for supplementary; or bring that at the regular budget session; or look to block votes in some other area if there is no surplus found at the end.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House why the decision was changed from providing some area of covered seating to bleachers with no cover or protection from the elements?

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

Hon. Julianna O'Connor-Connolly: I would have to undertake to give the member that answer. In fact, I asked it just a few seconds ago. My staff was not in a position to say why at this stage, but I too would like to find out. As soon as I have it I can either provide it here in this forum or in writing.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Former plans for that centre included covered bleachers as we were proposing in all of the districts. Can the honourable minister say when and why were the plans dropped? Is it because of lack of funding, or what is the problem?

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

Hon. Julianna O'Connor-Connolly: I thought I had made an attempt to make that clear. But I am happy to repeat the position. I raised the very same concern this morning once I had an opportunity to see the supplementary information that had been requested from the Public Works Department. I noted that it said a decision was taken to change it. Because I was not part of that decision, I can only undertake to investigate to see who

made the decision and why the decision was made. I promised the Third Elected Member for Bodden Town and I have no problem in promising to the entire House to do just that.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: When the government was putting the budget together, did the minister not have that information at hand?

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

Hon. Julianna O'Connor-Connolly: When I was responding to the honourable Third Elected Member for Bodden Town I said "according to my instructions from Public Works the final cost would be \$1,020,000 and that in March of 1997 the estimated project cost which went through was \$1.1 (sic)" and the original project cost included a larger covered bleacher. It was decided to install three of the regular aluminium bleachers. Hence my reason for making an inquiry myself. I have undertaken to find out why that decision was made if money was in the budget.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I guess this is a matter for clarification. I can say that according to notes that I have the bleachers were in at that time. Now if they have come out, they have come out since that estimate.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: It is obvious that while this matter is not one of utmost importance, procedurally we need to understand exactly what happened. I am certain, from the minister's answer, that there is lack of knowledge on her part also. We understand that she will have to do a bit of research to determine it. But we would like that answer so that we can understand how things like this happen. Perhaps the minister could give that undertaking—not in writing, if at all possible. If it is possible to do it while we are meeting now, maybe the minister would give us a report on that.

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

Hon. Julianna O'Connor-Connolly: I can assure the First Elected Member for George Town that I am as anxious to find out why it happened as he is. Once I am in possession of such information I will gladly share it with the House at the most appropriate and convenient time.

The Speaker: If there are no further supplementaries, question 38 is standing in the name of the Third Elected Member for George Town.

QUESTION 38

No. 38: Mr. Linford A. Pierson asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide a status report on the National Roads' Plan.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The National Roads' Plan is in the preliminary state, which includes formation of committees and preparations of the detailed terms of reference. Other current activities include the following:

1. The identification of critical land parcels that impact long-range plans.
2. The gazetting of major corridors as a part of the short-term plan.
3. Information gathering, including the Pavement Inventory Study and traffic counts at critical locations not included in the 1999 annual traffic counts.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the honourable minister state whether the members of the committee have yet been identified and whether the terms of reference have been prepared?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Dealing with the terms of reference, we have at the moment draft terms of reference which are under consideration by Public Works and the Ministry. There are a number of names being put forward by Public Works for these committees and they are under review. We are also talking to the Chamber of Commerce, among others, who will also hopefully agree to be part of a committee. When we have the details, I will be happy to provide them to the Legislative Assembly.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Following up on the supplementary, I realise that the honourable minister answering has recently taken over this responsibility, but I think the House was given the impression earlier on that the Roads Plan was well on its way to completion. I am surprised to hear that the terms of reference are only in the draft form and that the committee has not yet been formed. Can the honourable minister elaborate on his answer where he stated "Other current activities include the following: The identification of critical land parcels that impact long-range plans"? Is this expensive property

that will have to be purchased in order for the Roads Plan to become a reality?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe I did indicate earlier this year that the National Roads Plan was approved by Executive Council to move forward. We have carried out a few items. Between Public Works and Planning we have come up with the corridors, or some sketches to where the corridors would be. That, of course, has a process to go through in terms of going public and taking objections and what have you. The critical parcels of land referred to here is that in some cases in order for this corridor to be done, we have to ensure that we secure certain parcels. In some cases—I guess in most cases—the land is not in government's ownership, but in private hands. Sometimes the corridor would actually cause the piece of property, because of the way the corridor is designed, once the road goes through it . . . you could not utilise either of the pieces left, so government would have to buy the entire lot. But we don't have final figures on this as yet. We do know there is some critical land that has to be taken in this respect and we will undertake to keep members informed.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the honourable minister for that answer and appreciate that these corridors are no doubt the ones recommended in 1989 in the Master Ground Transportation Plan. It will cost much more at this time.

In the answer given the honourable minister said, "The National Roads' Plan is in the preliminary stage . . ." Can the honourable minister say when the road plan commenced and when it was approved by Council?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The National Roads Plan was approved by Council in March of this year.

[laughter]

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if in previous times, going back more than a year ago when questions were being asked and the road plan was being talked about, was there nothing actually happening with the National Roads Plan?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that some aspects of identification of the road corridors and things of that sort have been going on for quite some time. I think in that respect something was going on, but that's the best I can do with this question.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: If memory serves me right, when questions were asked prior to this regarding a National Roads Plan specific answers were given regarding what was being done. In this minister's answer he refers to a plan being approved by Executive Council, can the honourable minister state if the plan approved by Executive Council in March of this year was a plan developed within his ministry since he took over the subject of roads?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think it is necessary to be clear. What I am saying is that Executive Council approved to have a National Road Plan and we understand there are draft terms of reference and we talk about people being considered to be members of committees. In terms of whether something else was there, it appears that for some time . . . even the Third Elected Member for George Town talks about the Master Ground Transportation Plan being there from 1989, so I don't believe that all this stuff just goes away. It might be upgraded; it might be changed. I am saying that the Executive Council agreed in March of this year to conduct a National Road Plan.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say when he answered that there was a plan, he was working on a plan, that there was no committee? Can the honourable minister say that he found no plan, no committee and these things outlined in his answer are of his doing?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think there is a need to clarify an issue here. The technical expertise for conducting a plan of this nature is not going to be done in the ministry. It is going to be carried out in the department. The expertise that they need within the department, if they do not already have it, they will have to buy into the department in order to carry out this work. I am not going to stand up and say that information which is in Public Works and has been there for some time may not now be used. I don't know.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I think what is being sought here is the following. The way the minister answered the original question, and outlined a set of activities which are on an ongoing basis, and he then went on to say in answer to supplementary questions that approval was given in March by Executive Council to move forward to develop a road plan, that is our understanding at present. The real question that needs to be answered now is, were these activities that are taking place presently spurred on by the minister now answering the question, or did he find these activities going on when he took over the subject? I ask it in that fashion simply to determine whether what went to Council was done on the volition of the present minister or whether the horse was riding and he jumped on the back while it was moving. I think he will understand that.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works. And I will accept one more supplementary after this.

Hon. Thomas C. Jefferson: I hope this horse is at full gallop so we can get on with what needs to be done.

Basically I think I already indicated that work was already going on, that Public Works as well as Planning was concentrating on corridors because it is useless to think in terms of doing anything with roads unless you have a corridor laid out. Also we are aware that phase 1 of the Harquail Bypass is already in place, and we are aware that we plan to extend the corridor down to Batabano Road in West Bay. So all I am saying is that the formation, the approval from Council to deal and have a National Road Plan took place in March. That's all I am saying.

The Speaker: The First Elected Member for West Bay. This is the final supplementary.

Mr. W McKeeva Bush: I heard that Mr. Speaker, but our supplementaries that we have been asking have been getting the same answer over and over. When the minister answered the original question I got the impression that all of these things came into place at his behest, at his doing, when he took over, when the ministry changed. Is the minister saying that when the previous minister for works, answered those questions in the past, that there existed no committee, that there existed no plans, that Executive Council had not approved any plan for roads, or a national road plan? Is that what the minister is saying?

Was there a committee? Did the previous minister of works do those things that he said he had done? Or did he not? That's all that the minister for tourism now needs to say.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think I have said what I needed to say, and that is that in March of this year Ex-

ecutive Council approved a National Road Plan to be done. I have also indicated that work was going on but on roads, not in terms of . . . Council had not approved a National Road Plan per se. That's what I am saying. We are forming committees because of that decision which was taken in March.

Mr. W McKeeva Bush: Mr. Speaker, I know you said one more supplementary, but I think that you ought to realise that we have not got the answer whether any of the work that is pointed out on this piece of paper was in place as the former minister said he had been doing.

The Speaker: There will be another day.

Moving on to question 39, standing in the name of the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, you are truly a great Speaker sir!

[laughter]

QUESTION 39

No. 39: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning to provide the total recurrent costs for operating Government schools during the 1998 School Year.

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

Hon. Truman M. Bodden: Total recurrent costs for operating Government schools in 1998 was \$16,183,357 (excludes administration costs of \$6,634,996). The figure for 1997 was \$15,341,902. Average cost per student for 1998 was \$4,112. The average cost per student for 1997 was \$3,942. Number of students in 1998 was 3,936. Number of students for 1997 was 3,892.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether the recurrent cost increases annually? If so, is he in a position to tell the House what the percentage of increase is?

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

Hon. Truman M. Bodden: I don't have a calculator here, but the percentage would be what \$16,183,357 bears to \$15,349,02. It seems it would be in the area of about 1/18th. I don't know what that is in a percentage. In other words, it went up from \$15.3 million . . . about 4.5% my learned accountant friend, the Third Elected Member for George Town, has mentioned. That's not a bad increase.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Based on this, are there any projected figures for the up coming school year, and would it be safe to say that we can expect an increase in the vicinity of 5% at this time?

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

Hon. Truman M. Bodden: It's too early for that. We don't know what registration is. We haven't started the budget for next year. When we have the figures I will be happy to give them to the honourable member. But it's just too early for that.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if based on the track record of the past five years, appreciating what he just said, can there not be some fair assumption as to what that percentage might be? Does he have that information available, or is it something we just have to leave at that and understand and accept that it can't be figured at this time.

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

Hon. Truman M. Bodden: I am advised that registration is just beginning so we just don't know and the budget process is just starting with the controlling officer, whom you see I have here.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I am sure the minister has access to the numbers of students in previous years. There must be a trend. If the trend is fairly consistent would that not give rise to forming an opinion? While it can't be cast in stone there must be some trend that has been established over the past five years. The same way you have 1998 and 1997, if you go back you would be able to quickly determine that.

Now if he doesn't have that information available, we will understand that. But all we are trying to find out is whether it is expected to follow in the same vein that it has been or if there are reasons which might warrant greater expectations at the beginning of this year.

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

Hon. Truman M. Bodden: I don't have those figures. All I can say is that every year, as far as I can remember, it did increase. So I would expect an increase but I don't have the figures.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House some of the factors which are taken into consideration to arrive at the recurrent costs as stated in the answer, that is, whether or not it is limited exclusively to enrolment of students in the system and the staff, or if there are other factors in addition to these two.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Truman M. Bodden: That's an opinion that I would . . . you know, I am a bit loath to try to comment on. If you put five more students in a class that is small and doesn't need an extra teacher there is very little increase. If you have ten students extra that have to make up a new class then there is an increase. I really don't know, sir. I know what the members are trying to get, but I honestly don't know. All I can say is that each year, as the First Elected Member for George Town has mentioned, there have been increases. I would expect there to be an increase this year.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to differ with the minister's position, but it's an opinion. What I said was that obviously to figure this recurrent cost at least two things must be taken into consideration, that is the enrolment figures and also the staff. I am asking if the formula is exclusively limited to these two, the numbers in the enrolment and the staff, because their salaries would have to be taken into consideration. Or are there other factors, or at least another factor beside enrolment and staff that has to be taken into consideration?

What I am trying to ask the minister is what provisions would be taken into consideration in the eventuality as has been in this case now where one private high school will cease operations in September.

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

Hon. Truman M. Bodden: The calculation of those figures were made as follows: Subhead code 0100 (which is personnel), 02000 Travelling; 03000 Supplies and Materials; 06000 Operating and Maintenance; 08000 Grants; 12000 Interdepartmental Miscellaneous; and 14000 Reference Materials. They are the ingredients that go into making up that figure.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Bearing in mind that at least one private high school has indicated its intention to discontinue that school at the September term, and I am not

100% sure of this but it has been indicated to me that this will displace some 100 students. That's what I have heard. The figure itself is not of major importance to what I am trying to ask. Is the government bearing in mind that there may be on top of the regular increase a substantial increase in the high school area which will arise because of this displacement that will occur?

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

Hon. Truman M. Bodden: In a recent meeting with one of the pastors involved with the First Baptist School we understood that the closing would be grades 10, 11 and 12 and only eleven students were involved. I think the honourable member has brought out a very good point. Support for the private schools is crucial. They carry over one-third of the students in these islands who compulsorily have to go to school. We have always tried to give every assistance to private schools so that this would not happen. It has happened on occasion in the past, but it is very important that we support the private schools because as you can see, when we are dealing with a total of \$22.7 million it means that the private schools are saving this government \$12 million to \$13 million recurrent a year. It has to make good economic sense to support them and to try to give them as much as we can in capital and recurrent and keep them going. I know this legislature supports them.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: In view of what the minister just said, and it has been said many times before, I am wondering whether he or the department receive complaints regarding the increase of private school fees to the extent that people are saying they are not going to register with the private schools, but are now going to register in the government schools. If they receive that sort of complaint what steps are they taking seeing that we are contributing the kinds of funds he says need to be contributed to the private schools, to have some say in the cost of tuition?

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

Hon. Truman M. Bodden: This is a constant problem. I met a couple of times with the principals of the private schools. What we did this year was give an extra amount of grants because when government increased its salaries for teachers, obviously it put pressure on the private schools to increase theirs. I will be asking this Legislative Assembly this coming budget for an increase in the recurrent to assist and offset the private school fees and to work out some formula that may also provide specific assistance. I would come back to the Finance Committee on that.

The point the member has raised is correct. If the fees of the private schools go too high more and more children are going to come into the government schools

and that is penny wise and pound foolish. It's better for us to give an extra \$.5 million or \$1 million grant to all of the schools to save government \$5 million to \$7 million recurrent with them coming in. But I will meet further with them and try to get a formula that will either be assisting, say Caymanian students, or some formula that will be acceptable to Finance Committee to ensure that the private schools can continue. They are all subsidised by their church. I like to make that clear. None of those schools make a profit. They are all heavily subsidised by their church.

The Speaker: This is going to have to be the final supplementary. The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, you usually say the final two. If this is the final one I am going to have to give way to the person who asked the original question because he has a supplementary.

The Speaker: Okay, we'll say two.

Mr. D Kurt Tibbetts: Thank you very much, you're a good person, sir.

I want to ask the minister to give an undertaking in regard to this formula he is talking about developing. In the past we have heard these figures and the minister has brought calculations from time to time to justify his argument regarding grants to private schools. I think no one questions the principle involved, understanding the circumstances surrounding it. But I think many of us do not fully understand how what is done is done. I think whenever that time arises and the minister comes back if he would prepare a situation that would give us a full understanding of how this thing is done, we would be very grateful. We are seeking that undertaking.

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

Hon. Truman M. Bodden: I am happy to give that undertaking. I discussed with my Permanent Secretary and I was coming back here with it anyhow. I would rather this House approve the new formula. That way we all know where we stand and what basis the funds are being granted on.

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

Mr. Roy Bodden: Thank you.

My question is similar to the undertaking just extracted from the minister by the First Elected Member for George Town. Bearing in mind the crucial role the private schools play in education in the Cayman Islands, I would like to ask the minister in consideration of this vital role, if he has not already in place some kind of organisation which liaises with either the department or his ministry would he consider establishing such an organisation so that when the government is contemplating raising the salaries of its school staff there can be some liaison be-

fore it actually happens so that we can arrive at a point at which that might affect the private schools and therefore place us in a better position prior to the actual raise so that we can control for any fallout it may negatively bring upon the private schools? Then the minister would be in a better position to come to the Legislative Assembly if he has to increase the grants or change the formula to give these grants to the private schools. And he will also be in a position to know whether he has to accommodate larger numbers as a result of cutbacks or attrition.

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

Hon. Truman M. Bodden: The private schools have an association and I think what we need to do is establish a closer liaison. When our review for salaries, or any other way they may be affected, that there is communication. But I did meet twice, once here and once up at the Prep School with all of the principals. I think I maybe met with one of them another time. But I take the point, and I will give that undertaking.

The Speaker: Moving on to question 40, standing in the name of the Third Elected Member for George Town.

QUESTION 40

No. 40: Mr. Linford A. Pierson asked the Honourable Minister responsible for Education, Aviation and Planning to provide the basic academic and admission requirements for admission into accredited universities in the United States of America as required by the Education Council.

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

Hon. Truman M. Bodden: For academic courses, students must have either (a) or (b) below: (a) at least five CXC/GCSE 'O' level passes including English and Mathematics, or Science of not less than "C" grade or equivalent. A minimum of three subjects must be passed at any one sitting; or (b) a high school diploma with at least a 2.75 average over the last two years of high school and a composite SAT score of not less than 950; or applicants for academic courses who did not initially meet minimum requirements, may be considered for financial assistance if they (a) are at the time attending an approved institution; and (b) have maintained an overall GPA of 2.50 or above in a minimum of 12 credit hours or equivalent with no failures at that institution for their first year and 3.0 in a minimum of 15 credit hours or equivalent with no failures thereafter.

For non-academic courses, applicants not in possession of (i)(a) or (i)(b) must: (a) have at least grade D in the GCSE or equivalent in a numerate subject and English; or (b) demonstrate proof of basic skill in numeracy and English; (c) have completed the foundation courses if available on the Island, with an acceptable

level of attainment, or have demonstrated expertise on the job verified by an employer.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the honourable minister state whether admission into an accredited institution without more or on its own is sufficient for an applicant, a school leaver, to receive a government scholarship? If not, can he explain why not?

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

Hon. Truman M. Bodden: Admission to an approved college by itself is not sufficient for a scholarship. What I read must go along with it. They must not only be approved, but must be entered and maintain (I don't want to read this all over again) a grade point of 2.5 and 12 credit hours . . . and I went on. Or 3 and a minimum of 15 and no failures in either. I believe even though this is clear in the guidelines—and there has been confusion on this, let me admit that—maybe when we are doing next years we will just highlight this better than we have in the past.

But I repeat again, mere admission to an approved institution in the US per se is not enough to get a scholarship.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Just for emphasis, because this is such an important matter for school leavers, . . . and just to give a bit of background, many school leavers are of the impression that once they have received admission into an accredited university that that should be all that is required. I am seeking information on a school leaver, if the honourable minister would give the answer again so as to clarify this point. On a school leaver leaving, must he have a minimum of 950 points on the SAT in addition to having a high school certificate, say somebody graduating from Triple C or Truth for Youth would also have to have an SAT of not less than 950 in order to obtain a scholarship.

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

Hon. Truman M. Bodden: That is correct what the member has stated. I would just like to mention as well that the Education Council has encouraged students to take their first two years where their credits can be transferred and they can from the respective colleges, both the Community College and ICCI and naturally if they are doing it at the Law School. So they can get their two years here and that is transferred. While I don't have the list with me now, I know with the Community College it

has recognition from universities that are in a highly competitive bracket. So it's a nice range there.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I am very pleased to have received this information, and I am sure the listening public will also be pleased. Can the honourable minister state if this arrangement with either the Community College or ICCI would be covered financially by the government, that is that two year period?

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

Hon. Truman M. Bodden: Yes, once they meet the criteria for the scholarship then we give the full scholarship, the full two years here, to either of the three institutions.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I just want to clarify what I was trying to drive at. I got the impression that the government would encourage students to prepare themselves for university entrance in order to obtain a scholarship and I was just wondering if in that preparation period government would be prepared to assist students that might need any financial assistance.

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

Hon. Truman M. Bodden: The local scholarship area is fairly new. If they do not reach their 950 SAT but they may be able to get entry into the Community College or ICCI (and I am just talking of those two because the Law School is different), then we will assist them if they get the sufficient credits on the two. Then they can be granted a continuing scholarship to spend the other two years in a US or a UK or a West Indies (of which we have the accreditation in the Community College and I am sure in ICCI for those) it does provide that you can get in with a lesser pass rate. Provided they do good in there they get the other two years abroad.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister confirm that these requirements by the Education Council are designed as much to be a protection of the student and they are not a deterrent? Because these requirements are universally recognised as the minimum requirements and one of the reasons the Education Council requires them is that in the event a student has to transfer to another university which may be demanding these requirements as prerequisite and not necessarily relying on SAT scores exclusively so that a student who falls in that

category will not have any difficulty in transferring to another university.

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

Hon. Truman M. Bodden: That's 100% right. I can't add anything to that, sir.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I must say that was a good statement. Because I understand that most of our students opt to go into universities in the United States, I wonder if he is in a position to give an indication of the percentage that may be going into the US rather than the UK or say Canada or other universities?

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

Hon. Truman M. Bodden: I don't actually have the figures but I would guess that it's probably over 80% probably closer to 90%. The pendulum has swung from the days when that honourable member did his professional accountants and I did law, where one did it through the UK to North America. It's mainly the US but a fair amount of students go to the Canada and to the UK and to UWI for medicine or other professions if they want to do architecture in the UK through [?] or whatever.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

It is my understanding that we would have select committee on the Election Law during break. The Honourable First Official Member.

SUSPENSION OF STANDING ORDER 72(8)

Hon. James M. Ryan: Mr. Speaker, in accordance with Standing Order 72 (8) which reads: "**A select committee may sit at any time when the House is adjourned, but except by leave of the House may not sit while the House is sitting**" I seek leave of the House to hold a Select Committee of the Whole House on the Election Law (1995 Revision) during the suspension today.

The Speaker: Would you suggest that we come back 15 minutes later after lunch?

Hon. James M. Ryan: I had initially thought that it would have happened at the morning break, but as you will appreciate we are getting very near the luncheon break. I am in Members' hands. I would say in terms of the length of time it should not take more than 20 or 30 minutes and could possibly be finished in less time than that depending upon how much debate there is. In any event, I am in the hands of members of the House on actual time.

The Speaker: If it pleases members, I suggest that we suspend for lunch and come back at 2.00 and come back into the House at 2.30

We will now suspend until 2.30.

PROCEEDINGS SUSPENDED AT 12.40 PM

PROCEEDINGS RESUMED AT 2.59 PM

The Speaker: Please be seated.

Before we took the suspension this morning, the First Official Member asked that leave of the House be granted to take a select committee. I did not put the question, so I will put the question at this time. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: SELECT COMMITTEE OF THE WHOLE HOUSE ON THE ELECTION LAW (1995 REVISION) TO MEET DURING THE SUSPENSION.

The Speaker: Out of an abundance of caution, I tendered apologies this morning for the honourable Second and Third Official Members. In case that was not properly recorded, I do so now for the record.

Continuation of debate on Private Member's Motion No. 3/99. Does any other member wish to speak? (Pause) The floor is open to debate on Private Member's Motion No. 3/99 as amended. Does any other member wish to speak? (Pause)

If not, does the mover wish to exercise his right of reply? The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/99

HOUSING INITIATIVE FOR AFFORDABLE HOUSING

(Continuation of debate thereon.)

Mr. W McKeever Bush: Mr. Speaker, thank you. I want to thank all members of the House who debated the motion and those who otherwise support it, but did not debate it. I would certainly like to thank those members who did their best to debate the motion without being too critical of the present guaranteed housing scheme.

I am as much aware as anybody else of the need for lower income groups to be given the opportunity of owning a house. During my time as minister responsible, I did not run from my responsibility. I was questioned many times about the process of the scheme and where we were. I didn't shirk from the responsibility to answer questions. To the best of my ability I gave whatever information I could give. At times it was a sword against

me. Nevertheless I saw the need for a housing initiative, not just a policy but an initiative that would address the need of a person getting a house.

I was well aware that previous governments had done little or nothing and I knew that I would encounter difficulties. The first plan aired by my ministry was one where a private company was going to put up \$15 million through a bank for affordable housing. Government was to be the guarantor for the upper 35% as the down payment. We went through several draft agreements which government couldn't agree on. I tell you, Mr. Speaker, or anyone else in this House or the country, that the two last draft agreements reached would have given the lower income groups the houses that everyone was screaming for and are still talking about today in this debate.

We all have good memories, and I can tell you that I wouldn't want to go through that again. We all remember the big hue and cry in the country was that it would be too large of a contingent liability for government. The uproar was so great that the National Team, being weak—even when something was good for all those in need—said forget it. So I had no authority to go ahead with it. There was still a lot of ironing out to do, of course, nevertheless I was determined so I came up with another idea. Therefore the present government guaranteed scheme was put in place. During the course of those events, I was discussing with the Housing Development Corporation Board and government, and various banking institutions, how best to get funds for the Housing Development Corporation.

Every banking institution was turned off by previous negotiations with previous government and the resultant small investment in the so-called bonds was evident. We couldn't convince . . . and I had a very capable Board. We had Mr. Daniel Scott, of Ernst & Young, as Chairman; Mr. Chris Johnson, Mr. Dan Martiuck, Mr. Tony Powell, Mr. Jimmy Powell, Mr. Danny Owens as Board members. They couldn't convince anybody to put sufficient funds into the Housing Development Corporation to make it viable. The Housing Development Corporation could not from its inception generate the confidence of investors. Government itself would not, because it had not put funds of any significance into the Housing Development Corporation.

Let me say—and I believe it was the Fourth Elected Member for George Town who raised it—that the Housing Development Corporation (HDC), if they think it was the solution to the low income housing, they were mistaken. There were a few loans there. But if the HDC was so great, since it was created in 1981, why then were there less than 100 mortgages in over 12 years? If it was so great why could it not create more?

The position the Board and I found—and I was not on the Board, nor was I its chairman—was that in order to cover the cost of investors, that is the bonds, the cost for general and administrative operating expenses, the interest HDC was charging was higher in some cases than those charged by the commercial banks. Another problem was that the HDC was set up by the then government to deal only with Caymanians and the manage-

ment was putting applications before the Board for only non-Caymanians. That was a big problem the Board had with management.

Because the member for George Town was not in the know, maybe he doesn't know and he thought the HDC was a good thing. He seemed to think we could just put money into it. I will deal with that later on. They seem to forget that the kind and amount of problems people had with the mortgages there. Perhaps they don't know.

Do they believe I changed for the sake of change? HDC was a good idea in the beginning, but proved to be a bad deal at the end. I did the best I could, considering the circumstances at the time. Why set up a management that is costly to loan money that is already scarce? The HDC on my part I thought would be an overseeing body to monitor rather than one to lend money which expertise is already in the private sector from which we needed to get the funds.

The Fourth Elected Member for George Town made some good points. But one point he raised in his deliberation about the sale of the mortgage portfolio talked about people being under pressure because of the sale of the mortgage portfolio. I want to say that if those people are under any pressure it is not because of the sale. The agreement between Cayman National Bank—which one member said was nepotism because the Minister for Education is a shareholder and director—and the HDC was made so that the same terms and conditions remained in effect. CNB could make it better but it could not make it any worse.

So those people cannot be any worse off. If they are, then the government ought to be doing something about it. If a member knows something, then he ought to address it to the right channels. But I doubt they are worse off because there is an agreement between them and the HDC protecting those mortgages in that portfolio. I believe we did the right thing. At the time the market was right and we got a good deal. In the end we saved funds for the country.

In looking at the contributions made by members, the Minister for Education, as is usual because he had no other contribution to make, blamed me again—one more time—and said that I didn't get the housing for the lower income group. While a lot of members have talked about low income people, not one member has said what amount of income they are talking about to make a person or a family be categorised as low income, or what kind of payment that would put him in a bracket of low income.

I have recognised a mortgage payment of \$250 to \$500 as being low income. Nobody here in this House has yet said what size mortgage we should be categorising as a low income. Is it \$35,000? Is it \$40,000? Is it \$60,000? Or is it \$85,000? If not, that is why I have said that the needs of the low-income group have to be addressed by various plans or schemes from different angles. No one scheme is going to cover it.

The members of this House—and in particular some members—must remember that we don't know it all. There must be someone who can tell us something at times. We don't know it all and there must be somebody

somewhere who can tell us something. Nobody needs to put credit in one of my pockets and take it out of the other one. If it makes them feel good, they don't have to give me any credit at all. I know that in two years government was able to help 170 Caymanian families get a home through the initiatives I put forward.

Now I am getting blamed for not getting more, or not addressing another sector; yet no one can come up with how much those people would pay to be categorised low income. The Minister for Education in his usual form criticised me by saying that I didn't get it done. The government now as it stands—he is still the Leader of Government Business—has had ample time to do something about the problem since 1997. And since that time how many loans have been made in that scheme? Not one single solitary loan as I understand it has been made, yet he, the Leader of Government Business, has the audacity to come here and criticise me while leading a government that has not produced one in all this time!

The government must stop finding scapegoats for their lack of action. But if you don't care about people, if the shoe doesn't pinch you you don't know how tight it is. If you don't care about people how, then, can you address their needs?

The Minister for Education raised a matter about some scheme that he had put together. He built one house—one house!—in eight years that he had responsibility for housing. And he comes in here with a grin on his face like the cat that got the rat how he had done so much for the people. He had responsibility for eight years! But if you have no social conscience you are not going to do anything about social needs.

Numerous people through the Social Services Department—and again I took a flogging for it—all throughout this country got their roofs fixed, got their houses in a better condition, got bathroom facilities and some had homes built, several, through Social Services because I had the social conscience and cared enough about the people. I took the licks for it, but it had to be done. We renovated dozens of homes. How much was done before?

It seems that I have to stand and defend myself, but that's what you do in a debate. Anyone who says I didn't do my best is not telling the truth. That goes for those National Team Members who sit down when they know lies are being told. One house in eight years! And he comes in here bragging about it. And do you know how that was done? That piece of property down there, down in the Watler's Square area, was leased to Mr. Dacres for farming. And they kicked him off of it. And the new government in 1984/85 had to pay Mr. Dacres for his lease. The Minister for Education then, and the Minister responsible for Social Services and Housing then, in his rush to get elected in 1984 built one house. One!

He comes here thumping his chest about how he got one.

Mr. Speaker, this matter of addressing the needs of the low-income group is not going to be addressed by one plan. It will be addressed on different fronts. Since they said I did nothings, let me just say again that it's not an easy thing, first of all, because people who have good

homes in this country, and thank God that when you go through the country you find a good housing stock, a lot of them say they don't want low income housing in their backyards.

My Ministry, the Public Works and Planning Departments made several visits to look at different systems. One was a Swiss company in San Pedro Sula in Honduras. We looked at housing in Jamaica offered by large developers there. We also looked at systems used in the United States as well as Europe. We were well on the way to getting things done, but it is not easy. Mr. Antonio Hawkins, a local developer, put forward a plan that I thought was going to work, but that was just around election time and so at least one person objected. That stretch of land did not get used. Maybe there were more objections, I believe there were. But the irony of that is that 100 yards down the road from that subdivision, Frank Hall Homes has gone in and they are building 85 homes in the first phase. Those objections were only political. But they were effective.

The people have various problems in qualifying. The greatest one is that the requirement to qualify is the ratio of the applicant's monthly payment to their monthly income. One aspect is the person's ability to pay a mortgage when he has other loan commitments. For instance, credit card balances, rent, which together takes him to 40% or so of his salary required by the banks as a maximum debt service ratio. These problems, coupled with the lack of available homes which can be readily purchased or constructed, as I said \$35,000 to \$85,000 bracket, is making it impossible to effectively provide housing for the lower income group referred to by everybody.

No bank wanted to put money into what members are calling low-income people, although nobody has given figures as to what they are talking about. So I could not make one group suffer because I could not get agreement to help another group. I couldn't get readily available funds for low income, so I did the best by putting the other scheme which did help some people in the lower income, but there are some prohibiting factors which I spoke about. I went ahead and provided 170 homes. Now, since I left ExCo, how many have they provided?

Do you know what is true, since the Minister for Education is Chief Criticiser for the government, he was there eight years, but to top it off he was, or is, a banker—a banker! And if he had the care he claims, why then did he not put something in place to help the people? If he had done that with all his knowledge and his expertise and his contacts then I would have had something to build on. But I had nothing to build on. And as much as he would like to call me a fool, I will give you a good example.

When I took over the Water Authority they had a good foundation. Members before me had done a lot and left the foundation for me to build on. And I went ahead and built on it because there was a good foundation. If he was as caring as he says he is, and he has all the knowledge he says he has as an accountant or a banker, then he should have been able to come up with

schemes. But he has neither the knowledge in this area, nor does he care about people.

There was some question yesterday about what I had done in my time on Executive Council. It's all good and well to get up and criticise me. If it makes them feel happy, then go ahead. I have been involved in politics for a long time and not too much slips by me. They can drill the holes as small as they want, but I can see through them. I see the attempts on both sides of this House to minimise my contribution to enhance social development in these islands. I see it! On both sides! They can try as much as they want the people in these islands are not going to be fooled by people who criticise everything that has been done. And for everyone who has a genuine complaint, there are avenues for redress in a sensible manner. Members on both sides of this House had better understand that.

The gains made in social development for our people didn't come easy. I had to fight those against me, and those supposedly for me. But I ploughed ahead. When I took housing under my control, far too many people, too many families could not get a house, not only in the low income bracket but in the middle income bracket of this country. While the scheme was not perfect, many children who would otherwise have not been able to sleep in a good bedroom, or bath in a good bathroom of their own, and many mommas and many papas who had to share theirs now have their own.

The country can be proud that in a region with so much deprivation our people are still not the worst off. And by our own standards, many are in a better condition today than when I took over policy. When I look at policy for our elderly I put many things in place which, again, I had to convince those Shylocks that it was right and proper so to do. Today our old people can live a little better than they did in the past. And if government of the day cared as much for them as they say they care for them they would have given them the raise in January of this year that they had the authority to do! But they waited until they gave themselves a raise to give the old people their share, but it was only \$50 instead of the \$400 that they were supposed to get. Yet they come here, the bunch of beknighted eunuchs, talking foolishness.

Hon. Truman M. Boddén: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Hon. Truman M. Boddén: I am asking the member to withdraw those last words—beknighted eunuchs.

The Speaker: First Elected Member for West Bay, I ask that you withdraw that. It's not appropriate.

Mr. W McKeever Bush: Yes, Mr. Speaker. I will bow to your ruling.

The Speaker: Thank you. Please continue.

Mr. W McKeever Bush: Mr. Speaker, I knew the Minister for Education couldn't sit down any longer. The Chief Criticiser for the Government! He was the one who raised the issue about what I did in ExCo. That's why I have to repeat these things this afternoon—and I am going to repeat them.

I too could have drawn back when I faced the objections, but I didn't because I believed that the contribution to our well being made by that group of old people could not go unnoticed any more. And while they might say that I did nothing, I am encouraged that our elderly are thankful. I too could have organised a big raise for myself while I was in Executive Council. But do you know what? I always put people first. And since I am on that let me say that I am proud that the raise that we got, I am too part of the scheme to put scholarships for our children with the other three members who started it. And do you know what? The first cheque that was given was mine on that day. The others gave on that day too, but I am glad that I am part of it and I am glad that I was able to put my cheque in.

They can criticise me. No, I didn't get the education some can boast of. But thank God I got good granny wits. And what little education I do have I took that with the common sense and I make it work. And do you know what else? I have a heart! And do you know what I believe? Some people over there don't have any!

The gains made for children . . . if they are even matched policy for policy over the next five years our people will be held in good standing. After school programmes, sports programmes, scholarships, grants to the less academically able, the so-called Youth Policy Foundation was put in place by me. Thank God, one Executive Council Member, the Minister for Health, on the morning of its introduction at the Grand Pavilion recognised my effort on that front, although the minister now in charge never had the gracefulness to do so. Give unto Caesar what is due, and onto them honour that is due.

The Young Parents Programme, the Marine Institute, these are things that took innovation. Some of them over there will never be able to accomplish it simply because they don't care about people. They do not have the social conscience. Training might have not gone the way I wanted because of the sabotage, but gains made did bring us a long way. But we still have a long way to go in training. I recognise that.

The gains made in labour, and this is one that has to touch people's hearts, made me a target for the rich and the powerful merchant class; and now, a target for the jealous. But I can look back and see gains made. Today pregnant women get better time than before I made the changes. Even mothers who adopt children get paid for time off. The amount of vacation and vacation pay is better today than before I took over. Today, if an immediate family member dies you have a right to five days off. Sick leave is better arranged. Now, is the Labour Law perfect? It is not. No. Try as I did.

Gratuities is still a sore problem, an atrocity. I put in accountants to check the books but if two sets of books are kept no accountant will find the things that are wrong.

It's an atrocity. I can tell you that no labour union in the world is going to cure that. Only sensible determination is going to straighten it out. From the beginning the law was not given a chance. I hope that the likes of the Minister of Education and those who went down to the Grand Pavilion to sabotage me when I put forward certain recommendations will understand what they face now. I hope they know.

I get criticised still for pensions. Pensions are costly, yes. But the longer we had put it off, the more costly it would have been. Why should we go through in an affluent society, as we purport to be, this life for another ten years with people working for 15 to 20 years, or 25 to 30 years and when they work through the door crippled and hobbled over they get a little wristwatch and a *'Thank you darling, you done a good job'*? Oh yeah? That can put milk and bread on the table?

Those are the kind of atrocities that exist in this country and those are the kinds of attempts that I made to change the social advancement made in this country. But the Ministry for Community Development will never be matched by anybody over there presently for a long time.

Pensions are costly. But if not now, when? And if not us, who?

I could go on, Mr. Speaker, but these are some of the gains made for our people. Those who do their best for the sake of politics and out of spite, hate and jealousy, are not literally hurting me, but they are doing a disservice to this country and our people by letting people who don't know otherwise believe there is nothing in place to help them. There are measures here. All we have to do—

[inaudible interjection]

Mr. W McKeever Bush: Mr. Speaker, I don't know what got under the collar of the Member for George Town, he just came in.

[Addressing the Fourth Elected Member for George Town] You just came in. You don't understand what's going on. I did say that the member made some good points, and I don't know what I am saying now that has hurt him because he is bawling over there.

Those kinds of questions will lead us into damnation for the sake of political expediency. Some people are not looking out for the people, they are looking at the next election and hoping to find some safe ground to fool people, get in with them and hope that they get into the Legislative Assembly with a large enough group to control. But Lord help us—help us!—if that has to happen because some people do not understand what is going on and as I said, we are not that big. We don't have that much education to know that other people can tell us something.

Other people can tell us something. I don't know what is wrong with the member for George Town because I really didn't touch him. I congratulated him on the points he made because what he said in his speech actually complemented what I had put forward but he didn't know that because he was not here during my presenta-

tion. He came in afterwards, and then got up and left again. I complemented him.

[Inaudible interjection]

Mr. W McKeeva Bush: Whether I shout or not, Mr. Speaker, I have a record to stand on and that member does not! And before he starts criticising me about my record he should get one that can play—mine can play! My record can play! Yours is scratched up.

I could go on, Mr. Speaker, but I will save more for another opportunity and time will tell.

Mr. Speaker, believe you me I have so many daggers in my back that they can't find any more space to put them now. And the member for George Town has to understand this: He doesn't frighten McKeeva. He can accuse me; he can say anything he wants. When he makes a good contribution, I say so. And I say again, he made some good points in his contribution. So what is he all riled up about? Because I said there are benefits in the Labour Law? There are. I did my best with the Labour Law. There are good benefits there. But from the beginning that law was not given the opportunity.

That's all.

[Inaudible interjection]

Mr. W McKeeva Bush: No, I am not blaming you. You just jumped in and thought I was hitting you. I wasn't.

The Speaker: May I interrupt you for just a moment? Would this be a convenient time to take the afternoon break, or would you rather—

Mr. W McKeeva Bush: No, Mr. Speaker. I think I had better stop and take the break.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.15 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 3/99 as amended. The First Elected Member for West Bay continuing.

Mr. W McKeeva Bush: I appreciate your indulgence for me to have answered some of what was talked about in the different areas I dealt with. I will now move to one area just to say that it is not easy for the Director of Labour at times. We encountered numerous problems. We have legal advice. First of all I should give an example.

The Labour Department would make sanctions that were not adhered to by certain employers. They would take it to court. The court would find them guilty, for instance in severance pay, but refuse to order that they pay the severance pay. We took that and had a discussion with the Chief of Police, the Legal Department, the Legal Draftsman, and to no avail. Nothing could be done. We couldn't get anywhere.

The law has to be given the chance to work and those in the system need to recognise that both sides need protection and there is a right and wrong to everything. Employers have an obligation, employees have an obligation. So the Director of Labour did all he could at times.

I am sorry that I had to clear up some of those matters. But it is the unwillingness of the National Team government to give credit where credit is due, and to lay blame all the time on somebody else and not to accept its own failure. I don't expect them to give me any credit, if that makes them happy. They can't give their own people credit. We saw the Minister for Tourism this morning saying one thing and he couldn't even answer a question when the minister he was talking about walked in. That's the type of leadership we have. No wonder the country is stumbling.

The FHA in the United States, the Federal Housing Authority, put a plan together in the United States for housing. The government there guaranteed the loan and type of construction. Then the Federal Housing Authority—

The Speaker: Administration, that is.

Mr. W McKeeva Bush: The Federal Housing Administration, thank you Mr. Speaker, made the banks lend at established rates which people could reach. This helped the people. The FHA did not lend in the United States, they guaranteed the loan and the type of construction and then made the banks lend at rates people could reach.

When it came to the veterans, for instance (and I use the veterans so we can compare their situation to the very low-income group here), they gave them a better rate than usual and a non-foreclosure policy. I think we are in the same position that the United States was then and we could model off of them to suit our needs. That was what I was trying to do.

They also supervised the quality of the construction so that people would not suffer. So there are many different things that we could be doing to help the situation. I wish to recap the proposals I made which could have been put in place if they cared.

A prohibiting factor being the interest rate and the qualifying ratio of the applicant's monthly mortgage payment requirement to their monthly salary, we should now introduce a programme where government would enter into another agreement with the banks with government being the 100% guarantor to a bank and the agreement be so structured so as to allow government to pay the interest of the mortgage through a fund set up by government for such purposes.

Then government would be repaid by the borrower through an interest free 30-year loan so that the borrower's payment to the bank would be very low because he wouldn't be paying the high interest rate at the bank. It's not the government's money we are dealing with although we screamed about what government should do with the banks. It's the people's money. We can't just

walk in there and say 'Give it to me. I want it this way or that way.' There has to be sensible negotiation.

Although the person I am talking about would have another payment to make, one to the bank and one to the government, it would be over 30 years (the one to the government). This type of scheme could be kept to a level of \$85,000 if we are talking that level, as I tried to say earlier as a low-income group so that people can continue to live in dignity.

The second proposal I made yesterday is that government should put aside sufficient funds annually to provide soft loans of up to \$100,000 for a period of up to 30 years at an interest rate of 5% for first time home owners. Also, if a couple is building a first home for \$150,000 or \$175,000 government could still finance the \$100,000.

As I recall, one of the things the Financial Secretary and I accomplished at the Caribbean Development Bank meeting in Canada in 1997 was to get them to agree to a different outlook on the Cayman Islands in terms of how we borrow funds from them. We discussed housing, and it was a source that we can tap. I don't know now how that is going to work vis a vis them trying to give us assistance and then coming up with this situation now with Pedro Castle where they can't get all their money and all sorts of stuff is happening there. I don't know if we can have the same kind of relationship that we were trying to build.

But, I do know that we got agreement at that meeting for them to do a different approach to housing and funds would have been available. This is a source that government can tap because we contribute to Caribbean Development Bank. We are part of Caribbean Development Bank. I don't know what the factors are about the European situation. I do know that in 1993 we went to Brussels, the Minister for Tourism and I. We were told that because of our situation, our so-called per capita income, we couldn't qualify for these soft loans. That's sad because there are a lot of them out there as the Fourth Elected Member for George Town was pointing out yesterday. But that was one of the things they told us in Brussels.

One of the things I proposed to do was require first time home buyers to attend pre and post purchase counselling to assist them in making the right decisions, not to try and reach for a house which would be beyond their means. For instance, you know the people we are dealing with, and we know they can't afford a \$200,000 four bedroom, three bathroom house. They can only afford an \$85,000 house and still meet their needs. We would counsel them in that instance. I proposed that but did the National Team as it now exists do anything with it? No. They haven't done anything with those ideas.

[Inaudible interjection]

Mr. W McKeeva Bush: The Minister for Health is saying the National Team did. Yes, Tom and Truman killed it. Perhaps it was a good thing. God never does anything wrong.

I also feel that government could explore with the commercial class A banks ways to lend \$1 million each at 1% above their average cost of funds. I believe we could get at least \$10 million from that source. These are things the government could be doing.

The Minister for Education likes to say he is a banker, that he's conservative. Well, if he is he should be up and about trying to get this kind of discussion going. As I said, it is not something that you can force people to do because there are laws that we have to live by and it's not the money of the government of the Cayman Islands, it is people's money on deposit.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you for just a moment? We have reached the hour of 4.30. Will you be finishing in a reasonable amount of time?

Mr. W McKeeva Bush: Mr. Speaker, I doubt it. I think we better finish when we come back next time, God willing.

The Speaker: I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this honourable House until Monday the 21st at 10.00 AM.

The Speaker: The question is that this honourable House do now adjourn until 10.00 AM Monday, 21st June. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 21 JUNE 1999.

**EDITED
MONDAY
21 JUNE 1999
10.30 AM**

[Prayers read by the Honourable Minister for Health, Social Services, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper.

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

The Speaker: We have no apologies.

Item number 3, Questions to Honourable Members/Ministers. Question number 39A stands in the name of the Third Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 39A

No. 39A: Mr. John D. Jefferson, Jr. asked the Honourable Second Official Member responsible for Legal Administration to advise: (a) the terms of the employment contract of the Court Administrator and the date of expiry of the contract; (b) if a local understudy has been appointed; and (c) if there are plans to renew his contract upon expiry.

The Speaker: The Honourable Second Official Member.

Hon. David F. Ballantyne: Mr. Speaker, whilst I am bound to answer questions in this Honourable House regarding the judiciary, the honourable Chief Justice is constitutionally responsible for Judicial Affairs, and he has therefore provided the following answer:

(a) The contract is for two years on similar terms as those for all other officers recruited overseas. The salary is at grade E in the new scales. The date of expiry of the contract is 3 October 2001.

(b) There has been no understudy specifically designated to the post, but the next most senior member of staff is the Clerk of the Courts, a Caymanian who works closely with the Courts Administrator and who has resumed her studies at the Cayman Islands Law School.

(c) It is considered too early to say whether or not the contract will be renewed upon expiry. There are specific plans to oversee and develop such as the expansion of the Court building, which has been designed to suit the needs of the Administration. The Chief Justice who is by the Constitution and the Law the person entrusted with the administration of justice throughout the Courts and for all matters in judicature will need to consider the matter at the appropriate time.

The Speaker: If there are no supplementaries, we will move on to question number 40A standing in the name of the Third Elected Member from Bodden Town.

QUESTION 40A

No. 40A: Mr. Roy Bodden asked the Honourable Minister with responsibility for Community Affairs, Sports, Women, Youth and Culture how the Ministry has enhanced the understanding of women at risk from domestic abuse, neglect and emotional trauma within the last year.

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

Hon. Julianna O'Connor-Connolly: The Ministry has carried out several initiatives to enhance the understanding of women at risk from domestic abuse, neglect and emotional trauma. These initiatives include direct and indirect activities to and for the public, contributing to the enhanced understanding of the issues surrounding gender violence and include the following:

1) **An in-depth panel discussion on Domestic Abuse** (25 August). At this panel discussion, the cycle of abuse was discussed along with a clinical definition of abuse. Agencies dealing with the problem of domestic abuse presented details on their agency's role and the inter-agency relationships in dealing with domestic abuse. This forum brought out the responsibilities and limitations of each agency with 60 participants contributing to the discussions.

2) **Liaison with Courts Office in preparation for development of a brochure on the Domestic Violence Law.** The officer responsible for women met with the Courts Administrator to discuss what could be considered for inclusion in such a brochure. The final product is currently distributed through the Women's Resource Centre (among other venues).

3) **A Contribution to 16 Days of Activism Campaign efforts and its newsletter.** The Ministry's officer for Women was part of the panel during the BPW two-day conference entitled "Help Eliminate Domestic Violence" and the Ministry also submitted a written contribution to the 16 Days newsletter.

4) **Support for the video production "Domestic Violence Exposed."** The Ministry provided the group, "You Can Make A Difference" with a grant that was classed as a Gold Sponsorship of this video production due to be aired in September 1999. A copy of this video will be presented to the Women's Resource Centre for the Resource Library.

5) **Disbursement of information from the Regional Tribunal on Violence against Women to local groups and persons on the Women's Resource Centre mailing list to pass on through their networks.**

This information from the Regional Tribunal included excerpts of testimonies from women who attended, newspaper articles representing the publicity received by the Tribunal, the complement of the Tribunal members and the recommendations passed on from the Tribunal to governments around the region.

6) **Survey of Community Activities regarding gender violence.** This survey was aimed at assessing the level of community resources that were available in the campaign to eliminate gender violence, assess the awareness of community activities and the partnerships and networking that existed in the community. The results showed that while the priority of gender violence was high, many groups did not utilise the resources around them as efficiently as possible and that there was a need for enhanced networking. The presentation of the date to the groups provided a visual impact of the need for networking and sharing of resources.

7) **Planning Meeting to tackle issues of Gender Violence in the community.** This meeting was held to discuss the results of a sample survey of community resources relating to gender violence. The 25 representatives of 19 public and private sector organisations were briefed on the results of the survey and plans were made to undertake training in an effort to promote an understanding of the problem and to encourage greater networking among those who dealt with the issue of gender violence.

8) **Legal Befrienders Clinic developed to expand to once a week Clinics at the WRC.** The legal Befrienders Clinic offers free legal advice on a first-come, first-serve basis to victims of domestic abuse on issues relating to property, maintenance and immigration issues. The Clinics are held every Tuesday from 5pm to 7 p.m. at the Women's Resource Centre.

9) **Telephone Line for Legal Befrienders also being finalised.** A telephone line offering the same services as the walk-in clinics are in the final stages of being completed before a public launch. Telephone numbers for the lawyers involved are being compiled for the efficient running of the line. The line is intended to be operational every Monday, Wednesday, and Friday from 2 p.m. to 5 p.m. and in off times a voice message will be available for callers with information on the Line.

For the past six months, the Ministry has had a full-time Programme Officer at the Women's Resource Centre and activities regarding gender violence are taken as a priority in terms of programming at the Women's Resource Centre.

The Ministry and its Women's Resource Centre intend to facilitate additional training on this issue as a part of its efforts to educate women and the community in general. The Ministry and the Women's Resource Centre not only intend to continue programming in this area, but we are also open to suggestions for particular programming ideas and to facilitate or support other Government or non-governmental agencies that take up the challenge

to educate the women in our community to understand the risks resulting from domestic abuse, neglect and trauma.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I noticed from the answer the Honourable Minister gave that the efforts of the Ministry seem to have been concentrated in the area of domestic abuse. Can the Minister tell the House if any efforts were made to deal with the problems of neglect and emotional trauma and what these efforts entailed?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I am informed by my Women's Officer that the large majority if not all of the emotional trauma and neglect have been seen as having emanated from the cycle of domestic abuse. If the Member is aware of other specific needs in any other of the six districts where we need to direct our attention more in depth, we would be happy to accommodate him in so doing.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House what efforts are in place to maintain contact with the women who are identified as being at risk under any of the three areas named in the answer?

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

Hon. Julianna O'Connor-Connolly: Because we are a fairly new entity with one staff only, what we have sought to do with the limited resources is to act mainly as a referral agency when it comes to that regard. There are already established government as well as non-governmental agencies endeavouring to do their best with various issues relating to women and men making it a gender issue. For example, with the Social Services Department, there is some overlapping if we would now seek to put programmes in place.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House what arrangements are made for those women who are at serious risk in cases where there is domestic abuse which would possibly culminate in bodily harm? How are these cases dealt with? Are the women removed from the physical surroundings where they become at risk?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. This is one of the areas where once we become aware of it (either through direct or indirect contact and/or information) the Social Services Department is notified. They have the requisite manpower, professionalism, and expertise to deal with it. It is handled under that arm of the Government, sir.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. With regard to number 8, Legal Befrienders Clinic, could the Honourable Minister say if victims of abuse are taking advantage of this free clinic and what is the normal turn out?

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

Hon. Julianna O'Connor-Connolly: I believe I am correct in saying that within the past six months the Legal Befrienders Clinic has expanded from once a month to twice a month, to its current schedule of once a week.

The rapid expansion in such short space of time is reflected in the fact that since March of this year (when it was first expanded to twice a month), 30 persons have used the services. It is expected that this number will rise significantly with the inception of our telephone line from Cable & Wireless.

The Women's Resource Centre has also referred some 66 queries about the Legal Befrienders Clinic made by many victims of gender violence or their relatives or friends. Sixty-four of these queries were made by women, and two by men.

The Speaker: Are there any further supplementaries? If not, we will move on to question number 41 standing in the name of the Third Elected Member from Bodden Town.

QUESTION NO. 41

(Deferred)

Mr. Roy Bodden: Mr. Speaker, I crave the indulgence of the House to withdraw this question, sir, as it is my understanding that the answer may not be in the precincts at this time. Therefore, I would crave that the question be deferred possibly until Wednesday when the Minister will be in a better position to have the answer, sir.

The Speaker: Do we have a seconder to that?

The Elected Member from North Side.

The motion is made and seconded that this question be deferred to a latter sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 41 DEFERRED TO A LATER SITTING.

The Speaker: Moving on to question 42 standing in the name of the Third Elected Member from Bodden Town.

QUESTION 42

No. 42: Mr. Roy Bodden asked the Minister with responsibility for Community Affairs, Sports, Women, Youth and Culture what provision does the Government have in place to ensure that single mothers can avail themselves of any training necessary to equip them for the world of work?

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

Hon. Julianna O'Connor-Connolly: In developing the positive contributive capacity of single mothers in our community, the Ministry first decided to focus on building the personal capacity of these women in order that they might be better equipped to deal with extra-personal matters.

As such, the Ministry has been focussing on enhancing their skills as parents, developing their own personal skills in the areas of self-esteem and self-worth. This is done via programming offered through a partnership with Cayman Against Substance Abuse (CASA) and focussed on enhancing single partner skills. This programme was quite successful and CASA has since reproduced its efforts initially in the district of West Bay.

This initial outreach to West Bay grew out of prior planning with the West Bay CoDAC. It is anticipated that these activities will eventually be carried out on all three Islands thereby enhancing accessibility to the training and reaching as many single parents as possible. In conjunction with the Women's Resource Centre (WRC), CASA also facilitated a seminar on Communicating with your Child that was primarily attended by single mothers. The Ministry is also arranging a two-day series of seminars focussing on self-esteem aimed particularly at women to be held on the 15th and 22nd of July.

The Ministry, through the WRC, also provides a computer and printer for community groups or individuals to use for activities such as resume writing and job application letters among other things.

By providing training to women to develop as good single parents and enhancing their own personal lives, this will then better equip them to contribute to our community in terms of a positive human resource contribution. The Ministry's main vehicle for public education and empowerment activities is the WRC and has had a full-time programme officer for six months and efforts are currently focussed on exploring the wide range of issues that affect women and families in our society. The WRC is open to other suggestions for particular programme

structures or target areas, or to facilitate or support other government agencies or non-governmental organisations in any effort to empower single parents in our community.

This is currently the extent of the Ministry's provisions in ensuring that single mothers can avail themselves of any training necessary to equip them for the world of work.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town. Supplementary.

Mr. Roy Bodden: Can the Minister tell the House whether the WRC is equipped to do any follow-up work with single mothers placed in job situations? Are any arrangements existing for counselling sessions or experience sharing sessions where such individuals can meet regularly, share experiences and encourage each other through camaraderie, experience sharing and talking out their problems?

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

Hon. Julianna O'Connor-Connolly: First of all, let me say that I believe that it is an excellent idea that the Member has put forward. As I am sure he appreciates, we have not been very long at the WRC and we have been trying to reach as many targets as possible. That, however, is not yet in place. I would hasten to add though, Mr. Speaker, that the Labour Department and the Social Services Department have some programmes in place that do to a small degree but there is still much left to be done in the specific area.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, could the House get an undertaking from the Minister that she will at her earliest convenience investigate into the possibility of establishing such a procedure and system so that these single mothers can derive moral support from the experiences and the encouragement they give each other these conditions and in such settings?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, indeed I would be delighted to give such an undertaking and I would also say, sir, that the Women's Officer and the Resource Officer just recently conducted a survey with all the existing services that are now being provided so that we could canvas what was there and not have to re-invent the wheel as it were.

The WRC staff is now looking at that data to see what we have available and any openings that we can afford, as soon as practical, once it would be beneficial

to the gender in the Cayman Islands, I would be happy to give any such undertaking, sir.

The Speaker: Are there any further supplementaries? If not, question number 43 is standing in the name of the Second Elected Member for Bodden Town.

QUESTION 43

No. 43: Miss Heather D. Bodden asked the Honourable Minister with responsibility for Agriculture, Communications, Environment and Natural Resources what is the proposed completion date for the Bodden Town Post Office?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Postmaster General, who is the Controlling Officer for this project, advises that according to the project architect at the Public Works Department, construction will begin on 15 June and the proposed date of completion is 15 November 1999.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister tell the House who was awarded the contract?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that it is a new company called, I think it is pronounced, Chewat.

The Speaker: The Second Elected Member for Bodden Town, supplementary.

Miss Heather D. Bodden: Can the Honourable Minister say how many new post office boxes will be in the new post office?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would not be able to give a specific figure on this because we have found in all new post offices that although it is a new facility the demands have been so heavy that we have been constantly adding boxes to the facilities. But I would give the Second Elected Member from Bodden Town an undertaking that I will have that information for her as soon as it is available.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say with the completion of this new post office if additional staff will have to be hired?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, Bodden Town is probably one of the fastest growing districts. I am sure I am correct in saying that in order for us to properly facilitate that area, we will definitely have to put in the necessary staff to run the new facility.

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

The Speaker: Before calling the next question, I would entertain a motion for the suspension of Standing Order 23 (7) & (8) that Question Time can go beyond the hour of 11 a.m. Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I so move the relevant Standing Order so that we can continue with the business of the House.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended in order that Question Time can continue beyond 11:00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.

The Speaker: Moving on to question 44 standing in the name of the First Elected Member for West Bay.

QUESTION 44

No. 44: Mr. W. McKeeva Bush asked the Honourable Second Official Member responsible for Legal Administration were there any recent cases where a person and/or a company was found guilty of an offence by the Courts but no conviction was recorded?

The Speaker: The Honourable Second Official Member.

Hon. David F. Ballantyne: In the Summary Court on 4 January 1999, guilty pleas were entered in the under mentioned matter and no convictions recorded after the learned Magistrate heard the facts and mitigation.

1) Hyatt Regency (Company): Six charges of employing a person without a work permit. Result: No conviction recorded absolute discharge pursuant to section 41 of the Penal Code (1999 Revision.) However, costs of \$500 were awarded to the Crown.

2) In the Summary Court on 7 May 1999, two individuals appeared and entered guilty pleas to charges of working for E & H Cruises Ltd without work permits. After hearing the mitigation advanced on their behalf, the Court took the view that the omission to secure a work permit should not be attributable to the defendants and in the circumstances no conviction was recorded and the charges were dismissed.

3) In the Summary Court on 18 May 1999 E & H Cruises Ltd appeared before the Summary Court on several charges of employing persons without a work permit. The company entered guilty pleas in respect to five charges. However, after hearing the mitigation advanced on behalf of E & H Cruises Ltd, the Court declined to record convictions in respect of three of the charges. Convictions were recorded in respect to the remaining two charges and a fine of \$500 on each charge imposed.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Second Official Member explain what mitigation was advanced on behalf of E & H Cruises Ltd? What was explained so that the Court accepted that no conviction be recorded.

The Speaker: Honourable Second Official Member.

Hon. David F. Ballantyne: I think it should be said that it is not appropriate (as I am sure the House will understand) to go into the reasons of the Court. But in an effort to answer the question, it appears that the mitigation was to the effect that the company had done all that it could and that these were technical breaches in respect of the charges in relation to which Section 41 was evoked by the Court.

It may assist the House if I narrate Section 41 of the Penal Code, which is as follows: **“Where in any trial before a court of summary jurisdiction the court thinks that the charge proved but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may, without proceeding to conviction make an order dismissing the charge.”**

Thank you.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Am I understanding the Honourable Second Official Member correctly in that the defendants had done all they could to acquire a work permit?

The Speaker: Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Speaker. I think the background to the situation of this case is that the business had been taken over from another business. And I don't wish to give information that is incorrect so I am hesitant to state as categorical fact the position in relation to what the defenders may or may not have done, but I do understand that it was as a result of the mitigation which was offered at that time that the magistrate took the view that the charges should be dismissed—notwithstanding the fact that the offence was proved.

Again, it may help to understand, I think that my understanding of these offences is that they are offences of strict liability. And, therefore, all that requires to happen is that the act is done without any necessary intention of committing a criminal act on the part of the individual and therefore standing a certain state of facts the offence can be proved. But the degree of culpability of the individual would depend on the circumstances of the case. And clearly, on that day, understanding what had been said, Mr. Speaker, the magistrate took that view in relation to three of the charges but not in relation to the other two.

The Speaker: The First Elected Member for George Town, supplementary.

Mr. D. Kurt Tibbetts: I believe I understand what the Honourable Second Official Member has just explained and perhaps the goodly gentleman could give another explanation to another question.

If I am charged with an offence and I plead guilty in the courts, but after the explanation proffered is understood by the judge, the judge then discharges the complaint against me, what right then does the judge have to talk about cost being awarded to the Crown if I am completely discharged?

The Speaker: Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Speaker. The particular provision talks about making an order, dismissing the charge so that the charges are dismissed. It goes on, however, that where any charge is dismissed under subsection (1), the court may order the accused person to pay the whole or any part of the cost of an incidental to the prosecution. So, there is discretion in the law.

Thank you, Mr. Speaker.

The Speaker: If there are no further supplementaries, moving on to question 45 standing in the name of the First Elected Member for West Bay.

QUESTION 45 (Deferred)

Mr. W. McKeeva Bush: Mr. Speaker, I understand from the Minister of Community Affairs, Sports, Women, Youth and Culture that she is not ready, and will not be ready

until Wednesday with this question. I ask that we put this off until Wednesday.

The Speaker: So you are moving a motion that we defer it?

Mr. W. McKeeva Bush: I move the motion that we defer the question.

The Speaker: Do we have a seconder?
The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I second.

The Speaker: The motion has been made and seconded that this question be deferred to a later sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question 45 has been deferred to a later sitting.

AGREED: QUESTION 45 DEFERRED TO A LATER SITTING.

The Speaker: Moving on to question 46 standing in the name of the Third Elected Member for West Bay.

QUESTION 46

No. 46: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what steps are being taken by the Department of Environmental Health to properly dispose of animal carcasses at the public dump?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Department of Environmental Health is charged with the proper disposal of animal carcasses. Normal management practices allow for disposal of deceased animals in a landfill as long as they are promptly covered with waste and/or soil and if they do not pose a biohazard risk.

The disposal protocol at the George Town landfill for small animals, such as dogs and cats, is to either bury them or to incinerate them in the biomedical waste incinerator. Preference is given to incineration. Large animal carcasses cannot be accommodated in the incinerator and must be buried in the landfill and covered promptly.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The first question I have for the Honourable Minister is whether or not there is in

place at the present time a properly working or operating incinerator for that purpose? Is this an internationally accepted way of disposing of animals?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: To the best of my knowledge it is accepted internationally to deal with it this way and as far as I am concerned I think that it has been working well. I would also like to answer the other part of the question. We do have the new incinerator in place and it is working. If I may also add, the one for Cayman Brac is also in operation.

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

Miss Heather D. Bodden: Could the Honourable Minister say if the reported fire at the dump is now under control?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is normal during the dry season that we have these fires and we have taken all of the necessary steps as we have done before to try to keep it under control. The department has been working very closely with the Fire Department and to the best of my knowledge it is under control. While we may still have some areas that may be smoking, we are working constantly on it to keep it under control.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if there have been any complaints . . . or if there is any thought regarding staff who work within those precincts constantly with regarding any risk from anything to staff because of the fire?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I did speak to the Member earlier. It is my understanding that we are taking all necessary precautions where there is risk to staff especially. It is my understanding that those who are directly exposed would be able to have a mask to put on their face if they had to be directly in there. But as I gave him the undertaking earlier this morning, I have called my ministry and we are doing a full investigation into it to see exactly where we are and I will pass this on to him as soon as it is available to me.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: In recent months I have received several complaints with regard to fire burning in the community — people burning their litter, garbage et cetera. Could the Honourable Minister say what is the policy of the Department of Environment Health on fire burning in the communities?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: If I recall, I think it is under the Towns and Communities Law or the Public Health Law, fires especially in town are not allowed. However, I know that there have been a lot of complaints especially in other districts where tourists have actually come across fires which in some cases as it was reported to me were fires which were normal in Cayman as far as our farmers are concerned.

They saw a pasture lit, and, of course, they panicked and called the department. However, we have tried our best to discourage this sort of burning of brush especially during the dry season because it is a hazard and we accept that and we will continue to do whatever we can to curtail it.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Moving on to item number 4 on today's Order Paper, Other Business, Private Member's Motions, continuation of debate on Private Member's Motion No. 3/99, Housing Initiative for Affordable Homes. The First Elected Member for West Bay continuing his winding-up address.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/99

HOUSING INITIATIVE FOR AFFORDABLE HOUSING

(Continuation of debate thereon)

Mr. W. McKeeva Bush: Mr Speaker, thank you very much. I had better ask out of caution whether we need to suspend Standing Orders, today being Monday.

The Speaker: I do not really think so because there is nothing else upon the Order Paper.

Mr. W. McKeeva Bush: Thank you, Mr Speaker.

When we adjourned this honourable House on Friday, week before last, I was recapping the recommendations I had put forward. Before I complete the list, there are a few matters that have come to my attention, which I ought to deal with.

It has come to my attention that since I left Executive Council—I resigned from Executive Council—that this guaranteed scheme has been under some revision. We

recall, Mr Speaker, that we made an amendment in Finance Committee in November last year. One of the things that has come to my attention is that in this revision the government has taken out the provision which I made and which was accepted by government for common-law relationships between a man and a woman to be able to qualify.

The removal of that provision is going to put several families in this country at a disadvantage. Now, that provision also exists in the Veterans Assistance which my Ministry also organised. That has not been removed and I am glad. But I hope that I am not speaking too quickly.

For the love of me, I cannot understand why the government is moving in this direction. All of a sudden I know that there are those in the government who claim to be born-again Christians. But do you know what I believe? They are going to Hell playing Christianity.

Mr Speaker, common-law relationships are an integral part of our social fabric. We know what the Bible says. We all study the Bible. We know that the Bible says it is a sin and all of us who believe what the Bible says understand that. However, for all that it is a part of life. I cannot understand why the Government wants now to remove an agreement that gave people an opportunity—legitimately and lawfully—to own a home.

Many people in those circumstances go on to legitimise the union after achieving some kind of economic stability. A great economic stability for a country and a family is to own a home. Why should government, with its holier-than-thou attitude deprive these people of a home?

I heard some talk about it when we were putting that into the agreement, but the Honourable Minister for Community Affairs—although she was not part and parcel of the National Team, as such—publicly she was a part of the National Team Government at any meeting that we had. I know that she is in the building, Mr Speaker, and I hope that she soon comes in to listen. I am not saying it was on her own initiative because the Honourable Minister of Tourism supposedly is also a born-again Christian.

Why in the world . . . I see them taking steps today that will do harm to the country for a few votes from their church. I have said that social needs exist and that we need to address them and take steps. The provision where common-law relationships were able to get homes . . . why in the world are they removing it? Can they go and force those couples to get married and then allow them to apply to get a home?

What I always look at is the fact that children usually come from these relationships. Why in the world would we want to deprive a child of owning a decent place to sleep, to study and to live and have his being? Because of someone's so-called Christianity?

I have a good understanding with my God. It is this: I know that I am a sinner and that He is my Saviour and that He can save me from eternal damnation if I give him the chance. What he knows about McKeeva Bush is that I am not a hypocrite. Hypocrisy is the worst sin of all. That is what exists in the government today if they are removing that provision from the agreement.

Why in the world would they take it out of the Housing Scheme, but leave it in the Veteran's Scheme? Is it because the Housing Scheme does not have that many people in one constituency, but the veterans situation does? Mr. Speaker, it is nothing but politics; pandering to the church to try to get a vote next time to get back into the Legislative Assembly, hopefully with the majority. But the Lord does not sleep nor slumber. And if there is any sin being committed, it is the sin of them taking away the chance for a child to own a home without having anything to do with the situation that he finds himself in. A child does not ask to be brought into this world and does not know how he comes.

Why would the government agree to something like this, Mr. Speaker? For what? The Bible says it is a sin, so it is a sin. There are things that the Bible says are sins that we can live without. But a man and a woman who have lived together for five to thirty years . . . we cannot do anything about that. That is nature and it exists in this country.

Do you know what is true about this country, Mr. Speaker? For too long there have been illegitimate children by prominent people in this country who would not own those children or help them do anything. That is the kind of social situation that we live in in this country. They are killers of society! Oh yes, but they do nothing for the illegitimate child. They don't even own the child. The child suffers. The child should not have to suffer because of this. I would hope that we could strike some sort of conscience—if there is any existing in those would-be Christians in the National Team front bench who have all run out of the Chamber now, Mr. Speaker—that they would change their minds and pray to God to let them live a decent Christian life and set the proper example.

I am really sick and tired of this thing of them getting up and hitting that . . . Do you know what, Mr. Speaker? There should be a rule in our Standing Orders that does not allow for them to get up here and talk about '*I am a Christian*' when their lives do not portray that, when their actions do not portray that. How in the world can you do these kinds of social atrocities and say that you are a Christian? Being a Christian is a good thing, Mr. Speaker. The Lord knows what He is doing and He knows about every one of us. And He has the hairs of our head numbered and the grains of sand on the beach numbered. He is so knowledgeable. Oh, it pains my heart to hear them give their testimony—the bunch of hypocrites!

Anyway, Mr. Speaker, no amount of preaching by me this morning is going to change, that but I hope that the Minister who is responsible would take that and ask them to look at it again because it is only going to affect people in this country who deserve to have a home. Do you know what is true Mr. Speaker? Some people are reluctant to enter into a relationship of marriage until they find the level of compatibility that they are satisfied with. Mr. Speaker, you can say it is against the Bible. Yes, it is against the Bible. But it is a fact of life that we have lived with throughout eternity.

I go to church and I try to be a Christian. I am not saying here that I am because I am not a hypocrite, but I try and I fail. I am not going to fail in this regard to help my falling brother. Do they understand that that's what the Bible means about helping your falling brother? Worse, Mr. Speaker, from what I understand of this revision that they have done, it was possible for a sister and a brother to be able to qualify . . . they have taken that out too. And worse yet, it was possible for parents and children to qualify to get a loan but that was taken out also. So what are they leaving then? What are they leaving then for people to get?

Mr. Speaker, the Minister alone is not responsible - he is only one person. It is those hypocrites in the government!

Mr. Speaker, the President of the United Church of Christ in the United States said, **"Let us not exclude those that God will remember to include."** Perhaps the would-be Christians on the front bench of the government understand what that means.

Mr. Speaker, I had proposed the stamp duty waiver of up to \$150,000. If it is found that a person is going to build a home (and this would not be low income but this is more in the middle and we provide for this) for \$200,000—although outside the \$150,000 mark—I would want this stamp duty to be waived on the \$150,000. It was always what was intended. But because it was not written down, it was never carried out.

And so, Mr. Speaker, with your agreement I propose that we include that by an amendment to the motion. At this time, with your permission, in accordance with the provision of Standing Order 25 (1) and (2), we wish to move the following amendment to Private Member's Motion No. 3/99, by deleting the second resolve and substituting the following therefore: **"BE IT FURTHER RESOLVED THAT the Government's assistance with waiver of stamp duty on first time home owners be increased from \$125,000 to \$150,000."**

To make that absolutely clear, Mr. Speaker, [by] taking out the \$135,000 because that could have caused some confusion although the government accepted it but then it would leave room for bickering: **"BE IT FURTHER RESOLVED THAT first time home owners who purchase homes valued up to \$200,000 be allowed a waiver of stamp duty on the first \$150,000."**

The Speaker: My interpretation is that in accordance with Standing Order 25(4), an amendment can be moved at any time. Although you are in the winding-up, it says **"prior to the Presiding Officer putting the question..."** So, I will accept the amendment.

Do you have a seconder?

Mr. Roy Boddén: Mr. Speaker, I rise to second the motion, sir.

The Speaker: Do you wish to speak to it? Before going into that, will this necessitate all members having to speak to this amendment? If that could be avoided because we are actually in the winding-up, it is kind of an unusual procedure. If the debate could be waived be-

cause to me it is straightforward. If it is necessary that we suspend prior to taking the vote, I am prepared to do that.

Could we hear something from government?

Mr. W. McKeeva Bush: Mr. Speaker, I thank you for your indulgence but I will say a few words and speak on behalf of my colleagues and then perhaps government might respond.

The Speaker: But if it is necessary for a suspension I am prepared to take it. Please go ahead and move your amendment.

Mr. W. McKeeva Bush: Mr. Speaker, again, I thank you for your indulgence. I know that you do have a concern about this matter of low-income housing and I do recall many discussions over the time I have been here with you about low-income housing and the need to help the needy. So, I do appreciate your indulgence this morning.

There is nothing much more for me to say on it except that was what was always intended but because it was not written down, it was never carried out. We do have those situations and more and more it is difficult for the middle income group — that group is [quickly] being eroded let's say in this country. We do need to offer them some assistance. The scheme provides for it and if we can do this much, I think it will be of great assistance to them.

Thank you on the amendment.

The Speaker: Does the government wish to reply on this amendment?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I would crave your indulgence, sir, because I think the government may not be quite fully aware of exactly what is happening simply because of the way the situation has occurred. I would ask, sir, if you would allow me just two minutes and I would quickly go through it to make sure that there is no misunderstanding because it is crucial in regard to the motion, sir.

The Speaker: Certainly! The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. As I understand it, Mr. Speaker, the newly added resolve by way of the amendment brought by the First Elected Member for West Bay is simply to allow for (and I will explain) . . . If we look at today's market in real estate and construction it is not too far removed to say that the average cost per square foot of a well-constructed home can easily run to \$100 per square foot. So, if a first time home buyer is looking at a house, let us say that is 1,500 square feet, which is not a huge house but that could easily be the average two bedroom, two bathroom, carport house (or at some point in time, you could even get a three bedroom house out of that), but a person buying a house that size, which is the average size home, it is already into \$150,000 before they are even talking about land.

A home about 1,500 square feet can easily cost \$150,000 and you are not talking [about] furniture or the land. So when someone goes to buy a house, Mr. Speaker, while that person or young couple might be able to get to that point and not have to be disjointed in that they buy a house now and they have to be adding a year from now or whatever . . . if they get a house, when you add the land to it, it costs a little bit more than a \$150,000 . . . then the whole intention of the amendment is to allow for the waiver to anyone who bought something up to \$150,000 to be passed on to those persons also. So that they can get the waiver of stamp duty up to the \$150,000 and then they would have to pay the stamp duty for whatever is over and above the \$150,000.

If you notice in the amendment, it sets a ceiling of \$200,000 so if somebody can buy a home of \$250,000 or \$300,000 then certainly we don't believe the waiver of stamp duty should come into play. But the difference between \$150,000 and \$200,000 in today's market—which I don't want to get into it but as far as I am concerned the government has helped to create the market to be like that . . . That is another matter again, sir. Certainly, there are some of us who believe that that waiver should be passed on to those first-time homeowners who are going to be purchasing a home that is a little bit more than \$150,000.

I just want to make sure (because I don't think we had an opportunity to speak to the government about the motion) that they fully understand exactly what is happening. We are just hoping that the government will accept the amendment that has been put forward.

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

Hon. Truman M. Bodden: Mr. Speaker, in light of where we have reached with this motion when the amendment came . . . I am wondering whether it may not be prudent to even consider getting the amendment in writing, taking a short break as the Honourable Member who moved this is obviously well at the end of his speech and then we would have time.... Oh, the motion has not been circulated has it?

The Speaker: Does government have copies of the amendment?

Hon. Truman M. Bodden: No, sir.

The Speaker: Could copies be made available to government?

Mr. W. McKeeva Bush: Mr. Speaker, we can do that quite quickly, and if you can take the break . . .

The Speaker: Well, this is an appropriate time for the suspension. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:42 AM

PROCEEDINGS RESUMED AT 12:51 PM

The Speaker: Please be seated. Proceedings are resumed. As we have reached the time for the luncheon break, I would suggest that we suspend at this time until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:51 PM

PROCEEDINGS RESUMED AT 2:44 PM

The Speaker: Please be seated. Proceedings are resumed. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, this amending motion is the second amendment to this motion and it seems to me that the first operative part (or the resolve clause as it is referred to here) seems to repeat but makes clear the first amendment.

The first amendment says, "**BE IT FURTHER RESOLVED THAT the Government assistance with waiver of stamp duty on first-time homeowners be increased from \$125,000 to \$135,000 or \$150,000.**"

The first part of the second amending motion says, "**BE IT FURTHER RESOLVED THAT the Government assistance with waiver of stamp duty on first-time homeowners be increased \$125,000 to \$150,000.**" So it has removed the uncertainty and the confusion that existed with the first amendment as to whether it was \$135,000 or \$150,000 that the mover and the seconder meant. It seems that is on substantially on all fours except it is somewhat more precise with the amendment.

The new part really, which is the last operative part of the second amendment, states, "**BE IT FURTHER RESOLVED THAT first-time homeowners who purchase homes valued up to \$200,000 be allowed a waiver of stamp duty on the first \$150,000.**" It seems to me to be the only new part introduced here, and it is with that that I will deal.

Mr. Speaker, the several amendments to this motion show two things, sir: It shows that the amendments—especially this one coming right at the end of the winding-up—were not well thought out and have several dangerous defects that result many times from doing things in a hurry.

Firstly, the motion (this part that I am dealing with) . . . it seems to me that under this if a person comes to the island, is not a Caymanian, is here for a day, then he can apply and have the stamp duty of \$150,000 waived. Now, that may not be the intent but let me read the motion again. I am just pointing out the dangers of doing things in a hurry. "**BE IT FURTHER RESOLVED THAT first-time homeowners [it does not say Caymanian homeowners, Mr. Speaker] who purchase homes valued to \$200,000 be allowed a waiver of stamp duty on the first \$150,000.**"

So if this motion is passed, anybody here for a day or an hour arranging the loan from abroad can take the benefit of this and Caymanians will be paying for the stamp duty on that. That is the first flaw.

Secondly, this is put forward without any knowledge of what the impact of this will be on possibly creating a deficit in government's finances, in other words how much stamp duty will be lost through this. Nothing has been put forward in that respect.

Mr. Speaker, thirdly, there has been no identification of funds to cover those deficits that may arise. And it seems very clear that governments cannot just move on a ledger-type of situation such as this. You cannot just pull an amending motion out of your back pocket, so to speak, drop it in without knowing the impact of what it will be. Time must be taken to think about this; time must be taken to assess what the impact is. The government cannot in these circumstances support this last part of the motion.

This, I think, is very important because believe me if a government wants to get in trouble it acts on the spur of the moment without thinking through the measures that they are putting forward. This one is badly flawed in those three respects.

Fourthly, this is not in any way tied to a mortgage scheme. For example, a person who has a net worth of \$2M or with an income of \$500,000, if that person builds a house that is less than \$200,000 then they get the benefit of the stamp duty. I don't believe that that should be the intent of this.

So it is not as if this is necessarily being granted to people who need to have this waiver of stamp duty—it applies to anybody whether they are Caymanians or not, whether they are under the mortgage scheme or not, and notwithstanding their net worth. You can build a 2,000 square foot house, for example, for \$200,000 and you get the waiver of stamp duty. Then two years later you add another 500 or 1000 square foot on and you are up to a \$300,000 – \$400,000 house with, say, 3,000 square feet.

Now, I would like to also explain what I understand about another area that relates to this. A lot was said about depriving children of their rights and a lot was said about the ministers' religious beliefs. Quite frankly, Mr. Speaker—

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order. I don't see how the Minister can address the point because that was not during the amendment. That was a separate part of the debate, and as far as I am concerned, they are two separate debates. We are debating a specific amendment, not to go into generalities, and our Standing Orders call for that. I draw that to your attention, Mr. Speaker.

The Speaker: I am listening carefully. This is a very confused situation. I called that to the attention of honourable members when I allowed the amendment. And, I

asked that the debate be limited because although Standing Order 25(4) allows an amendment prior to the Presiding Officer putting the question, it was a very awkward and inappropriate time to bring it when the member was closing the debate.

I do not want to have a very long debate on this. If it is just a matter of an explanation I will allow a very short explanation. But I would ask the Honourable Minister of Education to not go into a long debate because the debate on the motion had been concluded as far as I am concerned.

Hon. Truman M. Boddan: Mr. Speaker, if I may address you on that point. If you will look, sir, at the second motion, second amendment the first operative part, it refers to waiver of stamp duty. Surely I have a right to deal with stamp duty on first-time homeowners, and that is what I am doing, sir. With respect, that is a part of the second amendment.

The Speaker: Please let me re-explain what I am saying: This motion went through the debate stage. No member wished to speak further, I called upon the honourable mover to exercise his right of reply, therefore, the opportunity for any member to debate had been finished.

He then moved the amendment, and I asked honourable members not to put this into a protracted debate. As far as I am concerned, the only thing that I am prepared to allow is a debate on the motion that we are talking about. If you want to make an explanation on a point, I will allow that—but briefly.

Honourable Minister for Education, Aviation and Planning, please continue.

Hon. Truman M. Boddan: Mr. Speaker, all I would say, sir, it would be good if we could perhaps get all of the motions in this House somewhat briefer.

I am only dealing with the amendment, sir, and that is what I referred to it. If you look, sir, I have any right, with all due respect, on the second motion to deal with the waiver of stamp duty on first-time homeowners. That is what I am dealing with.

The Speaker: I am not arguing a point. I don't intend to get involved in that.

Hon. Truman M. Boddan: Yes sir.

The Speaker: But what I am asking is to make an explanation and make it very briefly. I am not going to allow every member of this house to re-debate something that was actually being moved on the winding-up of a debate—because each person had their opportunity to speak.

Dr. Frank McField: Mr. Speaker.

The Speaker: [addressing the Fourth Elected Member of George Town] Let me deal with one Member at a time, please.

Honourable Minister for Education, have you understood what I am trying to get across?

Hon. Truman M. Bodden: I understand, sir, but I will stay fully within the second motion.

The Speaker: Thank you.

Hon. Truman M. Bodden: And that has a very relevant section, which is the waiver of stamp duty, and that is what I would like to deal with, sir. Surely, I have every right on the amendment to the motion to speak within that amendment.

The Speaker: But I am asking you to please be as brief as possible. Please continue.

Hon. Truman M. Bodden: I would just like to draw your attention to Standing Order 25 (4), and I will stay within the amendment as that refers, the relevant section being the waiver of stamp duty.

I would like to state that the Stamp Duty Law relating to natural love and affection in the relation to the waiver of stamp duty is set out in the Stamp Duty Law, 1998 (Revision) in the schedule thereto. It reads as follows: "**There is a charge to duty in the sum of \$50 in the case of (a) a conveyance or transfer expressed to be of a natural love and affection between a parent and a child or between spouses;**" [There is no reference in this to a common-law spouse] **(b) a conveyance or transfer expressed to be for natural love and affection between children—"**

Mr. W. McKeever Bush: Mr. Speaker!

Hon. Truman M. Bodden: Is it a point of order?

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

Hon. Truman M. Bodden: Thank you, sir. "**or (b) a conveyance or transfer expressed to be for natural love and affection between children born of the same parent, or between a grandparent and a grandchild.**"

Mr. Speaker, going back the furthest I could find here was a 1995 Revision of that and that repeats the same thing on pages 18 and 19 under conveyance of the Stamp Duty Law. So, I submit that the natural love and affection section relating to stamp duty has not to my knowledge (at least, not from the research I have done back to that time) ever as I understand it included common-law spouses or partners, whatever that definition may be. So it is incorrect, therefore, to urge that stamp duty for natural love and affection can be waived between common-law partners or girlfriends or boyfriends or whatever they are called.

Mr. Speaker, the second point that I would like to also deal with is what has been referred to in relation to this amendment, the second part (and will also be relevant to the first part of the second motion) which relates to who is an eligible borrower for purposes of this

amendment. It is clear that in the borrowing for purposes of this section relating to homeowners, that where there are two Caymanians, let's say, whether they are married or not married, or a common-law boyfriend or girlfriend, whatever, that a loan under the scheme can be taken out—

Mr. W. McKeever Bush: Mr. Speaker, the minister is going on to make a debate that has already been completed. This is a new debate and I think that I made it clear that from what I am doing is trying to make that Member to answer what... [inaudible]

The Speaker: I will make a decision on that. What he is dealing with now is the amendment and I will allow him to continue.

Please continue Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, sir, I will be brief.

At present, if there is a Caymanian who has a partner, and that partner is Caymanian, they can jointly own property, jointly own a home and borrow for purposes of the Government Housing Scheme in relation to the amounts that are set out here. What appears to have not fallen within it is when there is a Caymanian with a non-Caymanian common-law partner.

But is the intent, or was the intent (because this was debated at considerable length) to allow a foreign partner who is here for a day to come in and to take—

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

POINT OF ORDER
(Point of Explanation)

The Speaker: Let me hear your point of order.

Mr. D. Kurt Tibbetts: Mr. Speaker, the minister full well understands exactly what the intention of the amendment is. Let me explain, please, sir: The government voiced acceptance to the original motion. The original motion at no time mentioned the word "Caymanian" simply because in the original motion, it says: "**AND WHEREAS in 1997 further initiatives were approved to assist first-time homeownership**" and in the original—

Hon. Truman M. Bodden: Mr. Speaker, may I take a point of order? Is this a point of order, or is the member on an explanation?

Mr. D. Kurt Tibbetts: Mr. Speaker, I am making a point of order, sir!

The Speaker: Well, try to get to it very quickly, please.

Mr. D. Kurt Tibbetts: But I have to explain, Mr. Speaker—and the Minister is rude! I will explain (and I would have finished by now if the minister had left me alone) in the original motion . . . and I know why he is

trying to stop it because he understands what is going to happen.

In the original motion, sir, where it reads (and I will read it as quickly as I can): **“WHEREAS between 1992 and 1996 Government accepted a policy through the Ministry of Community Affairs for various housing needs, making it possible for a number of people to obtain homes;**

“AND WHEREAS in 1997 further initiatives were approved to assist first-time homeownership . . . there is no mention in the motion about the word, Cayman, simply because the motion in itself accepts what has gone on—which is all to do with Caymanians. So when the amendments come without the word “Caymanian” being included in it, it simply presumes the same thing the original motion presumes. And the Minister knows that!

He is using his lawyerly knowledge to bend everything out of whack to make his twisted perverted argument. And he knows better!

Hon. Truman M. Boddin: Mr. Speaker, I object!

I ask the member to withdraw what he has talked about my twisted perverted whatever was said there, please.

The Speaker: I would ask that you withdraw those statements, please.

Mr. D. Kurt Tibbetts: Mr. Speaker, only for you.

The Speaker: Please do.

Mr. D. Kurt Tibbetts: But I am going to say in making the point of order sir, that the minister knows different. And he is simply using the Queen’s English to insinuate that the intention of the amendment was to make it wide-sweeping and that it is not the intention and he knows that, sir! So that is the point of order that I am making. Therefore he is misleading — that is what I am saying, sir.

The Speaker: That is not proper either, please withdraw misleading. I ask that you withdraw the word, misleading.

Mr. D. Kurt Tibbetts: Mr. Speaker, whatever you say, sir. But do you understand what I am trying to make as a point of order sir, or do I have to go over it again?

The Speaker: I do understand exactly what you are saying.

Mr. D. Kurt Tibbetts: I will withdraw whatever I have said once you understand whatever I am saying.

The Speaker: Honourable Minister for Education, Aviation and Planning. Let us try to get this over with.

Mr. D. Kurt Tibbetts: Mr. Speaker, I asked for a point of order, sir. Are you going to make a ruling, sir, one way or the other?

The Speaker: I do not see a point of order, you gave a point of explanation and that is about as far as I can go. You have explained your point.

Mr. D. Kurt Tibbetts: Mr. Speaker, when I got up on a point of order, the minister had said that the amendment being brought forward includes *anybody* who comes in a day on the flight or whatever to purchase a home and he said it is dangerous and it would cause all kind of things when it comes to government’s lack of revenue if the Government were to accept this.

I am saying, sir, that it is obvious from the original motion accompanied with the amendment that that was not the intent. And the government accepted the original motion knowing what it meant. How can they now give a different interpretation after interpreting the original motion that way? That has to be a point of order, Mr. Speaker!

The Speaker: You have given your explanation. Please continue, honourable minister.

Hon. Truman M. Boddin: Thank you, sir. And thanks for that ruling.

The second part of this second motion that we are dealing with appears to me (as it is read here) not to refer to people under the Government’s Homeowners Scheme. It doesn’t say so. That is a point that I am making. If this was meant to be specific to the homeowners scheme then it sure does not say so because in any event the homeowners scheme does not go up to \$200,000 as it stands at present.

The government has been looking at certain (as we always do) revisions to this whole scheme as there are some areas that need to be looked at and which will assist.

I am not going to draw this down any more, Mr. Speaker. only to say that I would ask you in putting this motion that you take each of the four parts separately because the government can support . . . Well, Mr. Speaker, you have the discretion, as you know under the Standing Orders where a motion deals with several things; you can put each one separately.

That you deal with the first resolution, the operative part, that says, **“BE IT NOW RESOLVED THAT the Government directs its attention to addressing the need for affordable housing in general in the country as a matter of priority.”** That still remains, that the government can support. We think that is good.

The first part of the first amendment has now dropped away. The second part of the first amendment which says, **“BE IT FURTHER RESOLVED THAT the waiver of stamp duty on first-time owners of house lots be increased from \$25,000 to \$35,000,”** the government can support.

On the second amending motion, sir . . . this is something that is being done anyhow so the government has no problem in supporting this. The first part says, **“BE IT FURTHER RESOLVED THAT the Government assistance with waiver of stamp duty on first-time**

homeowners be increased from \$125,000 to \$150,000," the government can accept.

But the last part, which would be the number four—and that is what we had asked you to put separately, sir—is, **"BE IT FURTHER RESOLVED THAT first-time homeowners who purchase home values up to \$200,000 be allowed a waiver of stamp duty on the first \$150,000,"** that we do not agree with that. We have set the reasons out. That the amending motion is ill thought out. No assessment has been made of the impact that this will have. How much loss would be incurred through doing this?

Thirdly, there has been no identification of other funds that would cover this loss of funds so there would be a certain amount of deficit that would accrue to government through it at the end of the year. It seems that it is a standalone motion for anyone regardless of what their income is and regardless of whether they are Caymanian or not as it is now drafted. And whether they are attached to the mortgage scheme or not. And as we know the government's mortgage scheme allows these stamp duty waivers and the mortgages and that sort of thing to people who are needy.

Whereas there is no restriction on this, and really the motion, we submit, would be dangerous to just accept not knowing especially what impact it would have. I would just point out, Mr. Speaker, that the mortgage scheme is always under review. This government has done a lot, . . . and when I say "this government," I mean this government—not the past government or the passed time of this government when the First Elected Member for West Bay was there. But we have done a lot as well to assist in this area. We are very much with this, and this late in the day with a motion that is so flawed, we submit, sir, that it should not be passed. It would be irresponsible of any government to accept such a motion.

Thank you.

The Speaker: Does any other member wish to speak?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, in times gone by when *this government* has seen fit to understand the intent of other private member's motions, they were quick to call for a recess if necessary and to make whatever they thought necessary in order to be able to accept the motion.

Now, as I explained a while ago, the amending motion that has been put forward was done in the same vein as the original motion. The Leader of Government business has chosen to make an interpretation of the motion which is completely opposite from its intention. In my opinion, the reason why he has chosen to do is because the government is not minded to accept the proposed amendment. So, as is his usual style, he conjures up words and interpretations that will confuse anyone—including people who have a little bit of sense. Obviously, no one has as much as he does but some of us have a little bit.

Mr. Speaker, while I am not the mover or the seconder of this amendment, I understand what its intention

is. It was simply going in concert with the original motion and extending the intention of the original motion in this specific circumstance to allow people who would fall into the categories that were explained (although in a generic fashion in the original motion) to be able to deal with life a little better. All this motion is saying is that Caymanians who are attempting to purchase a home for the first time who find themselves not being able to find anything suitable under \$150,000 but who would have difficulty in finding what is required in stamp duty for the full amount . . . it is asking for those Caymanians to be able to enjoy the same benefits of the Caymanian who is purchasing a home for \$150,000 or less.

It is not extending itself to someone with vast fortunes. That is why there is a limit in it of \$200,000. It is not extending itself to foreigners to may visit our shores and want to take advantage of a loophole in the law—nothing like that.

As I read in the original motion, where it says, **"WHEREAS between 1992 and 1996 Government accepted a policy through the Ministry of Community Affairs for various housing needs, making it possible for a number of people to obtain homes . . ."** this was referring to what is called the Government Guarantee Mortgage Scheme, Mr. Speaker, and that is the light in which the government accepted it and that is the light in which the amendment has continued.

Now, I am saying to the government that if it doesn't have a problem with what we are talking about why doesn't it suggest whatever amendments are necessary for them to accept it. But they are not going to do that because they don't want to accept the amendment as it is. But we cannot leave it as it is, Mr. Speaker. People will believe that the intention of the motion is to expand itself to where the Minister has gone. I don't know who is following him on this trip that he just made but I know certainly [that] I am not following him and I don't think the rest of the members on the backbench are following him on this trip. If they don't want to accept it because they have their own views about it then say so, but don't bend it out of shape when they know full well that that is not the intention of the motion.

Mr. Speaker, it limits itself and if the government had the view that they do not know how many people might find themselves falling into this category and as a result of not having any statistics or any records available at this present time, that they are afraid of the ramifications it might have when it comes to government's income from stamp duty, then all they had to do was to say, *'Can we review this and look at the statistics and see how many Caymanian first-time buyers fell into this category between \$150,000 - \$200,000 in the past to have some idea of what specifically negative impact it would have?'* I could understand that but that is not what they are saying.

Now, we can contend that it is not a huge number of people, and if they want to prove it, then we are quite willing to sit and say, *'Ok, let us just not make a decision on it but we can find that out and then we can make a decision'*. I don't have a problem with that. But I contend that the way they have gone about to argue against the

motion is certainly not in line with the intention of the motion. I know that the Minister of Education knows better and he is talking about me withdrawing this and withdrawing that! What he must know is that I don't usually forget what he says. When he used the word, "dangerous" in his debate — I am not going to forget that and I will live to prove who is dangerous in this Legislative Assembly and I want him to remember that with his smile!

I will live to be able to prove who is most dangerous in this Legislative Assembly. But anyway . . . not to expand the argument beyond where you want it sir, I am saying that the government fully understands that the intention of the amendment is simply to allow Caymanian first-time homebuyers who are purchasing property valued at more than \$150,000 but not exceeding \$200,000 and they fall under this Government Guarantee Mortgage Scheme (as all others would have to fall under), once they fall into that category, sir, that they be allowed the same waiver of stamp duty on the \$150,000 that people who are purchasing a house for \$150,000 or less who fall under that scheme are being allowed. That is whole intention of the motion.

The government understands that sir. And with all of the arguments they have put forward, if they were minded to accept it then even if they contend with their vast knowledge of how you word a motion, that the motion is worded incorrectly then they could easily have it amended. If they don't propose to amend now that they understand what it is all about, then it is obvious that they don't want to accept the intention of the motion and all they had to do was to say that.

I believe that others who come behind me will explain it as well or better than I have. But I believe that the government now understands the intention of the motion and I believe they understood it from the beginning. But that is why they will get together and listen to the Minister of Education with his bent-up theories of how to counteract and bring an opposing argument when he knows full well what the intention is. But if he thinks that being able to prove that makes this country run any better or makes the people of this country any better off then he is sadly mistaken and that is how he has done it all along, sir.

Thank you.

The Speaker: Does any other member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I agree that this particular amendment was brought at an inconvenient time in the debate, and the fact that this motion has already been amended twice shows some lack of having thought this thing out from the very beginning. The fact is that this motion, which really sought in the very beginning to deal with the housing situation in this country, has ended up narrowly trying to attempt to deal with a very small part of the problem.

We know that any little alleviation of the problem in regard to housing in this country is better than no alleviation at all. However, we do not want to act in such a way as to give people the impression in fact that we are solving a problem when in fact this is not the case.

The real problem, the real need in this country is for people to be able to afford their land in their country and to be able to afford the construction of shelter in their country on their land. Obviously, any government or any opposition that cannot see that very low wages in this country is a part of the problem and very expensive prices on land is part of the problem does not really see the real solution to this particular dilemma that encompasses more than 100 - 200 people.

By the time they are making \$4000 - \$5000 a month to be able to qualify for a mortgage for \$200,000 would be already considered an economic group that in time could solve the problem of finding housing accommodation for themselves. But this cannot be said to be the case for the majority of the people. Some 53% of the people living in this country are making a wage of \$1,500 per month or less. The real big problem in this country is that people cannot qualify for bank mortgages in order to buy homes. The fact that the government is always being asked to make the concessions . . . well, we are not asking businesses to make the concessions. We are not asking real estate companies that are dealing in commissions of 5% - 10% when they sell these \$200,000 homes. They will be making commissions between 5% - 10%. The fact that they are not making the concessions, the fact that there is no corporate responsibility, the fact that government has to give up in order to appease even the small amount of people to give people the impression somehow that we have the ability to solve the housing problem in this country is still something I believe that both the government and the opposition have to get involved in debating.

Now, in today's paper there is a letter in regard to substandard housing written by Miss Lucille Seymour. She makes a very interesting remark here. She says that we are a British Colony in fact, and that somehow Britain should be involved in assisting us by way of lending us money to be able to deal with the housing problems and a loan of \$50M would help greatly. Now, what I want to say is that the people out there when I went and I said to them, "Do you feel that—

The Speaker: Could I ask you please to get back to the motion? We don't want a lengthy debate. I hate to interrupt you, but we are actually debating the amendment.

Dr. Frank McField: Mr. Speaker, I know what I am debating. With all due respect, I am debating the amendment. The amendment does not exist by itself. The amendment is part of a concept of a problem and a solution to a problem. If you are just giving me a little bit more time...because I didn't get up here and start arguing with people and calling people names and different things. I am dealing with facts. So I think at least some tolerance should be shown to my position.

I am saying that basically the soundness of even looking at this amendment at this particular point as a solution to the problem is not borne out by my investigation and talking to people out there who are saying that their basic problem is that they cannot qualify for bank loans. There are some persons, of course, that are

young professionals and we would like to see them get their homes too, like I said. But it is still not dealing with the problem. Government will lose revenue as a result of this amendment and this is something that the persons that are suggesting this amendment have to think about. If you give up something, you have to get something back. Who will that something come from? Will it come from these heightened duties that the consumer . . . that same person that still cannot afford to get to a mortgage. Will it come as an addition tax on those people? Will we have real estate companies more capable of selling as a result of this because now they can sell \$200,000 homes, they can have these developments and some people will profit?

Government is used again to make the concession for other people's business profits. So the soundness of this suggestion or this amendment is not borne out when it is put up against the severity of the dilemma and the crises which exists in the housing market. This is an attempt to talk over the problem. This is an attempt by the First Elected Member of West Bay to cover up the fact that he was unable between 1992 and 1997 to tackle the real housing issues in this country.

The people must see that this is a ploy to get them thinking again that that particular member can deliver this particular need to them.

I just want to say, Mr. Speaker, that it is unfortunate that the member has had to amend this very important motion so many times; and that each time he tries to create somebody else as being the villain. He is always seems to be able, like Br'er Nancy, to excuse himself for the lack of adequate accommodation for people in the society today.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: There is an old African proverb that says, "When the elephants quarrel, the grass suffers." I guess you will know who the elephants are, and you will realise that according to this debate the "grass" is bound to suffer some more.

Mr. Speaker, I sit in amazement and I listen to members who want to form excuses not to support the amendments, talking about the motion is "flawed," "ill-conceived," "ill-timed," and people want to pray Br'er Nancy.

Mr. Speaker, sir anyone—any honourable member—who wants to support the motion can find reasons to support it or any one who wants not to support it could conjure up a thousand reasons not to support it.

I want to say that as the seconder of the motion, I don't for one moment believe that the First Member for West Bay is trying to play Br'er Nancy or is trying to exonerate himself for anything that he may not have been able to accomplish in the past, because no man is an island unto himself, Mr. Speaker.

I didn't hear the member get up in his tenure on Executive Council saying that he was a deliver. I hear him admitting that he has faults like anyone else. I think that it is a little farfetched and it shows the shallowness in

people to come with those spurious forms of arguments now that they don't want to support the amendment. Mr. Speaker, where is the government going to get the money from? Those people who campaigned that duty should have been removed from food . . . that is the question they should ask themselves! That is the question they should ask themselves. When you take off something where you are going to get it from?

The fundamental question we have to ask ourselves as members of this Parliament if we are honest and forthright is: Are we concerned enough to address the lack of housing among certain elements of our population in this country at this time? If we are, Mr. Speaker, let us take it one step at a time.

We realise the limitations. That is why we have brought this amendment. The government cannot undertake to close the gap immediately in one step. So I think, Mr. Speaker, we are going about it in a sensible way by beginning to help those people who are most able to help themselves. As soon as we have dealt with them, that gives us the understanding of the numbers of those people who fall in the categories where they need the greatest assistance and will allow us the liberty and the opportunity to decide what steps, what sacrifices need to be taken to help them.

And we need to have the will do that. But if we procrastinate, if we point fingers, if we find fault at these kinds of amendments which are intended . . . And, Mr. Speaker, everybody knows—and God knows the Minister of Education, of all people, must know the intentions.

I don't know, Mr. Speaker. If you wouldn't call me out of order I would accuse that member of being mischievous because the Minister of Education knows that this motion was not intended to help anyone who came here for one hour exploit the system and get a house. He know that! He is an intelligent man. And I have seen him in situations like this (where he wanted compromise) take a break, consult with us and say, *'You know, if we amend it this way, it could be better'*. He did that a couple days ago with a motion that is scheduled to come on this floor, a motion being moved by myself.

But do you know what, Mr. Speaker? It is political one-upmanship. The elephants are quarrelling and the grass is going to suffer.

I don't blame the government. They are playing out their hand because they are playing a little politics now that they have the support of the Fourth Elected Member for George Town and I don't blame them. This is the house of politics and I would do that do. But we have to be serious and sincere when we come on issues like this that have been crying out for years for a sincere and honest solution.

Mr. Speaker, I think as the seconder of the amendment that it is plain to all with any purity in their hearts; all who have any conscience what the amendment is trying to do. It's the eleventh hour. Are we going to leave this until it's too late and we have a society which can no longer be stable because a whole element has seen that they have no vested interested, no stake and no hope of getting any?

You know, we talk about we are Christians — well, it is time to stand in the gap. Those of us who are sincere, it is time for us to stand in the gap. It is that time now, Mr. Speaker. Let us see who is bold enough, sincere enough, and compassionate enough to stand in the gap.

Thank you.

The Speaker: Does any other member wish to speak? No other member wish to speak? Does the mover wish to exercise his right of reply? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I really didn't expect that this amendment could have been debated by people who said they are educated—especially the two that stand against it in such a fashion.

I want to thank the seconder of the motion, that is, the Third Elected Member for Bodden Town and the First Elected Member for George Town for their contribution because they hit the nail on the head. They have some understanding.

Mr. Speaker, a motion can come at any time in this honourable house under the rules, once the Presiding Officer agrees. This House was adjourned ten days ago for the government. In that time there were things that were brought to my attention to make the matter more clear and this is all the motion is attempting to do. It was my understanding . . . but I hear now that if a person is building a house for \$135,000 that they can only get duty waived on \$125,000. Sorry, they can get duty waived on \$125,000 if the house is even \$135,000. This has to be a mistake in the understanding of the authorities and this amendment is attempting to make it clear.

At the same time, we are going after \$150,000 and we say if the person is building a \$200,000 then he still gets the duty off the \$150,000. Mr. Speaker, it is not hard for small people today, because people probably in more ways than one they shouldn't but it happens, they try to build a home and it ends up costing much more than they anticipated. It is the cost in this country. And it is the government with the help of the Fourth Elected Member from George Town—who is running out of the Chamber now like the Br'er Nancy he is.

I would just like to say, Mr. Speaker, that I have been called many things in my life but never have I been called Br'er Nancy because Br'er Nancy took from people. You see I did the other thing—I gave to people—and I continue to give to people like that parasite.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, with all due respect, I think the member should withdraw that word, "parasite." I think on a point of order that is unparliamentary.

[Inaudible interjection]

Mr. W. McKeeva Bush: Both of you come! The two of you men come this afternoon—the Minister of Education and the Fourth Elected Member for George Town.

The Speaker: Please, let us get some order in this Chamber! I would ask that you withdraw that word, please.

Mr. W. McKeeva Bush: Mr. Speaker, I bend to your ruling. Maybe I should not have said "parasite."

The Speaker: Thank you.

Mr. W. McKeeva Bush: But, Mr. Speaker, the member knows about that.

[Addressing the member] You are going to tell me about my mother?

You see, Mr. Speaker, that is the type of person he is! He is a really . . . well, let's forget about it.

You see, it's people like him I have brought here and that is what we get. That is the kind of Br'er Nancy that I am talking about. If he wants to draw an analogy about Br'er Nancy that could be one when somebody helps you and turns around and does this.

Mr. Speaker, I know that I would always be questioned because . . . and it will get worse in this House as a member from this side attempts to do certain things. The closer you get to election here, the hotter it is going to get because it is politics that government plays.

The Minister of Education . . . first of all, I don't know why he came to answer rather than the Minister of Agriculture, Environment, Communications and Works. But I well understand because the Minister of Communications could not confuse the situation the way that the Minister of Education could. That is why the government purposely sent him out—to confuse!

The poor Minister for Communications could not do that, it is not in him. He does not have it in him to be able to confuse the situation, so they sent the Chief Confuser, the Chief Criticiser from government!

Mr. Speaker, if you have ten days you can say it is well thought out or not thought out. That is their business. But certainly, it is not a result of doing things in a hurry. As I said, we adjourned ten days ago and different people have come to me and said, '*This is the situation so you need to try to do something about it*'. And I have always said I can't help everybody but we must try to help who we can and this would help somebody.

Now, for that minister to come here talking about someone coming here for a day and being able to get a house by what we are doing . . . Can you believe, Mr. Speaker, that a trained man would do that—knowing that we have a scheme that says Caymanians and this is part and parcel of that scheme? Would you believe that this country spent money on that kind of education?

Hon. Truman M. Bodden: But I have education, though!

Mr. W. McKeeva Bush: Yes, the country paid for it!

Let me ask, Mr. Speaker, what is he doing with his education? Having an education, Mr. Speaker, is one thing but using it is another thing—and using your common sense is another thing.

The Speaker: Okay, may I ask that we get back to the amendment. Let's try to put this....

Mr. W. McKeeva Bush: Mr. Speaker, I hope you are going to give me the chance now to reply to all that I have objected to, which was said before.

The Speaker: But let us do it in a proper manner, please.

Mr. W. McKeeva Bush: But what am I doing? I suppose they did everything properly and I am not doing it properly, right?

Anyway, let me do it how I can do it properly, you see.

Mr. Speaker, the excuse to say no to the motion or the amendment is to say that we are creating a deficit in government. We say that we have not identified the funds. You know, they have nerve. They really have nerve, Mr. Speaker, because they did not come and say how much funds this would be. They really have nerve, especially after sitting down planning and concocting and taking from here and taking from there—with the help of the Fourth Elected Member from George Town—to give themselves a fat raise when the other poor civil servants are not getting it.

Hon. Truman M. Boddén: Mr. Speaker, relevancy, point of order.

POINT OF ORDER

Mr. W. McKeeva Bush: Relevancy! Your head looks like relevance!

The Speaker: Let me hear your point of order, please.

Hon. Truman M. Boddén: He is talking about a raise—that surely has no relevance to the housing scheme.

The Speaker: Honourable members, let us try to wind-up this motion. It is a very important motion but let us try to bring it to a end.

Mr. W. McKeeva Bush: It is, Mr. Speaker, and I would not have had to get into answering this thing about identification of funds, because that is what I am doing, and the creation of a deficit if they had not raised it. This is what the debate is all about.

Now, I am not a lawyer educated by government funds. I am one of them that came out of a system that was created by a certain factor in this country where we could not even get to high school. And that mentality exists in certain places still. But I do know what I am talking about here. Yes, they could sit down and try to find if there are some funds available just as they did with the salary increase that the Fourth Elected Member from George Town helped them get. What did he call it? The Fourth Elected Member from George Town said the input would create a better output.

But they should sit down and see where they can save some money because I can tell you this, Mr. Speaker; they are wasting enough of it.

But no one said—and I certainly didn't as the mover—that we had to now find the funds today. The motion could have been passed and they could have sat down and looked at it and put it in next year's budget and made provision for then. Let us say they did not have the funds this year, but they could make provision for it next year.

You see, Mr. Speaker, the scheme does not go up to \$200,000 but this is not carrying the scheme to \$200,000. We amended the scheme to say up to \$150,000. All we are saying is that if a home is costing \$200,000 then we still waive the duty on the \$150,000. It is not bringing the scheme as the two members tried to impute.

Where they got their education from I would really like to know—one from some German institution and next one from some Inn in London. It could not be the Inn that the lawyers go to—it must be a different Inn!

Hon. Truman M. Boddén: Mr. Speaker, point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Hon. Truman M. Boddén: That honourable gentleman is misleading the house and he is imputing things that are untrue and unbecoming towards me. Whether he knows it or not, I am a qualified lawyer and anything other than that is untrue. And that is something he will never achieve—to be a qualified lawyer.

The Speaker: I beg you again, let us try to get through with this debate.

Mr. W. McKeeva Bush: Mr. Speaker, I am answering the debate sir, which you allowed them to carry on.

The Speaker: With a few extra words.

Mr. W. McKeeva Bush: And I am trying to do it in the best way possible. I am sorry that I have to refer to them this way, but that is the way it is.

I am not telling any lies, he did go to some Inns of Court. Did he not go there and attend something? It could not have been that same Inns of Court that I hear about them going to London to train.

Hon. Truman M. Boddén: Mr. Speaker, would you please rule on this? He is totally misrepresenting and he is saying things that are untrue, and I wish him to please withdraw it. He might not have the sense to know what he is saying, but he should withdraw it.

The Speaker: Honourable Member, I overlooked it the first time. But what the minister is saying, he did go through and become a qualified lawyer—give him the benefit of the doubt.

Mr. W. McKeeva Bush: At the Inn.

The Speaker: He can state the exact name of it. I do not know myself, but please withdraw that he is not a qualified lawyer.

Mr. W. McKeeva Bush: Mr. Speaker, I did not say that—don't ask me to withdraw that.

I am saying, Mr. Speaker—and listen to what I am saying!

The Speaker: Don't shout at me! That is not necessary.

Mr. W. McKeeva Bush: Mr. Speaker, you allowed these members to carry this debate this far, you know. Not me. Really!

The Speaker: What I am saying is, I want you to recognise the fact that he went to the proper institution where he was qualified.

Mr. W. McKeeva Bush: Mr. Speaker, I did not say that he was not qualified and I don't know if he is. Maybe he will have to do what the Fourth Elected Member from George Town had to do and produce his documents.

The Speaker: We are not going into that this afternoon. I am simply asking you to recognise that we recognise him in our community as a qualified attorney and that he did graduate, whether it was from the London Inn or whichever one of the Inns.

Mr. W. McKeeva Bush: Mr. Speaker, please. You might recognise that, but I cannot because I don't know. He said he is. To me sometimes he doesn't act as a person that has that kind of qualification. He said he is, we accept it—so he is!

The Speaker: Are you prepared to stand here this afternoon and tell me that you do not know that he is a qualified lawyer, having a legal firm in the Cayman Islands?

Mr. W. McKeeva Bush: Mr. Speaker, he has all that. But I don't know all that you are saying because I really don't know.

The Speaker: Let us not get into a real argument.

Mr. W. McKeeva Bush: Right.

The Speaker: But I am saying that you know and I know, and I am asking you to recognise—and now!

Mr. W. McKeeva Bush: You are asking me to do what, Mr. Speaker?

The Speaker: Recognise that he is a qualified lawyer.

Mr. W. McKeeva Bush: Mr. Speaker, please, I cannot do that. I know that he says he is. And if you say that he is then let the House say that he is but I am sorry—

The Speaker: I am asking the First Elected Member for West Bay to say it. Let us get this over with.

Mr. W. McKeeva Bush: What do you want me to do?

The Speaker: I want you to say that you know that he is a practising attorney in the Cayman Islands.

Mr. W. McKeeva Bush: Oh, yes, I can say that I know he is a practising attorney in the Cayman Islands.

The Speaker: Thank you.

[Members' laughter, interjections and general uproar.]

Mr. W. McKeeva Bush: Now, Mr. Speaker, the same Member—who is a practising attorney in the Cayman Islands—went on quite a bit concerning this matter of parents and children under the Land Law, I think it is the Stamp Duty Law.

Am I getting it right, Mr. Speaker? Is that the right one?

The Speaker: Stamp Duty, that is correct.

Mr. W. McKeeva Bush: Right! Thank you.

We are not talking about the Stamp Duty Law. I am talking about joint ownership of property by a man and a woman who are living together in what we call a common-law relationship. It has nothing to do with what he was talking about. Completely lost, whether deliberately or otherwise, but certainly confusing the issue.

We are talking about two people who are not married but living together in a common-law relationship. What he tried to impute—and we have allowed him to do it in this House—is that all these other people can come in and get it because it is not about Caymanians. Certainly, Mr. Speaker, that is what the Government's Loan Scheme talks about. He knows that! That is why he came out to debate it, because as I said the poor Minister of Communications could not confuse the issue that way.

It is certainly very confusing. I don't know how they concoct such rubbish.

Now, Mr. Speaker, the Forth Elected Member for George Town loves to get up all the time to in whatever way he can try to embarrass me—but it is okay. He has come a long way but he still has a long way to go.

Mr. Speaker, this amendment, or this motion was never put across as the cure for the whole housing problem. I said that. We all said that in the very beginning. The matter of housing must be addressed by various angles. But I had to laugh about how people can speak out of two sides of their mouth. When that Fourth Elected Member for George Town started to talk about Government losing duty—when that is the member that got here by campaigning on taking duty off all foodstuff. I wonder

how much duty he thought government would lose? That wasn't a point, I guess. People need to eat, but people also need a shelter and that is what I am trying to get.

That is true, Mr. Speaker. It is a pity that some people didn't work all their working life for wages.

Mr. Speaker, the truth is I should not have wasted the time to answer what I think is a lot of foolishness in this House this afternoon by those two members. I really apologise to the House for having to get up to deal with it because I guess they knew they could do that. They knew that we had done a good thing so it was good for them to create some mischief so they could get to spout off rubbish. That is exactly what they talked—rubbish!

Mr. Speaker, under this amendment, people who buy first homes up to \$200,000 would save funds. If the amendment is accepted, this would allow a good many of them to qualify. If the government doesn't approve it, it will prohibit them from qualifying. That is all that will happen. If we do this it will help people, if we don't it will not help people. Mr. Speaker, I do my part and other members who support this motion are doing their part by trying to get that assistance.

Now, on this talk about real estate companies and people selling land and not being able to afford land, just let me say Mr. Speaker that the government and the Fourth Elected Member for George Town better understand (unless he is trying to create some sort of other country): the government cannot tell people how much to charge for their land. He doesn't understand that? The government cannot tell people how much to charge for their piece of land. How on the one hand you can argue that people must have their say, they must have their rights, but you are going to come here and say that government must be able to tell people how much to sell their land for.

Dr. Frank McField: Mr. Speaker, the Member is misleading the House.

POINT OF ORDER

The Speaker: Do you have a point of order?

Dr. Frank McField: The point is order is that the member is misleading the House. I did not say that the government should tell or anyone should tell people what to sell their land for.

Mr. W. McKeeva Bush: You said worse than that.

The Speaker: Please continue, First Elected Member for West Bay.

Mr. W. McKeeva Bush: Yes, thank you very much. You see it the same way I see it.

POINT OF ORDER

Dr. Frank McField: Mr. Speaker, on a point of order. I believe that this statement that the First Elected Member for West Bay is making can do damage to my creditabil-

ity, and I would like you to see whether or not I did say that. Because if I did not say that, I believe that it is very unfair to my privilege here in the House to have that as what I did say, when I didn't say it.

The Speaker: If that is the wish of the House, we shall suspend and wait for the report of the *Hansard*. We shall suspend proceedings until we get it from the *Hansard*.

PROCEEDINGS SUSPENDED AT 4:01 PM

PROCEEDINGS RESUMED AT 4:35 PM

The Speaker: Proceedings are resumed. We have passed the hour of 4:30 p.m., I recommend to honourable members that we adjourn at this time. I would entertain a motion for the adjournment of this honourable house.

Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this honourable house until Wednesday at 10:00 a.m.

The Speaker: Until Wednesday or Thursday? We had said that Wednesday would be set aside for meetings.

Hon. Anthony S. Eden: That's right! Thursday at 10:00 a.m.

The Speaker: Until Thursday at 10:00 am. I will put the question that this house do adjourn until—

Mr. D. Kurt Tibbetts: Mr. Speaker, please sir, if I may.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I don't have a problem sir, but I just want to make sure because I see some question on the faces of members. Is it that we have specific meetings set aside for Wednesday? Perhaps we could determine that first of all.

The Speaker: That was what we said in the Committee Room.

Mr. D. Kurt Tibbetts: I understand what you are saying sir, but perhaps we could determine that first.

The Speaker: I am asking a question.

Maybe the Honourable Third Official Member might be able to give us an answer . . . or the Honourable Minister for Tourism, Commerce, Transport and Works.

The Honourable Third Official Member.

POINT OF CLARIFICATION

Hon. George A. McCarthy: Mr. Speaker, just on a point of clarification, if you will permit that.

The Speaker: Certainly. Please proceed.

Hon. George A. McCarthy: I think initially when we met two weeks ago it was agreed that there would be a general meeting amongst members to consider the OECD initiatives and for members to be brought up to date as to where we were. And it was agreed that because of the fact that there would be a delegation that would have gone to London last week that the meeting should have taken place this Wednesday.

But, it seems that circumstances have arisen that would suggest that it would be necessary for members of Executive Council to ask their colleagues on the back-bench to allow for proceedings of the House to be deferred probably until Thursday afternoon or Friday— not necessarily for the reason of briefing members on Wednesday morning, Mr. Speaker.

But just to point out for the benefit of members that the Cayman Islands has submitted its response to the OCED. The country that is leading the study review on the Cayman Islands, the person that is heading that study group will be arriving in the Cayman Islands on Wednesday afternoon. That person will be accompanied by a team to go through the report on a point by point basis.

This meeting could be somewhat extensive. It means having to go into the details . . . and the meetings are scheduled to run from Wednesday afternoon into Thursday because the team will be leaving on Thursday afternoon.

So it seems, Mr. Speaker, in light of what I have just said, and to ensure that members of Executive Council have the necessary time in order to prepare for the review, it would be better if this House could be adjourned. I have not consulted with my colleagues on Executive Council, but I know at some point in time this would be mentioned.

If you will just permit a minute to let me consult and see what time would be appropriate under the circumstances to resume.

The Speaker: Certainly.

[Pause]

Hon. George A. McCarthy: Yes, Mr. Speaker, it is being proposed that this House be adjourned until Friday morning at 10:00 a.m.

The Speaker: Would you then move the motion for Friday morning then please?

Hon. George A. McCarthy: Mr. Speaker, in light of the explanation that I have provided and the need for members of Executive Council to meet with the team that will be arriving from United States to discuss the Cayman Islands response to the OECD report, I move that this honourable house be adjourned until 10:00 a.m. on Friday morning.

Mr. W. McKeeva Bush: Mr. Speaker, that being so—

The Speaker: First Elected Member for West Bay, please continue.

Mr. W. McKeeva Bush: This matter before us now should be finished in five to ten minutes. Lets get this out of the way then we can adjourn until Friday. At least, we will get this motion out of the way.

The Speaker: Honourable members I have in my hand the transcript of Dr. Frank McField, the Fourth Elected Member for George Town of this afternoon. I do not have the [transcript of the] First Elected Member for West Bay, but the Fourth Elected Member goes on, "**The real problem, the real need in this country is for people to be able to afford their land in their country and be able to afford the construction of shelters in their country on their land. Obviously, any government or any opposition that cannot see that very low wages in this country is a part of the problem, very expensive prices on land is part of the problem does not really see the real solution to this particular dilemma that encompasses more than 100 – 200 people. That by the time they are making \$4,000 - \$5,000 a month to be able to qualify for a mortgage of \$200,000 would be already considered an economic group that in time could solve the problem of finding housing accommodations for themselves. But this cannot be said to be the case for the majority of the people.**

"**Some 53% of the people living in this country are making a wage of \$1,500 per month or less. The real big problem in this country is that people cannot qualify for bank mortgages in order to buy homes. The fact that the government is always being asked to make the concessions . . . well, we are not asked in business to make the concessions. We are not asking real estate companies that are dealing in commissions of 5% - 10% when they sell these \$200,000 homes, they will be making commissions between 5% - 10%...**" and it goes on and on.

That is what he said. First Elected Member for West Bay, what are you alleging that the Fourth Elected Member for George Town said?

The First Elected Member from West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, what I said is that he was saying that somehow government must be able to tell these people what they are to sell their land for, and I said that government cannot tell people that.

If you rule, Mr. Speaker, that he did not say that government must tell people what to sell their land for, then I can withdraw what I said and I will do so at the same time if that is the allegation.

The Speaker: Well, I think what I have read clearly explains what he was attempting to get across and if you will withdraw that, it would solve the issue.

Mr. W. McKeeva Bush: I will withdraw it, Mr. Speaker. I can't agree with you that it is clear, but I will withdraw it because government cannot tell people what to sell their

land for. People own their land, they bought it or it was passed down from generation to generation or it was given to them somehow, but government cannot walk in and tell people what to sell their land for.

There have been so many interruptions that we have to put the question now to conclude the debate of the amendment. Perhaps out of an abundance of caution, we need a motion to continue after 4.30 p.m. also.

The Speaker: I would entertain a motion that we continue beyond the hour of 4.30 p.m.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Bodden: Mr. Speaker, I move that we continue beyond 4:30 p.m. under such authority as the Standing Order permits.

The Speaker: The question is that the House do continue beyond 4:30 p.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House will continue.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: At this time I will put the question on the second amendment to Private Member's Motion No. 3/99. As requested, I will move the resolve sections in two questions, the first being, "**BE IT FURTHER RESOLVED THAT the Government assistance for the waiver of stamp duty on the first-time homeowners be increased from \$125,000 to \$150,000.**" Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. That resolve section is passed.

AGREED: FIRST RESOLVE SECTION OF SECOND AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 3/99 PASSED.

The Speaker: The second resolve section is: "**BE IT FURTHER RESOLVED THAT first-time homeowners who purchased homes valued up to \$200,000 be allowed a waiver of stamp duty on the first \$150,000.**" I should put the question. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: I think the Noes have it.

Mr. W. McKeeva Bush: Can I have a division, Mr. Speaker?

The Speaker: Certainly!
Madam Clerk, would you call a division, please?

The Deputy Clerk:

DIVISION NO. 4/99

AYES: 6

Mr. W. McKeeva Bush
Mr. John Jefferson, Jr.
Mr. D. Kurt Tibbetts
Mr. Linford A. Pierson
Mr. Roy Bodden
Ms. Edna M. Moyle

NOES: 10

Hon. James M. Ryan
Hon. David F. Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Hon. J. O'Connor-Connolly
Dr. Frank S. McField
Miss Heather D. Bodden

ABSENTEES: 1

Mr. D. Dalmain Ebanks

The Deputy Clerk: The result of the division is six Ayes, ten Noes.

The Speaker: The Noes have it. The second resolve section has failed.

NEGATIVED BY MAJORITY: SECOND RESOLVE SECTION OF SECOND AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 3/99 FAILED.

The Speaker: I shall now put the question on Private Member's Motion—

Mr. W. McKeeva Bush: Mr. Speaker, I don't think I completed the debate on the motion itself and I don't have long to finish but I do have some things to complete.

The Speaker: Please continue then. The First Elected Member for West Bay winding-up.

Mr. W. McKeeva Bush: Mr. Speaker, we were recapping (as I said ten days ago) and I had gotten to the point this morning to make the amendment. Just to recap now, I believe that an innovative private and public sector partnership—government, banks and developers—can make a good dent in the housing problem.

The one thing that we have to do is get our people to make right decisions and not to reach for a home or a house which would be beyond their means. That is why I had proposed that they could do some counselling in that regard. Also, to help cut down the cost they need to put a system in place where an attorney could charge a flat rate for all legal work for the purchase, which would include the pre-qualification for the stamp duty waiver, legal work and everything pertaining to the sale.

[Inaudible interjection]

Mr. W. McKeever Bush: Well, Mr. Speaker, it is late in the day. I am not going to ask any more favours in this House! I like the one from the First Elected Member from George Town.

Mr. Speaker, I don't think that there are many more points that we can continue with this afternoon. I would just like to say in closing that I know a lot has been said, and we get heated and a lot of blame is laid. I can say yes, I was a Minister for a number of years. Some people in the lower income bracket got homes. But it needs to be addressed on a wider scale.

The proposals made, all those things we talked about, all those things I [spoke] about last Friday when we adjourned can help. What is needed now is for those new proposals to be explored, examined, and put in place by government if they have the will to do the things that they have been talking about.

One last point in closing, I want to say that in my time in this House since 1984, many times we have got into heated arguments. Never once in this House has anybody talked about anybody's parents. And I just want to say to you Mr. Speaker, as Presiding Officer, and I say to the Fourth Elected Member for George . . . and to talk about violence and what they are going to do to people in the House. I would like to say that these are the kinds of things that have destroyed better countries than these Cayman Islands.

I would caution, but I am not going stand by and see anybody talk about my parents in this House or anywhere else.

I would just like to say that we don't need that in this House at any time. It is a pity that we get to that point, but it seems that people have to get to that point to be able to make their point. If the Fourth Elected Member for George Town thinks he is man, just let him try. But I am saying to you as Presiding Officer, be cautious, be awake, see that these kinds of things don't happen. We don't need that in this country.

In all of my years here since 1984 and sitting in the gallery and looking before, I have never ever heard that in this House. Parents are near and dear to us, our children are near and dear to us.

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Dr. Frank McField: I believe that the member is using this opportunity to cast a bad light on me, and he called me a parasite and you asked him to withdraw that. I think that that is quite clear. That Member is the one who has started whatever problem we have in here.

Mr. W. McKeever Bush: Mr. Speaker!

The Speaker: Please, both of you sit down.

We are here to conclude the debate on this motion and I don't want to hear any more about this. Please conclude your debate and let us take the vote.

Mr. W. McKeever Bush: Mr. Speaker, I think I have made my point, and I will conclude my debate. But I will make it absolutely clear—please pay attention to this thing about parents!

Our family in this House — there is no need for that. We can bamboozle each other if that is what we choose. Leave our families leave our parents, our children out of it. They know! The records will show who started name-calling—I didn't!

I would like thank all members that supported this motion and all those that felt that the proposals we put forward will help everybody—those in lower and those in the middle income as well. I do hope that we can get to a place (after now) that the lower income group will be addressed. I will stress again that it needs to be addressed from various angles.

The Speaker: Before I put the question, I want to say this: I hold the responsibility as Presiding Officer here. I hold the position of the Chair in high esteem. As long as I hold this office I shall hold it to the best of my ability. I am not going to tolerate anyone in here attempting to do what is wrong. But for me to be able to control what comes out the mouth of each and every one of you . . . that is a physical impossibility. But I certainly will demand that order be kept in this House. With the help of our Standing Orders, Erskine May, and whatever other records I might have, I will do my very best to see that they are performed. I ask all honourable members to cooperate.

I shall now put the question on Private Member's Motion No. 3/99 as twice amended. It has been amended several times and I think in order that it be clearly understood by members and the listening public, I shall put the resolve sections separately.

As I understand it, the first resolve section is: **“BE IT NOW THEREFORE RESOLVED THAT the Government directs its attention to addressing the need for affordable housing in general in the country as a matter of priority.”** Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

Dr. Frank McField: Mr. Speaker, can we have a division?

The Speaker: Madam Clerk, would you call a division?

Mr. Roy Boddan: Mr. Speaker, there were no audible Noes, sir.

The Speaker: I thought it was unanimous. If the Fourth Elected Member for George Town wants a division, go ahead. Please call the division, Madam Clerk.

The Deputy Clerk:

DIVISION NO. 5/99**AYES: 13**

Hon. James M. Ryan
 Hon. David F. Ballantyne
 Hon. George A. McCarthy
 Hon. Truman M. Bodden
 Hon. Thomas C. Jefferson
 Hon. John B. McLean
 Hon. J. O'Connor-Connolly
 Mr. W. McKeever Bush
 Mr. John D. Jefferson, Jr.
 Mr. D. Kurt Tibbetts
 Dr. Frank S. McField
 Mr. Roy Bodden
 Ms. Edna M. Moyle

NOES: 0**ABSENTEES: 1**

Hon. Anthony S. Eden
 Mr. D. Dalmain Ebanks
 Mr. Linford A. Pierson
 Miss Heather D. Bodden

The Speaker: The result: thirteen Ayes, no Noes. The first resolve section passed.

AGREED: BE IT NOW THEREFORE RESOLVED THAT THE GOVERNMENT DIRECTS ITS ATTENTION TO ADDRESSING THE NEED FOR AFFORDABLE HOUSING IN GENERAL IN THE COUNTRY AS A MATTER OF PRIORITY.

The Speaker: The second resolve section combining the amendments to it is: "**BE IT FURTHER RESOLVED THAT the Government assistance with the waiver of stamp duty on the first-time homeowners be increased from \$125,000 to \$150,000.**" I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. That is unanimous.

AGREED: BE IT FURTHER RESOLVED THAT THE GOVERNMENT ASSISTANCE WITH WAIVER OF STAMP DUTY ON FIRST-TIME HOMEOWNERS BE INCREASED FROM \$125,000 TO \$150,000.

The Speaker: The third resolve is; "**BE IT FURTHER RESOLVED THAT the waiver of stamp duty on first-time owners on house lots be increased from \$25,000 to \$35,000.**" I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. And again that is unanimous. The motion is passed, the three resolve sections, the motion has passed.

AGREED: BE IT FURTHER RESOLVED THAT THE WAIVER OF STAMP DUTY ON FIRST TIME OWNERS

OF HOUSE LOTS BE INCREASED FROM \$25,000 TO \$35,000.

AGREED: PRIVATE MEMBER'S MOTION NO. 3/99 AS TWICE AMENDED PASSED

The Speaker: I will now entertain a motion for the adjournment of this honourable House, I think it has been a long day.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this honourable House until this Friday at 10:00 a.m.

The Speaker: The question is that this honourable House do now adjourn until Friday at 10:00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 5:01 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM THURSDAY, 24 JUNE 1999.

**EDITED
THURSDAY
24 JUNE 1999
10.19 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Third Official Member. He will be arriving later this morning. The Honourable Minister for Community Development, Sports, Women, Youth and Culture is off the island in Cayman Brac on official business, so she will be absent today. And, the Fourth Elected Member for West Bay is not feeling well and he will also be absent today.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 47 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 47

(Deferred)

NO. 74 Mr. Roy Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs to state: (a) the number of complaints received against the police in the last twelve months; (b) the nature of such complaints; and (c) to outline to the House, how these complaints were handled.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I wonder if I could ask that this question be deferred. I believe later this morning I expect to have the answer, and if could continue on to the next in the meantime. . .

The Speaker: Certainly, we will go ahead and take that at the end of Question Time. Moving on to question 48 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 48

No. 48: Mr. Roy Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs the number of Caymanian versus non-Caymanian

Civil Servants broken down into the two categories by department.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The total number of Cayman versus non-Caymanian civil servants is as follows: Total number of Caymanians: 1,419, total number of non-Caymanians: 981 This is broken down into two categories by departments as follows:

Department	Caymanian	Non-Caymanian
Governor's Office	1	3
Cayman Islands Audit Office	4	7
Judicial Department	24	10
Portfolio of Internal and External Affairs	26	12
Immigration Department	85	0
Police Department	158	126
Prison Department	48	59
Personnel Department	14	9
Cayman Brac and Little Cayman Administration	40	1
Legislative Department	9	2
Broadcasting Department	12	6
Legal Affairs	6	25
Portfolio of Finance and Economic Development	32	6
Customs	88	1
General Registry and Shipping	19	10
Economics and Statistics Office	8	3
Treasury Department	21	2
Ministry of Tourism, Commerce, Transport and Works	19	1
Fire Department	124	1
Tourism Department	17	8
Ministry of Community Affairs, Sports, Women, Youth and Culture	28	17
Social Services Department	39	33
Human Resources	8	2
Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation	12	7
Health Service Department	195	256
Ministry of Agriculture, Communications, Environment and Natural Resources	12	15
Agriculture Department	15	12
Department of Environment	15	5
Environmental Health	11	15
Mosquito Research and Control Unit	13	5
Lands and Survey Department	21	23

Department	Caymanian	Non-Caymanian
Postal Department	63	9
Public Works Department	35	8
Department of Vehicle and Equipment Services	6	0
Ministry of Education, Aviation and Planning	11	5
Planning Department	22	12
Education Department	130	252
Computer Services	28	13
Total:	1,419	981

SUPPLEMENTARIES

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

Mr. Roy Bodden: Since approximately 1/3 of the civil servants are non-Caymanian, can the Honourable Member tell the House if the philosophy to Caymanianise the service still obtains, and, if so, what is being done to reduce the number of non-Caymanians?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, Mr. Speaker, that policy of Caymanisation of the service still remains in force and efforts are being made to localise wherever and whenever possible. Some of the efforts being made are in training. At the very start of service there is a course for clerical and executive officers for training in an effort to have them better equipped when they join the service and what we hope will offer better job satisfaction. That training is also extended in a number of departments in specialised areas such as immigration, police, prison, etc.

Mr. Speaker, the fact of the matter is that there are not enough born Caymanians that we can get in the service. And as this Honourable House knows, we compete with the private sector for people at all levels. But, yes, the policy remains in place to localise wherever and whenever possible.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. The numbers in the Legal Affairs Department are very striking. I think it is six Caymanians and twenty-five non-Caymanians. Would the Honourable First Official Member say why young Caymanians who have been employed in this department are leaving, and what is the government doing to encourage young Caymanians in the legal profession?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: In that particular field, I believe the answer why Caymanians are leaving—and indeed not even coming into the service in the first instance—is because the pay is lucrative in the private sector for that profession. Government has never been able and certainly cannot now compete in salaries and probably benefits to

those people. Where salaries are considerably higher, naturally Caymanians are going to be looking in that direction. But I believe government is firmly committed through the Law School to training as many young Caymanians for the legal profession as is possible. But we cannot hold them if the salary in the private sector is more lucrative than it is in government.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: From the answer the Honourable Member has provided, I noticed that comparatively speaking there are some departments which have outstanding success in the ratio of hiring and retaining Caymanians versus non-Caymanians. For example, the Cayman Brac and Little Cayman Administration has 40 Caymanians to one non-Caymanian; the Customs Department has 88 Caymans to one non-Caymanian; the Fire Department has 144 Caymanians to one non-Caymanian; and the Public Works Department has 35 Caymanians to eight non-Caymanians.

Yet, there are other departments, for example, the Prison Department, which has 48 Caymanians to 59 non-Caymanians. Similarly, the Police Department has 158 Caymanians to 126 non-Caymanians. Given that there is a certain similarity between the Police, Customs, Fire and Prison Department, can the Honourable Member say why it is that the Customs and the Fire Department seem to have such a success in hiring and retaining Caymanians as against the Police and the Prison Department?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The Member is right. Some departments have excellent success, whereas others and what seem to be similar departments in terms of maybe salaries, have not had that success. He singled out Prison and Police. It is my personal view that neither of those departments has had a lot of success because young Caymanians are not keen on joining either of those two departments.

Although I will say that I believe we are seeing an improvement in the recruitment to the Royal Cayman Islands Police Service. We are getting more Caymanians applying. I believe the philosophy, I believe the way of the public education campaign to get people into the service has changed in recent times and we are seeing more applicants to the RCIP.

The Prison Service posts are advertised but sadly, we are not seeing a great deal of success. If we look at Education, for instance, we will see that there are 130 Caymanians to 252 non-Caymanians. I might be bold enough to say to that member, if he and I both had stayed in the teaching profession there would have been two more . . . but, unfortunately, the wastage is very high in the teaching service.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I can assure the honourable member that many a day I wished that I was still in the teaching profession. Believe you me, I think I would fare much better. At least I was in control in those situations, I cannot say that about where I am now.

Mr. Speaker, from time to time we have mooted the business of a cadet corp. I know this is not entirely within the honourable member's ambit because it would have involved some collaboration with the schools and the Ministry of Education. I wonder if the honourable member could say whether he thinks this is something that could be pursued with a view to interest more young Caymanians possibly in the Police and also the Prison Service.

The Speaker: This is asking for an opinion but if the honourable member wishes to answer, he may. The Honourable First Official Member.

Mr. Roy Bodden: Mr. Speaker, not an opinion so much, sir. We discussed it here before and I think honourable members accepted it—the government accepted that they would look into it. I am asking the honourable member now to say whether he knows of anything that has been done to follow-up on that.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes. Honourable members will remember that during a meeting of Finance Committee earlier this year this very question was raised. The Commissioner gave that undertaking to me, and I to the House. While it is still in the embryonic stages, it is being worked on. Perhaps, if we can have some success in this area it may be something that can be looked at, maybe in a little different form, but a similar sort of thing for recruits to the prison service.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Just following up on the comparisons of numbers with Caymanians and non-Caymanians. If we look in three specific areas, that is the Health Services Department, where we see a 195 Caymanians and 256 non-Caymanians; and we look at the Social Services Department where we see 39 Caymanians and 33 non-Caymanians; and then we look in the Education Department as has been discussed before, there are 130 Caymanians and 252 non-Caymanians. I chose those three specific areas because I am supposing that in many of the positions the training is specialised. We have discussed this in Finance Committee and at other occasions when we talked about training, succession planning and all of that.

I am wondering if the Honourable First Official Member could simply give an undertaking via his Personnel Department to look into these specific areas to see if there are no better incentives that can be brought together to attract Caymanians. While we have talked about it, I do

not believe that there has been enough pointed effort in that direction. I personally believe that if we had specific incentives for individuals and career paths for Caymanians that we could entice and sort of gather more interest to have more numbers coming into those three areas specifically.

So my question is asking for an undertaking in that area.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, I will be quite happy to give such an undertaking. I would like to say that the Education Council over the years (and I believe it is still the case) has offered a more attractive scholarship for training in the area of teaching. I believe it may be extended to Social Services. I stand to be corrected. I am not positive on that, but certainly in the area of teaching in an effort to encourage Caymanians to pursue. But, yes, I take the point that the honourable member has made and I will be more than happy to pursue it.

I should say that what the member does know is that in the case of the Health Services Department, in terms of the Administrator and the Chief Nursing Officer, they are both Caymanians and I think that shows that Caymanians can aspire and can succeed to the top. I would like to see more of this happening.

The Speaker: The First Elected Member for George Town

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may just follow-up.

The Speaker: There will be two additional supplementaries.

Mr. D. Kurt Tibbetts: This is going to be my last, sir, so have no fear. Thank you.

I heard what the honourable member has said, and I quite understand. I just want to make sure that the commitment that I was asking for will extend to not just the tertiary education level but actually being placed and being able to see light at the end of the tunnel in a career. So while I appreciate the answer, I am only saying that I was extending it a bit further and that is what I am asking. I do appreciate that it will take collaboration between the departments and the Personnel Department but I think if some sort of pointed effort could be made we might be able to attract more Caymanians.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, I took that aspect of it on board. I only elaborated on one point but, yes, I do take that on board, and I give that commitment.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the Honourable First Official Member would say if the government has in place any career guidance for young Caymanians going overseas on scholarships in order to help them choose careers that are most needed in the civil service. We tend to have ten or fifteen doing accounting and others doing nothing in positions that are needed in the civil service to be filled by Caymanians.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, there is career guidance counselling in the schools, as well as by the Education Council, and by the Secretariat itself. I am not totally familiar with the details of the Education Council's career guidance being offered, but it is my understanding that, yes, it is being offered. I certainly take the point that the honourable member has raised, and I have noted the same thing—that we can get ten accountants but no teachers or no social workers or a host of other professions we are short of.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I knew you said it was just two more supplementaries but I wonder if the Honourable First Official Member would undertake to discuss with the Minister of Education as to whether the career guidance particulars could be shown to Members of Parliament.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I will be quite happy to discuss the matter with the Minister of Education and ask that the career guidance notes be shared with this honourable House.

The Speaker: Moving on to question number 49, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 49

No. 49: Mr. Roy Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs what system exists at Northward Prison to alert those in the immediate vicinity of the Prison that there is an escapee from the Prison?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: At present, no system exists at Northward Prison to alert those in the immediate vicinity of the Prison that there is an escapee or escapees from the Prison. The Director of the Prison has located a company that can supply and install such a system.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable member tell the House what would be the cost of such a system and when can we expect that it will be installed? I have received a number of queries and concerns from constituents in the immediate vicinity, and there are at least two members in this House who live in what I would call in the immediate environs of the Prison who are also concerned that there is no such system.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The cost of purchasing and installing of the system is in the region of C\$16,000.

On the question of when can it be expected, let me answer that with a statement: The Director of Prisons has included in his last estimate for the budget this year an amount for it. Unfortunately, it did not make it all the way to the Finance Committee and I am sure the member wants that clarified. We are assured by the company that within 90 days of ordering the system can be up and running.

The honourable member knows that I am not a member of the Finance Committee and so we are going to need his assistance and the assistance of all members here for it. It's a small amount but we need the funds to have it installed.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the honourable member for his explanation, and I take this opportunity to say that the reason why the funds were not forthcoming was that the request was taken out before it came to the Finance Committee. I can assure the honourable member that I will personally lobby my colleagues on the Finance Committee when the request is made to the Finance Committee to see that this need is addressed.

Mr. Speaker, I would just ask the honourable member for an undertaking that as and when such a system is in place, he uses his usual efficiency to inform the community that the system is in place and to describe to them as vividly as possibly what kind of signal they may expect, so that when they hear the signal they can be alerted as they have expressed in their concerns.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: To add to an earlier point, I just want to assure the honourable member that I am working now on a request to put forward to Executive Council and then to the Finance Committee for supplementary funding for this. Once the system has been purchased and put in place, a press release will be made to advise the public of it. In anticipation of getting the system, the Prison Director is now working out an arrangement for a testing time so that residents can be alerted in advance that at, say, 10:00 am on a Wednesday it will be tested and people can be lis-

tening for it so that they will know what to listen for should we actually have an escape.

The Speaker: Are there any further supplementaries? If not, moving on to question number 50 standing in the name of the First Elected Member from George Town.

QUESTION 50

No. 50: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs what training does a newly recruited Prison Officer undergo when hired at Her Majesty's Northward Prison?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: A newly recruited Prison Officer undergoes the basic required training from the Prison's Training syllabus. This is an eight-week training course which includes 47 topics covering such areas as the authority of the Prison Officer, Drug Awareness, Escort Duties, Assessment and Report Writing, Familiarisation with relevant laws, Emergency Plans and Interpersonal Skills.

SUPPLEMENTARY

The Speaker: Supplementary, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In a recent report that was made public, I recall seeing where one of the issues was that of training. Could the Honourable First Official Member comment as to any lack of this within the system at present?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, that particular comment that resulted from the report was a little bit surprising even though I take the point that you can never over-train an organisation or I don't believe we can. The writer of that report has been responsible and has personally conducted training courses at all levels in the prison for the last six years and this is done three or four times a year. No later than yesterday, there was a communication from him advising of training to be done for two groups of prison officers and it is being planned in the UK later this year.

I made the point in the press release [which] followed that report that the Director of Prisons happened to be overseas on a course especially for prison directors, prison governors, etcetera. This particular course, the basic training course, is run at least once a year. It depends on the intake of recruits and if persons are recruited more than once a year then it will be run more than once a year. I am not going to stand here and say that we cannot offer more training, I think we can. And as long as there are funds available and the will for it, and I believe that there is a will for continued training and I believe there is the support in this House for funding for training, then I believe we can do more. But it would be wrong to give the public the

impression that prison officers get absolutely no training or very little training and are very much under-trained.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Obviously, then there is something wrong. So that I may be very clear in my mind from what the Honourable First Official Member has answered, can he state if this individual who is responsible for training—does this individual also determine what training is done? Or does that person simply conduct that training? Because if the person simply conducts the training, then the question is who decides what is sufficient and what is appropriate. Perhaps we can get that cleared up first of all then we either have to move on or it stops right there.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Perhaps if I use the word, responsible for training, referring to the Overseas Territory Prison Reform Co-ordinator. Maybe it was a wrong choice of words. He is Her Majesty's Prison Reform Co-ordinator for the Overseas Territories in the Caribbean. He is assigned to visit the prisons in the overseas territories and as a former prison governor he is ideally suited, having come up through the ropes, to not only give advice on training but to actually undertake training. So to say that he is responsible for training maybe is not strictly the case. He is tasked with looking at training and assisting where possible.

The fact of the matter is that he assisted the Cayman Islands Government in the recruitment of a UK Officer for the prison not too long ago. His duties among others will be to undertake the issue or the matter of training, that is, to look at what is needed in conjunction or in collaboration with the Prison Director and advise on training. He is now in the process of doing this. But in the meantime, the Prison Reform Co-ordinator advises on training both locally and overseas and he does actually take part and carries out training courses when he is here and has sufficient time for this.

I believe, the Director of Prisons will agree that he has done an excellent job and he continues whenever possible to assist in training.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable First Official Member say if this training that is given to new recruits is standard training that has been the case over the years or how long ago was it developed to the point where this is what is accepted as sufficient initial training? Or how does it vary from what used to be done in the past, if indeed it does?

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

The Speaker: Before calling on the Honourable First Official Member, I would appreciate a motion to suspend

Standing Order 23 (7) and (8) that Question Time can go beyond 11:00 a.m. The Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Mr. Speaker, I so move that the relevant Standing Order be suspended that we can continue with the business of the House.

The Speaker: The question is that we suspend Standing Order 23 (7) and (8) that Question Time can continue beyond 11:00 a.m. I shall put the question. I shall now put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time shall continue.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11.00 AM.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The training syllabus that I referred to in the substantive answer is a document that has been in effect at the prison for several years. It goes back at least ten to twelve years. Its content is reviewed on an annual basis and the Prison Reform Co-ordinator, of course, has also had input into changing and improving where necessary. But I suppose I could say that there has been a syllabus there for training for a long time but it is under annual review.

The Speaker: Two additional supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am quite certain that the Honourable First Official Member is aware of the recent prison escape. On review of the events which transpired to allow for this to have happen, can the Honourable First Official Member say if any issue has been identified with this escape which calls for certain types of additional training in certain areas for the staff at the prison?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: There were no issues identified as a result of that escape which called for additional training. The matter is, in fact, a disciplinary one and that is being dealt with.

The Speaker: Any further supplementaries? No further supplementaries, we shall return to question number 47, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 47

No. 47: Mr. Roy Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs to state (a) the number of complaints received against the police in the last twelve months; (b) the nature of such complaints; and (c) to outline to the House, how these complaints were handled.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: There were 26 complaints against the Police for the period 1 June 1998 to 31 May 1999. The nature of these complaints was as follows:

Assault by Police during an arrest	6
Discourtesy, threats or unfairness during the investigation of accidents, traffic offences or disputes	6
Lack of action by Police following a complaint of assault	2
Failure by officers to produce identification	1
Harassment in respect of traffic offences	1
Aggravation of a medical condition as a result of a search	1
Excessive force during the breaking up of an affray	1
Threats by an off-duty Police officer	1
Malicious searching for drugs following a traffic stop	1
Inconsiderate behaviour and verbal abuse following an arrest for DWI	1
Improper procedures when a juvenile cyclist was stopped for riding without lights	1
Unlawful arrest and assault	1
Improper personal intimate search and improper remarks	1
Inadequate investigation of a traffic accident and failure to effect an arrest for DWI	1
Improper stop and search for drugs and unlawful arrest for resisting a search.	1
Total:	26

(b) The complaints were, or are being, fully investigated by the Police Complaints and Discipline Department, which now comprises an experienced Inspector and two Sergeants. Of the 26 complaints received four were substantiated; ten were unsubstantiated; and eleven are still under investigation.

In the four substantiated cases, letters of apology were sent to the complainants and the Officers concerned were seen by their Chief Superintendent and either given suitable advice and guidance or admonished.

In the ten unsubstantiated cases, letters of explanation were sent to the complainants giving reasons why the complaints were unsubstantiated.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House which four complaints were substantiated?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: In three of the instances, it is my understanding that substantiated cases were improper procedures when a juvenile cyclist was stopped for riding without lights, failure by officers to produce identification and, in one instance, discourtesy, threats or unfairness during the investigation of accidents, traffic offences or disputes. I don't seem to have the fourth one [but] I can provide that in writing if necessary.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the honourable member but really providing that in writing is not absolutely necessary, sir. Mr. Speaker, can the honourable member say if there is a particular format for persons to follow when reporting complaints against the police? Is there is a form provided that the complainant has to fill out or a questionnaire they have to answer? or is it that the complainant has to submit a statement or a letter or some kind of documentation of the complaint?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: It is my understanding that it is dealt with in one of two ways: either the complainant will write to the Commissioner directly, who will then pass it to the Complaints and Discipline Department; or there are instances where persons may not be able to do this or would prefer to do it in person and they will come in and a member of that department will take their statement verbatim from them.

The Speaker: The Third Elected Member from Bodden Town.

Mr. Roy Bodden: I thank the honourable member for that answer and my reason for asking about this is that I have noticed from complaints of persons coming to myself and probably other honourable members as well, that sometimes our people have difficulty articulating accurately what happened, particularly in instances where they are required to write it down. There is a difficulty in expressing the facts correctly and in being precise.

So I am asking the honourable member if some consideration couldn't be given to arriving at some kind of format or form where a person who has a complaint against the Police can take this form and the answers for the right part would be in short answer time. And, if the receiving authorities decided that further and more detail examination is to be given then the persons could then be invited to come in and do an interview type. And that, Mr. Speaker, I am suggesting because it would serve two purposes: it would enable the receiving authorities to screen for frivolous complaints; and it would also allow them the opportunity in the event that they decided that a complaint is serious enough to warrant further investigation go into detail and get as accurate an account as they possible can by they, themselves doing the interview.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I think the honourable member's suggestion is a good one and I will ask that this be taken on board. I think this will help members of the public who might be a little bit intimidated lodging complaints against police officers. This is why we have a department set up specifically for this person to try to avoid intimidation but I take his point and will ask that this be done.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable First Official Member say if during the course of receiving and investigating these complaints that department has identified any lack of (for lack of a better word) interpersonal skills on the part of any of the officers which may require some additional training to be able to deal with the public in a better fashion? If that is the case what is being done regarding that situation?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, this has come to the forefront that there is a definite lack of interpersonal skills on occasions. This has been brought to the attention of the Training Department of the RCIP with a view to improving this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: On occasion, some of us have had complaints from members of the public whereby on being arrested and giving bail on their own volition, they have been made to report back to the Police Station on several different occasions before being given any answers with regard to charges or no charges. It seems like the time span is excessive.

I am wondering if the Honourable First Official Member could comment on whether this is accepted that this is the case and something is being done about it or whether this is something that the public will have to continue to live with?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, I understand that at least in one case this was a query that was looked into. It appeared that a person who had been arrested and was on bail was being called on to report for what appeared to be an excessively long period of time.

In many instances because of our system and the fact that the charges are forwarded to government's legal department, there is a period of time that might seem long to the individual who has the case hanging over his head but it is very difficult to shorten that. I will, however, raise the matter with the Commissioner at our weekly briefing in an

effort to have that looked at and see if there is anything that can be done about it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The reason why I asked that question is because as the Honourable First Official Member is quite aware perception becomes reality at times. There could be a perception that this method is being used by some members of the police simply perhaps not to harass individuals but just to cause them additional headaches, simply because the police have the ability to do this. I am not saying this is the case, I only bring it to the Honourable First Official Member's attention to ensure that the relevant department ensures that this is not the case as there are some members of the public who firmly believe that this is the case. If it is appearing to be that way then something needs to be done to quell that thought in the minds of the public.

So perhaps to make sure that it becomes a question, if the Honourable First Official Member would look into that to ensure that this is not a situation that is allowed either to continue or to happen or to occur.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I alluded earlier to an instance where this was apparent or where the perception of this was there and this was in fact investigated. So, yes, this is something that RCIP is aware of.

I should say that perception is often far afield from reality as the honourable member will know, and the process is one that I will not encroach on my honourable colleague's territory, the Honourable Second Official Member, because he knows full well the process for it to go through. But suffice it to say that I will raise it with the Commissioner of Police and I am sure without committing my colleague that he will have a look at the system from the legal department now that it has been raised in this forum.

The Speaker: Are there any further supplementaries? It not that concludes Question Time. This might be a convenient time to take the morning break before we go into Private Member's Motions. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:20 AM

PROCEEDINGS RESUMED AT 11:54 AM

The Speaker: Proceedings are resumed. Item number 4 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 23/99, Vesting of Crown Land. The First Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 23/99

VESTING OF CROWN LAND

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, I beg to move Private Member's Motion No. 23/99 entitled Vesting of Crown Land.

The motion reads: "**BE IT RESOLVED THAT as required under the Governor (Vesting of Lands) Law (Cap 1), (1998 Revision) the Government take the necessary steps to vest that parcel of Crown Land shown on the Land Register as West Bay Beach South, Block 12C, Parcel 374 in the Port Authority of the Cayman Islands.**"

The Speaker: Seconder? The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, I beg to second the motion.

The Speaker: Private Member's Motion No. 23/99 has been duly moved and seconded. Does the mover wish to speak to it? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This specific parcel of land has been in the forefront before. Questions have been raised about it and now it has come to the point where some of us feel that certain actions need to be taken.

The parcel of land in question is Crown Land and it is zoned Public Open Space. It is located within the Safe-Haven area and it adjoins the main canal accessing the North South on what I call the southeastern side of the property. At present, it is directly adjoining the canal and there are a few boats that are able to tie up along side of the canal of the property. But the position that we are taking here is that the government is not in the business of developing such types of property to its maximum usage for the public and I will explain that as I go on. Thus we are asking for it to be vested with the Port Authority which is in that business.

Now, I will go through a list of reasoning to try to justify the situation. First of all, anyone who checks with the Planning Department will readily discover that that department has had many, many complaints from individual canal owners along the West Bay peninsula who are subjected to people who own boats but don't have anywhere to leave the boats using the various canals because they can do no better. The people we are talking about mostly, sir, are people who engage in activities in the North Sound mostly on a commercial basis, but I guess by now we can even add a few private boatowners to that situation.

So, what we have is a situation where there really is no place for many of these people to properly tie up and have facilities that are necessary for their operations. You

will find, for instance, the Cayman Island Yacht Club. Perhaps that property will take the position that they have the facilities and the necessary amenities. But there is a difference, and this is not suggesting any arm of government compete with private enterprise but there is a difference in what we are saying, sir. Because the piece of property was vested back with the Crown for the said purpose that I am talking about now and it is the people's property so we are saying that it should be developed in such a way to maximise its usage by the people.

If one were to visit the property as it stands now, there is an area where individuals can launch their boats and outside of that it is basically just reclaimed property with the canal being bulk-headed and nothing more.

Now, one of the very prime reasons why we are bringing the motion (not that it is the only reason) is this: For a long time, many of us have had concerns about the increased activity in the North Sound by boats used in a commercial fashion, not just the snorkel trips but the Stingray City visits, fishing trips - half day fishing, all kinds of activities taking place. The activities over the years have increased tremendously.

What we find is a lot of boats being used in the North Sound and they are being used commercially with a lot of people on board all the time and there is effluent that obviously is being (because there is no where else to deal with) dumped into the North Sound. I contend, sir, that there is a very high risk to the quality of the water in the North Sound if this is allowed to continue. Again, we might have one or possibly two people who say that they have the facilities to accommodate people off-loading this effluent. But our position with that sir is this is the people's property and the people have a right to have the proper facilities there. We are not talking about Freedom Street with it. We are not making any suggestion the Port Authority should go to the extreme of developing the property and having the right and proper facilities and then people not having to pay for it—people will have to pay for it. But certainly, the investment can be done in such a fashion that the return that you are looking on your investment would be able to allow for very reasonable rates.

Now, there is the question of utilising the property in the right fashion, and while the motion does not speak of exactly how the property would be developed, I think it is fair for us to pass a few comments on exactly how we envisage the situation at the end of the day. We think that there is proper equipment to allow for disposal of sewage. If there is water and electricity provided and perhaps there is even a thought by some of us who contend that it is not an impossible situation you might even be able to go to the point where you have proper restroom facilities and maybe a shower or two. I would even go so far as to say that some type of construction could be looked into to properly accommodate the fishermen who might use the property.

The reasoning behind all of this is simply so that the aesthetics would not cause it to be an eyesore. And, once the place is monitored properly, you could have great usage of it and it would still be an asset to the entire surroundings.

Mr. Speaker, there is a letter that was circulated not too long ago. Apparently, there was a great fear because there were some survey markers being put down. Somehow or the other some members of the public got the impression that this property that is vested with the Crown might be sold. I believe that this stems from unofficial reports. My understanding is that the Port Authority not so very long ago, perhaps a couple of years ago, requested for the property to be vested with them so that they may examine the possibility of creating a small marina type situation very similar to what I outlined a very minutes ago. Again, I speak not from seeing any official communication or anything, but the way the story has been told is that the people were told that the property was much too expensive or much too valuable to be used for this purpose.

Now, I don't stand here today saying that is the case, but regardless of whether or not that is the case I want for all of us to understand and appreciate that this is the people's property. It is vested with the Crown simply as a facilitator but the usage of the property is for the people of this country.

There are other arguments beside the environmental arguments that I alluded to earlier on. I believe that in presenting the case I need not go into all of the details. I am simply very mindful to hear what the government's position is going to be on the motion so we will know exactly how long a list of arguments we need to bring. But needless to say, I believe that the situation is justified. I believe that if the land is vested with the Port Authority that with their prudent planning they can develop the property to the advantage of the public. And I am certain that all of the details that would need to accompany that can be dealt with.

But I won't go any further at this point in time and I would just wish to hear the government's position so that we can know what else we have to deal with in the motion.

Thank you.

The Speaker: The floor is opened to debate. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I wish that every motion that came before the House was as easy as this one because the government is definitely in support of this motion. The only thing that I would like to point out is that I would like members to know that once it is vested in the Port Authority—the Port Authority like the last speaker said has the right under their rules and regulations to regulate the property.

Also, he is quite correct when he mentioned how the land was actually put in place for the people of the Cayman Islands. This is under an old arrangement. However, I think that if it is the wish of the House, we should go ahead and actually vest it in the Port Authority and whatever is possible to make it into something that can accommodate the general public, yes, we should do it.

I feel confident that my good friend, the Minister responsible for it under the Port Authority Regulations will do whatever is possible to regulate it and to make that we get the best out of it.

So the government is pleased to say we accept this motion and I commend it to the House and I would like to thank the member who actually moved it and the seconder of the motion.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am pleased to hear government accept the motion. I have constituents who use the property presently as it is and would love to see the property developed. But I would hope that whoever develops it will ensure that the people in West Bay will have that opportunity to use it.

The place could be made into a beautiful marina and even park facilities could be developed there so that families will be able to enjoy the facilities of a park next to the ocean. Those are two things that I would like to see done, a proper marina with the proper facilities. Of course, as I said, Mr. Speaker, in ensuring that the boatowners in West Bay will have an opportunity to utilise it—not only the rich and powerful boatowners, but the small boatowners that I am talking about will have that opportunity.

Thank you, Mr. Speaker, and I thank the minister for accepting it.

The Speaker: The floor is opened to debate. Does any other Member wish to speak? The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I rise to agree with the motion. But I think that there are a few items that need to be said in order for everyone to be clear as to what might actually transpire if the Port Authority is vested with this portion of land. I am sure that I will probably not say anything that will surprise the mover of the motion in any way.

If the Port Authority is vested with this portion of land and we move to develop in such a way that we will provide additional facilities such as electrical power, sewage connections so that these boats can pump out there sewage into a collector system and go into the Water Authority system of dealing with sewage, as well as to have public water down at the dock to allow those users of the dock to also be able to wash their particular cabin cruiser and/or boat, we must expect that the Port Authority is going to effect some charge and we need to be careful with that.

I just wanted to add those few points so that there isn't any lack of information in that regard to the public as well as to members of the House. I have no difficulty with this. It is something that I have always thought should happen and I welcome the motion.

The Speaker: The floor is opened to debate, does any other member wish to speak? If no other member wishes to speak, does the honourable mover wish to exercise his right of reply? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: As the minister who accepted this motion on behalf of government said, perhaps it would be nice if all motions were able to be dealt with in this fashion.

But we know that won't be the case. Nevertheless, I guess we can take advantage of this one.

As I said in my earlier remarks, Mr. Speaker, I did anticipate some type of charge to be levied on the users of the facility on completion and the Minister for Tourism, who is also in charge of the Port Authority, alluded to that and I concur with that.

The First Elected Member from West Bay brought out the fact that it should be available to one and all and not just the chosen few. I don't think that is the intention at all and I am sure that we will monitor the situation to make sure that this does not happen.

What I want to say, Mr. Speaker, which perhaps is not totally necessary at this point in time but I think it warrants letting this be said in a public forum . . . There was a great fear, Mr. Speaker, initially that when the word was spread that this piece of property was deemed to be too valuable to be vested with the Port Authority for use by the public, it was the same time when we were in the middle of a lot of heated discussions regarding the Ritz Carlton Project. And as we know the piece of property that we are talking about butts and binds the North Sound side of that project where the golf course and the villas are going. There were some people who had fears that this was going to be the avenue through which the developers of the Ritz Carlton property could get into the North Sound as their planning approval does not include any direct access to the North Sound.

Now, who opposed and who agreed with what was happening with that at this point in time is irrelevant. I was one of those who opposed the motion, or rather the project, in its entirety because I was satisfied that certain portions could be done without going on to the larger part of the project itself. Nevertheless, what I want to say about that now is that in looking at the map, I do not believe the fact that the relevant authorities have approved the project. And, also, wherever it had to be done in this Legislative Assembly, it was done by a majority of the legislators. Therefore, perhaps it is sensible for the Port Authority to be looking at the possibility of developing this property for the use of the people of the country.

Maybe such a situation could be contrived that if these developers wish access through the property to the North Sound, one might be able to negotiate. First of all, to lessen the immediate cost to the Port Authority of developing the property because certainly if access is to be given to these people, there must be a charge for it. And, perhaps, in giving this access, since there will be no interference with any mangroves or anything like that, it might be a situation that will allow for the entire project to be speeded up.

Mr. Speaker, I really have to plug this one in. No matter whether the government accepts it or not, I daresay that where the government has been taking the Port Authority's money, it probably doesn't have enough money now to develop the project anyhow. But nevertheless, Mr. Speaker, I throw that one out because I do believe that this is a situation that could work to the benefit of all concerned.

In fact, it might well be possible that getting access to the North Sound from this project might be as worth while

to the developers where they might be willing to defray the majority of the cost of developing the property to facilitate the docking of the boats. So, I just wanted to throw that out. I have not been in contact with anyone to know whether this is so or not but just looking at the map, it would seem that that's a viable situation.

The other thing, Mr. Speaker, and from time to time I have to refer to you from your experiences with the Planning Authority as well as mine, sir. If I look at that map and I see the way that development is proposed, there is no way in the world that even if it is not the developers who desire to access the North Sound, the people who are in there who would be land-locked, who purchase these properties who have boats are going to want direct access to the North Sound. So I foresee a situation where sooner or later if everything goes fine and the project is developed that pressure is going to be put to bear to the Planning Authority for access to the North Sound.

I am saying this is possibly an immediate solution here and now which does not interfere with anything but at the same time gives the Port Authority, once the land is vested with them, some advantage with regard to their ability to develop it. I throw that out and perhaps it will be passed on to the necessary people when the time comes for it to be dealt with.

I do thank the government for accepting the motion and seeing the sense in the motion. One last thing before I complete the wind-up, Mr. Speaker. I hold the view, sir, (and we have talked about this on many occasions) that some type of regulations need to be made for the boats who engage especially in commercial activity in the North Sound, to not off-load effluent in the North Sound; and for there to be some type of penalties so that people can get out of the habit once the facilities are provided and utilise these facilities. Because the truth is, sir, while it may seem the easy thing to do while you are operating your boat, in the long run they are only hurting themselves, me too, but they are hurting themselves. Because the pristine beauty and everything else that is in the North Sound will soon disappear if such activities are not curbed.

This is one of the biggest reasons for us moving this motion forward in this fashion, with the hope that it will not only facilitate these people but allow them to be able to be more environmentally conscious when using the North Sound so that it can remain in at least the state that it is now without it getting any worse.

Thank you, sir.

The Speaker: I shall now put the question on Private Member's Motion number 23/99. All those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 23/99 PASSED.

The Speaker: Moving on to Private Member's Motion No. 14/99 to be moved by the Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 14/99

MOTION TO RESTRICT THE PRACTICE OF TATTOO ARTISTS AND OTHER PERSONS FROM HAVING SCHOOL AGE CHILDREN AS THEIR CUSTOMERS

Mr. Roy Boddén: Mr. Speaker, I beg to move Private Member's Motion No. 14/99 standing in my name and entitled, Motion to Restrict the Practice of Tattoo Artists and Other Persons from having School Age Children as their Customers.

Mr. Speaker, as you know there is an amendment to the original motion which is what I intend to move and speak to now, having approved it with your office.

"In accordance with the provisions of Standing Order 25 (1) and (2), I the Third Elected Member for Bodden Town, seek to modify Private Member's Motion No. 14/99 by substituting the following resolves for the three resolves set out in the substantive Motion:

"BE IT RESOLVED THAT the Government considers taking steps to make it an offence for any person to tattoo the bodies of children under the age of 18 years and that any person or persons carrying on the business of tattooing be required to be a registered nurse or licensed under the Health Practitioners Law (1995 Revision);

"AND BE IT FURTHER RESOLVED THAT any person or persons carrying on such business in which studs, earrings, clips, rings or any other similar objects are implanted or attached to the bodies of any person under the age of 18 years be required to have the written consent of the parents."

The Speaker: Do we have a seconder? The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, I beg to second the motion.

The Speaker: Before going any further I would like to make it abundantly clear that as the mover has read this is a motion to modify Private Member's Motion No. 14/99 and this will supersede the original motion put forth. But we will be debating this one as he read out. The substantive motion will fall away. So, we will be debating this resolved section.

Before I do that, I should say that the Private Member's Motion No. 14/99 has been duly moved and seconded. Do you wish to speak to it? The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Thank you, Mr. Speaker. By way of explanation, which the Chair will have been apprised of the mover and the seconder modified the motion in consultation with other honourable members because we wanted

to bring a motion which was not necessarily restrictive but was going to address a concern which has been expressed to us by many members of the community over the recent past—namely, the apparent upsurge of young persons tattooing themselves and having studs implanted over various parts of the body. So in consultation with honourable members including honourable ministers of the government, we decided that this amendment would be the most palatable and the most effective, while at the same time allowing the freedom of those persons over the age of 18 to be able to have tattoo and studs if they so wished.

Mr. Speaker, Professor Errol Miller in his book, *Men at Risk*, which was published in 1991 relates and anecdote in which on a visit to the Du Pont Circle[?] in Washington DC as an academic from the Caribbean, he was struck when he saw a person, obviously a street person, a white man, rummaging in the garbage for food. Professor Miller said coming from the Caribbean that was a phenomenon to him because, of course, we don't see those kinds of things in the Caribbean. When we see them, they certainly are not likely to be white people.

Mr. Speaker, similarly too, I endured a form of culture shock in 1969 when as a recent graduate I went to spend some time with some cousins of mine in New York and they were taking me to some areas and explaining certain characteristics and certain phenomenon to me. I had never been exposed to these things and as a result of that I developed a thirst for knowledge and a quest as to why certain people who are apparently sane but for whatever indulged in these practices.

Mr. Speaker, it seems that people have adopted many ways of identification and belonging. I have since come to realise that the practice of tattooing was not as I thought it was limited to people who were seafarers or who were forces members, indeed those are what I called the purists. Other people do it for reasons that are not so easily understood including membership in gangs or fraternities or organisations in which these kinds of tattoos are a symbol and a requirement for membership.

But what has been a concern recently, Mr. Speaker, is an upsurge in the phenomenon to the point where it is beginning to be adopted by young people. I noticed that many young persons in the Cayman Islands are now following the trend. I don't want to say that it has emanated out of a culture of nihilism or a culture of revolt, but it certainly has something to do with this business of a search for some form of identity.

Several persons approached me expressing their concerns for a number of reasons, one of which was that it is their understanding that these persons fly in and hold these clinics on the weekend, sometimes out of the hotel rooms where they stay, where they tattoo and implant these body studs and put on these tattoos on young people.

Well, there is a concern that these things may be done under circumstances which are not hygienic and we know—certainly, you would know from your studies in the medical field—that we run the risk when we use dirty syringes and needles of contracting very serious diseases,

indeed diseases that could cause someone to lose their lives. Once upon a time it ended with Hepatitis B. Now, unfortunately, it goes much further, and the diseases are much more deadly than that.

Some persons called us up and said, '*We are aware that these things are being done wholesale and we have seen children whom we deem to be school age trekking in and out of establishments offering these services and we are concerned.*' I certainly have noticed it among some relatively young persons. I won't say that they are school age because I need not ask them their age and I had no occasion to see their identity papers. But what I can say is that they were rather young.

Mr. Speaker, I can also say that it is a phenomenon which is only recently rearing its head in the Cayman Islands to the extent that it has been and we are concerned that while we have no jurisdiction over persons who have reached the age of responsibility, we certainly would not like this to become a widespread and accepted phenomenon among school age children.

In my research, Mr. Speaker, I have found out that these kinds of tattoos and implantation of these kinds of studs and objects, etcetera are usually a requirement for membership into gangs and groups. So we have to be concerned on this front also, that there may be a deeper meaning than what meets the surface of these things.

Quite significantly, too, many of these tattoos have satanic nuances that are inimical to the interest of order and stability in the society. People get what they pay for, and persons coming in and practising a trade or a craft are not bound to be discriminating to say, '*Well, you know, you shouldn't have these kinds of symbols because they indicate certain things which may be inimical to the interest of the society or inimical to the interest of your own spirituality or whatever.*' It is a business and they are not bound to tell anyone the *caveat emptor*—let the buyer beware. They are in a business: they do it, collect their money and they are gone.

I hold the view, and it is a purely democratic view emanating from the very genesis of democracy, that the business of the State is to take care of its citizens. If that means that the State should protect persons from themselves then the State has to do that. So it is a Periclesian [?] principle that the State has certain concerns which override in many cases the concerns of individuals and this is one of these cases.

I throw the motion out in the hope that it can get the widespread support it deserves and I need [not] say more than that at this introduction.

The Speaker: The floor is opened to debate, does any other member wish to speak? The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I guess in a few days I will be called the Leader of Government Business!

[Inaudible interjection]

Hon. John B. McLean: Mr. Speaker, I always try to make sure that I put forward what my government says to me. And, as far as this motion is concerned we are happy again on this side to accept this motion and we need no debate on it.

The Speaker: Does any other member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would have hoped that the government, there to make sure that the rights of its citizens are not in fact infringed upon by legislation, would have had a bit more to say with regard to this private member's motion.

Mr. Speaker, no one can doubt that the custom of tattooing the parts of the body that we are now beginning to see becomes a part of mass culture or mass youth culture or a sign by young people somehow that they view themselves as a group distinct and apart to a certain extent from us older folks, that this gives reason for concern. It is very difficult at age 50 (approaching 51) for me to say in fact that I am not subjective when it comes to young people's cultural patterns. That I am tolerant just so with regards to the music they listen to, the clothes they wear, their pattern of speech but I am conscious enough of my journey through adolescence to be able to recall that there seems to have always existed some type of gap between adolescents and older members of society.

This gap can also suggest something that is healthy, in that if norms did not change, if they were not challenged, if they were static rather than dynamic, the society would have no ability to progress by way of science and technology and by way of other moral advancements that we assume today that society has made over its growth and development.

The difference in terms of opinions or the difference in terms of what aesthetically nice, what is morally correct . . . there have always been grave differences between that of young people and older adults. And we see that in fashion, we say that in the 60's we saw that, in the 70's we say that, in the 80's we saw it in rock music, we saw it in blues, we saw it in jazz, we saw it in the taste which society has. And we have come to realise and to expect to a certain extent that it is almost impossible for us to be at the same point in time with regard to our taste for different cultural practices.

Now, at what particular point does the state come to say that a particular cultural expression should be deemed dangerous to established order and thereby create restrictions on personal expression? There are those of us, of course, that say we are for freedom of expression but we give very little consideration when it comes to legislation that might possibly infringe upon people's basic rights to have as much control over domestic matters and their family as possible. The idea that a parent would not be able to discuss with a child that is 17 plus the situation with regards whether or not that child can have a tattoo I find to be very, very strange indeed.

I also find it stranger that the government finds itself in a position to easily accept this. Perhaps this truly expresses my predicament in this House in that I somehow don't seem to find any kind of ground because I am always looking to be reasonable.

Now, the First Elected Member for West Bay, of course, is finding the time to be comical again, simply because he feels that my position is not his position and since he got me elected in here anyway it is ridiculous. That member takes credit for everything that is good but never any credit for anything that is wrong. So, I would like to say that criticism is not necessarily condemnation. Because I call the government's attention to their position does not necessarily mean that I am condemning the government, and it would go to show that because I support the government in certain instances doesn't mean I am a supporter of the government—I am a supporter of reason.

I am against the lack of reason whether or not that lack of reason comes from this side of the Legislative Assembly or from the government's side.

I cannot understand why is it that we as legislators can feel so justified in bringing legislation at this particular moment that would basically infringe a parent's right to sit down with a daughter or a son and discuss whether or not they would be allowed to get a nice little tattoo. Because some of those tattoos young people regard as aesthetically beautiful whether or not we see them as disfiguring and ugly at our particular age anyway. I am saying that we must as leaders of this country, as responsible people, see the difference in taste and allow legislation not to block that out, not to stand in the way of people's choices.

Ridicule me, but remember that a large number of young people are out there listening, that an even larger number of these young people are at this particular time very intelligent and capable of making decisions that we consider only educated and mature people can make.

I was at the graduation of the Red Bay Primary School last night. I was moved by the delivery of eloquence and reason by two primary school children just entering into the first phase of secondary education. Mr. Speaker, no way could I have done that when I was 16 or 17 years old. In no way would I have the confidence or the intelligence to have been able to deliver the speeches that were made by two very young children.

Now, if they are intelligent enough to be able to do all of these things and if we are praising them for being all of these things, why is it that we just go out and say, *'None of you have the right until you get that age to have that done to you, whether or not we are going to see it or not'*. Because there are parts of the body that are tattooed that do not necessarily become very clear to us—the ankle, other parts of the body, the arms or whatever it is. People grow up and find that after they had a tattoo it was the wrong thing to do and they wished that they could get it off and maybe they have to pay and go through surgery or whatever kind of pain to get it off—but it is their body.

And we saying that they do not have the choice to make that decision even with parental approval—this is the point. When the State comes to the point of saying...

Mr. Roy Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order, please.

Mr. Roy Bodden: The member obviously did not read the motion because he is misleading. There is one clause that says, "**AND BE IT FURTHER RESOLVED THAT any person or persons carrying on such business in which studs, earrings, clips, rings or any other similar objects are implanted or attached to the bodies of any person under the age of 18 years be required to have the written consent of the parents.**"

The Speaker: The motion is very clear. That is a good point of order, please take note.

Dr. Frank McField: Mr. Speaker, the motion has been changed and I will give into this particular objection made by the mover of this motion. And I will read the resolve one more time.

The Speaker: Let me add to this. This motion was modified and it was circulated to all honourable members on the 11th of June, at which time I approved it.

Dr. Frank McField: Mr. Speaker, that's not the point. I am not disputing that at all. I will read the resolve. "**BE IT RESOLVED THAT the Government consider taking steps to make it an offence for any person to tattoo the bodies of children under the age of 18 years and that any person or persons carrying on the business of tattooing be required to be a registered nurse or licensed under the Health Practitioners law (1995 Revision);**"

Mr. Speaker, it says quite clearly here—it says it is an offence for anyone to tattoo a person under the age of 18 years. It doesn't say with the written permission of the parent.

Mr. Speaker, can we have a clarification on this so that I can continue to discuss this point? It is my understanding (and I might be wrong and I am willing to give in if I am wrong) that it says that it is illegal to do so on the bodies of a person less than 18 years old, which means that the parental consent is not a question here.

Mr. Roy Bodden: Mr. Speaker, I think the honourable member needs to read the motion carefully before he tries to debate because the motion is asking the government to *consider*, and if the government accepts the motion, the government is only accepting the motion *to consider*. They may consider it and don't do anything about it.

The Speaker: Are you satisfied with that?

Dr. Frank McField: Mr. Speaker, there is no reason why I should be satisfied with that when the mover wants to get back to reply. He can reply to it, but I can only say what is said here. Should I read it again just to make sure that we

all understand what is here? "**BE IT RESOLVED THAT the Government considers...**"

Okay, so he is asking that the government be empowered to do this. Now we would hope that he would impart to the government his specific instructions as to what he wants to have done, whether or not they are considering it or not because we know that they can reject it. They are considering it here and they have decided to accept it. I am saying that he is asking that they consider not any point about parental approval. He has not asked them to consider parental approval in the case of a child or a young adult that is less than 18 years.

The Speaker: For tattooing only.

Dr. Frank McField: For tattooing only. Thank you, Mr. Speaker.

It just goes to show sometimes it is just worthwhile to look these things over a few times before agreeing and again I am going to fault the government for doing because I brought it to their attention earlier. It is not our job. We have problems, Mr. Speaker, in this country. I have been talking about social and anti-social behaviour in this country for the last 20 something years, since I was Social Development Officer.

I know that we have problems with parents in the country but we cannot deprive the parents of the responsibilities and the state to take the responsibilities. Because if you take the responsibility in this case from the parent, then why don't you take other responsibilities from the parents—like the responsibility to make sure that the kid gets the uniform to go to school, the kid gets the money to buy the books to go to school and the kids get the food. Why don't you support the child?

But for the State to select the rights that it will deprive the parent of without a wider consensus when we know that this will have impact on other rights that people have—could create a difficulty.

Again, I will try to make this clear. I am not saying that tattooing the body is a nice thing—I have no tattoos on my body. I am not saying at the same time that somehow that it does not have to do with a counter-culture and part of that counter-culture might not necessarily be detrimental to the good order of the society. But I am saying when we develop an approach to this, trying to solve the problems by way of legislation rather than by way of trying to change the attitudes of parents and children alike in society, it means that we have become basically people that are only empowered by way of legislation. The only thing we know how to do is to make legislation.

We don't know how to go out there and get involved and how to get people to change and how to assist people to become empowered to know what is right and what is wrong. We sit here in this place and legislate as if the problem is going to be solved by legislation. And, we have a breakdown. We have deterioration in the way in which people see the moral order. Then we have to go out there and we have to try to fix it, we do not legislate on this particular level to do so. We try to talk with kids, we try to talk with parents, we try to publicise the dangers of this. We try

that first and then when that fails then we come back to legislation.

Legislation should always be the last resort, not the first. That has been a tendency in this country for so long—you got laws, laws, laws. You have private member's motion, private member's motion, private member's motion.

I am asking that some consideration be given mainly to the rights of the parent, to maintain harmony between them and their children. If that could be maintained by way of a parent saying to a 17 year old, '*Look, you can have a little tattoo but not a big one because your friend has one*'. We do accept that there is such a thing as peer pressure but there are some parents that are intelligent enough, there are some children that are intelligent enough that they understand the consequences of their actions at that particular age, at age 15 - 16. Not all of them that have tattoos are devil worshippers or are associated with gangs or with that kind of tragic world culture that we so well know. Let us give the parents, if this is the amendment that needs to be made here, the responsibility.

The Speaker: Can I interrupt you for a minute? Would this be a convenient time to take the luncheon break?

Dr. Frank McField: Yes.

The Speaker: We shall suspend until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 1:00 PM

PROCEEDINGS RESUMED AT 2:50 PM

*Mrs. Edna M. Moyle, JP,
Deputy Speaker in the Chair*

The Deputy Speaker: Please be seated. Proceedings are resumed. Debate continuing on Private Member's Motion No. 14/99. The Fourth Elected Member for George Town continuing.

Dr. Frank McField: Thank you, Madam Speaker, and welcome to the Chair.

I would like to probably sum up my contribution with regard to Private Member's Motion No. 14/99, a motion to restrict the practice of tattoo artists and other persons from having school age children as their customers.

Madam Speaker, I think that I mentioned before that part of the difficulty that I have with this private member's motion is that it appears to infringe on the rights of parents and it wrestles responsibility away from decent parents. With, responsibility for the child, the State would be expected to leave certain rights within the hands of the parents unless the State was convinced that in doing so it would face greater dangers.

The point is that in the original draft of the private member's motion it was said or it was resolved that this not happen, that the tattoo artists not be allowed to pierce or tattoo children under the age of 18 except by written consent of their parents or guardians. So the same con-

cerns that I am expressing now were expressed in the original formulation of this motion. The fact that this particular formulation is absent from the revised motion, the motion that was moved and explained by the mover (the Third Elected Member from Bodden Town) is exactly what has caught my attention, what has set my alarms up and what has caused me to comment even on the government's quick acceptance of this consideration or proposition, which is being put to them to consider.

Now, it also says in the first resolve, "**...that any person or persons carrying on the business of tattooing be required to be a registered nurse . . .**" Now, I don't know how many registered nurses are involved in the business of tattooing or whether or not tattooing is done by tattoo artists and not by nurses themselves. So the fact that this resolve also includes that tattooing be required to be a registered nurse is very odd indeed since this is not the case.

The second part is, "**...or licensed under the Health Practitioners Law (1995 Revision).**" I have with me the Health Practitioners Law (19 of 1974) (1995 Revision) and I see no provision in this law for the registration of tattoo artists or anyone we have knowledge of that is doing the tattooing, that is the persons that are involved in the tattoo artist's profession.

The registration, therefore, of tattoo artists if the resolution is called in by way of this private member's motion that the government does this, would certainly place the government in a very awkward position. The government would have to work within the framework of the Health Practitioners Law in order to allow this to happen.

Now, I am not sure who thought this out, but if we go on we will see that in the second resolve what we are talking about is the piercing of parts of the body, which means having earrings or whatever and that the person be 18 years of age and that they be required to have written parental consent. So you have in the case of persons piercing parts of their bodies then below the age of 18, needing parental control or parental approval that is accepted by the mover. But in the case of tattooing that particular consideration is absent.

So I was thinking that maybe this was a point that the mover might want to correct. We certainly do not want to give the impression that the government is in the business of trying to regulate this particular extent the relationship between children and their parents.

I also believe that the urgency of action with regard to this question of tattooing is there because we see the swell of this counter-culture. We see that young people (as I mentioned earlier) are in a way setting themselves aside or apart from older members of the society. But in a society that has changed so rapidly over the last thirty years, we will get value and norm distortions. You will get as a result of a small fishing village that is self-sufficient becoming a financial centre, an international place, a multicultural society as we like to refer to our society at this particular point, that it is kind of hard for the government to become the institution that maintains the so-called status quo or the norms of respectability.

We are, whether we like it or not, entering into a very pluralistic type of society as a result of the extension of electronic communication. We are influenced in the Cayman Islands on a daily basis as people are influenced in any other part of the world connected with global satellites and global communications. So the fact that our young people are exhibiting tendencies and behavioural patterns and following fashions that we see in other metropolitan places where there are larger numbers of people who do not really care how people look and we are living in a smaller society and we tend to care . . . The fact that we are experiencing this phenomenon, I think is understandable because we send our kids to these places to school.

We actually licence television companies to operate here and beam in these types of programmes to us on a minute by minute basis. I believe that there is room for concern at the moment in our country about the cultural choices of our young people. But to correct the cultural choices of our young people means that we have to instil within them a value of what they are. We know that this is not a phenomenon that is unique to the young person because 20 - 30 years ago when I wrote *Time Longer Dan Rope*, what I captured at that particular time was that Caymanians did not want to accept their Caymanianism.

And even today, we all seem to have individualistic ideas of what it is to be Caymanian but from a collective point of view, there seems to be no agreement. We seem to have always had the desire to give up our land, to give up our culture, to give up our kibosh, to give up those things that were uniquely Caymanian.

Today we have the problem of development in the centre of George Town where we miss Miss Dorice's house. I remember when Miss Dorice had her little restaurant there cooking patties when I was a kid. That's torn down and gone and something else that is totally different will be put there. We hear about the Albert Panton House that will now be torn down and nobody seems to have any remorse about these symbols of the past being ripped out of the bowels of the country.

And then when the children begin to act strange, we begin to believe that that can be treated by legislation. My diagnosis of the problem is that until we make a decision to stand for what it is that we really are, and until we can say that it is good and that the child should be comfortable with being a Caymanian—coming from a society where caring and sharing is important and not just going to the noisy discotheques and wanting to speak in other accents and listen to other people's music and act like other people . . . until we can reassure them that as young people they will be okay being themselves then they will go through these changes—like many of us might have gone through changes when we had our Afro haircuts and our dashikis and different things back in the 70s when we came back from universities . . . We spoke different languages in terms of the kind of ideologies we were professing at that particular time. But we have gone through changes, and we have come to terms somehow with the society and the desire of the society for us to at least show some respect for their concept of respectability.

So all I am saying is that, yes, I do understand that there is a tendency out there. But there are young people that are going to be more deviant and more anti-social in their behaviour. But there are going to be those young people that are just being young people, that are just going through the trial and error part of the experience of being a young human being. They will put away some of these jewellery that they are wearing and put away their earrings and put away those things if they are not criminalised. But the problem in criminalising behaviour is that it could cause certain things to go underground, it could cause the whole tattooing to go underground and be done by less professional people. It might send up the prices of getting it done.

The fact that government legislates will not mean that the desire they have now to have these tattoos or these earrings will not be there. That desire will not be legislated away—that has to do with values and ideas and feelings. That will not be corrected by any legislation that government brings.

So the question is, those that can go to Miami or those that can get it at college because they go—they will perhaps have it because it might even make it a little bit more fashionable. We are outlawing this and sometimes when we outlaw things, we make it more attractive because we make it more fashionable. And it is all about fashion. And it is all about so-called individuality. And the strangest thing about young people—and I was a young person—and individuality, is that you try doing things and say, '*I am a individual*' and before you know 1.2 million other young people are doing it and thinking somehow that that means they are greater individuals than the people who go to work from 9 to 5 or whatever.

I know that we have problems in our society. I know that we have problems with young people in our society. But legislation is not the cure for all that we experience. What will bring us closer to solving the problems that we are experiencing is more contact with our people, more communication, greater honesty, more consistency, less inconsistency. When we begin to act as a result of the fact that we have come so close to life that we take it very serious, that we take everything that we do seriously, that we understand that any time we come into Parliament and legislate that that affects/impacts other people's lives and people lives are sacred . . . The state only has a right or obligation to intervene when the living of those lives would destroy the greater good.

I am saying that I disagree with what the young people are doing because mainly I am old and I went through changes to be able to come to this point to have the perception that that is not cool. But they have not seen from the mountaintop and they have a different perspective. But I do not want them to be roughed up and criminalised or bamboozled by legislation simply because those of us here have a power to do just that.

I appeal to the government in particular because it is their responsibility to consider this action and to draft the relevant legislation in such a way that it will not conflict with our thoughts about human rights and responsibility, and respect for people's responsibility to themselves, to

the children and to their society. I understand that in having this position as an independent person in here—more so because I am independent in thought rather than independent from a political perspective—that I do myself no political favour speaking. All I do at the end of the day is to alienate myself and to separate myself more and more from other persons in here that are not like-minded to the point where I might not even be able to get a seconder for my motions.

I am there by myself and I cannot even bring a motion and debate it in this House because nobody will tolerate me to the extent that they will even want to be associated with my motions. But I say, Madam Speaker, that people should scorn me only because I am unreasonable but they should not distance themselves from me simply because I think that I am reasonable. I think that people elected me here because they wanted me to be reasonable. It has not been easy to take up this position since the government has agreed that they will accept this motion and because other members of the backbench seem to agree as well.

I feel satisfied that in thinking twice about something that I have at least found some faults that the general public will be able to at least understand why I have taken the position to ask the mover of this motion to reconsider some of the resolutions in the motion before asking government to seriously go along with it.

Thank you.

The Deputy Speaker: The First Elected Member for the district of West Bay.

Mr. W. McKeever Bush: Thank you, Madam Speaker. It is good to see you in the Chair and I am pleased to have you there.

The motion is a valuable one, I am very glad that the First Elected Member for Bodden Town and the Elected Member for North Side have seen fit to bring this motion. It shows that they are very aware of the kind of unwanted social fashions that exist and sensible enough to try to do something about it. From the debate of the member who just sat down, he doesn't seem so aware and I don't think he is reasonable and I don't think he is consistent either.

Madam Speaker, I am not a social scientist, but I value the insight into human development that have gained over the years. More importantly though, I am a parent of a teenager and a 22 year old. The issue before us is not one to take lightly.

Several months ago, I raised the matter of a culture of gangs and violence, of loud music and sometimes the obscene and blatantly suggestive music that we now have to put up with over the air. It is definitely alien to our culture. We constantly talk about the loud music in cars on the road. I drew also attention to the matter of gangs and the general bend towards a culture of gangs. This other aspect of that culture is now taking root—that of tattooing and body piercing.

Madam Speaker, I have seen some of the places where body piercing is done and it is a most despicable and horrible sight. And the tattooing goes along with it.

Anybody who says that they are any kind of philosopher or social scientist, as they would claim to be, should see that.

I believe that government must come down hard. Government must take a strong stand against these kinds of negative attitudes and behaviour. The member who just sat down spoke about infringing on the rights of parents—it is not infringing the rights of any parent—it is assisting the parent. What could the parent do if the child goes, has this tattooing or body piercing done, and there is no law to help them? What can they do beside row, complain, come to the MLA? And in this case, this is what has happened.

Parents have talked but there is no avenue out so the member from Bodden Town and the Member from North Side have said government please consider to do something. Why is that wrong?

Now, the Fourth Elected Member for George Town spoke about a gap between the young and the old. We must make sure that we don't attempt to close the gap by being too permissive—letting children have their way. That is a big problem today—letting the child have his way. Can you imagine an 8-year-old telling a parent what to do? Can you image a parent coming to the Minister for Youth Affairs and saying, *'please do this because I cannot handle my 6-year-old, I cant handle my 8-year-old'*?

The biggest joke of all, was his suggestion about difference in taste. You see, he said it might not be associated with gangs or devil worship but I don't know if it is or it is not. Sometimes you read that it is in certain magazines, books, documentaries, and these sorts of things. But if it is not, it is certainly the kind of thing that breeds this anti-social behaviour and it is associated with violence.

Now, he went on to talk about letting the young people go, just letting them have their way by trial and error. Madam Speaker, how many caskets have I looked into containing young people who thought it was fashionable to speed? who thought it was fashionable to drink and by peer pressure got on dope? I wish to God that we could have stopped them when they were in that mode of trial and error—so that they did not err and end up in that casket. I cannot understand his thinking or his logic—I don't think he has any!

Madam Speaker, I love how he talks about this all the time, about this large number of young people out there. Do we allow them to endanger themselves—just let them go just do as they want so as not to provoke them against us lest we lose a vote? No! Madam Speaker, you are a parent and I know that you are aware because you are the seconder of this motion. I can't see criticising the State for trying to do something about this situation.

He went on to say that he is not saying that it is bad. Well, if it is bad, the State has a duty to do something about it—whether it is education through legislation or otherwise. But I think it is proper to call on the government to do something about it.

Talking about responsibility, Madam Speaker, that member should know, if we are trying to build a community that holds on to the Caymanian way of life that we love to talk about . . . Tell me how much he likes to talk about that too—talking about caboose and this thing and the next thing and fishing on the iron shore. I have never heard

more in my life! Well, if that is what we want to look at, you tell me where the spiked hair and the different coloured hair and the earrings in the nose, in the eyebrows and five or six earrings in the ear and all the other places that they have them . . . you tell me, Madam Speaker, how Caymanian is that? He is talking rubbish.

Do you know what is good about him, Madam Speaker? He can give but he cannot take. As soon as he says what he's got to say, he doesn't want to hear what you got have to say. He picks up and he goes. We are not too old to learn from somebody, that is my way of thinking. I can always learn something.

Of course, he cannot debate unless he takes a little dig at the First Elected Member of West Bay. But that is all right. That is quite okay. He says that I take credit for everything that is right. I cannot take credit for everything that is wrong. Madam Speaker, why should I take credit for things that are wrong, things that I didn't have anything to do with? I take credit for those things that I did. I took credit for the gains and the advances made and the social development of this country. Now, he says that he was a Social Development Officer . . . ask him what he got done in those years that he was Social Development Officer. I can look back and see what I did. I have made mistakes, and I am big enough to admit that I have made mistakes.

Government must come down hard, must take a strong stand against the kind of negative behaviour that I see developing in our country. Of what good is it to our young people? That is what we have to ask at this point. That is what we need to ask them also. This, in my opinion, is the kind of behaviour . . . and his attitude—the Fourth Member from George Town—is spawning a host of permissive doctrines that are dissuading our parents from the enforcing of a consistent discipline in some of the homes of this country. That kind of attitude!

Any parent or other person who deals with young people knows that they have their own perspective and values—we know that. Any parent knows that. But we cannot come to grips with this kind of situation that I see developing in these islands by treating children's sensibilities so gingerly that it allows our young people to drift as if without a rudder in any ocean of moral confusion. The kind of debate that I heard here today is what is helping to do the situation in this country bad—and doing it for the sake of saying *'these young people will vote for me because I am going to allow them to do what they want to do'*. That is too much permissiveness. And I certainly am not going to be part of it just to get a vote.

They know who can do good for them, who can't and who has. We want to prize our children, but we cannot fail them by bending to every fancy that they see on television, bending to every fancy that they read in books or see in the rest of the world. We want to prize them, yes. We want to encourage parents to love their children. And I don't think that we have to do that too much. Everybody is under stress and some parents are under more stress than other parents, and they react in a different way, Madam Speaker. But I believe that anybody that brings a child into this world, any woman and any man that helps her has to have some feeling about that child.

We try to give them the best clothes. We give them a good home. We give them a good education. We teach them the golden rule. But none of us parents can long withstand the strong and over-powering forces of this unwholesome culture of opposition I see developing here in these islands. There is much said today about it taking a village to raise a child and there is much said about parents being responsible for their children. I believe both. But there must be a strong force of authority which can only come from the State—the executive authority—to stand against the negatives that our families are faced with, cultures foreign to us.

Good ideas and practices must be accepted by government and I would hope that they would accept . . . well, they have already said they will accept the motion. And, yes, Madam Speaker, bringing up a child should become a collective effort extending to all parts of all neighbourhoods. This culture of gangs and violence of children being afraid to go to school—do you realise that we have that today in this little island? Children are afraid to go to school, of ganging up by the wall by Anderson Building and fighting—of body piercing, of loud music. If you ever hear some of the music, Madam Speaker, you can't even understand the words—I have never heard more in my life! And this is the kind of thing that a legislator must stand in here and say that we love these Cayman Islands and because we love these Cayman Islands and we love the caboose way of life, that we must allow that to go on? I don't think so, Madam Speaker.

I am speaking as a parent right now and I certainly don't think it is good. I don't think it is for the good of our children. It is breeding a culture foreign to us.

Madam Speaker, we developed, and thank God that we could develop because some of us would not have been able to drive the fancy cars we have, have the businesses we have, we could not wear the fancy clothes we wear, we could not sleep in the homes we have if it were not for development. That is not to say that because we developed and improved our way of life that we must allow every little fashion to come in here and destroy our island. Take away our children's childhood at that, Madam Speaker! And some of that is too prevalent in our country—taking away too much of the children's childhood, stopping the child from being a child.

Which child back in 1960 here in the Cayman Islands did we see with an earring? Madam Speaker, the first time I caught a glimpse of this real good was in Piccadilly Square in London. I said to myself then if I could do anything about it I would do something to stop these spiked hairs and earrings as big as a cow's ear hanging out of their nose. We don't need it! And any legislator who says that we do, does not know what he or she is talking about.

I say to the Fourth Elected Member for George Town, you don't know what you are talking about. You see, Madam Speaker, it is all right to read a book and then draw a conclusion from that and say, *'this is the way it must be'*. But when you help to bring a child into this world and you see that child going wrong, that is something else. That experience you cannot get from a book. You cannot get that kind of experience from philosophising on the

situation in our country. So we as legislators and we as parents have a right, we have a duty to put things in law that will help to stop the situation from eroding further.

As a community, we have a lot to do to save our youth. Family, teachers, churches, coaches, good neighbours, yes and legislators must focus on the same thing. Sing the same song to the same tune. Preach that good morals are what's best. Preach the same morals so that we can bring strong walkways to the interest and abilities of our young people.

This culture of gangism and violence, this body piercing, this tattooing—let us ask the question: Is it building competence in our young people? Is it building character? Can the Fourth Elected Member for George Town reconcile that? Does it boost their self-esteem? Does it make them wiser? The answer to the Fourth Elected Member for George Town is no, it does not. So the authorities must now come to grips with the situation which has developed.

Again, Madam Speaker, I want to call for that commission of workers—government, social services, education, health workers, police, churches, coaches, sports workers and even members of this House—for God's sake do something. This group could come up with ways and means of dealing with the problem. I congratulate the mover and the seconder, my colleagues the Third Elected Member for Bodden Town and the Elected Member for North Side, for being wise and attempting to get something done.

Thank you.

The Deputy Speaker: Does any other member wish to speak?

The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Madam Speaker. I rise to offer a very brief contribution to Private Member's Motion No. 14/99. My colleagues speaking before have pretty much said it all and covered in some depth many of the points I too wish to stress.

Madam Speaker, today tattooing and piercing of body parts is becoming so extreme that I often wonder what we will see next. There are fortunately still some of us who are quite happy with the way God made us. However, the growing trend, especially among the younger generation, is to think that this is cool and they often go too far.

My main concern is that all of these practises involve the use of needles, which means that certain health measures need to be taken. I therefore applaud the members bringing this motion. It will require any persons carrying out this business to be a registered nurse or must be registered under the Health Practitioners Law (1995 Revision).

Parents need to be made aware of such actions before their children engage in them and this motion, therefore, puts the responsibility on the businesses that stand to make money from these practises. It also introduces some degree of parental supervision, which is very important.

Madam Speaker, just recently I was watching the Miami News on CBS and there was a report of a young girl who had just pierced her tongue and had to be rushed to

the hospital because blood poisoning had set in and the infection had gone straight to her heart. The news showed her hooked up to tubes in her hospital room. Lucky for her, she survived and I trust that she removed that ring quite quickly.

Madam Speaker, I have also seen children with infected ears and nostrils—all because they have had someone pierce them at home. And I say to those who have done this and who will continue to do this, it is dangerous.

Madam Speaker, I give this motion as amended my support. Thank you.

The Deputy Speaker: Does any other member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I, like the Second Elected Member for Bodden Town, have heard most of the points dealt with by previous speakers. I think perhaps rather than duplicate the effort here, I might just deal with one slight point of contention.

Now, in the first resolve section, it says, "**BE IT RESOLVED THAT the Government considers taking steps to make it an offence for any person to tattoo the bodies of children under the age of 18 years...**"

In the second resolved section, it says, "**AND BE IT FURTHER RESOLVED THAT any person or persons carrying on such business in which studs, earrings, clips, rings or any other similar objects are implanted or attached to the bodies of any person under the age of 18 years be required to have the written consent of the parents.**"

So basically it has been mooted that since the second resolve includes the written permission of parents for any child under the age of 18 to have their bodies pierced, then anyone under the age of 18 who wants to have a tattoo put on his body once he has the written permission of his parents should be allowed the same privilege.

Now, I think what the government needs to decide (whether in consultation with members or whether in other types of consultation) is, having accepted the motion which asks them to consider these points, is whether or not whatever move forward there is should allow for parental consent for both of these issues or not. It is not to say that the motion is ill-thought out in this regard, but in all fairness to the arguments brought forward, perhaps the government in its wisdom can decide which way it wants to go.

There are some people who consider the body piercing to be potentially damaging, or not pleasing to the eye—if that makes any more sense than a tattoo. I don't presuppose at this point in time either of the two because I am not a prude. But my personal conviction when it comes to my child for whom I am responsible, while I allow my children a certain amount of freedom, I want the world to believe that law or no law, anybody who I helped bring into this world is going to come and talk to me about that before they come with that foolishness in my house! It is as simple as that!

But that is not to say that one should not be able to discuss it. And I don't think that the intention of the motion calls for that. I simply believe that from here on in how the government handles the acceptance of the motion and what they do about it is not going to simply allow certain things to be able to be done at will.

I am not afraid to stand here this afternoon and say that I know there are parents who even if they do not wish for their child under 18 to have a tattoo or their body pierced, they cannot do a single thing about it. And I think that is part of what was being borne in mind when the motion was crafted. All of these things have to be considered.

Now, I also grant that when there is legislation, you have to deal with legislation in a responsible fashion so that you at least capture the benefits to the vast majority of the people who have to live within that legislation. But if we look at parental consent, whatever method is used as the vehicle to have certain types of legislation crafted or under some rules—it can be under school rules. The only thing is with school rules there might be some things that can be done in such a way that they are not used while in school but as they walk out of school they can attach it or stick it wherever it is or whatever. I don't know that. I only see them be passing . . . I don't want to know anymore about it to tell you the truth.

Anyway, all I am saying is that I firmly believe that the motion is totally well intended and it is intended to improve a situation that has sort of entered into the Caymanian culture.

The points that the First Elected Member for West Bay brought out are certainly relevant and salient. I am sure the mover in his winding up will deal with other points. But I just felt that I had to simply say a few words about it. People need to understand that when you see private member's motions like this, it is something that arises out of a genuine concern. I must say that for all people say and do, I don't know who else thinks of it like this but from where I sit on the Backbench in this honourable Legislative Assembly that is my only vehicle at this point in time. That is my only vehicle to be able to have an impact or to be able to make a position clear through this medium.

I don't take kindly to anyone making slight of that. Others can take it for joke, I don't. And any time I talk about a private member's motion or participate in it by moving it or seconding it, it is because my responsibility is being carried out, Madam Speaker.

I commend this motion and I trust that the right thing will happen upon its acceptance by the vote. Thank you.

The Deputy Speaker: Maybe this is a convenient time to take the afternoon break. Proceedings will be suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:44 PM

PROCEEDINGS RESUMED AT 4:03 PM

The Deputy Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 14/1999. Does any other member wish to speak?

If no other member wishes to speak, does the mover wish to exercise his right of reply? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I find it necessary to say that before bringing any motion to the House I ensure that the merits are in keeping with the diligence and conscientiousness with which I approach the business of representing the people. I have too much respect for the House and for the time of honourable members to do otherwise.

Certainly, Madam Speaker, I have never been one to play politics. And although we are approaching that time when many of us will revert to playing politics, the time is still some little way off. Therefore, I have to question the insinuations about the motive for bringing such a motion.

I said at the beginning that I had been approached by several persons, some of who also spoke with the seconder of this motion. And I have been making certain observations myself. I want to make one comment that has to do with a query raised by the Fourth Elected Member for George Town when he was talking about people's rights. The history of this Parliament will show that I have been if not among the foremost lobbyists an agent and representative in terms of trying to get the Parliament to pass a Bill of Rights for this country. I still believe in that. But rights do not exist in a vacuum by themselves. With rights come responsibilities and therein lies the crux of matter.

In the United States of America, where people have a right to bear arms, they don't have any right (because they have a right to bear arms) to go gunning down indiscriminately other persons or parties whom they do not like. So we have to be very careful that when we talk about rights, we do not talk about rights in isolation and when we talk about rights, we have to say that with rights come responsibilities. They are not separate and apart but indeed they are co-joined.

In this regard, Madam Speaker, we should be vividly reminded that there was a celebrated controversial case, which the Honourable Chief Justice ruled on a short while ago, involving a similar situation where a youngster was precluded from school because of dreadlocks which go against the school rules. That has a vivid similarity to what we are talking about now. So we have to be very, very careful how we try to convey certain things. I have always believed in certain freedoms but I have always believed that freedom has its responsibilities. And, while I advocate that the State allows us to behave in certain ways, I also say that the state has a right to intervene to protect and to ensure that the good order of all is obtained.

I am eminently qualified to talk about tattoos because I have one. I have one on my arm and I know the consequences of this. And I am telling people that they should not enter into it lightly because I know what I suffered. I can remember very vividly when I came home with this tattoo what my grandfather did to me. It was a good thing God helped me and that he was not a whipping man. But I tell you, Madam Speaker, many days I went around with my tail between my legs because here was a man who

had spent all of his years as a seaman and didn't have a mark on his body. When he saw me, he sat me in a corner and he went from one end of the spectrum to the other telling me why I should not have had the ill-sense to have this tattoo on my arm.

Madam Speaker, those were the days before Hepatitis B and before HIV so can you image now the risks that people run.

Madam Speaker, I am concerned because as I understand it, these artists fly in for the weekend, put up in a suite at a hotel they make their announcements, and the people come in droves. Who is there to see that the needles are hygienically clean? And since it is a commercial venture, who gives the assurance that a needle is not repeatedly used on more than one customer? This is the risk. And after the session is finished, those people get on a plane with their attaché case full of money and they are gone. What happens when someone contracts Hepatitis B—or worse, HIV? Who is responsible? Do you know who is responsible? The State has to pick up that tab.

So the State in this instance has a right to say no one under the age of 18 because no one under the age of 18 can go in a bar and drink a glass of beer or wine and they cannot vote. So the State, Madam Speaker, in this case is well in order to say this. Were we to say that they could only do it with parental consent . . . do you know how many parents would be strong-armed, would be cajoled, would be railroaded into writing a consent letter? Madam Speaker, believe you me, we do not have to adopt every fashion we see on the television or anywhere else. It is a culture of nihilism. Of course, we want to have our individual identities. As Caymanians we have always talked about that.

But if I want to show my identity, if I want to show that I am of a certain mentality I can do that, Madam Speaker, without tattooing up my whole body. Do you know what? It cost \$30 to get a tattoo—but it cost \$300 to have it surgically removed so that it doesn't leave a scar. So what happens when I put a tattoo on at 15 and when I get 25, I decide that I cannot get a job because the tattoo is in a conspicuous place or it is obscene? I have to pay \$300 to get it surgically removed—which cannot be done here in any case I have to go overseas for it.

Madam Speaker, believe you me, there is merit to this motion the way it is. If the Fourth Elected Member for George Town wanted it changed, he like any other Member of Parliament has a democratic right and he could have moved the amendment to say that it could have been done with parental consent if the child was under 18. He could have done that. I didn't do it. And I am not doing it because this is not something I am playing politics with.

I have viewed this from every colour in the spectrum and I am not doing that. We spent a lot of time going over this motion. It was drafted and re-drafted until we got it to the point where we believed it could be acceptable by all. There is a need, and I see the young people, Madam Speaker, and many of them are intelligent, yes. But many are misguided. I am going to tell you the truth Madam Speaker, you check the intelligent ones and see if the majority of them are disfigured by tattoos. Check them!

I have never been of the herd mentality. Do you know what the herd mentality is? You run with the herd. And, I am not encouraging any herd mentality. I was a school teacher—and a respected one at that—and I am not now going to encourage any herd mentality. I counsel young people too, and I am the father of children. Let me tell you something, I try to bond with them. Believe you me, if any of them come tattooed while they are under the age that I have a responsibility for them, they better be sure it is in such a discreet place that I cannot find it because they will have a lot of explaining to do.

Madam Speaker, I want to give a little lesson in what I call applied sociology. Many of these things derive from cult membership, gang membership, and fraternal memberships that are sometimes taboo. For example, this business of wearing a stud in the right ear was a practice adopted by homosexuals to identify themselves when it was not accepted—when it was taboo, when it was frowned upon. Montreal is where I first saw it. Paris and all these places . . . they had the stud in the right ear. And, Madam Speaker I see them with razorblades.

The other day I had an incident, a gold razorblade and I asked the young lady if she knew the significance of that and she said she did—that indicated people who are bisexual. So, I want to be sure that our young people when they adopt these things understand the significance of them because it is not just a fad in many instances—it has meaning. And our young people out of innocence or out of a sense of thinking that they are fashionable will get into serious trouble.

For all our sophistication in international finance, we are still a sleepy little country. That is why it is incumbent upon those of us who have been experienced and exposed to pass these things on. It is not something we take lightly. Years ago tattooing was exclusively confined to sailors and people in the armed forces. Then they went to motorcycle gangs, now they are in to youth gangs. So as long as we are aware of these kinds of changes, it is our business to protect our progeny, to inform our progeny. That is why it is crafted so that anyone under the age of 18 shouldn't get these studs because they are things out of our control.

Madam Speaker, any tattoo carries with it certain risks—whether a big one or a little one as the Fourth Elected Member for George Town mentioned. You have to understand that if you go to get a tattoo and it is not circumstances that are guaranteed to be hygienically pure, you run the risk of contracting a serious disease. Many of these young people haven't even heard of Hepatitis B, probably some of them still don't know about HIV. I mean, how would I as a parent feel if I gave my youngster consent to get a tattoo and discovered 6-18 months later that he contracted Hepatitis B or worse. It would be a situation where I would want to go and do myself in but that would be a sin unpardonable.

We are not saying that they cannot do it ever. When they pass the age of maturity and they can make their own decisions then they make their decisions but while they are still in school, the option should not even be considered. It doesn't wrestle away responsibility from the par-

ents; it makes the parents more aware. The law says that it cannot be done. The law gives them the ammunition, it gives them the support to say you cannot have it done until you reach this age or older because the law says it cannot be done. I mean, what kind of school would it be if people came with their foreheads tattooed and their cheeks tattooed, and one spends all the time admiring or explaining and the teacher can't teach, and there is chaos. I mean, I have seen some, and it is disgusting . . . all over their bodies and that is part of...

Madam Speaker, do you know what else concerns me? This whole business of tattooing the whole body. That is a phenomenon of the prison sub-culture and that is the kind of stuff we want to get away from in the society now. We don't want to create any herd mentality in Cayman. Of course, we want to give them the individuality and they have limits for that individuality to come out. But if we say no rules then a society of anarchy . . . and not only would the First Official Member be in a quandary, I would be too because I am for law and order.

So we have to be very careful and the reference to the Health Practitioners Law is simply to ensure—I know, as the mover, it is not covered now under the Health Practitioners Law. But if it is so necessary, amend the Health Practitioners Law to accommodate these people. But that is not my duty because I am not a tattoo artist and I am not advocating it. That is the reason why that reference was made there.

Madam Speaker, I want to say too that I have seen youngsters with studs in their tongues. Believe you me, I went to great lengths to research this. You know how that is done? Imagine the sensation and the discomfort when we take a cup of tea that is too hot and we get scalded, imagine the discomfort sometimes for a couple hours—let alone piercing. Do you know what they do? They strap you down in a chair, like an electric chair, including your forehead strapped back and they put that in. Do you know how they put in studs, Madam Speaker? They snap that in. In one snap, that locks that into the tongue.

Now, Madam Speaker, in the name of reasonableness is that what we are going to advocate? Listen, if somebody wants to show that they are different or wants to show their individuality—all they have to do is to go to Arabus [Boutique] and buy a nice, flashy red tie or a white pocket square or something like that on a black suit. Or go to Mahogany's and buy a nice 3-piece suit and a pair of \$600 shoes. But don't come all studded up because you want to show your individuality. Rings in the nose and bells on the ears and...

This interestingly does not prohibit the mother from getting the ears of her little infant daughter pierced, if she so wishes. We ensured that that scope was there for things like that. I mean, can you image what kind of problems the principal would have if three persons turn up to school one morning with studs in the middle of their tongues at the general assembly? Order gone! Chaos! Bedlam would reign supreme, man. We cannot have that and our students going away on a debate someplace with other students at an international gathering and our stu-

dents' lips are loaded with studs. They don't even do that in Africa anymore.

So, Madam Speaker, there is method to this and do you know what? Sometime earlier this month, a couple of us members saw on CNN where in the State of New York—New York, which has its 42nd Street and all these other places where you see some individuality and individualism from one extreme to the other—is making it illegal for high school age children to do these things to themselves. When I saw that on the news, this private member's motion was actually in ahead of the time they were thinking about it. That was their proposal for their state legislator. So in New York—one of the most liberal and cosmopolitan cities—they have realised the detriment that young people are doing to themselves by these practices and are making moves to curb them.

The Second Elected Member for Bodden Town raised an issue about a young lady who contracted some infection. In the 12 June 1999 issue of *The New Scientist* (and you can get this on the Internet from the Newswire) there is an article "Pierced to the Heart." I would just, Madam Speaker, crave your indulgence to read this to the honourable house: **"People born with heart defects who pierce their ears or other body parts risk developing life threatening heart valve infections. Doctors from the Mayo Clinic in Rochester, Minnesota studied 445 patients with congenial heart defects. Those with piercing had a one in four chance of developing endomyocarditis, a dangerous infection of the heart valves presumably caused by bacteria that initially infected the piercing. Carol Wards, who led the team, says that if such patients insist on body piercing, these should be accompanied by antibiotics."**

Madam Speaker, that is not something I manufactured. The Mayo Clinic is one of the most prestigious and respected medical institutions in the world, and that is what their researchers have found. So, are we saying that this motion is flawed because we are not allowing people the freedom to disfigure their bodies? Madam Speaker, I am going to tell you something else. I read sociology too, that is what my first degree is in. And I am not an expert and I don't know it all but I tell you what, there is hardly anyone in Cayman who is as widely read as I am, and I did not just start.

I want to read something from a book called *Escapism*, written by a Chinese man, called [?]. Just a small excerpt. **"Cruelty and limited imagination. Cruelty is not one of the seven deadly sins of medieval theology, an omission that surprises modern sensibility. For we have come to see the deliberate infliction of pain as possibly the worst ever. Cruel and crude have the same root—both speak of a rawness that is part of our biological nature which can be removed through acts of cumulative refinement. Cruelty may thus simply be the effect of an immature mind."**

All the more reason why we should try to shelter and shield our school children from these kinds of things. Imagine the pain without the benefits of anaesthesia! The tongue (I also found out in my research) is one of the most sensitive organs of the human body and when we pierce

that with unhygienic objects, we run the risk—I mean, the nerves can be paralysed so that its function can cease for life.

Madam Speaker, this is not something that I drew up for votes. I have reached the stage now where votes don't bother me too much, for reasons I have stated and for reasons as time goes on which will become obvious. But I take my responsibility here seriously. I can politic and campaign like anyone else. But I shudder at the political posturing and the thought that this or any motion is brought out of political posturing.

You know the Fourth Elected Member [for George Town] also suggested that he is the only reasonable person in the Parliament. Well, I believe that that comment was made either in jest or purely for personal consumption. So I don't need to say anymore than those two comments. This Parliament is full of reasonable people, you see.

So, Madam Speaker, the motion is well in order. I respect the position of the Fourth Elected Member for George Town, and I understand too that his position after the break was a little less assertive or aggressive than his position before the break. I was happy that he had a little change of heart. I was happy because that is what Parliament should be about. And, I am not putting his ideas down because that is his position and I respect that, but I say that he must also respect other members' rights to express with courage their convictions and their sincerity.

Madam Speaker, the government is not always kind to me. Indeed, I find myself more often on the short-end of the government than I do on the long end. I discoursed with them and I discussed it with them because I have a responsibility too and I am happy when the ministers over there and me as the mover of a motion can come to common ground without all this cut and thrust and political put-downs in debate. I believe that the time is going to come when the lion will lie down with the lamb.

So I am happy that the government accepted this. How the government crafts the motion is left up to their discretion. Certainly, they understand what is called for in the motion and they understand the perimeters and I don't want to try to handcuff them by saying it should be done this way or it should be done that way, or when it should be done. I am only too happy to have the motion accepted.

I thank all those who supported it. I thank the Fourth Elected Member for George Town for his usual challenge for me to rise to my heights in a debate. As long as the challenge is on reasonable grounds I am not offended, and I hope that he can respect the position that I have taken and realise that this is done for the better of all concerned.

Thank you.

The Deputy Speaker: That concludes the debate on Private Member's Motion No. 14/1999 as amended. The question is: **"BE IT RESOLVED THAT the Government considers taking steps to make it an offence for any person to tattoo the bodies of children under the age of 18 years and that any person or persons carrying on the business of tattooing be required to be a regis-**

tered nurse or licenced under the Health Practitioners Law (1995 Revision);

"AND BE IT FURTHER RESOLVED THAT any person or persons carrying on such business in which studs, earrings, clips, rings or any other similar objects are implanted or attached to the bodies of any person under the age of 18 years be required to have the written consent of the parents."

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

AYES.

The Deputy Speaker: The Ayes have it.

Mr. W. McKeever Bush: Can we have a division, Madam Speaker?

Dr. Frank McField: Definitely, Madam Speaker.

The Deputy Speaker: Madam Clerk, would you take the division, please?

The Clerk:

DIVISION NO. 6/99

AYES: 12

Hon. James M. Ryan
Hon. David F. Ballantyne
Hon. George McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. W. McKeever Bush
Mr. John D. Jefferson, Jr.
Mr. D. Kurt Tibbetts
Mr. Linford A. Pierson
Mr. Roy Bodden

NOES: 1

Dr. Frank McField

ABSENTEES: 3

Hon. J. O'Connor-Connolly
Mr. D. Dalmain Ebanks
Miss Heather Bodden

The Clerk: Twelve Ayes, one No.

The Deputy Speaker: Private Member's Motion No. 14/99 as amended is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 14/99 AS AMENDED PASSED.

The Speaker: I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this honourable House until 10:00 a.m. tomorrow morning.

The Deputy Speaker: The question is that this honourable House do now adjourn until 10:00 a.m. tomorrow morning. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

**AT 4:35 PM THE HOUSE STOOD ADJOURNED UNTIL
10:00 AM FRIDAY, 25 JUNE 1999.**

**EDITED
FRIDAY
25 JUNE 1999
10.45 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. I have no apologies this morning. Item 3 on today's Order Paper—

Dr. Frank McField: Mr. Speaker.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, before you begin the business, I wonder if you would permit me to thank you for notifying me that it is the intention of the Third Elected Member for Bodden Town to withdraw as seconder for Private Member's Motions 19/99 and 20/99, and to take this opportunity to ask if there are any other persons on the backbench who would be willing to speak to me in regard to seconding these motions in his place. Thank you.

The Speaker: Item 3 on today's Order Paper, Presentation of Papers and Reports. Second Interim Report of the Select Committee of the whole House on the Elections Law (1998 Revision). The Honourable First Official Member responsible for Internal and External Affairs.

**PRESENTATION OF PAPERS
AND REPORTS**

SECOND INTERIM REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE ON THE ELECTIONS LAW (1998 REVISION)

Hon. James M. Ryan: I beg to lay on the Table of this honourable House the Second Interim Report of the Select Committee of the whole House on the Elections Law (1998 Revision).

The Speaker: So ordered.

Do you wish to speak to it? The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: The select committee to review the Elections Law (1995 Revision) was established by the Legislative Assembly on 21 April 1997 with the passing of Government Motion No. 2/97. The motion read: **"WHEREAS there has been a considerable passage of time since the Elections Law was enacted;**

"BE IT NOW THEREFORE RESOLVED THAT the Elections Law (1995 Revision) be referred to a Select Committee of the whole House for review and for it to formulate principles in accordance with which specific amendments to this and any other relevant laws may be drafted and brought to this Honourable House by the Honourable First Official Member."

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"BE IT NOW THEREFORE RESOLVED THAT the Elections Law (1995 Revision) be referred to a Select Committee of the whole House for review and for it to formulate principles in accordance with which specific amendments to this and any other relevant laws may be drafted and brought to this Honourable House by the Honourable First Official Member."

I moved that motion. In accordance with the provision of Standing Order 72, you nominated me to be the chairman of that committee.

The committee has thus far held five meetings, 15 December 1997; 24, 31 March; 24 May; and 11 June 1999 when the committee considered this report. The recommendations are: **"The committee wishes to report that it has reviewed two issues which it considers necessary at this time to be put in place. These relate to amending the Elections Law to make provision for a permanent Register of Electors in the island and for voter's registration cards. The committee accordingly considered and agreed to a draft bill to incorporate these provisions.**

"The draft bill entitled 'A bill for a Law to amend the Elections Law (1998 Revision)' is appended hereto and forms part of this report. The permanent register will be based upon the register currently enforced and will be dated shortly after the coming into force of the amending legislation. The register thereafter is to be updated on a quarterly basis to provide for the addition to the role of those who have become as electors since the previous updating. It will also provide for the removal from the register of persons who have died or who are no longer qualified by other reasons, such as non-residence or conviction for criminal offences. Information concerning deaths, criminal offences and other matters is to be provided to the Supervisor of Elections.

"Voter's registration cards will be instituted and are to be produced by the elector when he/she votes on the occasion of any general or by-election. The committee therefore recommends to this honourable House that the Elections Law be amended as set out in the draft bill and that amending legisla-

tion be presented to this honourable House by the government as soon as possible.

“The committee further wishes to report that it is in the process of reviewing a number of other issues and that it will in due course report to the House. The Committee agrees that this report be the second interim report of this select committee and that it be laid on the Table of this honourable House.”

The Speaker: Moving on to item 4 on today's Order Paper, Questions to Honourable Members/Ministers. Deferred question 41 is standing in the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION 41

No. 41: Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state what sports' programmes or camps the government will be organising or supporting during the upcoming summer holidays.

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

Hon. Julianna O'Connor-Connolly: The government, through the Ministry of Sports, in conjunction with the national associations, will be conducting summer sports camps in football, netball, swimming, cricket, basketball and volleyball. In addition, members of the sports office will be assisting the Social Services Department with the sports aspects of their summer camp. The proposed dates and venues for the sports camps are as follows:

Sport	Proposed Dates
Basketball:	6 – 16 July 9 am to 5 pm
Cricket:	
Primary School	6 – 9 July
U-15	12 – 16 July
Cayman Brac	9 – 20 August

Football	Proposed Dates
Darrell's Camp	12 – 16 July
Cayman Brac	5 – 16 July
Scholars Camp	10 – 16 August
FC International	23 – 27 August
CNB Cayman Classic	9 August
North Side	9 – 13 August
Bodden	19 – 23 July

Netball	Proposed Dates
Grand Cayman	19 – 23; 26 - 30 July
	2 – 6; 9 – 13 August
Cayman Brac	23 – 27 August

Swimming	Proposed Dates
Stingray Swim Camp	5 – 10 July
Learn to Swim	12 - 30 July; 16 – 27 August
Open Lap Swim	2 – 14 August

Volleyball	Proposed Dates
Kids Camp	9 – 14 August

Sailing Club	Proposed Dates
	5-8; 26-29 July
	2-5; 16-19; 23-26 August

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether any of these camps, other than the ones a North Side and Bodden Town are structured to accommodate and facilitate youngsters from the eastern districts, i.e., Bodden Town, East End and North Side?

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

Hon. Julianna O'Connor-Connolly: The football will be North Side from 13-19 August and it will encompass all age groups. Bodden Town, 19 - 23 July, all age groups. East End, 12 - 16 July. Net Ball, North Side 26 - 30 July, Bodden Town 19 - 23 July. As the learned member is aware, there is one central pool so all those swim programmes will be conducted in George Town for the time being. And the same goes with the sailing club camps as well.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Other than the first one, which is basketball, can the minister give the House an indication of the time involved in these camps? Is it half a day or full day camp? Also can the honourable minister tell the House what arrangements are in place if it is more than half a day for transportation and meals, etc. for the youngsters?

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

Hon. Julianna O'Connor-Connolly: I am informed that with the exception of the swimming camps the other camps will be half-day camps.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state through what media the kids and their parents are being informed about all of these camps?

The Speaker: Before I call on the honourable minister, I would entertain a motion to suspend Standing Order 23 (7) and (8) in order for Question Time to continue.

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

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

Hon. John B. McLean: Mr. Speaker, I move that the relevant Standing Order be suspended.

The Speaker: I shall put the question. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

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

Hon. Julianna O'Connor-Connolly: It is my understanding that each of the individual camping groups has been doing various forms of advertising. The sports office has compiled a list of the proposed dates and venues for the various camps, which has been sent to the press.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if this schedule that has been given in the answer is similar to last year's? Or are there any areas where there has been enhancement? If so, can she point that out?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that for the most part it is similar to that of last year because it worked quite well. On the Brac the times have been increased due to the fact that there is now a resident coach to accommodate that demand. And with the sailing club they have been able to add more segments to deal with the various age groups as it increased in popularity with the camp.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if there have been any requests from any of these sport-

ing organisations to the ministry for assistance which have been denied?

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

Hon. Julianna O'Connor-Connolly: I am informed that the sports office and the ministry are unaware of any requests that have been denied, and the assistance will be two part: some with financing and some with personnel from the sports office.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Can the honourable minister tell the House what dates have been set for the summer programme at the Bodden Town Civic Centre run by the community development officer? I notice that football has been set for the 19-23 July, but I know there's another programme on at the Civic Centre at that time, round about August.

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

Hon. Julianna O'Connor-Connolly: Would the member be so kind as to repeat the question? I was taking instruction during the course of the question.

The Speaker: The Second Elected Member for Bodden Town, please repeat.

Miss Heather Bodden: I am asking the honourable minister if she could tell the House what dates have been set for the summer programme which happened last year and is scheduled again this year at the Bodden Town Civic Centre run by the Bodden Town Community Development Officer.

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

Hon. Julianna O'Connor-Connolly: That programme is a Social Services programme and I don't have the date in hand. But I will give an undertaking to provide the date at a later time. I would need to contact the Social Services to find out what date they have scheduled.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say if the participants in these camps are expected to pay any fees? If so, what are the fees? If not, how are the camps paid for?

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

Hon. Julianna O'Connor-Connolly: I am informed that there will be various levels of fees that are expected to be paid and the method by which this is done is that the camps will have a number of scholarships offered to persons in need. If there are requests that come in from such persons to the ministry and there is money in our sports grants then it will be assessed on an individual basis or a club basis. I do not at this time have a breakdown for all of the clubs because a lot of them are doing it on their own. As to the amounts charged, I don't have that information here. I can undertake to provide it if it is so desired by the Elected Member for North Side.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I would appreciate receiving these fees. I think I understood the minister to say that scholarships would be offered to children who could not afford. I wonder if she could elaborate on what that scholarship is, unless I misunderstood the honourable minister.

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

Hon. Julianna O'Connor-Connolly: I am informed that the scholarships would be from the clubs themselves in the form of a waiver of the requisite fee.

The Speaker: If there are no further supplementaries, the member asking question 45 is not in the Chamber, so we will move on to question 51 and return to that later. Question 51 is standing in the name of the Third Elected Member for Bodden Town.

QUESTION 51

No. 51: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources if Cable and Wireless (CI) Ltd provides any complimentary cellular telephones to any government employee or any elected official.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Cable and Wireless (CI) Ltd does not provide complimentary cellular telephone service to any government employee or elected official.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether or not the company provides any service complimentary to this category of persons?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Cable and Wireless (CI) Ltd, in accordance with an agreement with government provides a number of cellular lines for government use equivalent to and in lieu of rental payments for Cable and Wireless (CI) Ltd use of government facilities at the Northward telecommunications tower.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House who has access to these lines and who decides how access is given?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The distribution of lines falls under the telecommunications department and these are distributed in accord with the demands from government.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister elaborate on his phrase the "demands" for the lines? I would like to find out if the lines are allotted by seniority, according to department or ministry, or by any other rank or means that would warrant who has access to these lines by virtue of the job performed or the business of their schedules.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would like to make it clear that the equipment that is utilised on these lines is government equipment. The lines, as I understand it, are distributed to departments that have a high priority in regard to having access to these types of phones. If the member is asking me about the ministry or the immediate department, yes, we all have some of the phones, but it is all government equipment.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister tell the House how many of these telephones have been issued by the telecommunications department to the various civil service departments, and the names of those departments? The cellular telephones, Mr. Speaker.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I did not anticipate the question that was just asked, but I will give the undertaking to give

the inventory of the phones. I have no problem having the telecommunications office circulate that to members.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I would appreciate that list being circulated to members of this Parliament as in the Finance Committee last held a motion was passed requesting these numbers and the names of persons holding these hand-held telephones and radios within government, but Parliament has not received that reply as yet either.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: The minister said in his answer that in lieu of payment for use of the tower at Northward Cable and Wireless (CI) Ltd supplies a certain amount of lines even though the equipment used is owned by government. Can the honourable minister say where this policy has come from? Why it is not a straightforward business transaction whereby Cable and Wireless (CI) Ltd pays an arranged fee for whatever use of this tower, and in turn government pays the same for whatever use provided by Cable and Wireless (CI) Ltd?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I really was not a party to the agreement between Cable and Wireless (CI) Ltd and government. It is my understanding of the franchise that this was part of the agreement, that they would provide certain services to government. That is as much as I can tell the member. The services are there, as I have pointed out, and it is because we have the bunker up at Northward Prison and I understand they actually utilise part of our antennae.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: For purposes of clarity, is the minister saying that the use of the bunker and/or tower at Northward by Cable and Wireless (CI) Ltd is part and parcel of the franchise agreement?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: That is my understanding.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, not wanting to run too much of a risk here I want to say to the minister that I have seen that franchise and I have read that franchise and I have not seen anything like that. Perhaps the minister would give an undertaking to provide the answer in

whatever form he can, in writing or however, regarding that specific arrangement and how that was arrived at.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I am not going to take the member to task, but it is my understanding that the arrangement was made with Cable and Wireless (CI) Ltd and the Cayman Islands Government, and it forms a part of that agreement. I will give him the undertaking that I will have it checked out—but I know for sure that's exactly how it is.

The Speaker: If there are no further supplementaries the next question is 52, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 52

No. 52: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications, Environment and Natural Resources to state government's policy regarding the importation into the country of pets such as cats and dogs.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it seems I should have extended this. Somebody just asked me about the Bullfrogs! However this is a different question.

The policy of the Cayman Islands Government regarding the importation of cats and dogs is derived from the Animals Law (1999 Revision). It is outlined in the brochure entitled "Conditions for the Importation of cats and dogs into the Cayman Islands," which is available to the public from the Department of Agriculture upon request.

All dogs and cats entering the Cayman Islands are required to have an import permit issued by the Department of Agriculture. Import permits are issued once the following health requirements are satisfied: 1) that the animal has been issued with an official health certificate endorsed by the relevant government authority (usually the Ministry or Departments responsible for Agriculture of the country of origin); 2) if coming from a country where rabies is endemic, the animal must be vaccinated against rabies no more than one year and not less than 30 days prior to arrival; 3) the animal must be treated with an acceptable preparation which has residual action against ticks; 4) an application fee of \$50.00 is paid.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what the procedure is if number 1 on this list of requirements is not complied with?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that if any of the requirements here are not dealt with and somebody brings an animal into the country the department would then have to take the necessary action as required under the Animals Law.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if the "necessary action" is a euphemism for putting the animal down, or if the officers are allowed some discretion?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: While I am responsible for Agriculture, the decision has to be taken by the Chief in charge of Agriculture and I would have to abide by his ruling on it.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if within this policy there is a list of certain types of cats and/or dogs which are prohibited from being imported to the islands?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The member is correct. There are many breeds that have been excluded from importation into the islands. We try as much as possible to encourage persons who want to bring in that breed of dog not to bring it into the country.

The Speaker: If there are no further supplementaries, we will move on to question 53, standing in the name of Elected Member for North Side.

QUESTION 53

No. 53: Mrs. Edna Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture when will the Old Man Bay playing field be completed.

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

Hon. Julianna O'Connor-Connolly: The Old Man Bay playing field is scheduled to be completed and ready for use at the end of June.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say what has taken this project so long to be completed, seeing back in October 1998 I was told in reply to a question that the field was near completion at that time?

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

Hon. Julianna O'Connor-Connolly: A number of factors have caused a delay on the project. Firstly, the high salt content of the topsoil delayed the establishment of the grass cover significantly. The Public Works Department tested several sources of topsoil and it all had high salt content. The soil was treated in accordance with advice from the Agricultural Department and an overseas testing laboratory to correct the problem. Despite this, the high saline levels contributed significantly to the grass taking much longer to establish than it was originally anticipated.

Secondly, the lack of water supply on site contributed to the delay in establishing a good grass cover. Water had to be trucked in with the assistance of the fire department. Inevitably watering was not as regular as if there had been a plentiful source on site. And as the member knows there is no piped water in North Side as of yet.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the honourable minister would say where this topsoil was purchased, and if any tests were carried out on that topsoil before spending money to seed a soil that could not produce the grass we needed for the field?

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

Hon. Julianna O'Connor-Connolly: I would have to get that information from the Public Works Department. Once in receipt of the same I shall be happy to share it with the member and/or other honourable members.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the honourable minister could say how many truckloads of water were delivered to the field by the fire department?

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

Hon. Julianna O'Connor-Connolly: That information would also have to be gotten from the Public Works Department and any specific questions like that which were not anticipated in the substantive question that is now before the honourable House.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say what the total cost of the Old Man Bay playfield project is to date, with the setbacks of the grass and the extra expenditure?

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

Hon. Julianna O'Connor-Connolly: I am informed by the Public Works Department that the sum of C\$445,000 is the current estimate for the completion of the field. As all members know, it is nearly impossible to state what extra costs will be on any capital project until the project is 100% completed.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: In previous questions regarding both the North Side and the Bodden Town playing fields it was brought to the attention of the House that there would be no covered seating for either of the locations. I am assuming that in the answer given about the completion date that this does not include that type of seating since the decision was made. Does the honourable minister have any information at this time as to why that decision was made? She said she would try to find that out.

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

Hon. Julianna O'Connor-Connolly: I did enquire of the Public Works Department as to that specific question just asked. My information is as follows: The Old Man Bay playfield, as far as the bleachers are concerned, the original estimate from which the brief was made up on 12 August 1996 did not include that. Should it be required, as I am understanding is the case, we could perhaps do one similar to the one we have done in East End. From the estimates from Public Works it will probably run between \$16,000 to \$20,000 for the larger bleachers, and that's per bleacher. These are only preliminary figures from the Public Works Department and if required they have said that they will give us more specific quotes. Once that is the direction and the quotes come then, obviously, we will follow the normal procedure and bring it to budget or supplementary.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I find it unusual that in the original brief covered bleachers were not included for the district of North Side seeing that in a question I brought here in October 1998 the honourable minister said she had submitted the request for this sum in the estimates, referring to the bleachers.

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

Hon. Julianna O'Connor-Connolly: As stated, the brief that I have been provided with is a brief outlining specifications dated 12 August 1996. My instructions from the Sports Office as well as the Public Works Department, it was not included then and last year's budget preparation, it is my understanding it was included, and for whatever reason the funds were not fully provided. That's my understanding.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the honourable minister is in a position to give the House a breakdown, item by item, of the \$445,000 that it has cost this country for a playfield in the district of Old Man Bay?

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

Hon. Julianna O'Connor-Connolly: I am not in possession of that information this morning. I can merely give an undertaking to the member for North Side if she wishes to have exact details for the expenditure in her district.

The Speaker: This has been a prolonged time for questioning. I am going to have to limit this to supplementaries after this. The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, I don't have a supplementary, sir. I would just like to tell the minister that I would appreciate a breakdown of the project.

The Speaker: If there are no further supplementaries, question 54 is standing in the name of the Third Elected Member for Bodden Town.

QUESTION 54

No. 54: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state whether any objections have been raised against the government's Hepatitis B vaccination programme.

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

Hon. Anthony S. Eden: Yes, objection to the programme was raised by one member of the general public.

With your permission, Mr. Speaker, there is another question following this and I would like to read an article that was in last Friday's *Caymanian Compass*, and to also table the article. It was authored by a professor of medicine at one of the most prestigious medical schools in North America. He is also the recipient of several US grants for research into hepatitis and has devoted the last ten years to this field. In commenting on hepatitis B he said: **"It's a very serious infection of the liver which is caused by a specific virus. On reflecting on the fact that in the United States of America there are about 300,000 cases reported annually, of these cases, 5,000 people die each year."**

Going on, he says **"as there is yet no cure you must take steps to avoid acquiring this disease. Avoid the risky habits that pass the virus. The best protection is undoubtedly the vaccine. This triggers your immune system to fight the virus whenever you become exposed. It is usually given in three separate doses and is especially recommended for all babies, children, and young persons under 18 years of age, anyone at risk and pregnant women should be tested. If infected, this can be passed on to their babies. The baby will become sick and may become a carrier. Today most public health departments, paediatricians, and obstetricians strongly recommend that new-born babies be given the vaccine. Babies thus vaccinated are protected against ever becoming infected."**

"All the scientifically unbiased studies conclude that the benefits of vaccination far outweigh any of the minor adverse reactions that at times occur. The Center for Disease Control (CDC) in the United States declares unequivocally that the reports of brain damaged or paralysed children attributed to the use of the vaccine have no basis at all. We have in every instance where adequate neurological studies have been undertaken found to be due to some other cause. It is most unfortunate that certain media in an attempt to improve ratings and grab headlines prey on an otherwise unrelated to the vaccine disaster and attribute it without an iota of evidence as being the result of taking the vaccine."

I felt that for the information of the House and the general public and to give some background information on this disease. Thank you.

The Speaker: You said you would table it?

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

The Speaker: So ordered.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say definitively whether or not this one objection the government received is the only known case of objections brought to the government's attention?

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

Hon. Anthony S. Eden: I am informed that one other member of the public made a claim. But it was not in relation to hepatitis B.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether or not there is any ground to the claim that when this immunisation is administered to persons with certain allergies it triggers an extreme reaction which can cause worse symptoms than the disease itself? To his knowledge, is there any medical ground that this is the case as some people who have suffered the reaction claimed?

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

Hon. Anthony S. Eden: No, Mr. Speaker. On information that we have gathered by the world renowned CDC out of Atlanta there has not been qualified evidence to prove it.

The Speaker: If there are no further supplementaries the next question is 55, standing in the name of the Fourth Elected Member for George Town.

QUESTION 55

No. 55: Dr. Frank McField asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation how many cases of untoward reaction to Hepatitis B Vaccines have been reported in the Cayman Islands since the vaccination programme was started, and what were the reactions involved.

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

Hon. Anthony S. Eden: Since 3 November 1997 when the Hepatitis B vaccine was included in the National Immunisation Programme, 3,477 doses have been administered to 1,159 infants and young children less than 5 years of age and 2,214 doses have been administered to 976 school age children.

Minor, temporary side effects were reported by 16 children. These side effects were as follows:

Blister at injection site	1
Headache	2

Dizziness	5
Fainting	1
Vomiting	1
Weakness	1
Muscle pain	4
Weakness in limbs	1
Muscle weakness	1
Joint pains	2
Tiredness	4
Numbness in arm	2

All the above reported side effects were temporary, lasting for short periods ranging from a few hours to a few days. One young boy was reported to have a serious neurological disorder in the period following vaccination.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if the same amount of the vaccination was given to this boy mentioned to have suffered some kind of neurological disorder, and whether other children were administered with the vaccination at the same time, and whether or not he got his dosage from the same source the received theirs? In other words, from the same vial?

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

Hon. Anthony S. Eden: For accuracy I would prefer to check that with the Public Health Department to see what other children were given from a similar batch. I will undertake to provide that to the House.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Boddén: Can the honourable minister give a progress report on this young boy who had a serious neurological disorder from this vaccination?

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

Hon. Anthony S. Eden: I would not have that information at hand. I think the child visits the United States. I would prefer to make sure what is supplied from there.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Boddén: Can the honourable minister tell the House if government is going to continue this immunisation programme for Hepatitis B?

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

Hon. Anthony S. Eden: As I said earlier, there is no overwhelming evidence to suggest that the vaccination programme should cease. In fact, the benefits to the vast majority of people far outweighs the very rare cases that do not tolerate the vaccine well.

Just for information, what we have done through the Public Health is that parents will be given a comprehensive information sheet which they can use to make an informed decision as to whether they wish their child to have the vaccine or not. With the information sheet will be a questionnaire about all allergies. This will include a consent authority to initiate the course of vaccination. On receipt of the form, if the nurse has any concern about the appropriateness to proceed, the child will be referred to the doctor.

Also, as a follow up, after each dose a simple questionnaire will be sent home to ascertain if there have been any reactions. A further dose will not be given until this form is received and no contra indications to proceed have been identified.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister state if the young boy being referred to as receiving some neurological disorder as a result of the vaccination, or following the vaccination . . . were any enquiries made about any allergies or condition that might have caused him not to be a good candidate for this vaccination? Was an enquiry made at the time this child was given the vaccine about his specific medical history?

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

Hon. Anthony S. Eden: Before the shots are given a consent form is sent out. I would have to check and see what degree of questioning in regard to the child's medical history was on that information, but they have to get permission from the parents before the vaccine is given.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: This situation regarding this young boy's disorder seems to have called quite a bit of public attention to this matter. I would therefore be very surprised if the medical authorities have not isolated this particular case and investigated it in order to answer all of these questions I am asking. If the minister is not at this particular point in the position to answer these questions would the minister be prepared to give us a bit more detail regarding the situation of this young person? How was it administered? Was from a common dosage given to other children? Did he have something that was isolated and may have had something to do with the vaccine rather than his particular medical condition? What was done in regard to that?

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

Hon. Anthony S. Eden: I will attempt to get this and provide the information to the House.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how hepatitis B is normally contracted?

The Speaker: We are going a bit far from the substantive question, but if the minister has the information he may answer it. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker, and thank God for the *Caymanian Compass*! "Who can get Hepatitis B?" And with your permission, I will read this, which I have just tabled.

The Speaker: Certainly.

Hon. Anthony S. Eden: "The straightforward answer to this is anyone can get Hepatitis B. It is spread by direct contact with a number of fluids secreted by the body. These include blood, fluids from the vagina, or by direct contact with the seamen of an infected person. The disease therefore can be acquired by sexual intercourse, by sharing needles used to shoot illicit drugs, and most unfortunately even during the delivery of a baby. It may be acquired by living with a person who you may not even know is infected and sharing household items."

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I believe that I understood the honourable minister to say that consent forms are sent out to parents before administering the vaccination. Would he agree that this does in fact suggest that there is some degree of risk? And if this is accepted, whether it is normal to administer an allergy test prior to vaccinating a child?

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

Hon. Anthony S. Eden: With the consent of the parent coming, if something is identified I feel sure that Public Health would invite the parent to come in and pursue if there are any doubts when they respond to the questionnaire.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wish to thank the minister. What I am trying to get at is that most parents are not trained in this discipline and would have to depend upon the professionalism of the person administering the medication or vaccination. What I was trying to get at is because consent forms are sent out it would suggest that this is not a normal procedure, that it is accompanied by some degree of risk. Because of that, would the person administering this take the precaution of administering a type of allergy test so they can determine whether or not that child can take that type of vaccination?

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

Hon. Anthony S. Eden: To the best of my knowledge these consent forms are sent out with all types of immunisations that would be given. If there is a possibility of a family member, specifically a parent or guardian, knowing of a problem after reading the consent form, I feel sure that as a responsible parent they would discuss with the caregiver the possible ramifications. And if there is a situation where children have had untoward reactions to any of these immunisations then what the honourable member has said could be carried out.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I noticed in the answer that the honourable minister stated that one young boy was reported to have had a serious neurological disorder in the period following the vaccination. I am wondering if the honourable minister could say whether he accepts that the vaccination might have caused this serious neurological disorder? Is there any conclusive proof that this might have been attributed to the vaccination given to the child?

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

Hon. Anthony S. Eden: No, Mr. Speaker. As I have read and said, there is no conclusive scientific evidence that this vaccination causes this problem. There are over 300 million people in the world, I understand, who have had this vaccination. As I mentioned earlier, in the United States alone there are over 300,000 people infected with it, 5,000 people die annually. I think what the medical authorities do is to weigh one against the other and the long-term benefits. As with anything, there are risks, and I am very sorry for what has happened to this family. But there is no conclusive evidence as yet given to us that this would have been the cause.

The Speaker: The Fourth Elected Member for George Town. I am going to have to limit now to three additional supplementaries because we are getting into a long Question Time.

Dr. Frank McField: Mr. Speaker, I can guarantee you that I don't have three additional supplementaries, but I do have one short one that I think is perhaps in favour of the minister in that I would ask him whether or not science is perfect. I guess he can reply to that.

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

Hon. Anthony S. Eden: Gladly, Mr. Speaker. And after having the opportunity to pray the last two mornings, there was only one person perfect who ever came to this earth!

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: My question is a follow up to the one asked by the Third Elected Member for George Town in regard to the young boy who suffered serious neurological disorder subsequent to the vaccination. What assistance has government offered in this case, even though the minister said it hasn't been proven it was caused by this? Seeing that this disorder took place shortly after the vaccination, what assistance has government offered to this young child?

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

Hon. Anthony S. Eden: As of this date I do not know of the family requesting any assistance with this as we cannot conclusively say that the Health Services Department was responsible for this. To go forward I would assume, off the record, that it would be admitting liability, which we do not intend to do at this time.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I would like to ask the minister if this vaccination is compulsory.

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

Hon. Anthony S. Eden: That's a good question. No, it is not compulsory. As I said, the parents are told about it and it has to be with their consent. It is suggested, especially for teenagers and young people, when we look at one point something million visitors coming to the Cayman Islands . . . incidentally, there are no indigent cases . . . or people who live in the Cayman Islands. Where this has been found, most of what comes through the Cayman Islands in regard to Hepatitis B is from visitors.

The Speaker: If there are no further supplementaries, the next question is 56, standing in the name of the First Elected Member for George Town.

QUESTION 56

No. 56: Mr. D Kurt Tibbetts asked the Honourable Minister for who prays much [Health, Social Welfare, Drug Abuse Prevention and Rehabilitation] what are the present functions of the Forensic Laboratory at the George Town Hospital.

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

Hon. Anthony S. Eden: The present functions of the Forensic Laboratory can be divided into two main areas: 1) Drug Analysis or Forensic Chemistry; and 2) body Fluid Analysis or Forensic Toxicology.

Within the area of Drug Analysis, the following procedures take place:

- Screening tests and confirmation of seized drugs, e.g., cocaine, cannabis (ganja), heroin, amphetamines, etcetera;
- Screening tests and confirmation of presence of illicit drugs in drug utensils;
- Screening of unknown substances and subsequent confirmation of their identity.

As part of Body Fluid Analysis, the following procedures take place:

- Urine analysis (screening and confirmation) for the standard range of drugs of abuse, for example: cocaine and metabolites, cannabinoids, opiates (e.g., heroin), benzodiazepines, barbiturates, phencyclidine (PCP).
- Blood analysis for determination of alcohol concentration and presence of other drugs (prescribed and non-prescribed).
- Eye fluid for determination of alcohol concentration.
- Stomach contents analysis for drugs and possible poisons including insecticides there is also capability for determining drugs and poisons in body tissues like liver and kidney.

The range of clients served by the Forensic Laboratory includes the following:

- Drugs Task Force
- Her Majesty's customs
- The Royal Cayman Islands Police Service (various district Police Stations)
- Cayman Counselling Centre
- Her Majesty's Prison
- The Fire Department
- Immigration Department (work permit purposes)
- Physicians
- The coroner

In addition to activities list above, staff at the Forensic Laboratory also visit suspected crime scenes to collect samples (trace evidence) for analysis.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Perhaps if I had known the answer was going to be in this form I would not have risked the question with all of the names I see. Anyway, can the honourable minister state if at present the Forensic Laboratory has any facilities to do any DNA diagnosis?

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

Hon. Anthony S. Eden: No, not at this time.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: I think it is safe comment to say that is considered by certain departments within the Royal Cayman Islands Police to be a very important aspect of investigation. I am wondering if there is any intention or if there has been any thought given to upgrading the laboratory with the proper equipment and personnel to be able to do this.

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

Hon. Anthony S. Eden: Once again, a good question. Although very important as part of the judicial process, our forensic lab is not a healthcare facility. It is a laboratory involved in the application of analytic techniques and medical knowledge to throw light on questions involved with crime. The main focus of the minister of health was to answer (when we were constructing the present hospital) the country's desperate need for new healthcare facilities.

The provision of DNA testing is an expensive exercise. But if it is decided that it is necessary it can be introduced subject to the funds being approved for the necessary capital development and operational costs.

During the planning stages of the new hospital the idea of providing complete forensic services including DNA testing and a firing range for ballistic examinations was raised, primarily by the Royal Cayman Islands Police. However, the steering committee for the hospital project gave careful consideration to this request. The decision was made that the project budget could not be stretched to include the enhanced services at this point in time, but that in order for these at a later stage to be provided the roof of the forensic lab would be strengthened so that it could take a second floor if it was decided to put these services in place. That has been done, Mr. Speaker.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable minister state if he has any idea what would be the cost to upgrade the facility?

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

Hon. Anthony S. Eden: The start-up operational cost would be in the region of \$127,748. This would cover equipment and reagents, \$70,700; staffing \$57,048. The capital cost would be a bit more difficult to estimate. The forensic pathologist has estimated a need for an extra 1,260 square feet, which at hospital type building cost \$200 per square foot. This would result in a cost of approximately a quarter of a million dollars.

When I see this figures coming through, the last time I saw for a school was \$246 per square foot. I don't know what it would cost on this.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Seeing as the lab was originally constructed with the roof being the floor, with any extension going up to a second storey, perhaps that high cost might be a bit lower. But I would like to ask the minister if there have been any discussions between the ministry, the pathologist and persons in charge of the relevant department in the police force as to making any move forward with this once the need is justified.

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

Hon. Anthony S. Eden: Yes, we have had at least two meetings in regard to this. We have had discussions with the Commissioner of Police and we have also in the past had discussions with the Chief Secretary's office about the way forward on this. That was the former Commissioner, not this present one.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Needless to say, the reason why I have asked the question is because personally I believe the situation warrants looking into. Without going into a lot of detail I believe that times are changing. I believe that requirements are changing, and with certain things that are now occurring I believe that the matter should be looked into as expeditiously as possible. I would ask the minister to give an undertaking with a view to possible seeking supplementary funding if it's available in order to bring the forensic lab up to the level we have been discussing in order to satisfy the requirements of the Royal Cayman Islands Police.

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

Hon. Anthony S. Eden: With the consent of this honourable House, and if it's deemed that important to go forward in discussions with the honourable Financial Secretary and all the members of this House I would have no problem supporting that.

The Speaker: May I ask honourable members, since we have gone so far this morning, we can continue for another 45 minutes to lunch, rather than taking the morning break?

Okay?

Are there any further supplementaries? If there are no further supplementaries, moving on to question 57, standing in the name of the Third Elected Member for George Town.

QUESTION 57

No. 57: Mr. Linford A. Pierson asked the Honourable Third Official Member Responsible for Finance and Economic Development to state the government's cash reserve ratio for banks with "A" and "B" class licences; and government's approved code of conduct under which banks operate.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The Monetary Authority does not apply a cash reserve ratio to banks because the regulatory tool adopted internationally under the Basle Committee Guidelines is the capital adequacy ratio. All banks are expected to maintain an adequate level of liquid assets to support their operations. The adequacy of a bank's liquidity is monitored over time by reference to ratios such as liquid assets to deposits, liquid assets to total assets, loans to deposits, the availability of lines of credit and parent company/head office support. In addition, all branches and subsidiaries of foreign banks are required, at the time of licensing, to obtain a formal undertaking from the parent or head office to honour all deposit liabilities and other creditor claims of the Cayman licensee.

Banks themselves may use a cash reserve ratio for their own internal purposes, but for prudential supervision it is the capital adequacy ratio, which is the relevant measure.

With regard to the approved code of conduct under which the banks operate, the banks are governed by the Banks and Trust Companies Law (1995 Revision). This Law is supplemented by the Bankers' Association Code of Conduct which provides guidelines for the prudent conduct of banking business in or from within Cayman. In addition, the Governor-in-Council is in its final review process of an Anti-Money Laundering Code of Practice to be issued under section 20(1) of the Proceeds of Criminal Conduct Law 1996. This head Code requires all relevant industry associations to issue their own industry specific anti-money laundering guidelines consistent with the framework established by the head Code.

The Bankers' Association is already working on its own anti-money laundering "Code of Best Practice."

I should mention the codes for the various sectors of the financial industries will not be left entirely up to their discretion. There are codes that will have to meet with the approval of the Monetary Authority and the government and consistent with the Proceeds of Criminal Conduct legislation.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: In regard to the last statement made by the honourable member, I wonder if he can state what codes will be dealt with through the Monetary Authority.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Firstly, the codes that would be connected to the sections of the industry that are regulated by the Monetary Authority, we have that affecting the insurance sector, the code for the mutual funds industry, that was submitted for consideration at the same time as the principal code, the one affecting banking activities, and also at this time we are looking at credit unions and also building societies. The entire gambit of the financial industry. It is hoped that there will be some oversight provided by the Monetary Authority in the application of these codes.

HOUSE VISITOR

Miss Cayman Islands

The Speaker: Before I take another supplementary, I would like to recognise in the VIP Gallery the reigning Miss Cayman Islands. We were to have met with her this morning. Contrary to what we just agreed I would like to suspend proceedings in order for members to have an opportunity to meet the reigning Miss Cayman Islands. We can come back shortly after we have concluded that. Proceedings are suspended.

PROCEEDINGS SUSPENDED AT 12.09 PM

PROCEEDINGS RESUMED AT 12.34 PM

The Speaker: Please be seated. Question Time continuing. The Third Elected Member for George Town.

Mr. Linford A. Pierson: In the substantive answer the honourable Third Official Member stated that the Monetary Authority does not apply a cash reserve ratio to bank because the regulatory tool adopted internationally under the Basle Committee Guidelines is the capital adequacy ratio. Can the honourable member state exactly how this capital adequacy ratio works?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: According to the representative from the Monetary Authority the capital adequacy ratio is determined by weighting the various assets of the bank and looking at the risk and exposure. On this basis a capital adequacy ratio is determined. From this risk profile it is understood that the capital adequacy ratio is determined to be set at a level of 12% of the risk while elsewhere internationally it is normally set at 8%.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the honourable member could state if there is any minimum amount, or ceiling, that has been provided by a bank establishing in the Cayman Islands and whether that bank has to be a branch of a major bank.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: For the parent bank the minimum capital requirement is that of \$50 million. At the subsidiary or branch level it is 15% of the weighted asset, 12% of the risk weighted asset of the subsidiary or branch.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: For clarity, I wonder if the honourable member could just clarify that last statement he made. The 12% of weighted asset value. . . is this of the group accounts? What is this amount?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: That would be of the branch or the subsidiary that is established in the Cayman Islands. The minimum for the parent is that of \$50 million. As I mentioned earlier in response to the question, there has to be an indicative support by the parent company of the local financial institution and then the assets of the local financial institution are weighted and a risk profile determined. From this a capital adequacy ratio of 12% is set.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wish to thank the member for that clarification. Also in the substantive answer the honourable member stated that all banks are expected to maintain an adequate level of liquid assets to support their operation. Perhaps he would be kind enough to ex-

pand upon this and state if there is a minimum level of adequacy of liquid assets.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The minimum requirement will be ascertained by the risk profile that emerges in assessing the risk of local financial institutions. This is normally done with the filing of periodic financial information with the Monetary Authority. There is no specified minimum limit or such, or specified percentage limit. It is based on the risk associated with the operation of the institution. That is examined very carefully, and monitored very carefully by the Monetary Authority.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: The honourable member stated earlier in connection with the adequacy ratio that the parent company must have a capitalisation of a minimum of \$50 million. I wonder if he could state whether there is any "b" class banks in the island that may not have a parent company with that level of capitalisation.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: As this House would have been advised at an earlier time, the licensing policy of the government at this time in regard to the licensing of banks, firstly, that licensing policy covers three areas: 1) licensing of subsidiaries of banks and major financial institutions; licensing of branches and also affiliates of such financial institutions. In the case of subsidiaries there is a need for the \$50 million to be in place. But in the case of "b" banks . . . Mr. Speaker, let me remove the phrase "I think." The risk will have to be ascertained. In the case of "b" banks it is likely that some of them will have parental backing. Some may not have parental backing. But in this instance the capitalisation that is in place would be determined by the level of risk or exposure in terms of what liabilities exist to third parties.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I would just like to move to the 'b' section of my question which deals with the code of conduct. In the answer the honourable member stated that the Banks and Trust Companies Law (1995 Revision) is supplemented by the Bankers' Association Code of Conduct which provides guidelines for the prudent conduct of banking business in or from within Cayman. I wonder if he can state if this code of conduct through the Bankers' Association has been accepted as a policy by government and if so, has there been a limit on the

amount of cash that can be taken in by banks under that code of conduct?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The code of conduct as developed by the Bankers' Association mainly deals with the professional conduct of financial institutions and officers within the island. Certain expectations are set. There is a practice that has emerged under the code that banks do not accept cash or sums in excess of \$10,000. But this, it is to be recognised, will be superseded by the code of conduct emerging which will be the code of best practice under the Proceeds of Criminal Conduct Law.

Just for the benefit of this honourable House, the principal code that is presently under review by Executive Council will deal with the following other areas: It will establish the definition of 'money laundering,' indicate which service providers are covered by the code, it will require service providers to have in place effective anti-money laundering policies, internal controls and procedures, it will outline procedures and requirements for client identification, that is "know your customer" requirements. It will provide for staff training and educational development. It will establish the requirements for record keeping and provide for the recognition and reporting of suspicious transactions. We can see that it is very comprehensive.

When this is translated into what I would call the subcodes, or codes covering the various sectors, it will outline the specific requirements. For example, what will be applicable to banking institutions and transactions and activities; what will be the requirements under the Companies Management Law and also practices or from practitioners as well. Also, what will be applicable to the mutual funds industry, what will be applicable to other financial institutions such as credit unions and building societies.

The Speaker: The Third Elected Member for George Town.

Hon. George A. McCarthy: I wonder if the honourable member could state if within that code of conduct there is provision for a due diligence exercise to be carried out prior to any substantial transaction.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: I can answer yes. The "know your customer" requirement is a due diligence exercise. It will look at the documentation, what references are provided in effect the bon fide of the customer in question. This is to ensure that the clients that financial institutions are dealing with have a track record established and that such persons can be vouched for.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: This code of best practice that the honourable Third Official Member is referring to, I am assuming that this is the anti money laundering code of practice that will be issued under section 20(1) of the PCCL of 1996. Can the honourable member state if this code that is being developed is as a result of any specific reason or if this is simply a matter of bolstering the regulatory regime.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: It is intended to bolster the regulatory regime and to also ensure the credibility of transactions that are conducted within the Cayman Islands. This is the reason why we have in place the Proceeds of Criminal Conduct legislation. We want, as an international financial centre, to ensure that business conducted in the Cayman Islands can satisfy the high level of scrutiny and we do not want to be taken for granted by anyone who would come along and perceive that there are vulnerabilities to exploit. We also want to make sure that the persons engaging, especially institutions in fiduciary capacity in terms of providing services with the trust of the public at large, that their performance will be at the highest level and that they will have the highest level of competence and also the necessary internal controls will exist within such financial institutions. In effect, to hold everyone accountable that is acting in a fiduciary capacity.

The Speaker: Two additional supplementaries. The Third Elected Member for George Town.

Mr. Linford A. Pierson: I want to preface my question by saying that I am pleased to hear of the very high regulatory standards that we have within our financial industry. I wonder if the honourable member is in a position to say how these compare with international standards, and whether he can give an indication of when we can expect to get the final review completed on the anti-money laundering code of practice that he mentioned in the question.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: In terms of how well we compare with the international financial community, I have no reservations in saying that we compare with the best. We exceed as an international financial centre by far the standards that exist in some of the other centres that can also be regarded as having very good practices.

If we were to go back to the mutual evaluation that was carried out in 1996 by the Caribbean Financial Action Task Force . . . what is quite interesting is that that was about the early formation period of the Caribbean

Financial Action Task Force. And not too long a history for the Financial Action Task Force. What is quite interesting is that at that point in time when the 40 recommendations flowed from the Financial Action Task Force that would require certain infrastructure and legislative requirements to be in place and also for the Caribbean Financial Action Task Force coming up with an additional 19 recommendations, in practically every area—and we are talking about examinations being carried out by disinterested individuals in that these were individuals who did not have any specific reason to come to the Cayman Islands and give us a pat on the back—the overall conclusion of the findings suggested that our financial industry was well regulated.

When we look back from the time of introducing the Mutual Legal Assistance Treaty, from the time of the gentlemen's agreement, we can see that the Cayman Islands has been very proactive in terms of moving forward with our international obligations. We have not waited on pressure being brought from any area. In fact, we have been quite innovative in terms of some of the legislation that we have introduced. For example, the one that we introduced for the segregated portfolio legislation to allow for the expansion of the captive insurance business.

At the last risk insurance managers conference, I was told by one of the regulators that this has been adopted by the regulatory board or I think an affiliation of that order within the state of Illinois. I said why use the Cayman Islands code and it was pointed out that if something was seen to be good, why reinvent the wheel.

From time to time we will be subject to certain criticism by the international community. These are normally levelled by individuals who have certain fixations and don't want to believe that three very small islands in the Caribbean can have a financial regime in place that is as robust and standing equal with theirs on shore. If we were to look at yesterday's paper we would see where certain criticism was directed at the Cayman Islands along with two other international financial centres by the finance minister of France.

I always believe that any individual, regardless of his or her position, should not rush to judgment and make rash statements in absence of the facts. This is a demonstration that there is a level of deficiency in hindsight, insight and foresight. When we look at where we have reached and the role that the Cayman Islands has been playing in the Caribbean Financial Action Task Force the Cayman Islands is presently in the Chair. We would not find that our colleagues in the Caribbean would be agreeable for the Chair to be held by a country whose reputation would be in doubt. We know that such decisions and the influences at work within the international community . . . let's say that our colleagues in the region would be agreeable to this. If there were objections flowing from the financial action task force and other multilateral institutions this would affect the decision to allow the Cayman Islands to hold the Chair and also in terms of how we are viewed internationally.

So we are standing very tall, Mr. Speaker. We are standing up today with the best. We can't allow ourselves to be detracted by adverse criticism because it's only when progress is being made that criticism will be levelled. We will continue to focus on what is right for the Cayman Islands, to do what is right, but more importantly to keep in place the framework that will continue to promote and develop the Cayman Islands as an international financial centre while deterring individuals who would want to come here and abuse our facilities, our financial services and our environment.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: One of the provisions that has been talked about for a long time in connection to our regulatory regime is the provision for deposit insurance. Can the honourable member say how far we have progressed in regard to this aspect?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: There was a bill that was passed in this honourable House not too long ago that set a ceiling for depositors to be assisted up to a sum of \$20,000.

The Speaker: I think this would be an appropriate time for us to take the luncheon break. I apologise to the collector of customs and others who have been sitting here for a long time, but the time has come for lunch. So we will suspend until 2.30.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.41 PM

The Speaker: Please be seated. Question Time continues. Question 58 is standing in the name of the Second Elected Member for Bodden Town.

QUESTION 58

No. 58: Miss Heather Bodden asked the Honourable Third Official Member Responsible for Finance and Economic Development will the Customs Department consider increasing the number of revenue collection officers assigned to each arriving international flight at Owen Roberts International Airport.

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: The Customs Department is presently restructuring the Department so that two additional revenue collection officers (cashiers) can be assigned to international flights at the airport, bringing the total to four.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Can the honourable member say if this means expanding the office space?

The Speaker: The Honourable Third Official Member Responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes. This will mean working with the Civil Aviation Authority, that is the customs department, in order to expand the space.

The Speaker: If there are no further supplementaries, the next question is 59, standing in the name of the Third Elected Member for West Bay.

QUESTION 59

No. 59: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if any further consideration has been given to the establishment of permanent moorings in the George Town Harbour and at Spotts.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Permanent moorings in George Town were proposed after much discussion with the cruise lines' administrative staff. However, the captains of the ships wanted a double point mooring system, which made the cost prohibitive. Therefore, the Port Authority will not be pursuing the installation of cruise ship moorings at this time.

Permanent moorings for Spotts have not been considered as yet. The Port Authority is concentrating its finances to deal with the extensions of the Finger Pier of the George Town dock to ensure a long-term solution of the Islands' cargo needs.

SUPPLEMENTARIES

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of the fact that one of the reasons for the Port Authority considering the installation of permanent moorings was for the purpose of trying to preserve the coral reef in the harbour, can the honourable minister say what the decision not to proceed with permanent moorings does to this attempt to preserve our coral and reefs in this area.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The system as we know it is that there are a number of points in the George

Town area indicated by buoys where the cruise ships should drop anchor. Frequently three of these points are in operation. The first one is down near the Eden Rock area which is not now and has not been for some time used.

Our initial thought with the permanent moorings was following the ten year master port development project that we should move that as another phase in order to provide more permanent facilities for the cruise ships and at the same time protect the marine environment from the chains that rake across the ocean floor at times.

These particular areas have been anchored at for quite a substantial amount of time. I believe the government—this one or some other one—will have to look to see how we can remedy the situation in the future as regards the protection of the marine environment. We realise, of course, that even if the permanent moorings were put in place it would be some years before the coral would grow back to any significant length. But I think it was a good objective to have in the initial stages.

The Speaker: Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say if any funds were spent by the Port Authority on the cruise ship moorings project? And what amount?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: From the very outset of the concept of permanent moorings, even when the master port development project was being put together there were discussions with the cruiselines and certainly there were many discussions held thereafter. The master port development project was completed in 1994. Discussions were held both with the various cruiselines of the Florida Caribbean Cruise Association, of which there are 13 different lines, with a view that we wanted to ensure that discussions were held with them in order to get more feedback on our movement forward.

Many, many meetings were held and no objection to the movement came forward. So we proceeded along the lines that this was going to be an acceptable solution. The Port Authority spent quite significant sums of money on an annual basis as we moved forward. I think it totalled somewhere in the region of \$481,000.

But this work is information that can be used and will be used by the Port Authority now and in the future. So it's not information that is totally useless. It is information that will be useful to the Port Authority as we move forward.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The honourable minister mentioned that the cruise ships were involved in negotiations all along on this project. Can the honourable minister say whether or not any discussions were held

in regard to the cruise ships bearing a portion of the cost of the permanent moorings in light of the fact that in his answer he mentioned that the double point moorings were cost prohibitive.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: From the outset we talked to . . . perhaps I shouldn't put it that way. When we came to the conclusion that we were going to move forward with the concept of having permanent moorings in place, we began to talk about what would be the cost. Obviously in addition to the capital cost of installing permanent moorings there is also an operational cost. As a result we talked to the cruiselines about that cost and their possible contribution to the cost.

That got overtaken by the fact that we also wanted to increase the cruise ship tax which we put into the environmental fund. It is one of the reasons why the payment for these permanent moorings, the payment of the loan that the Port Authority would take from the bank, the annual payment on it would come from the environmental fund and that fund was set up basically to receive the additional sum of money per person on the cruise ship passenger list.

I believe the amount was somewhere in the range . . . well, we started off (let's put it that way) with having two different systems. One was that the cruise ships frequenting the Cayman Islands year round would have an increase of about \$1. Those that did not frequent year round, but basically came in October to about September when we are in a peak season both for air arrivals as well as cruise ship passengers would pay US\$1.60. Then the following year it would double. So we are now at US\$3.20 for one group of ships and the other one would be \$2.00 per person.

Because of this rather significant amount of money that we were putting on for the cruise ship passengers it was felt by the cruiselines in particular that we should be able to utilise some of this to also pay for the permanent moorings. That is the reason why we put the money into the environmental fund and utilised that money to pay the loan payments on an annual basis.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say what is to become of the moorings or anchors that were purchased by government for that purpose?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think it is proper to put a date on when the government purchased anchors. That, to the best of my recollection, was shortly after the time of the *Rhapsody* on the rocks, back in 1983 or 1984. So those anchors to the best of my knowledge are still around. I believe that some of them are at the

cargo distribution centre. There are also anchors on the ocean floor in the area of South Sound. So they are still here. We haven't put them to use yet.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say whether they have any plans for these anchors other than allowing them to rust away?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The truth is that we have no plans per se at this moment for the utilisation of those anchors.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Following up on the idea of financing, can the honourable minister whether or not there was any offer by the cruiselines to have the permanent moorings done to their specifications and at their expense?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We had a consultant giving advice to the Port Authority and also meeting with the cruiselines. As we moved forward with what was proposed, which was a single point mooring where the ocean floor would be drilled down beyond 40 feet and a piece of iron would be pile driven to that level, capped at the ocean floor with a substantial amount of concrete with an eye at the bottom where a chain would hook into it and up to the buoy, everyone that we talked to in the administrative staff thought that would work—until we got to the senior captains who said they would not tie up to that buoy.

It is something that actually happened much to everybody's surprise. But we know that the captain is responsible for the ship when she is in port and his decision is final on that matter. I think you would know that better than most of us, Mr. Speaker, as you were one of the captains—not on a cruise ship, but qualified as a master mariner.

The single point mooring, as we have said here on a number of occasions with all of the costs related to it, the substantial cost with the mobilisation of a barge with the appropriate crane which would be utilised to actually anchor these pieces of iron into the ocean floor and to deal with the capping at the top of the ocean floor, that was a substantial cost. The total cost of doing the buoys alone would be around \$1 million or \$1.5 million, is my recollection. But the total cost would be around \$6 million.

If we were to follow the recommendations of the senior captains where they wanted a double point mooring, we are then looking at at least \$12 million, which we

thought made the whole project prohibitive. I do not visualise any cruiseline deciding to pick up that amount. And neither of them came forward to do it.

The Speaker: Third Elected Member for West Bay. Two additional supplementaries.

Mr. John D. Jefferson, Jr.: My first question is in regard to the continued use of Spotts as an alternate site for landing. In light of the fact that this is still a relatively virgin area, I wonder if the honourable minister can say what plans are being considered to preserving this particular area from the damage of cruise ship anchors. Could this be considered as a possible site for permanent moorings?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just to be clear, there are no permanent moorings. None have been developed. I just want to be clear on that particular point. While we are interested in protecting the marine environment at Spotts or anywhere else in this island, we have not conducted any study to see what needs to be done in that particular area other than we know without a study that the ideal situation is that it should be protected.

But when we look at this we have to be realistic and look at the possible cost ramifications of what we are talking about. How often in 365 days does a ship anchor at Spotts? If you are going to spend \$6 million or \$7 million to put that facility in place maybe you need to be sure that there is adequate funds to pay for it because a lot of it will be an environmental expense rather than a commercial. It will be an environmental expenditure made to protect the environment rather than that exercise being a financial venture. In other words, it will never break even.

The Speaker: Third Elected Member for West Bay, the final supplementary.

Mr. John D. Jefferson, Jr.: In light of what has been said by the honourable minister, can he say what the long-term plans are of the Port Authority regarding accommodating cruise ship visits? Do we continue to do what we are doing where we have no regard whatsoever for the coral reefs in these areas, or do we have a plan?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe I mentioned earlier (not in the written answer but certainly in the answer to supplementaries) that the master port development plan which was completed in 1994 is a ten year plan and it takes into account all that should happen in a ten year period of time. Remember, Mr. Speaker and

honourable members, I am always reminded that a plan is a guide. A plan does not commit you to anything until you commit yourself to it and you provide the funds to actually carry it out.

The Speaker: Question number—

Mr. W McKeever Bush: Mr. Speaker, I know you said that was the last one, I wonder if you would permit one more.

The Speaker: I think you just want to try me, but go ahead.

Mr. W McKeever Bush: No, Mr. Speaker, I don't like to try you, but thanks very much. I am wondering if the minister can say then what the \$14 million expenditure from the port is all about. What relationship is this going to have to the cruise ships at that end?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We had a press conference just the other day. We gave as much information as we possibly could to every member of the press that was present. What we have, and this is no secret, we know that the present Finger Pier at the dock which was built in 1976 is 190 feet long by 42 feet wide. We know too that the *Marrant Bay* is a ship 370 feet long. We know that the cargo coming into this country was over 192,000 tons in 1993. By 1998 it was in excess of 221,000 tons, almost double in six years. We wanted to do a similar exercise if we could. Whatever money we would spend, that expenditure would be good for 15 years down the road until someone would have to do anything more as far as cargo facilities in this country is concerned.

Therefore, we took the decision . . . you asked the question I am giving you the answer . . . \$14.5 million is what you asked.

POINT OF ORDER

Mr. W McKeever Bush: Mr. Speaker, on a point of order. I asked the specific relation to cruise ships. That's all I am asking . . . what, if any. I haven't seen the report that the minister is talking about, but I am asking what relationship the \$14 million expenditure has to cruise ships. Not the cargo, sir.

Hon. Thomas C. Jefferson: Mr. Speaker, he confirmed that we are talking about \$14.5 million. I am answering him on \$14.5 million. The \$14.5 million relates to the extension of the Finger Pier I am talking about. It has nothing to do with cruise ships.

Mr. W McKeever Bush: All right. Thank you. Mr. Speaker, that was all I was trying to ascertain.

The Speaker: Moving on to question—

Mr. D Kurt Tibbetts: Mr. Speaker, if I may.

The Speaker: No.

Mr. D Kurt Tibbetts: I don't want to ask a question sir, but before we move on, if you would allow me, I'd like to make one quick suggestion regarding the issue just being discussed.

The Speaker: Okay. Very quickly.

Mr. D Kurt Tibbetts: Thank you sir.

Those anchors that have been lying there for years that no one seems to know if they will ever be used could very well make a nice dive site.

The Speaker: Moving on to question 60, standing in the name of—

Hon. Thomas C. Jefferson: Mr. Speaker, I take the suggestion, but I would like to get some indication from the watersports association how attractive that would be to the regular visitors to this country for diving.

The Speaker: Question 60 is standing in the name of the First Elected Member for George Town.

QUESTION 60

No. 60: Mr. D Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs if the government is aware of the continuing problems being faced by the law enforcement agencies because of Caymanians not having to fill out the embarkation/disembarkation cards when exiting these islands.

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

Hon. James M. Ryan: The government was not aware that there were continuing problems being faced by the law enforcement agencies because of Caymanians not having to fill out the embarkation-disembarkation cards when exiting these Islands.

Upon enquiry it has been determined that Caymanian passport holders who are wanted by the police can leave the territory without a record of their departure, thereby making it very difficult to trace them. There is a need for passport-producing and passport-reading equipment. The request for this equipment was submitted last year, but it was not approved. The current price of this equipment is again being sought and a request for it will be resubmitted.

SUPPLEMENTARIES

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Can the honourable member say if this request was actually brought to Finance Committee or did it die a natural death before it got here?

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

Hon. James M. Ryan: The latter assumption of the member is correct. It died a natural death before getting to Finance Committee.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: I will end this with a question. I just want to say that I don't know if government is mindful of how serious this matter is. But from the law enforcement point of view I believe it is a very serious matter. I do not believe that any government that acts responsibly should seek to create a convenience for people while travelling and risk the security of the nation.

I would like to ask the honourable First Official Member if he would simply take on the commitment at the earliest possible convenience whenever there is any request for supplementary expenditure, to be able to bring it forth. At least if it gets to Finance Committee it might have a chance.

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

Hon. James M. Ryan: I don't think it's a case of government deliberately contributing to crime or to the convenience of criminals . . . and I am not saying that the member is saying that at all, but it is just one of those things. I would like to say that I do have an approximate cost and it's not an enormous amount and I certainly give the undertaking that I will follow up this request with an effort to request supplementary funding for it.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I am certain that the honourable First Official Member will not misunderstand my intention because it is not directed at his office, but nevertheless, if I am understanding correctly what is hoped to be achieved is that once this equipment is purchased then as new passports are issued they would be this type of passport and you will have the proper equipment keep a record of people leaving the country—Caymanians that is.

The other problem is that it may take a long period of time to recycle all the passports that are now in circulation, depending upon the length of time they have been issued for. Regardless of what position government takes, I hold the view that while this is being done something should be done so that proper records are kept.

I would also like to ask the honourable First Official Member in talking to whoever he has to talk to regarding

the issue to take into consideration . . . because even if we are able to get this new equipment it could well be a period of seven or eight years. Well, if passports are for ten years, some people will have renewed their passports. All I am saying is that we don't know how long the people whom we want to ensure we have records on hold these passports. Perhaps the situation may continue to occur for an extended period of time and we may need to look at this to see if there is a way to prevent it from continuing. I am simply asking the member, in his looking at the entire situation to bear that in mind.

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

Hon. James M. Ryan: I take the point the member has made. The fact is that for some time—and it has been a few years now—we have been using the type of passport that is adaptable for machine reading. The member will be aware that there was a time when we used a black passport. Recently we went to a different coloured, slightly smaller passport, sort of a burgundy passport. There are still some of those black passports in circulation. I am the holder of one myself. It doesn't have much longer to run. I would say the vast majority of passport holders now hold the burgundy passports and they are the passports designed for being machine read.

For the benefit of the House and the listening public, we are talking about purchasing a piece of equipment for producing the necessary strip and making the passport machine readable. That equipment would be at the passport office and cost roughly about \$80,000. We will need approximately eight machines at the airport, including one for Cayman Brac. Those are at a cost of just over \$5,000 each. We are talking in rough terms of around \$120,000 for the equipment to produce them in a readable form and for reading the passports. That is the position.

I believe that once that equipment is in place we will, in a very short time, catch the vast majority, and I believe we will find that the black passports are all soon to be replaced, that is as soon as they expire, and most of them are nearing that. So we are moving much nearer to that than perhaps most people realise.

The Speaker: First Elected Member for West Bay.

Mr. W McKeeva Bush: I don't know if the honourable First Official Member said the reason why the request for the passport reading equipment had not been granted by Executive Council.

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

Hon. James M. Ryan: I didn't mention Executive Council at all, I simply said that the request had been put in for the equipment but it did not make it to the Finance Committee .

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I thank the honourable member. I just assumed, knowing the procedure, that that's where it got blocked. When a minister makes a request it either gets passed in Executive Council or it doesn't. Having said that, I am wondering if the authorities are aware that there are people who can slip by the police in this fashion, and that they now need this equipment and whether the honourable member can put in a request, a supplementary request, to be able to get this equipment. I think the First Elected Member for George Town put it very eloquently when he said that the security of the nation is at question.

The Speaker: He has given that undertaking to the House.

Honourable First Official Member responsible for Internal and External Affairs, would you care to repeat it?

Hon. James M. Ryan: Thank you. Yes, I said in the answer that it would be resubmitted and I give that undertaking.

The Speaker: The First Elected Member for George Town. Two supplementaries.

Mr. D Kurt Tibbetts: I only need one, sir. Thank you. I just wish to confirm this and perhaps the honourable First Official Member an elaborate if that is appropriate. Upon receipt of the equipment he mentioned a while ago, once these passports are labelled with this strip and are machine-readable, when this machine reads them equipment will be in place that simply stores that information which equates to what used to have to be done whereby individuals from the Immigration Department had to log the information from the embarkation/disembarkation cards to store it. I just wish to confirm that when this occurs the same information will be stored and the Immigration Department will have the same access to it, but they won't have to type it in.

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

Hon. James M. Ryan: Yes, the member is quite right. Once the strip is put in all Caymanian passports that have that will be machine-readable. It will automatically be recorded and can then be pulled up from the computer database.

The Speaker: If there are no further supplementaries, moving on to question 61, standing in the name of the Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, this Question Time has been so long today that I am about to go to sleep.

No. 61: Mrs. Edna Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture what was the ruling given by the Legal Department as to the extension of the United Nations Conventions on the elimination of discrimination against women and the elimination of violence against women to the Cayman Islands if the United Kingdom is a signatory to these conventions.

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

Hon. Julianna O'Connor-Connolly: We have been advised that the "...Convention on the Elimination of All Forms of Discrimination Against Women has not been extended to the Cayman Islands" and that it was ratified by the United Kingdom in 1986.

Declaration on the Elimination of Violence Against Women document is a United Nations (UN) consensus declaration. It is "not a Convention per se, creating international obligations, but rather a [United Nations] General Assembly Resolution ... [and] was adopted by the General Assembly without a vote on 20 December 1993 ... these Resolutions, in general may be regarded as evidence of the general international standards and customs accepted by the international community. There are neither state parties to these resolutions nor signatories; rather the UN Records will reflect which states '(a) voted in favour in the Resolution (b) abstained from voting (c) voted against the Resolution.' Article 39 of The Statute of The International Court best summarises the strict legal effect of these resolutions, in stating that 'They are neither a principal or subsidiary means of determining international law.'"

The Resolutions in general elaborate on a particular aspect or Article of a particular Convention. Local/Domestic Courts (as for example, the Caymanian Courts) may have recourse to them as exhortatory/persuasive as opposed to binding authorities.

The Speaker: If there are no supplementaries we will return to deferred question 45, standing in the name of the First Elected Member for West Bay.

DEFERRED QUESTION 45

No. 45: Mr. W McKeeva Bush asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture why the Veterans did not get their increase until May 1999 when the motion authorising same was passed in June and again in November 1998; the main purpose being to have agreement for the 1999 budget process.

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

Hon. Julianna O'Connor-Connolly: There was no motion authorising an increase to veterans in June or in November 1998. The Ministry suspects that the motion referred to in this was perhaps the motion moved by the same member in whose name the question is now before this House.

For the avoidance of doubt, that motion was passed on 17 July 1998 and read as follows: Private Member's Motion No. 8/98: "WHEREAS the Government promised in the 1996 Election Campaign to increase the financial assistance to the elderly, the handicapped and others in need;

"AND WHEREAS the financial assistance of \$200 per month, per person, is the only income that most recipients receive;

"AND WHEREAS the cost of living is not on the decrease;

"BE IT NOW THEREFORE RESOLVED THAT the Government consider putting in place the necessary funds so that at the year 2000 the financial assistance would be at a figure of \$400 per month, per person."

It specifically said elderly, handicapped and others in need—all which fall under the ambit of the Social Services vote whose constitutional responsibility falls under my colleague the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

As to the main purpose of the motion, it is the Ministry's position that such purpose, if any, was not clearly and legally expressed and authorised in writing and, when one deals with the finances of this country, then it would not be prudent, legal or sensible to act on any ambiguous, silent or omitted motive.

The government brought a motion, namely Government Motion No. 1/99, to increase the financial grant to volunteer ex-servicemen and their widows which was passed with amendment on 26 February 1999.

The operative part of this motion said, "BE IT FURTHER RESOLVED that this Honourable House support a proposal to Finance Committee to approve the full amount of \$356,600 to fund the said increase of \$50 per month to veterans and their widows."

The matter came before Finance Committee when it first sat on 26 April this year and on 28 April this year the Ministry received the authorisation circular from the Accountant General. The first pay date after this authorisation the veterans and widows received their increase of \$50 with back-pay to January of 1999.

Further, the Ministry has received numerous telephone calls and letters of gratitude for the increase. There has only been one male caller from the district of West Bay—who refused to disclose his name—who enquired as to why he did not receive his increase from last year and he received a synopsis of this same answer from the Ministry.

SUPPLEMENTARY

The Speaker: First Elected Member for West Bay.

Mr. W McKeever Bush: I understand what the minister is saying concerning the motion not being specific. But it did mention 'others in need.' Certainly the mover of the motion did say that this was what he was talking about, although the motion was not amended. The government had the understanding because the minister came to the mover afterwards and asked, and was told that that's what we were referring to.

Nevertheless, I am satisfied that that's what it was all about. What I am asking now is why didn't they pay the increase earlier? Perhaps they had to wait until they got their increase before they would pay the veterans.

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

Hon. Julianna O'Connor-Connolly: I thought I had made it abundantly clear, but for the avoidance of doubt perhaps I can repeat it, since it's quite relevant.

The Finance Committee first sat on 26 April this year. Two days later, 28 April, a circular authorising the spending of these funds was received from the Accountant General. The first pay date after this was May. At that time the veterans and their widows were paid with the pay being retroactive. As to the speculative part of his remarks, I refrain from making any comment or response thereto.

The Speaker: If there are no further supplementaries that concludes Question Time for today.

Moving on to item 5 on today's Order Paper, Government Business. At this time I will ask for a motion to suspend Standing Order 46 (1) as this Bill we will be dealing with, The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999, which was circulated (white paper) on 6 June and the gazetted copy was 15 June, therefore 21 days have not elapsed. I therefore ask for the suspension of Standing Order 46(1).

The Honourable Minister responsible for Education, Aviation and Planning, will you move the motion for me please? I ask that you move the suspension of Standing Order 46(1).

SUSPENSION OF STANDING ORDER 46(1)

Hon. Truman M. Boddan: I move the suspension of Standing Order 46(1).

The Speaker: The question is that Standing Order 46 (1) be suspended. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 46(1) SUSPENDED.

The Speaker: Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL CO-OPERATION) BILL, 1999

The Clerk: The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999.

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

SECOND READING

THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL CO-OPERATION) BILL, 1999

The Clerk: The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999.

The Speaker: The Honourable Second Official Member.

Hon. David Ballantyne: Thank you.

The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999, the purpose of this Bill is to give effect in the Laws of the Cayman Islands to provisions for increased cooperation in drugs interdiction. As the mover of the Bill I would wish to give some further details as to its purpose.

The background is that in May of 1996 the UNDCP (The United Nations Drug Control Program) organised a regional conference in Barbados to promote action on a regional basis against drug trafficking. That conference produced a document entitled "The Barbados Plan of Action." Following the Barbados meeting working groups were set up to study regional initiatives in relation to maritime cooperation, law enforcement training and equipment needs, the exchange of intelligence and the upgrading of forensic laboratories.

In the Cayman Islands the forensic laboratory facilities have been improved to a high standard. Since the 1996 Plan of Action that has been by law established a national drugs council, these are key components of the Barbados Plan of Action.

Another key component of the plan is increased maritime cooperation. Following the successful operation of ship rider agreements involving the United States and British Virgin Islands on the one hand, and the United States, Turks and Caicos Islands and the Bahamas, under an agreement entitled "Up Bat", an agreement involving all Caribbean Overseas Territories in Bermuda was

entered into on 13 July 1998 for International Maritime Cooperation.

In essence, that agreement allows for law enforcement officers of the Cayman Islands to embark on US vessels, and US officers to embark on Cayman Islands Vessels. It also allows law enforcement vessels of either country to enter into each other's waters in certain circumstances. All of this is calculated to suppress illicit drug trafficking by sea.

The agreement entered into in July 1998 which is in respect of the Overseas Territories and the Caribbean and Bermuda, refers to the BVI and "Up Bat" arrangements and also to Article 17 of the 1988 UN Vienna Convention which commits parties to enhanced maritime cooperation, including by means of agreements.

So the agreement to which I have referred of July last year was approved by the Cayman Islands government, and the government now requires to give effect to provisions of that agreement. These provisions relate to operations in international waters which are the territorial sea and inland waters of each Overseas Territory. The territorial sea is that area of sea that is measured from the coast or the low water line of fringing reefs. And where there is a break in the reef the territorial sea is measured from a straight line across the passage or break.

In the Cayman Islands, the territorial sea is defined in the Cayman Islands Territorial Sea Order of 1989 which was an Order in Council. It is also defined (that is, the territorial sea) in the United Convention of the Law of the Sea as are internal waters, which Article 8 of that Convention defines as waters on the landward side of the territorial sea.

To give a practical example in relation to the islands, the territorial sea would be measured out from the fringing reef, twelve miles out. And waters such as North Sound would form part of the internal waters. This agreement which was concluded last year is essentially maritime, but does include air operations. But the Bill before the House today is exclusively concerned with maritime cooperation.

The essence of Article 6 of the agreement is to control these maritime operations by one party in the waters of the other. Rather than having to obtain agreement or permission in each case which may not be practicable because of the need for urgency. The Agreement sets out what is permissible and there are three sets of circumstances.

The first circumstance is where a ship rider of the Cayman Islands is on board a US law enforcement vessel or the other way around. In a case like that the ship rider of the Cayman Islands can give authority to the vessel to enter Cayman Islands waters on the spot. The other two situations, however, are where there is no Cayman Islands law enforcement officer on a US vessel, for example, and where a US vessel sees a suspect vessel fleeing into the waters of the Cayman Islands. I think this is conventionally called 'hot pursuit.' A third situation is where a US law enforcement vessel, for example, de-

fects a suspect vessel already in the territorial waters of the Cayman Islands.

I should say at this point, although I am saying US vessel in relation to the Cayman Islands, it could equally work the other way, where a Cayman Islands law enforcement vessel has to go in hot pursuit in US waters. It is a fully reciprocal agreement.

Now, in the circumstances where there is no ship rider on board the other country's law enforcement vessel, under limited circumstances pursuit or entry by the law enforcement vessel into Cayman Island waters may be allowed to investigate the possible commission of drug trafficking offences. The conditions under which this may happen are only if there is only no law enforcement vessel of the Cayman Islands ready and available to carry out the investigation so that it is necessary for the US law enforcement vessel to enquire whether there is a Cayman Islands vessel available and to notify the Cayman Island authorities of its intention to carry out this kind of pursuit. And even then, when the vessel comes into territorial waters, or internal waters, it may only stop, board and search the suspect vessel. And only if the evidence justifies it, may the vessel be detained. So there are safeguards in place. The detention is all that can be allowed because the Cayman Islands would always preserve the primary jurisdiction to deal with the detained vessel.

In summary, the powers are to stop, board, and if there is evidence, detain.

There are circumstances provided for in the Bill where if it is not possible to give advance notice, notice must be given at the earliest opportunity. That is the only exception to the requirement for the giving of notice. Finally I would mention that there are certain offences created in the Bill which are analogous to the existing offences in the Misuse of Drugs Law. I come back to the position that the powers which are referred to in the Bill are already in the Misuse of Drugs Law but are there for the use by Cayman Islands law enforcement officers. This Bill would effectively permit their use in the selected circumstances by law enforcement officers of another designated jurisdiction.

So if enacted, this Bill would give effect not only to the 1998 agreement, but it would give effect to a key component to the Barbados Plan of Action. I have here, for anyone who may be interested, the result of the working party on maritime cooperation set up by the Barbados Plan of Action. Their first recommendation was that regional states should enter into bilateral or multilateral agreements for maritime cooperation in counter narcotics operations. Therefore, the Cayman Islands would be seen to be giving effect to the kind of commitment that the Barbados Plan of Action called for.

It also gives credence to the continuing commitment of the Cayman Islands in the anti-drugs interdiction field. With these remarks, and subject to endeavouring to deal with any further questions that may arise, this Bill is commended to the House for its consideration.

Thank you, Mr. Speaker.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999 be given a second reading. The motion is open for debate. Does any member wish to debate the Bill? (pause)

If no member wishes to speak, would the honourable mover wish to exercise his right of reply? The Honourable Second Official Member responsible for Legal Administration.

Hon. David Ballantyne: Thank you, Mr. Speaker, I will only reply very briefly by saying that the tacit assent of the House is appreciated in respect of this measure which I know will enhance the standing of the Cayman Islands in the international community and as an Overseas Territory of the United Kingdom. The United States, in particular, is keen to see this measure in place and I think that the Cayman Islands will be among the leading territories in giving effect to this kind of international co-operation.

That's all I wanted to say, and I thank you Mr. Speaker, and members of the House for their attention.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL COOPERATION) BILL, 1999, GIVEN A SECOND READING.

The Speaker: The House will now go into committee to consider a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999.

HOUSE IN COMMITTEE AT 3.44 PM

COMMITTEE ON BILL

The Chairman: Please be seated. The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct all printing errors and such the like in these bills?

Would the Clerk state each bill and read its clauses?

THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL CO-OPERATION) BILL, 1999

The Clerk: The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999.

Clause 1. Short title.

Clause 2. Amendment of the Misuse of Drugs Law (1995 Revision).

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 AND 2 PASSED.

The Clerk: A Bill for a Law to amend the Misuse of Drugs Law (1999 Revision) in order to implement certain provisions of an agreement made on behalf of the Islands authorising a designated convention state to exercise in relation to a ship in the territorial seas of the Islands enforcement powers; and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes committee stage on a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999. The question is that the Bill be reported to the House. Those in favour please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE BILL BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 3.47 PM

REPORT ON BILL

THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL CO-OPERATION) BILL, 1999

The Speaker: Proceedings are resumed. Reports. The Honourable Second Official Member.

Hon. David Ballantyne: I beg to report that a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999 was considered by a committee of the whole House and passed without amendment.

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

A suggestion has been made to me, honourable members, that rather than start a private member's motion this late on Friday afternoon, that the House adjourn. If that is the wish of the House I will entertain a motion for the adjournment, or we can continue with the private member's motion. Whatever is your wish.

The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

ADJOURNMENT

Hon. Thomas C. Jefferson: Mr. Speaker, I am pleased to accede to the wishes of the members of this honourable House and move the adjournment of this honourable House until Monday at 10.00 AM.

The Speaker: The question is that this honourable House do now adjourn until 10.00 AM Monday, 28 June. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 3.48 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 28 JUNE 1999.

**EDITED
MONDAY
28 JUNE 1999
10.24 AM**

[Prayers read by the Second Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Third Official Member and from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who are overseas on official business.

Item 3, Administration of Oath of Allegiance to Mr. Arthur Joel Walton, JP, to be the Honourable Temporary Acting Third Official Member.

Mr. Walton, please come forward to the Clerk's Table. All members will please stand.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE
(Mr. Arthur Joel Walton, JP)**

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

The Speaker: On behalf of members, I welcome you to this Honourable House during the tenure of your service. Please take your seat as the Honourable Temporary Acting Third Official Member.

Please be seated. Item 4, Questions to Honourable Members/Ministers. Question 62 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 62

No. 62: Mr. Roy Boddén asked the Honourable Minister responsible for Education, Aviation and Planning to give the projected enrolment of government's primary and secondary schools on Grand Cayman for the school year beginning in September 1999.

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

Hon. Truman M. Boddén: The projected enrolment of government primary and secondary schools is as follows:

Schools:	Projected Enrollment	Present Enrollment
Primary:		
John A Cumber	503	478
George Town	467	430
Savannah	299	273
Red Bay	440	420
Bodden Town	132	131
East end	136	120
North Side	65	60
Special:		
Lighthouse	56	57
Secondary:		
John Gray High	835	785
George Hicks High	820	818

SUPPLEMENTARIES

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister tell the House, in those cases where the number of students coming in will mean an increase in the enrollment, whether all is in place in the schools to receive this increase in an orderly transition?

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

Hon. Truman M. Boddén: The Spotts Primary School should have been ready for September this year. It is obvious that it isn't going to be ready because the plans haven't been done. However, within the schools we believe that even though it will be tight in some of them that we will be able to accommodate these. We will have the additional teachers in place to deal with them.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister tell the House why the plans are not ready for the new school which was supposed to be developed at Spotts?

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

Hon. Truman M. Bodden: Last year the fact that we needed this school at Spotts for September this year was stressed. I needed ten rooms, eight classrooms and two supporting rooms. The bureaucracy of government, I am afraid, chugs on and the last thing now, because of a ruling done here—and this is not the reason for this hold up—but because you can't even clear the land until all the money is in place under Public Works' interpretation even though there was \$7 million in place no contract can be given out on a project unless all of the money is put in place. I am just saying this. This is one of several things. I am not blaming this House for it. But this is just one of the many things that has held up the project along with the fact that somehow the plans have just not . . . they just haven't been able to do them.

It's gone out to private architects to be done and all I can say to you is that I am pushing and the minister for tourism is pushing and we are jointly meeting on regular intervals to try to get this school on line—that stage of the school on line, I should say—as early as possible.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House if as a result of the delayed start, that is going to mean there may be some differentiation in the original cost projected?

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

Hon. Truman M. Bodden: Another complication has been whether this is done as a hurricane shelter or not. If on that site the school is done as a hurricane shelter the cost is \$12.15 million. I have \$7 million in the budget.

What I have gone back and asked is to get a costing. First it was \$4 million then it was \$6 million or so, I don't remember what the projections were. Anyhow, as far as I can remember \$7 million is what is in the budget and that is not sufficient to cover the cost without it being a hurricane shelter.

Now, Public Works won't do anything on a contract because of the earlier rulings in Finance Committee. As I understand it a tender will not be given out unless all funds are in place. So if we are short a small amount of funds we have to come back to Finance Committee, or in this case I have gone to Executive Council and asked that I can go ahead and clear the land, get it filled, and deal with the road into it. But the position, as I understand it . . . Mr. Walton is Chairman of the Public Tenders Committee, he's here . . . you will not award a contract unless there are funds in for the year passed by Finance Committee.

[inaudible comments]

Hon. Truman M. Bodden: For the year. So will you award the contract for this?

The Speaker: The Elected Member for North Side.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have a question regarding clarification of a statement the honourable minister made. Is it that the project cannot go ahead until all the projected costs have been identified? Or is it that the project, as the minister indicated, can't go ahead until all the projected funds have been in place?

I seem to recall that it is the projected costs. Can the honourable minister offer some clarification on that?

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

Hon. Truman M. Bodden: What I would like to get and read is the letter that came to me on this (I don't have it here) because it is controversial. The Chairman of the Tenders Committee said provided the projected cost is in. What has happened now is that the projected cost is more than the sum of money in the budget. What the engineer wrote to me was to say that he was not prepared to clear the site, do anything on the road until that money had been approved by Executive Council.

What I would like to do to put it beyond a doubt is read the letter that came to me so you can see what I am faced with in the event there is any doubt on whether I am interpreting this right or not. It may take me a little while to get it, if I can ask to put this question over while we get that faxed down, please.

The Speaker: Are there further supplementaries on it, other than that one? The Elected Member for North Side.

Mrs. Edna Moyle: Seeing that the enrollment at the North Side Primary School is increasing every year, can the honourable minister say if that school will be given an additional teacher to take away from the one teacher who is now teaching two classes together?

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

Hon. Truman M. Bodden: The Chief Education Officer says that he is looking into this matter with the hopes of increasing the staff complement there.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I would just like to say to the honourable minister that I will be watching this very carefully, since I have been asking for an additional teacher in that school for the last three years and the parents are now joining the call-in show on the radio speaking of the need for a teacher and how the MLA is aware of it but she won't do anything about it.

According to the number projected for enrollment at the Savannah school, it is only going to increase by 26

students. I would ask the honourable minister if that is just one year or is that the increase for the entire school?

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

Hon. Truman M. Bodden: That's the projected increase for the entire school.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say what is the projected number of new students for Year 1, and what would be the total number in Year 1 in Savannah come September 1999?

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

Hon. Truman M. Bodden: At Savannah we are anticipating 49 students and 26 are going out.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Can the honourable minister say how many streams there will be in Year 1 in Savannah? And how many were there in the last school year?

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

Hon. Truman M. Bodden: There will be two this coming year and there are two now.

Mrs. Edna Moyle: [microphone not turned on] How many students in each stream?

Hon. Truman M. Bodden: Obviously I don't have a breakdown of every class. But I have been told by the Chief Education Officer approximately 25. I visited there recently and I think that is correct.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: For purposes of clarity regarding the Savannah Primary School, the present enrollment is 273 students and there are two streams in Year 1. There will be again two streams in Year 1 come September, but there's an increase of 26 students. Can the honourable minister give a breakdown of which classes those 26 extra students are going into?

So that the minister will understand clearly what I am asking for, we know that Year 6 is leaving. That constitutes part of the 273 students as numbered in the present enrollment. The 26 extra students which are anticipated—because of think the minister said twenty-odd are leaving and 49 are coming in—there are still 26 more bodies that will be coming into the school outside of what is presently there, even when Year 5 moves into Year 6 after they leave. What we want to find out is where those 26 bodies are going in the school.

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

Hon. Truman M. Bodden: There is only one Year 6 class at present. That has 26 students, and they are going out. Coming in from Year 5 (I don't know about the projections) are 40 students. In other words, this is the last single class Year 6 in Savannah. Coming in from now on will be two classes in Year 6. It will be a two class school throughout. That is where the amount would be, the extra 23 students will be there.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: From that answer it seems as though Savannah will need an additional classroom. Can the honourable minister say if there is an additional classroom at Savannah that can be used for this class?

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

Hon. Truman M. Bodden: I understand that we will be moving the library from the classroom into the hall and using that room for Year 6.

[inaudible comment]

Hon. Truman M. Bodden: Well, obviously on a temporary basis because Spotts is supposed to pick up—

[inaudible comment]

Hon. Truman M. Bodden: When I say temporary, when the Spotts comes in it will relieve all of the schools in that area. It will relieve Savannah, George Town, Red Bay.

[inaudible comment]

Hon. Truman M. Bodden: It will probably be about a school year at the rate they are going on the plans.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: One last supplementary, sir. Can the honourable minister say if the Savannah school will be without a hall, or will just a certain section of the hall be partitioned off for a library?

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

Hon. Truman M. Bodden: The library books will be around the walls of the inside of the hall. I understand this has been approved by the PTA and also by the Principal. So it will not take up the inner part of the hall.

Any better suggestions? You tell me. I am struggling.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Getting down to the Red Bay situation, I believe I understand what is happening there but just for purposes of clarity, can the minister outline the remedial arrangements that will be made come September for the 20 extra students anticipated at Red Bay so that each of the classes in all of the streams are fitting properly?

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

Hon. Truman M. Bodden: The new administration block will fee up one other classroom. Presently there are ten students in there and they will be moved to the room in the administration block. So that one is a simple one, sir.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Just to follow up on the line of questioning regarding the students, I personally have had representation from 11 people who have been resident on the island for many years, some of whom have permanent residency with the right to work, but who have children as dependants on their passports. While the parents are long-term residents, the children are not Caymanian at present.

I have seen letters from the Immigration Department to these people advising them that they should provide proof in the immediate future (in order to have the children continue as dependants on their passports) that the children will be attending private schools—these children who are presently attending within the public school system.

Can the honourable minister explain the relationship between any policy that may have developed? I am quite certain the Immigration Department didn't pull that one out of the sky.

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

Hon. Truman M. Bodden: This policy I know is under review. As it now stands, if a person does not have Caymanian status as against the permanent residency, then the Immigration Board will ask that those children go into private schools.

If the policy is changed that the government schools have to take permanent residents, as the honourable member knows we don't have the space to take permanent residents. There are a lot of children in that bracket and as we can see from the pressure this morning we are pushed to try to school Caymanians in the government schools.

I appreciate that there has been hardship in some respects in this area because children who were in school and where the people had . . . some didn't have

permanent residency, they may only have had permits, on renewal it is being applied. It is the renewal aspect where children are already in the school that is being looked at.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Some of the students that I am referring to are students who have been in the public system since their first day of school and who are now at the high school level. Surely these numbers must have been taken into consideration with any projections made on an annual basis. And surely it is not becoming of this government to all of a sudden to drop the situation out of the clear blue sky on these parents telling them that a child who has gone through the public system for seven or eight years and doing well in that environment has to now go to a private school and make new friends and basically start all over again because the government has not catered to them.

If that were the case, I am certain that the minister in his comments (and I am not sure that I am putting this in the form of a question, but somehow I will!) . . . I think the minister quite understands what I am saying.

It is obvious that the hardships the minister has just mentioned are unwarranted hardships for these people. Certainly some consideration should have been made from the very beginning. I understand what has happened now, but this is something we have been talking about for years! And I don't want to get into any personal conflicts with the minister. The minister well knows my position. Anything I am dealing with here is not personal.

If the minister were to put himself in the shoes of these people, certainly he must understand. At this point in time it is obvious that the situation has come crashing down. As the minister has said, there are many students falling into this category. Surely the minister must be able to give some better comment than what we just heard.

If that is all there is to it, and nothing can be done, then woe be unto us!

The Speaker: Will you turn that into a question please?

Mr. D Kurt Tibbetts: I said surely the minister must be able to give some better comment. I thought that was eliciting . . . well, let me rephrase it: Will the minister not consider himself being able to give some better answer than the one we just heard?

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

Hon. Truman M. Bodden: As I said, the policy is under review. I can say no more than that. I understand the difficulty with these children who are in school. In fact, it's a hardship in any event on people who are here and can't get their children into private schools because there are people out there who can't afford to put their children in private schools.

But, Mr. Speaker, we come back to what has been the basic policy. As was heard this morning, I am continuously pressed that there are too many children in school and we can't have our cake and eat it too. Either we are going to keep the classes . . .

I am not levelling this at you—

[Inaudible comments by the First Elected Member for George Town]

Hon. Truman M. Bodden: Look, I am answering the question as I see it. The fact that you don't like the words I am using is unfortunate. You stood up . . .

Mr. Speaker, with all due respect, he stood up and made a statement—something that is not allowed under the rules! What I am saying is that it is no good of the elected members in this House telling me to keep the class sizes small and help Caymanians and then tell me to open and allow other children who do not have Caymanian status into the classrooms.

The answer is very obvious. The schools can't hold everybody. The policy may be harsh. I don't deny that the policy is not easy. And to move a child partway through is a problem. But what more can I do? Unless we are now going to start building schools and doing education on a compulsory basis for everybody who comes into the islands. . . I hope I am getting this message through.

There is no good in telling me that I can't put more than 25 or 28 children in a class and tell me to take in another 15 or 20 who are not Caymanian and put them in the class. Where am I to put them? If I had the classes there, if I had the schools I could put them there. But the hard fact is that we have a choice: we are either going to take decisions that are going to hurt Caymanians if we add more children in . . . and, by all means, those who were in there before with the permanent residency that policy will be reviewed. But I can't do both.

I can't put them in class and have the class small; I can't put them in schools where I don't have any space. This is the dilemma we are in and it is a dilemma for the House, not for me as minister. We sit here every year and we vote money. The Spotts School will ease things considerably. But if you fill that now with non-Caymanians, you are back to square one again. This is the dilemma.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of the fact that there are many parents in this country who don't have Caymanian status, but are considered Caymanian, in other words if justice was administered . . . they've been here 25 or 30 years—they would be considered Caymanian. There are many of those parents who have children in the school at the present time. Some have permanent residency, but no status.

Can the honourable minister say what decision is going to be taken in regard to those children who are already in school who fall within this definition?

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

Hon. Truman M. Bodden: That decision, as I said, is under review. If the member would like, what I would personally like to see is to have them all kept in there. That is my personal view. Whatever I can do to assist them I will do, but I can't say at this stage because this with all due respect has gone into an area that the question doesn't directly deal with and I have not come prepared for it. I don't know how many children are out there in this category.

Personally, I know the policy is harsh and very costly. A lot of the families maybe can't afford it. I would like to see us house them all. But I can't give an undertaking until I know fully what the position is, and secondly, it's partially an Immigration policy as well that will have to be taken.

Mr. Speaker, I now have a copy of the letter. Would you permit me to read it?

The Speaker: Please go ahead. Read it now.

Hon. Truman M. Bodden: It is to Mrs. Joy Basdeo, Permanent Secretary, from Bob Skeins, Project Manager, "New Schools Project Team, Approval of Budget for Spotts Primary School/Hurricane Shelter." Dated 25 May 1999.

"Dear Mrs. Basdeo: You may recall from our meeting on 19 May 1999 with Minister Bodden that he instructed our architectural consultant OBM to review the details of the new Spotts Primary School budget prepared by BCQS, our quantity surveyor. A detailed review was undertaken 20 May 1999 and a figure of \$12.15 million was agreed by all concerned [CI\$9.45 million for the school and CI\$2.7 million for the hurricane shelter requirements]. OBM has expressed their satisfaction of the appropriateness of this estimate in the attached letter.

"The budget approved by the Finance Committee earlier this year was \$7 million. This is lower than the current [I stress this—the current] estimated budget since it did not include hurricane shelter design, nor did it anticipate the difficult site conditions at the Spotts location. It would be appropriate to note at this point that the school will be able to accommodate approximately 1,500 persons during a hurricane. If a purpose built hurricane facility were to be constructed for 1,500 persons the cost would be in the order of \$7.5 million. Consequently a savings of approximately \$4.8 million could be realised by designing the new school to allow its use as a hurricane shelter.

"Since the current \$12.15 million budget estimate is in excess of the approved \$7 million budget, it will not be possible to proceed with work on site, clearing, fill, roads, foundations, superstructure, etc., until Finance Committee approves the new figure. Would you kindly request the assistance of Minister Bodden in expediting this approval so that the pro-

ject will not be delayed and the new school can be finished as quickly as possible.”

That is basically my present dilemma.

The Speaker: Before the next question, I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

The Honourable Minister responsible for Education, Aviation and Planning.

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

Hon. Truman M. Bodden: I move the suspension of that Standing Order.

The Speaker: I shall put the question: Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: When the original estimate was approved in Finance Committee there was no consideration given to the building being a hurricane shelter. It was not sought for in Finance Committee, nor was it addressed. From the letter the minister has just read, obviously this is something new which Finance Committee was not aware of. The minister has said that nothing can happen because appropriate funds have not been approved.

My question is, following the green light on this school being given by Finance Committee, what has occurred to have this addition being done to the school?

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

Hon. Truman M. Bodden: Even if the hurricane shelter is removed, that is \$2.7 million, the present estimate is still \$9.45 million. So the estimate that was put in the budget has now moved up to this amount.

I have gone back to the consultants and said to them please look at this thing and try to reduce it because \$9.45 million for a primary school when I know that Triple C, for example, a high school and a primary school was built for under \$6 million. Maybe there was someplace cuttings could be made to try to get this thing back down to the \$7 million. But as you appreciate it's nearly \$3 million over the amount.

But do you understand clearly what he is saying? Until I get approval of the \$9.45 million for the school (or \$12.15 million if it's to be a hurricane shelter) they are not going to clear the site, put in any fill, do anything to

the roads or the foundation. Nothing! This is the problem I have.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Just so that this thing can be made abundantly clear, obviously the figure that was brought to Finance Committee, which the minister stated was \$7 million, is the only figure that Finance Committee could deal with. Finance Committee has nothing to do with policy nor the inner workings. Information is collated and brought to Finance Committee, it is explained to Finance Committee and then Finance Committee either approves it or does not approve it. This amount was approved.

Whatever has happened since then is not a situation that Finance Committee could do anything about. Until this question was asked, Finance Committee would not have been aware of it.

In his answer, the minister kept leaning towards who has what responsibility. Finance Committee having approved the \$7 million—which I assume is the figure given to the minister from the supposed professionals . . . when there is a change in all of that exactly what is the procedure to correct it in an expeditious fashion? If this question had not been asked today, what would have gone on regarding the school?

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

Hon. Truman M. Bodden: As soon as I got the new figure a paper was put to Council to bring the matter back to the Legislative Assembly in Finance Committee. But what I don't understand . . . and maybe I can ask the First Elected Member for George Town a question. Was it really Finance Committee's view that if \$7 million is sitting there, surely we could go ahead and clear the site, put some fill in. That would save two or three months. Try to get the road worked out to it. I don't think this was ever Finance Committee's view. With \$7 million you take \$150,000 out of it, that can save me two or three months. There's got to be some way of clarifying what Public Works sees as this policy.

I am looking at members here and they are shaking their heads, saying that really that little detail was not meant, and I don't think it was meant to upset a project like this. I am fairly upset about it as you can see, because I had planned to have this school ready in September and it's not going to be. Both the minister for public works and I have put in a lot of time trying to sort this out. So if that could be reversed and I could begin this filling that would be great.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am having a bit of a problem understanding exactly what point the minister is making here. I would certainly appreciate it if he could try to

make it clearer. Perhaps he is going that way because he doesn't want to pin blame on anyone.

I would like to know if we in Finance Committee have approved money for this school—\$7 million—we have expected that progress would have been made to date. No progress has been made because there seems to be some slight reconsideration of the use of the project. In other words, that it would be a multipurpose building. Why is it that the chief engineer is able to say to the permanent secretary in your ministry that he cannot proceed with this project? Based upon what regulation is he making that suggestion? Can the minister say?

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

Hon. Truman M. Boddén: This arose about two and one half years ago with the Gun Bay project because part of the money was spent. The project was started and we came back to Finance Committee to get extra money. The ruling then was that unless you had all the money projected the project can't move ahead and public works has now taken this approach as I read out here. Until you have approval for the full project you can't move on.

[Inaudible interjections]

Hon. Truman M. Boddén: I am sure they must have.

The Speaker: Honourable members, I don't think we are going to get anywhere with this. I believe this is far beyond a thing we can solve in Question Time. I think this needs an informal meeting of the legislators to discuss this. I would ask that maybe one or two more supplementaries, then let's move on.

Mr. Roy Boddén: Mr. Speaker, I see the predicament the minister is in. I was just going to propose that the minister meet with us at some convenient time to discuss this project because while I understand what he said about public works, there are those of us who have reservations about giving public works carte blanche because we raised some concerns previously.

I think that we would support your idea of meeting informally to discuss this with the minister particularly as this is one of those projects where a decision of exigency will have to be taken.

The Speaker: I thank you for that because I have let this question go far beyond the number of supplementaries normally awaiting the arrival of this letter. But now we are not going to get anywhere. But I will allow two more supplementaries and we will move on.

The First Elected Member for West Bay.

Mr. W McKeeva Bush: Can the honourable minister say, if he didn't say before, what time he came in contact with this letter from public works?

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

Hon. Truman M. Boddén: It came in on May 25th of this year. I met several times, but it came to a head meeting on the 19th. The letter went out on the 25th of May 1999.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: And the minister was not aware of this situation before the letter came to him? Before the meeting?

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

Hon. Truman M. Boddén: I didn't have the estimates of \$9.45 million, to the best of my memory, until then. I had been pressing for plans before this, but it wasn't until they came up with this shocker. . . well, from last year, remember in December when we discussed this we said this thing had to be ready for September this year. You didn't want any temporary schoolrooms and whatnot.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: The honourable minister said that this project was costed at \$7 million in the budget. Am I correct? And if it is going to be considered a hurricane shelter it's projected to cost \$12 million. But now the costing coming from public works for the same \$7 million project that was in the budget has increased to \$9 (point something) million. Can the honourable minister say what has caused this project to increase since the budget was passed with a \$7 million to more than \$9 million?

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

Hon. Truman M. Boddén: This is why I have asked them to go out and get private architects to look at this thing and try to get the square footage cost down to what is reasonable. I know you can build office buildings that are far more expensive at \$150 per square foot. You divide 40,000 into 9.45 and it is \$230 a square foot. Something needs to be done and I have to protect the public's money as best I can by reducing this. So I have had to tell them to ask the architects to look at the costs and try to get it down to something reasonable.

I believe they will be able to get it down. Does that answer . . . No?

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: This is not actually a question for the minister to answer, but it is a request that public works be requested to give a breakdown to Parliament of the original costing of this project and a breakdown of the nine point whatever million new costing to show us exactly where this increase has come about.

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

Hon. Truman M. Boddén: Yes sir, I will ask for that to be done.

The Speaker: That concludes that question now—

Mr. D Kurt Tibbetts: Mr. Speaker, if I may sir. If I may just—

The Speaker: We could go on all day.

Mr. D Kurt Tibbetts: Mr. Speaker, I know that. I was just going to ask you a question. If you don't wish to entertain it, then fine.

The Speaker: I will entertain it, go ahead. The First Elected Member for West Bay.

Mr. W McKeeva Bush: So many questions this morning!

The Speaker: I guess you're right!

Mr. W McKeeva Bush: At least I didn't call him Mr. Elephant!

Mr. W McKeeva Bush: Mr. Speaker, I am wondering whether the minister for education can get this request to public works now. If they know the cost was \$7 million it should not be that hard for them to find. Let us meet today at some point to find out what the situation is. It seems to me, as you said earlier we won't get anywhere this way, but we do need to know what is going to happen. We have voted funds, and now we are hearing that we can't spend it and we know the need exists. So I think that as quickly as sometime today we should meet.

The Speaker: Just turn it into a question and we can conclude.

Mr. W McKeeva Bush: No, Mr. Speaker, I am not asking a question . . . well, perhaps I had better ask the minister of education to have that meeting with us but get those figures from public works today.

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

Hon. Truman M. Boddén: I will call and try to get them as quickly as possible. If that's today, then good.

The Speaker: That concludes question 62. Moving on to question 63, standing in the name of the Third Elected Member for Boddén Town.

QUESTION 63

No. 63: Mr. Roy Boddén asked the Honourable Minister responsible for Education, Aviation and Planning what is

government's policy regarding the provision of subsidies and grants to private schools.

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

Hon. Truman M. Boddén: All registered private schools (except pre-schools) are eligible to receive a grant from the ministry. Assisting private schools in the form of financial assistance through grants, the ministry is of the view that more students will be able to attend these schools through more affordable fees, thus lowering the cost of education to government.

There are two types of grants given by the ministry: (i) annual grants given to each registered private school (except pre-schools) to help cover the operating cost of educating students enrolled; and (ii) special grants given to assist in building new facilities to accommodate increasing student enrolment and/or to purchase the necessary equipment to improve the quality of education at these schools.

SUPPLEMENTARIES

The Speaker: Third Elected Member for Boddén Town.

Mr. Roy Boddén: Since it is obviously becoming more necessary for the private schools to receive these grants and subsidies from the government, can the honourable minister tell the House government's position at arriving at some kind of formula whereby these schools could be definitively apprised of what they might receive so as to help them plan their budgets and expenditure?

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

Hon. Truman M. Boddén: The formula for working the grants is presently under review. It's one that we will continue to discuss with the schools. I met with the private schools principals' association a few times on the recurrent and what the honourable member has asked about having certainty of the amount is very important to them. Each year I have tried to increase this because costs do go up. I would just like to also say that the schools are heavily subsidised by their respective churches and PTAs and fundraising.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer given by the honourable minister he said "all registered private schools except preschools are eligible to receive a grant from the ministry." I think at the present time we offer assistance from three years nine months to four years nine months. In light of the recent findings is government considering extending the grants to preschools also because of the role they play in regard to our children?

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

Hon. Truman M. Bodden: At present the way pre-schools are dealt with is that depending upon the need of Caymanian parents we pay up to about \$300 per month to educate Caymanian students in those preschools. No direct grant is made as it is in the primary and high school (private that is) but the private primary and high schools do not receive this kind of funding either. By all means we can look at a general grant in which case the subsidy would be for Caymanian children who need it, and also a general subsidy where children before that because I think that one year of preschool is not as good as two years of preschool.

I would just like to also say that having a child go through preschool is extremely important to the primary schools because when you have them entering the primary school and there are varying abilities, some children are able to do a lot. It's very difficult for the first year teachers to cope with a class with such a wide range of mixed ability. So it is in our interest to get our children to go to preschools and that is why government is giving the grant.

The last thing I would say (and this is history, but it's unfortunate) is that government's reception classes, which were preschool, were abolished many years ago. I personally think that was a very serious mistake. But that's history and now there are private preschools and one or two government schools do preschool work. But, by all means, if Finance Committee is so minded I am happy to look at grants.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of what the minister said, maybe the way to offer assistance then would be to reduce the age by which assistance can be given to parents. I am aware that there are many parents who would love to give their children that preschool experience but can't afford it.

The Speaker: The Honourable Minister responsible for Education, Aviation and Planning, can you reply?

Hon. Truman M. Bodden: What the honourable member said does have merit. If something can be looked at, for example the two years of pre-school—something else the House may wish to look at. Another way of dealing with this as well is to reduce down from four years nine months compulsory to maybe three years nine months, somewhere in that area.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: From the honourable minister's answer, and I read, "Assisting private schools in the form of financial assistance through grants, the Ministry is of the view that more students will be able to attend these schools through more affordable fees, . . ." I wonder if the honourable minister can say what is considered to be an "affordable fee" and what guarantee does government

have from the private schools that fees will be kept at an affordable cost?

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

Hon. Truman M. Bodden: The fees in the schools vary considerably. In the larger schools the fees are within a reasonable range of each other. I guess what is affordable to some people in the private sector would not be affordable to other Caymanians.

We ask them to keep their fees as low as possible. The church subsidies and PTAs raise a lot of money. I really have to thank the Parent Teachers Association and the Home School Association, they are actually doing a lot, not just in the way of fundraising, but they do a lot to keep costs down.

I don't know how much more I can say on that other than that we try. Well, they never make a profit. Let me just say that to begin with. The private schools all take losses. The funding that we give, the funding that the churches give goes a long way toward keeping the fees low. There has been a bit of an increase recently, but when the fees go up more children come into government schools which is what we don't want.

At present over one-third of the students are in private schools which saves government probably about \$12 million to \$13 million a year. Basically all we give out in grants is \$1 million. So it would be worth our while to go beyond the 8% of the savings, and increase these grants, even if on a different basis. We are looking at a simplified formula that would be equitable.

I have always pushed to increase this because it will ease the government schools by having children remain in private schools.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I thank the honourable minister for that explanation, but I would really like a dollar figure since the answer says that by giving this "assistance through grants, the ministry is of the view that more students will be able to attend these schools through more affordable fees, . . ." Do we consider \$1,000 a term an affordable fee for all Caymanians? Do we consider \$1,200 a term an affordable fee for all Caymanians? Do we consider \$2,500 a term an affordable fee for all Caymanians who would like to put their children in these schools.

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

Hon. Truman M. Bodden: The fees, I understand, range between \$3,000 to \$4,000 a year. That seems to be the lowest fee that the schools on the present grant were giving and the grants they are getting from their churches and the other help that they can keep it at. It's costing government well over \$5,000 per student, especially if you take in the administration overhead in our

own schools. So, they are well under the cost in government schools.

As to what percentage can and cannot afford that, I am not sure. The trouble is that the schools can't reduce it any further unless either government or the respective churches or the private sector gives more money into those schools. But the lower we could get this . . . I mean, if we could go up from \$1 million a year in grants to them (because remember we are saving about \$12 million to \$13 million). If we could even add another \$1 million each year, I think it would be money well spent. And it may save us paying out like this \$9.75 million for a school that the private sector can probably build for two thirds the cost.

I am not being critical here, I am just stating fact because I have asked places like the Baptist and Triple C their cost and it was no where near these figures.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: I know he says there is some association of principals set up. I would like an undertaking from the honourable minister that from this association could come some formula we could use to distribute the annual grants because this would put everyone involved, government and the minister, and it would make it easier for him to come to Finance Committee and it would put the schools in a position where they would know what to expect from government in planning their budgets and any expansion.

Special grants, I understand would be a different thing. Those would be one-off. But if the minister could come up with a formula for annual grants, then Finance Committee and Parliament would be able to help him out when he comes and he could make more justifiable and logical presentations and everybody would be the better off. So I seek that undertaking, sir.

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

Hon. Truman M. Bodden: By all means. I will liaise with the private schools. I have been in meetings sometimes at very short notice. I will liaise with them and we can work out a formula that government and the private sector accept.

In fact, the alternatives to the formula are now in a position where we have actually discussed this with them. But as soon as I can get a better indication from Executive Council on it I will go back and get that refined because the present formula is complex.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say how quickly the new formula that was mentioned in regard to grants to private schools can be put in place? As I understand it, one of the objectives of the new formula is to encourage the private schools to enroll more Caymanians.

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

Hon. Truman M. Bodden: One basis that can be used is that a percentage will be given . . . sorry, a certain sum would be given because of the number of Caymanian students in there. That will cause them to push harder to enroll more Caymanians. There may have to be several bases for this, but at least that is one that I know has been looked at.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say how soon we can expect the new formula to be put in place?

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

Hon. Truman M. Bodden: I will get it in place and I will give a further undertaking that I will discuss this with members here because I don't want controversy around education if we can help it. It will be for the next budget because this budget has been disbursed already. But I will get it, sir.

The Speaker: Are there no further supplementaries?

Mr. John D. Jefferson, Jr.: Mr. Speaker, this might be a good time to take the morning break.

The Speaker: If that is the wish of the House we shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 12.05 AM

The Speaker: Please be seated. Question Time continues. Question 64 is standing in the name of the Second Elected Member for Bodden Town.

QUESTION 64

No. 64: Miss Heather Bodden asked the Honourable Minister responsible for Education, Aviation and Planning what improvements were made to the customer service of the Planning Department that earned receipt of the Governor Owen's Award and can other government departments and agencies benefit from similar improvements.

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

Hon. Truman M. Bodden: The improvement in customer service which was recognised by the Governor Owen Awards was the "Delegation of Approval Authority for Routine Matters & Certificates of Occupancy."

The decision to request the delegation of Approval Authority for Routine Matters & Certificates of Occupancy came out of a visioning exercise undertaken by the Central Planning Authority in February 1998. This visioning was done as part of the Reinvention exercise. Approval for the delegation of planning approval for routine matters (fences, pools and non-controversial houses) and Certificates of Occupancy (COs) was granted by Executive Council in May 1998.

By delegating the approval authority to the Director of Planning, it became possible to minimise the time it took to get planning permission for houses from two to three weeks down to two to three days. Having Certificates of Occupancy issued administratively has reduced the waiting time by an additional two to four weeks. With these changes, it is estimated that nearly seven weeks have been eliminated from the processing time for house applications.

Reducing the processing times for houses significantly reduces the carrying costs associated with building a home, probably one of the largest undertakings in a person's life. Many young Caymanians building their first home have saved thousands of dollars in carrying costs as a result of this reinvention exercise. In 1998 the Planning Department processed over 450 applications for single-family homes, which can be translated into a savings of nearly \$1 million for our clients (the public) in terms of carrying costs.

This programme has been very beneficial to the Planning Department. Implementation of this programme did not require that additional staff be hired and actually increased time available for existing staff by making the process more efficient. This has resulted in a timesaving of approximately 225 person hours per year.

The delegation of approval authority is the result of "thinking outside the box." It is part of the Planning Department's aim to emphasise improved customer service, rather than being mired in bureaucracy. The delegation of approval authority also means a greater accountability for the Department.

This programme is easily transferred to any Department or Authority that has a Statutory Board approval process in place. By reviewing the types of approvals granted, areas which can be delegated from the decision making board to the head of department, for example, can be identified and acted on.

The delegation of approval authority is easily applied to approvals, which are governed by clear regulations, and guidelines, which are easily applied in an equitable manner. The parameters which are to be considered in the approval process should be clear so that the party which the approval authority is delegated to can easily and fairly review each application. The cost savings and benefits, which have been achieved by this programme, should be realised with any process delegated in a similar manner.

The Speaker: Are there any supplementaries? If there are no supplementaries, that concludes Question Time for today.

Moving on to item 5 on today's Order Paper, Government Business, Bills. Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE MISUSE OF DRUGS (AMENDMENT) (MARITIME INTERNATIONAL CO-OPERATION) BILL, 1999

The Clerk: The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999.

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

Hon. David Ballantyne: I beg to move that a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) (Maritime International Co-operation) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE MISUSE OF DRUGS (AMENDMENT)(MARITIME INTERNATIONAL CO-OPERATION) BILL 1999, GIVEN A THIRD READING AND PASSED.

The Speaker: Other Business, Private Members' Motions. Private Member's Motion No. 17/99, standing in the name of the Elected Member for North Side.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 17/99

MOTION TO ESTABLISH A FAMILY UNIT

Mrs. Edna Moyle: I beg to move Private Member's Motion No. 17/99, which reads as follows: "**BE IT THEREFORE RESOLVED that the government consider setting up a family unit within the Royal Cayman Islands Police Department.**"

The Speaker: The First Elected Member for West Bay.

Mr. W McKeever Bush: I beg to second the motion.

The Speaker: Private Member's Motion No. 17/99 has been duly moved and seconded, does the mover wish to speak to it?

Mrs. Edna Moyle: Thank you.

I believe there are some members who were a little bit concerned that my motion only had the "Resolve" section of the motion rather than the "Whereas" sections. I believe that we only need to look at the resolve section when bringing a motion because when we put all these Whereas sections we have covered our entire debate.

Before I move on to the motion, I think the title of the motion should have had the word 'protection.' It should have read "The Family Protection Unit" rather than the Family Unit. But I will not move an amendment to add the word protection because I am certain that can be done once the motion is accepted by the government, as was done with the Women Affairs motion brought here to set up a Women's Affairs Office and we are now down to "women."

This Parliament and these islands are aware of the increasing incidents of domestic violence and other abuse to women since the bringing of Private Member's Motion No. 1/95 to set up a Women's Affairs Office. We all recall before that motion was brought to the Legislative Assembly there were not too many cases reported in the newspapers of abuse towards women or other crimes. Before that, the women who were having problems did not realise that there were people out there who were concerned and who wanted to help.

I would even go further to say that other crimes committed against children—abuse of children—are now coming to light. Thus the need for a family unit within the police department.

I have here some numbers provided to me by the police. Just for February of 1999, we had 81 cases of domestic related statistics reported. We have assault, 27; assault/actual bodily harm, 14; assault/grievous bodily harm, 1; damage to property, 3; domestic abuse, 5; domestic dispute, 31. These numbers alone for the month of February 1999 tell us the need for this specific unit within the police department to deal with these problems.

In my opinion, in order for the police to deal properly with these cases that are now being reported, it is time that we set up a separate unit with trained officers. I would take the opportunity of going further to say that the majority of those officers should be female officers. This unit would require, in my opinion, space away from police headquarters where the staff in this unit can deal with the problems in an area away from the humdrum of the police department.

I particularly stress in the case of the few rape cases that we have been lucky enough to have had reported in these islands, let us put ourselves in the shoes of those women having to walk into police headquarters where everybody is coming in to report matters affecting them and the general public is in and out. How do we think these women feel in such a situation? In my opinion, that is an abusive process in itself. It brings back the memories of the ordeal they went through.

I see the unit being able to provide primary police response to complaints of child abuse, such as sexual abuse, neglect of children. The unit would deal with young offenders and this unit would liaise with the other agencies so that we can bring about an outcome that would be appropriate to the offender.

We speak on numerous occasions about the drug abuse situation in these islands. This unit could be used to take the drug abuse resistance education programme to the students at pre-high school stage. There could be monitoring and liaising with victims of domestic violence and coordination of police response which would include referral to other agencies.

To go back to my point of this unit being staffed by female officers, we know that the majority of domestic crimes are committed against women. Therefore, I feel it would give them a better atmosphere when they decide to report these cases to go in and discuss and report to a female officer rather than dealing with male officers. But in case I am accused of not wanting to deal with this problem as a gender issue, I also stress the need for trained male officers. More accurate evidence would probably be obtained if these victims were made to feel as safe as possible. The recovery process would not be lengthened by insensitive treatment and questioning.

Similarly, children who are abused or neglected and who are taken for questioning would relate better, in my opinion, if a female officer were dealing with those children. Children tend to relate better to their mothers when there are problems. Not saying that they cannot relate to their fathers, but we tend to discuss our problems more with our mothers. So it would give the children a more comfortable feeling during questioning, if these officers were female.

I am sure that the honourable member replying on behalf of government will correct me if I am wrong, but I do not believe that any statistics are presently kept by the police department of any crimes committed against children such as sexual abuse and neglect. I have researched some police reports, but I cannot find where these are reported to the police until it's a matter to go before the courts.

These cases could move to this family unit and be handled by the police department together with the social services department. We know that the social services department has a very large caseload dealing with family matters. So these matters could also move to the family unit within the Royal Cayman Islands Police. I think we have the juvenile unit in West Bay. This also could be combined with the family unit. All matters related to the family that have to be dealt with by the police could be in this specific family unit outside of police headquarters, but staffed by trained police officers.

With those few words as to why and how I see this unit working, I would commend the motion to the government.

The Speaker: Does any other member wish to speak?

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

Hon. James M. Ryan: I rise to accept Private Member's Motion No. 17/99 resolving that government consider establishing a family unit within the police department. I am pleased that government can lend its wholehearted support to this motion.

I would like to say at the very outset that I am also pleased that the mover of this motion has brought this to the House because it will give it the necessary publicity, the necessary momentum and prominence that it needs. So I am very pleased that The Elected Member for North Side has done so.

As the member mentioned, while the motion does not refer to the word 'protection' as a Family 'Protection' Unit, that is what is intended. That is what the unit should be called. I would also like to say that the Commissioner of Police is prepared to move ahead with this. Having the support of the government, and I hope the support of all members here, he will have ample backing from everyone in this parliament to accomplish this.

As the mover mentioned, there is currently a Juvenile Bureau that exists, and it comprises a sergeant and two constables. The Juvenile Bureau could form the foundation for the Family Protection Unit. It could be expanded to accomplish what is needed. There is certainly the need for a number of issues to be given prominence, particularly the response to complaints of child victims, sexual abuse, neglect, that sort of thing. And I believe that the proposal made by the mover in this motion will do just that.

Also, the Young Offenders will have the need for liaison with other agencies there. The Drug Abuse Resistance Education Programme, commonly referred to as DARE, for students of pre-high school age, and then the general monitoring and liaison of victims of domestic violence. It is good that action has already been taken to set up the Women's Office and this can be a follow on for dealing with the family as a whole.

The honourable mover very ably brought to the forefront the problems we are facing in this country. I believe that this Family Protection Unit will go a long way to address those problems. I should point out that nothing comes without cost, and there will be some cost. To expand this we will need office accommodation. Although not an enormous cost, there will be an added cost. In discussions with the Commissioner of Police we probably will need to expand the three person Juvenile Bureau to a staff of five. So, there will be additional salaries. I believe that is a small price to pay to deal with matters pertaining to families and family protection in this country.

Let me conclude by giving this motion my full support.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to make a brief contribution on Private Member's Motion No. 17/99. In doing so I would like to commend the mover and the seconder for bringing this motion to address what is becoming an obvious need in our society. I would also like to compliment the government on its acceptance and willingness to accept

this motion as a challenge to deal with some of the problems that are manifesting themselves in our society.

I have listened to the honourable First Official Member speaking on behalf of government and I am satisfied in his brief yet comprehensive approach that he is aware and that the government has taken into consideration all the avenues and parameters that need to be considered. It is now only left for us to work out the mechanics of the situation.

There is an old adage that says as the family goes, so goes the nation. That is true because if the family is in crises the nation, by inference, is also in crises. There are many of us on both sides of this honourable House who have realised for some time that in addition to being a society in transition it seems that the Cayman Islands is sometimes a society under siege. We are besieged with numerous problems. Some of these problems seem to be insurmountable. It is unfortunate that the elements apparently less able to come to grips with efficient and long lasting and relevant solutions are those elements in society are the less affluent, economically speaking. And those elements are weaker by virtue of the fact that they may be single parent entities or (for want of a better word) what the anthropologists call 'dysfunctional.'

One of the problems confronting us is a recently made public phenomenon, although it has been going on in the society for much longer than we would care to admit—this business of abuse in all of its myriad of forms and manifestations including sexual abuse, emotional abuse, physical abuse. So a unit such as this would have as one of its terms of reference to adequately come to grips with this. Working in collaboration with the Women's Office would do well to prepare and bolster those elements that seem to be particularly susceptible to these kinds of manifestations.

I have noticed, and I am sure other members have as well because in conversations we have spoken of this, that one of the alarming statistics is the high rate of divorce in this country as a result of pressures those family members are not equipped to deal with or educated to overcome. These pressures, not the least of which are economic and social pressures caused by the fact that it is now necessary for the family to operate as a tightly integrated unit particularly the parents. Indeed, this is not a phenomenon particular to the Cayman Islands. A few months ago I was watching a programme, and the Governor and the Legislature in the State of Illinois are so concerned about the high rate of divorce particularly among younger couples recently married (more recently being within the last ten years) the State of Illinois decided to see if it could stem the tide by allowing the courts the discretion to suggest and advocate counselling rather than an immediate dissolution of the marriage. This is particularly done when there are infants or young children at risk.

The judge is allowed the discretion after examining the extenuating circumstances to recommend counselling for the couple and in many cases if the breakdown is as a result of financial problems to advise and recommend some kind of financial counselling so that the cou-

ples can try to refocus on their union rather than going for an outright dissolution.

The philosophy behind this is that the State of Illinois came to realise that dissolving the marriage does not necessarily solve the problem. It places an added burden on the State which is most often required to be a surrogate parent because in some of these cases the children are abandoned by both mother and father. So the State of Illinois is of the opinion that where discretion is allowed and these unions can be salvaged that is the better route to go. It is better for the emotional health of those involved and it is certainly less costly since the State does not have to pick up the tab for rearing the children or finding surrogate parents.

Circumstances differ in various jurisdictions. I am not suggesting that is the route we should go. I am merely tossed that out as evidence that other jurisdictions are experiencing these phenomena as well. What I think is constructive about the motion as articulated by The Elected Member for North Side is that it allows for an amalgamation and cooperation among two or three units of government thus strengthening the resolve and almost immanently equipping the arms of government to effectively cope with this problem.

The honourable member moving the motion spoke of some situations where persons making complaints, namely women, may suffer some kind of embarrassment because often they have to come into a public place and they have to deal with entities other than of their own gender which may make them reluctant to express their complaint.

I believe that the Royal Cayman Islands Police will have to undergo some additional training especially in the area of conflict resolution and in diffusing domestic problems which takes a little more diplomacy, expertise and aplomb than what is necessary to deal with normal street circumstances on a Friday or a Saturday night. But this is not to say that the calibre of officers in the police force cannot rise to this challenge. I believe they can.

I noticed that there are an increasing number of female recruits. Not being gender prejudiced or advocating feminism, I believe the honourable member is right in saying that many of these circumstance the delicate situation is best handled by female officers, especially when women are involved. I believe we may have to put more emphasis on training or developing the Family Protection Unit in the Royal Cayman Islands Police Force.

I hope that the overriding philosophy would be not on arrest and prosecution, but on resolution and *rapprochement* and perhaps referral. I would say that emphasis should be on the three 'Rs'—*resolution*, *rapprochement* and *referrals*—rather than arrest and charges.

When we come to situations where young children who are very vulnerable and malleable and attached to parents, it is sometimes difficult in situations where parent is pitted against parent particularly in a situation that is going to end up in permanent separation where children are forced to make premature decisions of loyalty and dedication and devotion. Particularly in situations where there is no great threat of physical violence or

where aggression is not the overriding factor, I would hope that the approach taken would be one of analysis and resolution and *rapprochement* and, if necessary, referrals for further counselling would be.

In this regard the police Family Protection Unit operating in tandem with the Women's Office and the Social Services Bureau would be eminently equipped to provide a lasting solution to these problems. What is also good about that is that no one particular department should be overburdened with all of the responsibility. I would foresee a situation arising where if there is a threat of violence or aggression the police Family Protection Unit would be called and once that particular unit is assured that the situation is under control they would liaise with their colleagues in the Social Services Department, or the Women's Affairs Office and retreat into the background and have only a consultancy or overseeing role. In situations where violence or aggression is likely, then the police Family Protection Unit would have to be prepared to bear the brunt of the involvement. What is good about this is that the liaison and involvement of the three departments would allow an overlap where no one department should be overburdened.

Again, I have to congratulate the government on its foresight and wisdom in moving forward quickly to address what is really becoming a challenge in our society. The churches realise this. Civic and social groups and even the service clubs realise this. Legislators realise this and I am happy to lend my support to this. I congratulate the government on its acceptance and its comprehensive analysis and understanding of the situation as evidenced by the honourable member speaking on behalf of the government.

I once again congratulate The Elected Member for North Side who seems to have recently a renewed interest and vigour in these kinds of social problems, which for so long have been lying dormant in our society. I also congratulate the seconder of this motion. It has my wholehearted support.

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

The Fourth Elected Member for George Town.

Dr. Frank McField: I would just like to briefly lend my support to this motion and to say that the social crisis we have been experiencing in this society for a considerable amount of time has been highlighted by the number of complaints made to the police in regard to family quarrels and violence resulting from these sharp types of disagreements.

It is important that the government also bear in mind the fact that a number of approaches must be made if a real solution to the conflicts which exist in the society and which are brought to focus in the family are to be resolved to the point where we can begin to heal the wounds which cause these types of family problems.

The establishment of a protection unit or a family unit within the Royal Cayman Islands Police Force will be proof to the general public that government sees these problems at a stage where they must be dealt with by a

unit specifically trained and equipped to deal with these problems.

In the victimisation survey, which resulted from government's crime study, are descriptions of sexual crimes committed against persons in the family. And we are made to believe that persons would be more willing to make complaints if within the police department there were officers—of whatever gender—trained to elicit the type of evidence necessary, not just for arrests and prosecution, but for counselling.

We also know that one member of the magistrate court has suggested that this country needs a family court. When I say that, government must realise that it wouldn't be prudent just to establish a Family Protection Unit within the police force and to single out these domestic disputes as being a cause for the establishment of a special unit, if government was not committed to carrying this out within the judicial system itself. In other words, having the judicial system react in such a way as to see the establishment of a family court. I believe that the establishment of a family court within the court system would complement the requirements here. I believe that The Elected Member for North Side is conscious of this need for a family court to complement the establishment of a Family Protection Unit.

I have only stood up to highlight the fact again that for many years we have seen the breakdown in the family as a social control, as a socialising agent within society; that this has led to all sorts of asocial problems including the rise of juvenile delinquency and crime. Children become victims of a lot of the domestic disputes and domestic violence. So for us to be able to say, even if there is going to be additional need for financing, that we are committed to establishing a unit within the Royal Cayman Islands Police Force that would specifically deal with this problem, then we have to have within the court system a system that can deal with the types of arrests and prosecution which must necessarily result from this type of scrutiny within society.

I hope that government is conscious of this need and that it will do all in its power to complement the motion as it has been presented to this Legislative Assembly. Thank you.

The Speaker: I think this would be a convenient time to take the luncheon break. Proceedings are suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 17/99. Does any other member wish to speak? The First Elected Member for West Bay.

Mr. W McKeeva Bush: Thank you.

The mover has adequately outlined the need for a unit in our police service and she has rightly pointed out the various needs for such a unit. I would say that the

matters raised by the Third Elected Member for Bodden Town complemented what she said.

Domestic violence is very much on the increase. It is sad, but we live in such a world today. It seems that reasoning is not the order of the day in a domestic quarrel, it's more a word and a blow. The psychological effect on families, and especially children, is most damaging. It affects performance in school, sometimes inhibiting their ability to learn at a time when children form opinions and habits in primary school.

As representatives we have seen the effects of this sort of social problem. We are faced with trying to do something about it, but we are not equipped. I believe that while some of us can give advice, people well trained in family matters can do a better job. I do believe that the police service is a good place to have this Family Protection Unit.

As the mover said, it would be humane to have it so that the trauma of the victim is not deepened by having to recount the incident to a male police officer. It would be good to have women in this unit who are sufficiently trained to deal with these problems. It would be expedient in that more accurate evidence is likely to be obtained if the victim is made to feel as safe as possible and the recovery process from the crime is not lengthened by insensitive questioning and treatment.

Several things would also need to take place (and I don't know if the mover pointed this out). Procedures would need to be established and formalised to ensure that both the emotional needs of the victim and the requirement to obtain appropriate evidence of the crime be handled sensitively; and that the physical environment of the Family Protection Unit be conducive to privacy and protection and that the women police officers accompany the victim, that is if the victim is a lady, for any hospital treatment that would be required.

Statistics given to us for February 1998 through February 1999 show the need for a Family Protection Unit within the police service. On domestic common assault, that is without injury, from February 1998 to February 1999, there were some 283 cases. Domestic assault with actual bodily harm, 128 cases from February 1998 to February 1999. For domestic assault, grievous bodily harm, that is with bones broken and so on, 3 in that period. Domestic disputes, for instance ownership of property, child custody, that sort of thing, from February 1998 to February 1999 there were 554 cases. That's a lot, Mr. Speaker.

It shows what is happening to our community. It shows the type of problems the police have to deal with because these are statistics coming from the police. It does show what they have to deal with. Therefore, we believe that a proper unit would be where they have the office set up for that sort of thing they could better deal with it.

The domestic abuse, verbal abuse for instance, from February 1998 to February 1999 89 cases. For domestic wounding from February 1998 to February 1999, cuts where skin is broken, 6. While I am talking about from February 1998 to February 1999, those six actually took place within 1998.

Domestic damage to property, from February 1998 to February 1999 50 cases.

I don't think there can be any doubt. I am very glad that the honourable First Official Member pointed out himself that the police were dealing with a lot of cases. I think it would cause some funds to be spent, but it is something that I think is needed.

There was mention made of a family court. I believe that as far back as 1987, I brought a motion here asking for this family court to be set up. Ever since that time, and during my time in Executive Council, we have been talking about it. I do know that during the tenure of the last Chief Justice, Mr. Justice Harry, there was some difference of opinion in the workings of how it is made up. I would not like to see a large bureaucracy but I do believe that with the Children Law in place and the new Juveniles Law and with all the matters that come before our courts that a family court is needed. I would hope that they can soon come to a point where it is actually created without vast bureaucracy.

There seems to be a tremendous (I haven't seen the statistics) amount of divorce. I understand it is on the increase. A court can't cure that problem. We would hope that other avenues open to government would be able to deal with that situation. But there is a tremendous amount of divorce cases. That too should be handled in the privacy of a family court. I should add where the honourable judge would be better trained in these matters.

This country, not unlike other countries, is going through tremendous social change. Families are the hardest hit in our social changes. Children are sometimes the worse off. I do believe that, if for no other reason than that, the money is well spent on creating this Family Protection Unit within our police service. I am glad that the Elected Member for North Side, the Deputy Speaker, actually brought it to the forefront as she did with the need for a women's bureau. She did a lot of background work on this and as seconder, I want to congratulate her on her efforts.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

Members speaking on this motion so far have covered just about every area concerning a Family Protection Unit within the police department and I would like to commend the mover and the seconder for their initiative along these lines. It is obvious they both had keen interest in this area for a very long time.

I think just about the only thing I can add is that in interacting with members of the community from time to time I have found on several occasions that just by talking to people I gain knowledge as to which families are at the most risk in this area. It doesn't take long for people to know what goes on within the various communities. I point that out to say that one of the great advantages to having such a unit within the police force would allow, once we have trained personnel in that area, them to quickly identify many of the families at risk of domestic

violence, and also in regard to problems involving the children.

If the unit is proactive a lot of prevention might take place rather than dealing with it after the fact. Certainly you will have occasion to deal with problems after the fact, but also, if this unit will take a very keen interest and take the extra time out to get to know how the communities are, then efforts can be spearheaded toward prevention in many of these areas. I think that is not only something that is important, but in setting up this unit this must be one of the goals achieved.

It is always better to prevent something than to try to find out what you can do about it afterwards. So I hope that note will be made of that.

Again, I commend the mover and seconder, and all who have spoken thus far because I am certain that we all recognise and appreciate the fact that the breakdown of the family unit is one of the main causes of the social disease that is fast spreading in our country. Hopefully this will be one step forward in alleviating the circumstances we see spreading in that area.

The Speaker: Second Elected Member for Bodden Town.

Miss Heather Bodden: I rise to offer a very brief but supportive contribution to Private Member's Motion No. 17/99 to Establish a Family Unit within the Royal Cayman Islands Police Department.

The function set out by an earlier speaker in the Family Protection Unit would certainly make it a very useful tool in our fight against abuse in the family, and in particular in the abuse of young children. I truly feel that setting up this special unit will undoubtedly encourage children and adults to come forward and report abuses that have not been reported in the past.

Those who know me know my stand when it comes to the family. It's a very important and essential part of my life. Whatever role I can play in the setting up of this unit, The Elected Member for North Side can rest assured that she has full support.

I applaud the efforts of the mover and the seconder for bringing this motion. This motion certainly has my full support. Thank you.

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

Hon. Anthony S. Eden: I too would like to take this opportunity to offer my support to this very timely motion which is being brought forward by the Elected Member for North Side and the First Elected Member for West Bay. I think the record is there for their stand on these issues. As the First Elected Member for George Town said earlier on, the main theme we need to address is the prevention. I would also support that in regard to education.

Just a couple of months ago the Minister for Education, the Commissioner of Police, and I met to talk about the DARE programme mentioned by the honourable First Official Member and other members, and this is one of

the areas I think could be looked at in expanding this unit once it is put within the police system. The Commissioner was very keen on this. This deals with young children at the primary school age, grades 1 through 6. It has always been my philosophy that we can never start too early in making them aware of certain problems, certain dangers that exist in this world. I have always advocated that children know the police and be comfortable with them and trust them. That goes a long way in the development of our youth. And I know this is what is being looked at.

It was encouraging to talk with one of the officers who actually went away to do some training in regard to the DARE programme. As I said, this has been one of the things The Elected Member for North Side has looked at with a great degree of passion in trying to assist in the area of domestic violence. The timing is very good as we move forward with the Children Law and the Juvenile Law that has been put in place and will be implemented as we go into the later period of this year.

I am also aware that the justice system is looking at a special judge to deal with special cases. This is in regard to the Children Law and as has been touched on in regard to the family court maybe this would be an opportune time to look at this too.

I would once again like to offer my full support for this and it's a timely thing as we go forward, as all of the previous speakers have said, the future of these islands is the development of the family in a cohesive unit. This is one of the great ways we can make Cayman a better place for all of us. Thank you.

The Speaker: Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) If not, would the honourable mover wish to exercise her right to reply?

Mrs. Edna Moyle: First of all I would like to thank the government for accepting this motion and for agreeing that there is a need for such a unit to be set up in the police department. I agree with the honourable First Official Member that it was my intention for this to be a Family Protection Unit so we can deal with that when we get to the stage of setting up the unit.

I know there will be a cost involved in setting up this Family Protection Unit, but I can guarantee and pledge to the honourable First Official Member the support of my colleagues on the backbench, all those who have spoken in favour of this motion and those who are giving their support although not expressing it by standing up and speaking in favour. I say that the cost to set up this unit will be minimal to the benefits derived from the unit to help our families to stay together.

I agree with my colleague, the Third Elected Member for Bodden Town, when it comes to the matter of divorce. I do agree that this unit can be used by referring to counselling or some other way to help save these relationships. I also agree with the need for a family court. I think it was shortly after I was elected in 1992 that the First Elected Member for West Bay has been pushing for a family court, even before then.

I have talked to people and listened concerning these cases being held in open court where victims are asked very embarrassing questions, and they have to reply in open court. If we are not in the position to set up a family court maybe we can move these cases away from the central courthouse to some other building where they can be held more or less in private so that these people will feel that they can give the evidence they would like to without feeling the pressures of the general public listening.

When I read the newspapers and see the number of our young people going to Northward Prison for stealing from their employers, the majority are young ladies. We need to try to do whatever we can to save these young people from getting into these positions of stealing thousands and thousands of dollars from their employers. We need to find out the reason. We need to see what assistance can be given to them.

I agree with the First Elected Member for George Town when he said that this unit could be proactive. I have always heard that prevention is better than cure. With those few words I would like to thank all of my colleagues for supporting this motion. I say to the honourable First Official Member, good luck. Bring the money in the budget and I can assure you we will support it.

The Speaker: I shall now put the question Private Member's Motion No. 17/99. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 17/99 PASSED.

The Speaker: Moving on to Private Member's Motion No. 15/99, moved by the First Elected Member for West Bay.

Hon. Truman M. Bodden: Mr. Speaker, that motion is one that the reply from government, which will be through the Chief Secretary, is not ready. I think there needs to be a bit of dialogue between the mover and the member responsible.

The Speaker: Do you wish to defer that motion?

Hon. Truman M. Bodden: If government needed to reply this afternoon, I don't know how long it will take the member to open, if government didn't need to reply I guess we could go on.

The Speaker: If it necessitates a suspension, I am prepared to suspend for a few moments.

Hon. Truman M. Bodden: Yes, sir, that would be good.

PROCEEDINGS SUSPENDED AT 3.05 PM

PROCEEDINGS RESUMED AT 3.36 PM

The Speaker: Please be seated.

Private Member's Motion No. 15/99 Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd, moved by the First Elected Member for West Bay.

Mr. W McKeeva Bush: Mr. Speaker, the government has asked for an amendment in the first resolve of the motion to read instead of "by September 1999" to read "as early as possible." So the government will move that amendment. And they have asked that the wording in the last resolve section be changed from "government" to "relevant authority." I propose to do that in due course. At this time I will just read it as we have agreed and we will move on from there.

The Speaker: Before we go any further, I would like to make it abundantly clear that problems arose the last time we took amendments orally. I am not prepared to accept an oral amendment. I want a written amendment circulated to honourable members so they will have it in their hands before we debate it. I think we should adjourn this House at this time.

Mr. W McKeeva Bush: Mr. Speaker—

The Speaker: You all will readily recall the controversy which arose. I think I should stick to the proper procedure. No two-day notice has been given. I have not seen the amendment, and I am only hearing about it. If you want to debate the substantive motion and do the amendment later, you may.

Mr. W McKeeva Bush: Well, Mr. Speaker, in regard to your ruling I will move the motion as is and amend it at a later stage.

The Speaker: Please continue.

PRIVATE MEMBER'S MOTION NO. 15/99

ENQUIRY INTO LOCAL COMPANIES CONTROL LICENCE FOR ESSO STANDARD OIL SA LTD

Mr. W McKeeva Bush: I beg to move Private Member's Motion No. 15/99 which reads: "**WHEREAS a question was answered to the effect that Esso Standard Oil SA Ltd had no Local Companies Control Licence for retail business;**

"AND WHEREAS there was an examination into the situation by Government;

"BE IT NOW THEREFORE RESOLVED that the Government now cause an enquiry into the matter and report its finding to this honourable House by September 1999.

"AND BE IT FURTHER RESOLVED that if Government has found that any Caymanian company or other entity is being displaced through that situation Government immediately take measures to have it

rectified so that Caymanian businesses do not suffer."

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

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 15/99 has been duly moved and seconded and is now open for debate.

Mr. W McKeeva Bush: I begin the motion by saying that we have had an agreement with government (which asked for an amendment in the first resolve) and that should be forthcoming to the House as quickly as possible. And the one for the last resolve will be done in due course.

This motion addresses a very important matter, one that we have asked questions about and have received answers to tell us that there is a company operating businesses in our island that has no license, no authority so to do. This situation is affecting a Caymanian business, a hardworking man and his family; a man who goes to work at 4.00 or 5.00 in the morning and works all day; a man who is a pioneer, certainly an entrepreneur in the best Caymanian sense.

This motion is to try to see that justice is done and that a foreigner—one so powerful as an oil company—does not continue to bamboozle a Caymanian company who is living within our laws and working to keep his business above water.

About 1988 a station was opened at the junction of Smith and Crewe Road, across from the airport area. The Oil Company, ESSO, approached him with a view to expanding that station into the islands' first "C" Store ("C" Store meaning "Convenience Store"). The company was operating a station that had no agreement with ESSO only selling the product.

As a result of the discussions the company had with ESSO it was agreed that they would advance him a certain amount of funds to further refurbish the new premises into the convenience store. This funding was made by means of a loan of approximately \$600,000, which was secured by a debenture over the business and a registered land charge over the business' premises.

A certain further amount was advanced on account of rent for a ten-year period. In order to give ESSO further security they also leased a site from that person for a ten year term together with an option to renew that ten year term for a further ten years. This arrangement required a sublease of the premises from ESSO back to the company and this was done on identical terms except as to the rent.

The leasing arrangements were part of the security package securing the loan that ESSO was making to the company. Within two years of the company taking down the loan it was repaid by a local bank and ESSO then continued to operate the station through the lease and sublease and the dealer agreement even though they were repaid by two local banks.

In about 1977 (or further on my part in about 1976) I became aware that ESSO might be limited in respect of its ability to carry on business within the islands. The Company became aware around 1997. The Company requested sight of the Trade and Business and Local Companies (Control) Law license from their then attorney. ESSO refused to produce these licenses. It was not until March 1998, after an approach was made to government, that the Company obtained sight of the licenses.

Once it became clear to ESSO that the Company had obtained sight of their licenses they then produced a copy of their 1997 licence. In 1997 and 1998 ESSO was licensed to carry on the business of bulk fuel installation—nothing else—import bulk fuel.

The Trade and Business Licensing Law schedules the various types of licenses available. We all know, as legislators, that a distinction is drawn both in the description and the fees payable for a bulk fuel installation and that of a garage. It is noteworthy that at the time the convenience store was opened the Immigration Board required the Company operating the convenience store to obtain a retailer's license in addition to a garage license.

From what we hear, we are aware that ESSO did offer financing to other dealers, other filling stations. I understand they have purchased a number of filling station sites. These are operated by means of a lease from ESSO to the dealer.

The Speaker: May I interrupt you for just one moment please? I had a prior commitment and I think government also had a prior commitment. I would entertain a motion for the adjournment of the House if it's the wish of the House.

The Honourable Minister responsible for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I think there's only three members of the House involved with the CITN interview, leaving 11 members present in the Chamber. Under the Constitution, if the Speaker cannot fill his post it states quite clearly that the Deputy Speaker can fill that post, and I am prepared to act. So I really don't see why the business of the House should be interrupted at this time, sir.

The Speaker: I will put the question on the adjournment and the wish of the House will be fulfilled.

The First Elected Member for West Bay.

Mr. W McKeeva Bush: I don't want to get drawn into that, but the Deputy Speaker has made a point. I don't think that the rule of the Presiding Officer can overrule

the Constitution. She has made a point and it's a very relevant point. But I am at the hands of the members.

The Speaker: I understand what you are saying, but the House controls its functions. A motion has been made for the adjournment and I shall put the question. If the question fails, the House will continue.

All those in favour that this Honourable House do now adjourn until 10.00 AM Wednesday, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 AM Wednesday.

AT 3.50 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 30 JUNE 1999.

**EDITED
WEDNESDAY
30 JUNE 1999
10.24 AM**

[Prayers read by the Honourable Acting Third Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Third Official Member who is overseas on official business. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture is also overseas on official business.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers.

Mr. W. McKeever Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

POINT OF PRIVILEGE

Mr. W. McKeever Bush: Mr. Speaker, I hate to have to do this, but I need to draw your attention to a matter that I think affects the privilege of this House.

There are questions on the Order Paper since the 25th May and being a member of the Business Committee, I cannot get my questions answered.

Now, I am drawing this to your attention because your duty is to see that the question goes up to the relevant minister after you have approved it. But I am asking you to investigate this matter to find out why these questions on Pedro Castle and other relevant questions cannot be answered. I am asking you as Presiding Officer of this House . . . I know what your duties are as far as the questions going to the relevant minister but as a member of the Business Committee I cannot get my questions answered.

The Speaker: All honourable members, I am fully aware of my duties and responsibilities. I can assure you that the Legislative Department and the Speaker have fulfilled the responsibilities. At soon as the questions are on the Order Paper, they will be dealt with. I have noted that you are a member of the Business Committee, you are a long serving member, therefore you are familiar with the procedure. I have nothing further to say on that.

I have done all that I have the responsibility and the authority to do.

Mr. W. McKeever Bush: Mr. Speaker, I quite understand that, being a long time member of the House. But I am asking you as Presiding Officer in charge of the business of this House to run some kind of investigation. Do some kind of check because I have talked to no avail, I have asked to no avail. This is the country's business for which this House is answerable, to which you are the Presiding Officer.

Thank you.

The Speaker: Moving on to question number 65, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 65

No. 65: Mr. Roy Bodden asked the Honourable Minister with responsibility for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide a breakdown, by district, of the numbers of persons referred to overseas centres for substance abuse treatment since January 1998.

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

Hon. Anthony S. Eden: From January 1998 to present, 17 individuals were referred by the Cayman Counselling Centre and the Mental Health Services to overseas drug rehabilitation treatment centres. Broken down by district these are:

District	No. of persons
West Bay	8
North Side	1
George Town	7
Cayman Brac	1

It should be noted that 17 were referred to treatment overseas, but only 15 actually completed treatment. The remaining two did not follow through with treatment recommendations. The total of 17 referred to overseas treatment includes seven persons with a dual disorder who were referred to treatment by the Consultant Psychiatrist at the Hospital in George Town.

The term "dual disorder" is used to describe cases where the individual concerned is mentally ill and at the same time involved with substance abuse.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Minister say whether any of the 17 referred to here were recidivists and therefore on their second or third visit?

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

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

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the minister say whether it is the policy to refer persons more than once? And, if not, what happens to these persons once they have completed the referral at the overseas centre?

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

Hon. Anthony S. Eden: No, Mr. Speaker, it is not the policy to refer a second time. When they do return, there is after-care, a follow-up on them and they are tracked on their return here and see their whereabouts and what is going on.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether in this contact with the counselling centre here it is mandatory or entirely up to the person referred?

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

Hon. Anthony S. Eden: It is strongly encouraged. I don't know if it is yet in the powers that we can force them to continue, but Cayman Counselling Centre certainly works diligently with these and strongly encourages them to come into the after care.

The Speaker: The Elected Member for North Side, do you have a question?

Mrs. Edna Moyle: Mr. Speaker, my colleague here asked the question that I was going to ask about the follow-up once these patients' return to the island. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. Let me say first that I am pleased to see that so many people were referred overseas for treatment. I wonder if

the honourable minister can say what was the cost of those overseas referrals to government?

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

Hon. Anthony S. Eden: I can give a breakdown of what it cost at each one of the centres. I don't have the total figure here of costings. One of the facilities used is Operation Par, which cost approximately US\$9,450 for a six-week stay. Turning Point, which is in St. Lucia, US\$2,038 including airfare for a six-week stay. Sindelands, which is in the Bahamas, US\$6,619 including airfare for a six month stay or approximately US\$1,103 for a four-week stay. Hazelton, which is in Florida, US\$14,332 for a 28 day stay.

The Speaker: The Third Elected Member for West Bay, do you have a follow-up?

Mr. John D. Jefferson, Jr.: Yes, sir.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say what facilities we took advantage of in light of the cost?

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

Hon. Anthony S. Eden: Cayman Counselling Centre refers to Turning Point and the Resident Psychiatrist refers to Sindelands in the Bahamas.

The Speaker: The Third Elected Member for West Bay, do you have a follow-up?

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister can say how quickly it is expected that we will have rehab facilities and services available locally?

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

Hon. Anthony S. Eden: The contract for the final stage of the Breakers rehab is scheduled to be awarded in the middle of next month. I anticipate, with the help of God, by the end of this year that facility should be functional.

The Speaker: The Third Elected Member for Bodden Town is next.

Mr. Roy Bodden: Mr. Speaker, I have a couple supplementaries but I want to ask this one now because it is relevant. I noticed that Eric Clapton has just opened a centre in Antigua called Crossroads. Can the minister say if his government plans to utilise this facility in the future in these kinds of case referrals overseas?

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

Hon. Anthony S. Eden: We certainly will investigate the possibility of this and if all is okay, we will have no problem with doing that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In the answer, the Honourable Minister said that two referrals did not follow through with treatment recommendations. Can the Minister tell the House what happens if there is any obligation on the part of persons referred to complete their treatment? And in the event they do not complete the treatment, are there any sanctions or penalties?

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

Hon. Anthony S. Eden: Mr. Speaker, one of these individuals did not complete the treatment because of a family situation where someone died. That person did actually continue working, going through Cayman Counselling Centre.

No, there is no more than the strong encouragement that we referred to earlier on. There are no sanctions against them in regard to continuing. As we have always said, until the persons accept the full responsibility that it is within themselves for it to be any degree of success, it has to come from within.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say whether or not the overseas referrals were made free of cost to those persons or are they obligated to repay government for the cost incurred?

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

Hon. Anthony S. Eden: As a follow-up to the last question asked by the honourable colleague from Bodden Town, those that are mandated by the Court are required to complete whatever they are asked to do under the court order.

The Speaker: Are there any further supplementaries?

Mr. D. Kurt Tibbetts: Mr. Speaker, that question has not been answered. If you would just hold on a second—they are dealing with that. And there are further supplementaries.

The Speaker: Yes. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: My question was whether or not there were any costs to the individuals who were referred overseas for those treatments?

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

Hon. Anthony S. Eden: That is a good question. The referrals are similar to an overseas medical. A financial contract is signed by each client and a guarantor that states government will be repaid X amount of dollars each month. We have to encourage this because I feel (not necessarily the Ministry) that they need to take part in that feeling of making themselves better off.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: What happens in the case of persons who cannot afford to pay for it? What provisions do we have in place for treatment to be made available to them overseas?

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

Hon. Anthony S. Eden: A financial assessment would be made and help would be provided.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the minister tell the House whether there is any scope for long-term tracking of these persons once they have completed their treatment and returned. That is, whether the Cayman Counselling Centre is equipped to continue liaison and contact with them even when they have returned to the world of work (or whatever world they have returned to) so that there can be some sort of procedure and support so that they may not easily slip into recidivism.

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

Hon. Anthony S. Eden: Yes, that is now in place and it will be dealt with.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I noticed in the minister's answer to a supplementary question that three or four different locations were identified. The cost for use of the services provided was also given. Can the minister give an explanation as to why there is a disparity in the cost at the various locations? Is it that there is a different type of service being offered at each of these locations which equates to the variation of the cost? If that is the case what is the determining factor that tells where someone will be going?

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

Hon. Anthony S. Eden: The main driving factor is some of them, like Hanna Hazelton is privately owned. Others are government operated, which brings the cost down. The one in St. Lucia has recently opened. I have talked to a number of clients that have been there and with it being in the West Indies, these people were very impressed with the services there. And as you note, it was one of the least expensive.

I didn't get the last part of your question, would you repeat that for me, please?

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The second part of my supplementary question was what factors determine where someone will be placed. But perhaps the answer that was already given has taken care of that in light of the way that the information was received. I think I understand the answer now so he doesn't have to address that.

The Speaker: Are there any further supplementaries?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I hope, I am not straying too far. In his answer, the minister refers to the term "dual disorder," which refers to a mental illness accompanying drug addiction. Can the minister state what are the immediate plans with regard to providing any type of facility even if there is not drug addiction involved for such patients who are mentally ill?

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

Hon. Anthony S. Eden: In the present situation, we are diligently working on improving the outpatient and the day-care. With the support of this House, the next major focus of the Health Services Department is to provide the inpatient facilities for our people here. To continue sending them overseas is not the alternative. Most of the families are coming back and as we did with the prison system, we feel that they should be returned here. It is a very expensive thing but that is something that we will have to deal with as legislators as we go forward.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I quite appreciate the minister's answer to the question. The follow-up to that is does the minister have any statistics or information which allows a determination of whether in the seven cases mentioned, it was a situation where a mental disorder led to drug addition or whether drug addiction led to a mental disorder?

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

Hon. Anthony S. Eden: Mr. Speaker, no, I do not have that information with me but it is difficult to say which one comes first in a situation like this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, I was only seeking that information if it was available. The reason why I was asking the question (and this is a follow-up question) is because certainly if that can be determined then preventative measures may be able to be taken to prevent some of whatever comes second (whichever one it is) if that is being able to be determined. So perhaps the minister could give an undertaking (this is just to make it a question) to try to see whoever it is that makes this determination (the psychiatrist or who ever it is) has a method by which it can be understood which one came first.

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

Hon. Anthony S. Eden: I would certainly encourage those that deal with this to see if there can be a differentiation and to see which triggers or manifests itself in the most serious degree first.

The Speaker: No further supplementaries? We will move on to question number 66, standing in the name of the Third Elected Member for West Bay.

QUESTION 66

No. 66: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources if any consideration is being given to designating the Northwest Point to the Turtle Farm area a "No Dive Zone" to avoid possible divers' accidents and to cease divers from interfering with fishermen in the area?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. The answer is yes, considerations have been given to designating the Northwest Point to Turtle Farm area, a "No Dive Zone."

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister can say if there have been any reported incidents of conflict between divers and fishermen in this area?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Again, the answer is yes and the matter has been monitored. Of course, meetings have been held between both sides that have actually been speaking of the problems. We are hoping that we can actually work out something between both parties rather than having to bring legislation on it.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say, bearing in mind his answer here, what is the position with the matters raised in the resolution where this request was also included? What is happening to the general over haul of the marine no dives zones and different zones within the Marine Law?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I think it is fair to say that this forms a part of the Marine Conservation Board and the matter is presently with Executive Council.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: So, is the minister saying then that the review has been taking place?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: There have been a lot of suggestions, and I could say requests to government from the Board of which this one is included. The matter, like I said, is in Executive Council and I would not want to go any further into it than that.

The Speaker: The First Elected Member from West Bay.

Mr. W. McKeeva Bush: Can the minister say when this House or the public can expect some sort of public clarification or information as to the matters raised in that resolution and the matters under review by Executive Council? Namely, the no dive zones, the sand bar in the North Sound, the no taking in the lobster season, the fish pots, all those issues were raised in that matter. Can he say when we can expect to have some information publicly on it?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As soon as the matter is dealt with by Executive Council. Let me point out, my ministry's duty with the recommendations of the Marine Board is to put it before Council, but it is impossible for me to

say, if something is deferred by Executive Council—and I know the member can appreciate what I am saying. . . I cannot really say when it is going to be dealt with. However, as soon as there is a decision, I know and I am happy to report that back to the Legislative Assembly and to the general public.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I well understand what the minister is saying about the matter being deferred. Then that leaves me to believe that is exactly what has happened. If the matter is deferred then it is also the duty of the ministry putting the paper forward to take it back to Executive Council again—of course, with the assistance of his colleagues. Can he say if that is happening or not?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The last speaker is well aware that if a matter is brought before Executive Council and it is deferred by the full Council, it has to be requested to be brought back to the paper by Executive Council. As soon as that is done I would be happy, and, like I said, I definitely will reply to him with the results of it and to the Legislative Assembly.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: To give a short explanation on that, I would think that it is also the ministry that is taking the paper to Council since it falls constitutionally within that responsibility to ask Council when then they would like for this matter to be brought back. But can the minister say whether that is happening? Has he asked Executive Council if they would like the paper to be brought back and what were the reasons for Executive Council's deferral?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As far as Executive Council is concerned . . . and I have to say again everyone here knows that we are under collective responsibility. I am not privy to come out and say the reasons why this was held off. As far as my ministry is concerned, the member is correct. We have on more than one occasion put it up, but it is entirely up to Executive Council if they need to delay a matter to do so and I am only one in there. He has been there and I am sure he has had matters deferred the same as I have.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the minister say when did this deferral take place?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I said, I am not going to comment on anything with Executive Council because I don't want to be knocked on the knuckles for saying anything out of Executive Council because of the collective responsibility in there. The member knows! He may be trying to lead me out to do it, but I am not going to do it.

The Speaker: Let us move on with another form of questioning. I will allow two additional supplementaries and we are going to move on.

Mr. W. McKeever Bush: Mr. Speaker, I understand the minister's situation—or the country's constitutional position with collective responsibility. Nevertheless, this is a matter answerable to this Legislative Assembly and all I am trying to ascertain is when did this happen. That should not be a matter that breaches collective responsibility.

I believe that we deserve an answer—whether orally or written—but there should be something to tell us what sort of timeframe we are having. Because if I can clarify something—

The Speaker: This is Question Time, please turn it into a question.

Mr. W. McKeever Bush: Mr. Speaker, I have asked the question. I am only asking to point out to the minister that there has to be some sort of responsibility to answer to us. I am wondering, [since] the minister cannot give an oral answer, whether he could give a written answer as to what is the timeframe?

Mr. Speaker, for further clarification, this matter came before us in Finance Committee when the Director, Mrs. Petrie, said that the matter had gone to the ministry. That was some six months ago and I would think that there ought to be some sort of timeframe for this House to know so that we can keep within the resolution.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The most I can say on that is that if I had gotten an answer when it was put up, I would have been able to report back here. I can say no more than that. It has been referred to Executive Council. When my ministry receives an answer, I will be happy to come here and tell the story. But I have to await that. The member—who was a minister before—knows exactly where I am coming from, and I am not being rude to him but he realises what goes on.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: As a follow-up, I wonder if the honourable minister can say (he should be in a position to say something) what some of the proposals or recommendations being considered by Government or Executive Council are in an attempt to resolve this conflict between the divers and the fishermen in this area?

Hon. John B. McLean: I have already referred to what I said awhile ago. Meetings have been held between both sides and we are trying to resolve the matter rather than having to legislate because . . . I mean, we are all Caymanians in that area. I understand sometimes a boat may be operated by foreigners, but I think the safest way for us to try to resolve it is through negotiations and meetings. Meetings have been held and they will be continued.

As far as what government's policy is on it, I have to refer to you to what I said a while ago, it is with Executive Council. I cannot tell you exactly what is in there.

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

The Speaker: Before putting another supplementary, I would like to ask the honourable minister to move, in accordance with Standing Order 86, the suspension of Standing Order 23 (7) and (8) so that Question Time can continue beyond 11:00 a.m.

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I so move the relevant standing order so that we can continue with Question Time.

The Speaker: I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question time continues.

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.

The Speaker: Supplementaries, the Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The minister mentioned that the parties involved in this area have gotten together. They have talked about how to resolve the conflict. He doesn't have to tell me what Executive Council is considering. I wonder if he can say what are some of the recommendations that were put forward by both sides with regard to hopefully resolving the conflict?

The Speaker: There is going to be one additional supplementary after this one. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: We believe that enforcing the segregation of divers and fishermen through legislation is an extreme measure that would serve only as the last resort. Through talking to parties concerned, we believe that among ourselves we would be able to come up with something that is good for everybody.

Let me point out at this time that we all realise the conflict that has been there and we realise the problem that has been in that area. It is not a matter of ducking anything because it has been seen and we all know of it. What I am saying is the last resort should be for us to have to legislate and we are hoping that we can deal with it in a different way.

The Speaker: This is the final supplementary. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I would like to thank the honourable minister for giving us some information. Since he says that they know what the problem is, I don't know why Executive Council has not dealt with it. But could he give an undertaking that he would once again take it back to Executive Council to get them to move?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I made that abundantly clear, the matter is before Executive Council. It is in a deferred mode until I have . . . it is not a matter of me having to put it back on the agenda—it is there. That is what I pointed out awhile ago. My ministry could do no more, it is there and we have to wait on a decision. I have no problem giving an undertaking because I would like to see it dealt with to because I realise the seriousness of it.

The Speaker: Moving on to Question No. 67, standing in the name of the Third Elected Member for West Bay.

QUESTION 67

No. 67: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources what is being done to control the use of illegal fish pots in the Cayman Islands?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: This is also a part of the same recommendation that I mentioned earlier and it is a pity that we didn't have the two questions together. The matter is currently being dealt with by Executive Council and as soon as I have results, I will report back to the House.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay, supplementary.

Mr. W. McKeeva Bush: Mr. Speaker, I believe we covered most of the supplementaries on this matter in the other question, but I am wondering whether he can say why Executive Council does not see this has a matter of urgency, especially this one of illegal fish pots?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, again I have to tell the member that I am not privy to tell him Executive Council's reason—because I don't know. I know my opinion but as far as I can go with it.

With regard to the fish pots that we consider being illegal, like I said, this is one of the recommendations that is presently there. Through the department we have been trying as much as possible to make sure that these are not utilised in the wrong areas because I think you are speaking of what we term the "Jamaican" fish pot. The same one.

So while we do not have anything, we are still trying to encourage persons who may be using them, not to use them. And when we find them the department has been trying to work as closely as possible to eliminate them.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I don't know if the minister answered this question in the other question but can he say where the recommendations came from?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I pointed out that it was from input from the general public and especially the Marine Conservation Board.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of the fact (and I am reliably informed) that the use of these illegal fish pots is really doing a number on our reef fish, the small fish, I wonder if he can say how quickly we can expect this matter to be addressed by Executive Council?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I was asked that question in the other person's question. I cannot give an answer for Executive Council here.

The Speaker: I think we are just spinning our wheels really. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I think so, Mr. Speaker. But I wonder if the minister could say . . . can we get it before the election or after the election?

[Laughter]

Mr. W. McKeeva Bush: I don't expect him to answer, Mr. Speaker.

The Speaker: Are there any further supplementaries?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I hear what you are saying about spinning wheels and it is obvious that if there were any transparency being exercised in the system, the wheels wouldn't be spinning and not going anywhere.

Anyway, can the minister say if there is any consideration being given during the deferred mode of deliberation to limits being set as to the size of the fish pot? Certainly, there is a relationship between what size fish get caught and the size hole that is in the fish pot wire.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: That is a good question. Yes, this is one of the matters I referred to just awhile ago, with regard to the department encouraging persons using the pots to use a sensible size wire. He is correct. This is where we found the problem, especially with the Jamaican pots. These have been giving more problems because of the size of the mesh and we have been encouraging the use of a bigger one so that the little reef fish, the smaller fish, would not be caught in the same pot.

I must say here that it is unfortunate because knowing Cayman fishermen, I don't think that we would have any who would utilise that or who would trap those fish, they would never do it. Unfortunately, we are in a society where we have other people and I guess you do abroad as you do at home. However, we are going to try our best to work along with it and, of course, I support whatever we can do when the government gets to it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am going to try to use a different handle to see if I can get an answer and I won't ask many supplementaries, sir.

The minister has obviously made it very clear that this matter goes beyond what has been discussed thus far in Question Time. I am sure the minister understands what I mean by that. It is a wider spectrum being examined in whatever the recommendations were from the department. But certainly Executive Council must appreciate the fact that while this is something that some of them may consider a ticklish matter, it is one that is very important. Leaving this in a deferred mode is shirking responsibility.

I would ask the minister to give an undertaking—not just about bringing it to Executive Council . . . understand me clearly, sir: Not just bringing the issue to Executive Council, but taking it on his own to impress on Executive Council that this is not only an environmentally sensitive issue but it is an important one. Therefore, it needs to be dealt with. I am asking for that undertaking.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I gave that undertaking awhile ago to the other member. As far as I am concerned, I have always been pressing for it because I have been a fisherman as much as anybody else in here. I am aware of fish pots and the damage they can do. I support one hundred percent that we need to deal with the fish pots and put the proper size mesh. If I did not agree with that, I would not have even recommended a paper to Executive Council.

The Speaker: No further supplementaries? Moving on to question no. 68, standing in the name of the First Elected Member for George Town.

QUESTION 68

No. 68: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation (a) to provide a list of equipment at the physiotherapy department at the Faith Hospital; and (b) to say if a physiotherapist is employed there?

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

Hon. Anthony S. Eden: Before I answer the question, I would like to say that it is my pleasure to have in the House with me, to assist in this question, our own Caymanian who is Head of Department. This is a very timely question considering what has transpired over the past few years.

An inventory of equipment in the Physiotherapy Department at the Faith Hospital is as follows:

EQUIPMENT	QUANTITY
Therasonic 1032 Ultrasound Unit	1
Electromedical Supplies Trolley	1
Over the door cervical traction kits	2
Therabath wax bath	1
Graham field exercise balls	2
Goniometers	3

The Physiotherapist post at Faith Hospital is vacant at present. Physiotherapist services at Faith Hospital are provided on a three-day per week basis by a physiotherapist from the Cayman Islands Hospital, Grand Cayman.

The post has been advertised and applications are being reviewed for short listing. Interview will take place in the near future.

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member.

Mr. D. Kurt Tibbetts: Can the minister state if the amount of clients that utilise the three-day per week service justifies the need for a full-time physiotherapist at the Faith Hospital?

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

Hon. Anthony S. Eden: Yes, eventually there will be justification for this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I quite understand the minister's answer and I won't pursue it. Can the minister state if the list of equipment that has been given in the answer is considered to be sufficient for the needs that may have thus far been identified for clients at the Faith Hospital?

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

Hon. Anthony S. Eden: There is some more additional equipment required and they are:

EQUIPMENT	QUANTITY
Treatment plinth	1
Exercise bike (Stationary)	1
Interferential Unit	1
Hand tables	2
Traction bed with accessories (that is on its way of there, now)	1

These following minor items of equipment are in the process of being procured:

EQUIPMENT	QUANTITY
Electric heating pads	2
Ice packs	3
Exercise mats	3
1/2 pound weights	2 sets
5 pound weights	2 sets
10 pound weights	1 set
Full length posture mirror	1
Tent Unit	2
Wobble board	1
Mechanical vibrators	2

The Speaker: The First Elected Member of George Town.

Mr. D. Kurt Tibbetts: Can the minister state if funds have been made available to procure all of the equipment that has been listed? It is simply a matter of going through the process of procuring this equipment.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, the answer is in the affirmative.

The Speaker: The Elected Member from North Side.

Mrs. Edna Moyle: I wonder if the honourable minister could tell the House how long it has been since this initial equipment has been needed at the Faith Hospital?

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

Hon. Anthony S. Eden: Some of this equipment has been needed for quite some time but for whatever reason certain requests have not been made. It is available in the present budget.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state if one of the reasons why this equipment was not asked for prior to this might have been because there was no space to house the equipment?

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

Hon. Anthony S. Eden: That's in the affirmative, Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister then say (since this seems to have been one of the problems) whether space has now been provided, and, if so, how has it been provided? Has there been space provided simply by added construction or has the space been provided by removing another service from a certain area to allow for this service to be extended there?

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

Hon. Anthony S. Eden: It is the latter. By using existing space and by using stuff that was not being used in that area.

The Speaker: The Elected Member from North Side.

Mrs. Edna Moyle: I wonder if the honourable minister could say when the physiotherapist post become vacant at the Faith Hospital and why?

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

Hon. Anthony S. Eden: That post became vacant on the 19 May. The physiotherapist that was in Cayman Brac was trained at a very high level and she felt that

she did not have enough to do to maintain her professional skills.

The Speaker: Are there any further supplementaries?
The Elected Member for North Side.

Mrs. Edna Moyle: This is a follow-up on the answer just given by the honourable minister. Is that physiotherapist now in the George Town Hospital, or has she left the island? If she has left the island, could her skills have been used at the George Town Hospital?

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

Hon. Anthony S. Eden: Mr. Speaker, she has left the island and the reason why she was not used in Grand Cayman is that there was not a post vacant for her at that time.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if the present arrangement (which I am assuming calls for someone from the George Town Hospital to visit Cayman Brac three days per week, which means displacing that person from the George Town Hospital) causes any negative effects on the services being provided at the George Town Hospital? If so, what sort of damage control is taking place to ensure that the service is provided as best as possible?

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

Hon. Anthony S. Eden: What it has meant is that we have had to curtail some of our home visits in Grand Cayman and it has been restricted to crucial and very important assistance.

The Speaker: The First Elected Member for George Town, a supplementary.

Mr. D. Kurt Tibbetts: Certainly, I am confident that the minister recognises the dilemma. . . and perhaps I would just seek an undertaking from the minister to ensure that all is done to expedite this process to normalise the situation at both venues as quickly as possible.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, the post as a matter of fact has been advertised and the applications are now being reviewed for short listing. Interviews will take place in the near future. Mr. Speaker, in the meantime there is a locum dealing with this.

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

I think this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:29 AM

PROCEEDINGS RESUMED AT 11:58 AM

The Speaker: Please be seated. Proceedings are resumed. Item number 4 on today's Order Paper, Government Business, Motions. Government Motion No. 4/99. The Honourable Minister for Education, Aviation and Planning.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/99

10 YEAR NATIONAL STRATEGIC PLAN (1999 - 2008)

Hon. Truman M. Bodden: I would like to first begin by reading the motion. It says:

"WHEREAS the Vision 2008 Project started 15 months ago by the polling of 1000 individuals for their views on the future development of the Cayman Islands;

2) Almost 400 people in the Planning Team and the Round Tables worked together for over 9 months to put together 16 strategies and 208 action plans;

3) The "Key to the Future" document is a summary of the strategies and action plans and the prioritisation in three phases recommended by the Vision 2008 Planning Team;

4) The 10 year National Strategic Plan (1999 - 2008) contains 16 strategies and 208 action plans and will be reviewed and amended as necessary and at least every two years.

5) Executive Council has approved the National Strategic Plan as the policy framework on which the Government will plan for the future;

"BE IT NOW THEREFORE RESOLVED THAT this Honourable House hereby approves the Cayman Islands National Strategic Plan 1999 - 2008 and the guide to the National Strategic Plan called the Key to the Future, including the three phases therein."

The Speaker: Government Motion No. 4/99 has been duly moved. Does the Member which to speak to it? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The motion now before the House calls for the Legislative Assembly to accept the 10 Year National Strategic Plan, Vision 2008, and the Ex-

ecutive Summary called "The Key to the Future" which divides the National Strategic Plan into three phases.

I would like to look at how Vision came about and where it had its beginning. And I would refer first to a document that was published by the Foreign and Commonwealth Office on the 30 May 1997, entitled "Contingent Liabilities in the Dependent Territories," which is a United Kingdom report by the UK Controller and Auditor General. I refer to this document because it is my intention to show that the Foreign and Commonwealth Office, as well as our government (in other words, both governments) consider that the 10 Year National Strategic Plan, Vision 2008, is first and foremost an instrument that will contribute to and promote continued good governance in these islands.

In January 1993, Her Majesty's Ministers proposed the introduction of joint agreed country policy plans for each of the Caribbean territories aimed at identifying priorities for development to which both governments would be committed. Mr. Speaker, these were brought in the countries that were grant-aided and they are very basic plans, I should point out that, only deal substantially with a 5 year economic type of plan and many of those are basically are not taken in the large amount as was taken in by our Vision 2008 Plan.

In 1997, following a commitment made by the then Governor, a small committee was formed to develop the terms of reference for a Vision Statement for the Cayman Islands. Initially, these terms of reference called for an outside consultant to develop and direct national planning. However, under the Governor's urging, and reflecting the fact that the Cayman Islands were already familiar with strategic planning which had been carried out with extensive public involvement for education, health and drug abuse prevention and rehabilitation from as far back as 1994, Executive Council agreed to a design for a long-term strategic plan, which would be based on public involvement and participation from all (and I repeat, all) the people of the Cayman Islands.

My ministry (as the ministry responsible for planning) was given the responsibility to develop the project which was announced in the Throne Speech in February 1998 and was called Vision 2008.

I would like to quote from these initial terms of reference which read, **"The Government wishes to build upon the planning process that already exists in the Cayman Islands. The intention is to produce a process of dialogue and analysis, a document, which sets out a strategic vision for the islands for the next ten years, and outline the country's main goals and priorities. It will also outline the main outcomes or long-term results expected.**

"It is clear there has been tremendous efforts at planning in different areas. In spite of these, however, there remains an important gap at the broadest level of definition. At present, there are no clearly stated national goals and priorities for the Cayman Islands. As a result, each sector has been pursuing its own objectives and in the absence of an overall framework, it has been difficult to co-ordinate long-term development. The many economic, social and

environmental issues, which now confront the islands, need to be considered in an integrated manner, if the long-term growth and sustainability of the Cayman Islands is to be achieved.

"The plan will take fully into consideration the constitutional relationship with Her Majesty's Government, bearing in mind the Secretary of State ultimate responsible for the affairs of the dependent territories. And that Her Majesty's Government in partnership with the Cayman Islands is concerned to promoting good government and sound economic development in the Cayman Islands, and to monitor and control contingent liabilities as identified in the recent National Audit Office Report.

"This will include consultations with the Foreign and Commonwealth Office in London, other government departments in White Hall and the dependent territories regional secretariat in Bridgetown."

Mr. Speaker, the 10 Year National Strategic Plan addresses the issues as required by the terms of reference and further addresses the issues raised in the recent White Paper—especially modernisation and reform. Under this, government is committed to reform and the 10 Year National Strategic Plan is the primary reform platform upon which all the other aspects are performed must be predicated.

Modernisation is at the core of Vision 2008, its direction, and its policies. It extends to the reform of a financial management systems, of a human resource management development initiatives and our thrust and commitment to more open and accountable government.

At the heart of the National Strategic Plan is partnership with the people. Vision 2008 has opened the way for constructive dialogue and consultation with the private sector, non-government organisations and the man in the street, with its innovative and encompassing polling and visioning process and the work of the planning team and the round tables.

Referring to the polling process, I will at a later stage read a part of that. But to continue on with what the White Paper referred to. Once again, good government is reflected in the 16 strategies, which deal with the comprehensive approach to issues ranging from zero tolerance for crime and drugs. Through strengthening of the family and support and encouragement of young people to a comprehensive immigration policy which protects Caymanians and give security to long-term residents.

The White Paper of the United Kingdom puts particular emphasis on the sustainable development of the environment and it calls on the overseas territories to (and I quote): **"Develop appropriate and applicable and affordable environmental policies, legislation and standards with the goal of sustainable tourism"** (that is at page 37). Vision 2008 has met this call through its environment strategy but also through its themes of harmony, prosperity and balance according to the principles of growth management.

Mr. Speaker, the key teams in the Foreign Commonwealth Office's White Paper are modernisation, partnership, environment, bio-diversity and prosperity. Vision

2008 has met and exceed this call and when accepted and implemented by this and successive government and legislators will ensure that the Cayman Islands will sail proudly and prosperously into the 21st Century.

Perhaps, the most distinctive feature of Vision 2008 has been its emphasis on participation by the people of the three Cayman Islands. This began in March of 1998 with a National Opinion Poll, which sought the priority areas of concern and goals of a representative sample of residence. Mr. Speaker, of the 1,000 people polled in the three islands, 55% were Caymanians and 45% were non-Caymanians. The National Opinion Poll identified 8 priority areas for consideration:

1. Drugs and crime
2. Education
3. Tourism
4. Development
5. Environment
6. Caymanian, non-Caymanian relations
7. Cayman Brac
8. Little Cayman

I would like at this stage to read from that poll the executive summary. It is found on page 4 of the document and that reads:

About half of the population has heard about Vision 2008 and nearly three-quarters see it as an opportunity to work together to shape the future of the Cayman Islands.

"1. While two-thirds believe that the Cayman Islands are better off today than ten years ago, less than one-third have that same confidence looking forward to 2008.

"2. This concerns stems primarily from the fact that the very things people treasure most here: peace, quiet and security are under attack from drugs, crime, over-development and an on-battling of Caymanian Culture."

Mr. Speaker, those are very blunt and very deep reaching view. What I would like to do is to elaborate on the priorities that I mentioned earlier and I am reading from the report.

"The Vision 2008 Priorities. To reverse this trend and bring a renewed sense of optimism back to the Cayman Islands, Vision 2008 should focus on:

"1. Drugs and crime: Implement stronger penalties for drug dealing and violent crimes. Increase on-the-job training for police. Provide more drug rehab programmes.

"2. Education: Maintain strong standards for students and teachers. Enforce greater discipline. Focus on 21st Century job skills. Encourage college or vocational training. Guarantee computer literacy and technological understanding.

"3. Tourism: Continue attracting large numbers of middle and upper income tourist rather than focusing on fewer wealthier visitors. Foster an environment of tolerance for all visitors.

"4. Development: Introduce efficient public transportation on Grand Cayman, slow the pace of development and better integrate environmental concerns into planning. Develop more affordable

housing, consider a temporary moratorium on new developments on Seven Mile Beach.

"5. Environment: Save the mangroves from being cut down. Protect the North Sound.

"6. Caymanian/Non-Caymanian relations: Facilitate communication and co-operation between Caymanians and non-Caymanians, particularly among younger and lower income residents. Substantially increase job training and enhancement opportunities for young and middle age Caymanians. Consider revising the Caymanians first policy to included placement, training and test. Keep work permit requirements and time limits the same for professionals and non-professionals. Do not change permanent residency process. Retain one Immigration Board for Grand Cayman but review composition and policies.

"7. Cayman Brac: Reduce telephone rates between Grand Cayman and Cayman Brac. Provide incentives for younger people to return. Improve the air schedule. Extent pipe water supply to reduce construction cost. Create more local, high paying job opportunities. Provide additional incentives for businesses to return.

"8. Little Cayman: Control and regulate growth and development. Place a premium on environmental protection. Focus on environmental education for visitors and new residence."

Those findings were from the poll that was carried out by Penn, Shawn and Burland Associates Inc. in April of 1998.

At this time, I would like to read from the (and I did this when I laid it on the table but I think it is important that this is stressed) Planning Team's Vision and to go on to read the 16 strategies. The Planning Team's Vision for the Cayman Islands in the year 2008 is that Cayman Islands is:

- **"A God-fearing country based on traditional Christian values.**
- **A caring community based on mutual respect for all individual and their basic human rights.**
- **A community which practices honest and open dialogue to ensure mutual understanding and social harmony.**
- **A safe, secure and law-abiding community.**
- **A country which is free from crime and drug abuse.**
- **A country with an educational system which identifies and develops on a continuing basis the abilities of each person, allowing them to reach their full potential and productivity.**
- **A community which encourages and prepares young people to assume leadership roles.**
- **A county which provides a comprehensive health-care system.**
- **A community protective of traditional Caymanian heritage and the family unit.**
- **A country with a vibrant, diversified economy which provides full employment.**

- A country which makes optimal use of modern technology.
- A country which manages growth and maintains prosperity, while protecting our social and natural environment.
- A country which respects, protects and defends our natural resources as the basis of our existence.
- A country with open, responsible and accountable government which includes a working partnership with the private sector and continuing beneficial ties with the United Kingdom.
- A country with an Immigration system which protects Caymanians and gives security to long-term residents."

Mr. Speaker, the parameters are as follows (and this is still the Planning Team's parameters):

- "We will manage growth in order to prevent the degradation of our Caymanian culture, environment and socio-economic framework.
- We will not tolerate criminal activity or drug abuse.
- We will strengthen our position as a leading tourist destination and financial centre.
- We will ensure the social integration of all residents of the Cayman Islands.
- We will promote life-long education and training.
- We will support the family unit.
- We will endeavour to protect our young people from negative influences.
- We will ensure that the decision-making processes within the public sector are open, transparent and subject to accountability.
- We will ensure the implementation of this Plan."

The objects for the Vision 2008 process are:

- To have full community participation in all phases of Vision 2008.
- To have successive governments committed to Vision 2008 by funding and implementing the Plan.

Mr. Speaker, the sixteen strategies that the Planning Team created are as follows (this really to a large extent the meat of what this motion deals with because these two documents really deals substantially with these strategies and one also deals with the action plans):

- "1. We will develop and implement a policy of zero tolerance for crime and drug abuse.
- "2. We will provide opportunities and challenge young people to become involved in all aspects of the development of their country and community affairs, supported by the public and private sectors.
- "3. We will support an educational system, which identifies and develops the abilities of each person, encouraging them to realise their full potential.
- "4. We will establish systems which serve to strengthen the family unit and promote a caring society.

"5. We will develop awareness of our Caymanian culture which is based on traditional Christian values and a strong family unit.

"6. We will develop and implement a plan which addresses the special needs and concerns of Cayman Brac.

"7. We will develop and implement a plan which addresses the uniqueness and special needs of Little Cayman.

"8. We will promote open and accountable government.

"9. We will ensure optimal infrastructure which supports the needs of the current population and projected growth.

"10. We will develop and implement a growth management plan to achieve and maintain a balance between the natural and built environment.

"11. We will protect our natural environment, particularly the Central mangrove and other wetlands, the North Sound and coral reefs, from further degradation.

"12. We will develop and implement an information technology plan that optimises the economic and social development of the Cayman Islands.

"13. We will ensure that Government, in partnership with the Tourism and Finance industries, strengthens plans for the continuing success of these two critical sectors and we will identify opportunities for diversification.

"14. We will support and ensure the implementation of a comprehensive health-care plan, which emphasises the prevention, mental health and wellness.

"15. We will support comprehensive contingency planning for natural and man-made disasters and Incidents, to ensure the preservation of human life, protection of property and economic recovery of the country.

"16. We will create a comprehensive immigration policy, which protects Caymanians and gives security to long-term residents."

Mr. Speaker, in June 1998, a Planning Team, which was a representative of the residents of the Cayman Islands met for three days and put together the statement of beliefs and the visioning statement that are set out and which were read [and] the three objectives and the sixteen strategies.

This work in progress was a result of the opinion poll and the numerous letters and phone calls as well as visits to the vision office made by hundreds of people. It clearly set out the kind of Cayman Islands the people wish to see in the future.

The next part of the process was to involve a wide cross-section of people to consider the sixteen strategies and make suggestions as to how they should be implemented. Sixteen round tables, one for each strategy were established, leaders trained and active recruiting started. Over 300 people signed up and 250 of these worked over the next four months to develop the 208 action plans which were accepted by the Planning Team in March 1999.

The Planning Team worked for a total of 11 days to access the action plans according to established criteria which included a consideration of costs and benefits of each individual action plan. Because of the depth and complexity of the plan, the Planning Team established a small task force to pull together the different treads of the plan and to produce the key document. This document which is entitled, 'The Key to the Future' is the executive summary of the plan and also provides the suggested phasing and objectives for each of the three phases of the plan.

Mr. Speaker, at this stage I would like to first thank my Permanent Secretary, Mrs. Basdeo, who headed up the Vision 2008 and who has given many long and dedicated hours of her time, and shown very extensive and wise foresight in developing the National Strategic Plan along with the other members of her team.

Mr. Speaker, this plan is one that no country that I know of, has effectively managed to put together in such a comprehensive way. The gratefulness of this country and the thanks of this country go to Mrs. Basdeo, the Executive Director. I would also like to personally thank Mrs. Hyacinth Connolly, who also along with Mrs. Basdeo headed up the Education Strategic Plan, a very effective and efficient lady. Together with Mr. Desmond McConvey, the Assistant Facilitator; Mr. David Archbold, the Information Technology Advisor; Mrs. Judith Gates, the Training Facilitator; Mrs. Patricia Slocum, the Executive Assistant; Miss Felicia Deslandes, was a student intern and Mrs. Julia Jones, the Public Relations Co-ordinator.

I would like to thank that Vision 2008 Team because I think this country owes them a great indebtedness for producing this plan and producing it on time and producing it in a very low cost way with the vast majority except for a few days work that was done by external facilitators and experts. Everything on this plan was done in Cayman, headed by a Caymanian and with Caymanians on the Planning Teams and the Action Teams.

I would also like to give my thanks and the thanks of this country to the Planning Team members, who are:

Mr. Heber Arch	Mr. Victor Green
Terry Bainbridge	Mrs. Lorna Hampson
Mr. Osbourne Bodden	Mr. John Harding
Mr. J.C. Calhoun	Mrs. Rhonda Kelly
Mrs. Annie Mitten-Clarke	Mrs. Lisa Hurlson
Mrs. Camille Davey	Mrs. Deborah Kirkconnell
Ms. Eileen Dounce	Mrs. Melanie McLaughlin
Mr. Alson Ebanks	Mrs. Nadine McLean
Mr. Carson Ebanks	Mrs. Olive Miller
Mrs. Darlene Ebanks	Mrs. Sheryl Miller
Mr. Gary Ebanks	Mr. Kirkland Nixon
Ms. Ronda Edie	Mr. Chris Rose
Mr. David Foster	Mr. Kenny Ryan
Ms. Laurice Fraser	Mrs. Suzy Soto
Mrs. Iva Gray	Mr. Peter Tompkins

They are the Planning Team members drawn from a wide cross-section of the Cayman Islands community and who are representative of the Caymanian commu-

nity and who toiled very long hours in putting together the strategies and subsequently reviewing the action plans. They as the Planning Team members actually form the members who have taken the final decisions on the document that is before this House today. This is not a document from me or from my ministry as such; this is a document that has come from the people of the Cayman Islands represented through these Planning Team members.

Mr. Speaker, I would also like to pay my gratitude to the Round Table Leaders because they spent many long hours together with their teams at the round table in dealing with the 208 action plans (well, it was more than that, it came up to about 230) that were accepted. Those round table leaders are:

ROUND TABLES	LEADERS	
1) Crime & Drugs	Cathy Delaphena	Terry Delaney
2) Youth	Patrice Donalds	Ramona Ritch
3) Education	Jahaira Kelly	Elizabeth Thompson
4) Family	Beverly Banks	Kathy Wagner
5) Culture	Eziethamae Bodden	Marcia Muttoo
6) Cayman Brac	Mark Knowlton	Mark Tibbetts
7) Little Cayman	Janet Walker	Croy McCoy
8) Open & Accountable Government	Pilar Bush-Gordon	Clarence Bothwell
9) Infrastructure	Kenneth Ebanks	Finley Joseph
10) Growth Management	Nick Popovich	
11) Environment	Phil Bush	Art Schindler
12) Information Technology	David Archbold	Nick Robson
13) Economy	Wil Pineau	Dax Basdeo
14) Health	Jacqui Smith	Mark Frye
15) Contingency Planning	Christine Maltman	Chuck Gordon
16) Immigration	Patrick Schmid	Denise Tibbetts

Mr. Speaker, those round table leaders together with another 300 Caymanians and residents from these island went through four months of very hard work, putting together the plans that are produced in the National Strategic Plan.

One aspect of Vision 2008, which must be underlined, is evaluation. People will say, '*well there is a plan and what is going to happen next year or the year after.*' Vision 2008, the National Strategic Plan 1999 - 2008 is a rolling dynamic plan and it will take account of the changing needs of the Cayman Islands as they happen within the overall policy framework.

Executive Council has agreed that there should be regular reporting to them, through the ministries on the implementation of the plan and that the plan itself should be reviewed as necessary but at least every two years.

Mr. Speaker, also with the two documents—and I read this the last time so I don't intend to go into this by reading this again. On page 30, The Key to the Future, has set out the recommendations which they suggest for establishing priorities. Phase 1 of 1999 -2001 are clearly set out and I would just read the first part but not go into the details. For Phase 1, they recommend:

- Adopting and implementing Growth Management and change management policies

- Creating the legislative and regulatory framework for implementation
- Building the information base required for prudent management
- Building human resource capacity
- Informing the public
- Integrating medium and long term financial planning for Phases 2 and 3
- Integrating Public Sector reform.

Mr. Speaker, we have had 1,500 copies of the Key to the Future and the National Strategic Plan printed. These are available at present from the ministry and will be at the district meetings that I will refer to shortly; at the Vision Office and at the Legislative Assembly and at other places. So from today, these documents will be available.

Mr. Speaker, also from the 1st July, which is tomorrow, there will be district meetings beginning in Little Cayman, through to the 14th July, that will go through all districts. This fulfils the commitment to the people of the Cayman Islands for each district that was given when Vision 2008 was started. They asked for members of the team to come back to the districts and to show them what the plan is giving in relation to what they have asked for.

Mr. Speaker, for the twenty years that I have been in politics, I think, there has been a call through out and even more so recently in the past 4 - 6 for comprehensive plans for the Cayman Islands. We have had sectorial plans, we have had plans relating to specific sectors, such as education, drugs, tourism, agriculture, health and several others. But this is the first time that a plan that is a comprehensive plan for all of the Cayman Islands, all three islands, covering all aspects and a plan that has been put together by the people of the Cayman Islands has been brought to this Honourable House. I must say there will be areas where there will be expense in implementing areas of this and that is always, sir, as such subject to Finance Committee. I am committed, I believe that this House is committed and we will see that when the vote comes shortly or in due course, I should say. I know that the Government is committed to this 10 Year National Strategic Plan for these islands. And, more important, I know that the people who have put this together are going to see that it is accepted, they are going to see that it is carried through, that it is implemented in phases. The people of this country are also going to see that it is updated from time to time as necessary.

Mr. Speaker, this is the people's plan and the people of this country have spoken clearly. They have spoken in detail in this plan. I believe that the plan comes from the heart of the people of the Cayman Islands and I would ask all members of this Honourable House to please support this plan, to pass it and to give their full support to this. Not only over the next 18 months in this House but in future legislators that would be running this country in the years to come.

Thank you.

The Speaker: I think before opening the floor to debate, this might be a convenient time to take the luncheon break. We shall suspend until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:45 PM

PROCEEDINGS RESUMED AT 2:42 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99. Does any honourable Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I rise to make my contribution in support of Government Motion No. 4/99. In so doing, I wish to take the opportunity to point out some areas that I think could be strengthened in the Vision exercise. My contribution will be a balanced one. I will not dwell so much on what I consider the strengthens of the exercise, rather, I will spend a little time highlighting improvements I think could be made or should have been made.

Mr. Speaker, there was a time when in some circles it was unfashionable to speak about 5-year and 10-year development plans because many people associated such exercises with planning that was carried on in the socialist countries or the Eastern Block. However, we have entered an era where more people now (including those people in a majority of the Western Democracies) realise that 5-year and 10-year planning makes for efficient government, particularly when it comes to earmarking and highlighting priorities and managing public finances.

The future of the Cayman Islands presents us with both opportunities and obstacles in this regard. Caymanians and residents here must choose how to face these opportunities and these obstacles. The world itself is in a significant period of change, but change is complex particularly at a time when most of us are preoccupied with preparing for the new millennium. To do so successfully, it is recognised by many that we need to have some clearly formatted plans.

I suppose, Mr. Speaker, it was out of a necessity to meet this need that the Foreign and Commonwealth Office and the Auditor General's Department in Britain put together the Contingent Liabilities Report on the Dependent Territories. As the honourable minister moving the motion on behalf of the government said, the need to come up with some national plan really arose out of recommendations and stipulations in the contingent liabilities of the Dependent Territories Report.

We have heard that this plan, which we call Vision 2008, is a plan of the people. And indeed, the plan involved a significant number of persons, both those who were on the visioning exercise as members of the planning team, and also persons polled for their ideas in an effort to arrive at what should really be the priorities to set for the next 10 years. Mr. Speaker, we were also told that this was not a political plan, but rather a plan in which all were involved including all members of the Parliament. So the plan was non-partisan, it didn't belong to

any one particular political grouping, or any one particular societal element, but should be seen as everybody's plan.

Mr. Speaker, that is certainly attractive and it is certainly an invitation for all to participate. I agree that everyone should feel that they have a vested interest in the development of the Caymanian society.

Mr. Speaker, what I wish to say at the beginning is that the evolution of this plan is going to necessitate certain changes in our society. First of all, it is going to necessitate certain changes in the way we do business, in terms of the way the government operates. It is going to necessitate certain changes which will impinge on the way the private sector dovetails with the government sector and, not of the least significant, it is going to necessitate certain changes which are going to influence the way politics and public administration in the country are practised.

This Vision 2008 exercise is going to incorporate public service reform initiatives including financial sector reforms, designed to modernise the government and make it more efficient. It is going to necessitate changes in the way we handle information, making it necessary to have a Freedom of Information Act, so that certain information can be readily available to those persons who need to access it for whatever reason. So, what we are talking about is nothing short of a radical transformation from the way we have been doing business in the past to the way we will be doing it in the future.

Mr. Speaker, I have to pause here to pose the question: Are we really ready for these changes that this Vision 2008 is going to bring in? Are we sincere and serious about following through with the plan? Because it is not a situation where we can go halfway and stop—either we go the whole hog or we don't embark on the change at all. Now, it is a challenge. The government says that it is committed to seeing the plan through—we will see, Mr. Speaker.

It is interesting to note that in Bermuda, their national plan (which really emanated from a plan originally put together by the United Bermuda Party) has a mechanism for continuous assessment. In the Bermuda plan which was adopted, there is provision made for assessment of the achievement or non-achievement of the various objectives—2 years, 5 years and more afterwards. And, in Bermuda, the process is charted by virtue of the fact that each objective is taken. The process is charted to the extent to say whether legislation has been passed and approved. Or what programmes have been in place to deal with the shortcomings, or deal with the strategies, or deal with the plans, or what action plans have added, modified or have been scrapped. I would hope, Mr. Speaker, that at some stage we can evolve into this kind of tracking of our plan and division that we have before us to embark upon at this time.

Mr. Speaker, one of the concerns I have is that it will be necessary, now that we have arrived at the Vision and the strategies, to at some stage prioritise and then quantify in monetary terms, how much it is going to cost to achieve the objectives we have set for ourselves. In many instances, these objectives are going to necessi-

tate expenditure. So having the plan is not the end of the exercise, having a plan allows us to take off from a studied and comprehensive position. Having arrived at that position, we have to then decide what are our priorities and when we have decided upon these priorities, how much it is going to take in monetary terms to achieve them.

I don't want to give anyone the impression that having arrived at the plan is the end of the exercise. The challenge is just beginning. Then too, in a multi-cultural and multi-ethnic society we have to take into consideration all of the demands and the challenges that a plural society is going to bring upon us. For example, Mr. Speaker, I want to highlight this not necessarily so much as a criticism but as a point to avoid.

We have said in the little booklet, *Working Together To Shape Our Future* . . . and I take these kinds of things seriously. In the Vision Statement on the last page, we have said that, "**A Cayman Islands that is a God-fearing country based on traditional Christian values.**" Now, Mr. Speaker, at the same time we are saying that we are a plural democracy and we are encouraging other people who share certain values to come in. But when we make a statement like this, we know that most of us in the Cayman Islands are followers of what we call the Christian tradition. But when you speak of traditional Christian values, we are excluding other people who may not be Christians but who may be Jews, Moslems, but who can be equally good citizens.

I say that to highlight that while I understand and accept what is meant, we have to be careful how we express things so that we do not inadvertently exclude any particular element that may be willing to join in and contribute to the development of our society. Because if we accept the fact that the world is becoming a global village and soon...

Years ago, a Japanese author by the name of Ken-ichi Ohmae talked about the borderless world, a world with no national borders, meaning people were free to travel and settle from country to country. So we have to be careful, if we accept this, how we make certain statements while at the same time setting ourselves up to be a pluralist democracy.

Mr. Speaker, there are other challenges that we will have to rise to but I am happy that on the whole this exercise met with great enthusiasm and was supported by a wide cross-section of persons in the Cayman Islands. I believe it is only by this kind of inter-dependence, this kind of co-operation between the various elements in the society that the Cayman Islands will to continue to grow into a strong and viable country. If there is any significant drawback to this plan, it is that it does not give (as far as I am concerned) enough attention to what I would consider any kind of contingency which would deal with a failure of our financial industry. I am minded to say this, because as we move on it seems that we may be forced to come to terms with some kind of greater pressure.

I would like to see some time spent on an alternative to what we may be able to do in order to continue the high standard of living we have come to expect. Perhaps it should be a challenge to the persons who develop this

particular plan to take it another stage further, and look to the development of some diversification of the economy. I say this full well cognisant that even as I speak we have a delegation of ministers, and at least one member of the backbench active in dialogue and discussions with the relevant international authorities. I would hope that out of this exercise we could see the way to develop some kind of national diversification plan that we could have in the event that we need to put that into effect.

It is unfortunate that more thought was not given to this at the same time we developed the Vision 2008 plan because I believe, Mr. Speaker, that no harm can come of us going that route.

The key to our future, many of us have been saying, is exactly this kind of planning. Any change, which is managed, we need not be frightened or scared about. It is only change that comes as a result of chaos or which comes as a result of not being in control of events that should frighten us. But as the First Elected Member for George Town and I learned on a conference we attended April 6 - 9, the best insurance against these kinds of events is to trigger the change ourselves. If we do it that way, we can manage it. The best way to control the future is to invent it.

So, Mr. Speaker, if we have a situation of change where we are managing the change, we are doing well. We are on top of things. This Vision 2008 document affords us the opportunity to manage the changes we would like to see in Caymanian society. But in so doing, we must prepare ourselves. Not only ourselves as the representatives of the people and the legislators but the next level of the bureaucracy. And in addition to this preparation, we must have in place certain procedures and mechanisms which are going to complement this change.

We are talking about dealing with a society based on mutual respect for all individuals and their basic human rights. So, Mr. Speaker, that pre-supposes that we have to have things like a Bill of Rights in place, which spells out what these basic rights are and how they will be protected. Not only spell out what the basic rights are, also what the responsibilities of the individuals are with regards to these rights that they hold.

In addition to that, we have to set out clear rules as to how the bureaucracy and the government are going to function. We have to say how transparent and accountable we are prepared to be. In essence, what we are doing is not only introducing a whole new vocabulary but we are also introducing a whole new way of behaviour. When you talk about transparency and accountability those are not just hollow sounding words, they are indicating that we have taken a certain position, that we have taken a certain commitment. Once we have uttered these, Mr. Speaker, if we are serious we cannot do so half-heartedly. So when we are talking about transparency, immediately we are talking about things like freedom of information.

And when we are talking about accountability, clearly, we are talking about this whole business of being responsible; of the leadership being responsible, coming forward and being responsible and not ducking and

dodging. So that means that the behaviour—including the behaviour in this Parliament—is bound to change in a way that people will have to stand up and say, *'Here is the reason why this was done'*. So, we are going to come to a stage, hopefully, where we eliminate a lot of the power play and the badgering that now goes on.

Mr. Speaker, this move we have embarked upon with the tabling of this plan, is a move that is in keeping with the international climate. Britain itself is going this route, the European Union, other countries of the Commonwealth. Mr. Speaker, it is unfortunate that many years ago, those people who were bold enough to suggest this route were shot down. I contend that had we taken the opportunity earlier, we could have been in the realm of a Singapore now.

And, Mr. Speaker, talking about Singapore, I was just reading in one of the international journals a few days ago that Singapore was the only country in Southeast Asia that was not negatively affected by the financial crises that happened in Southeast Asia. Why? Because Singapore had national plans that were sensible, practical, and adhered to. And yet, when you compare the physical geographical size of Singapore and even the population, it is one of the smallest countries in Southeast Asia, yet it ranks among the top in terms of quality of life of its citizens, standard of living of its citizens, level of education of its citizens, level of housing of its citizens and the social attitudes of the populace.

It shows us that if we are prepared to offer to our citizens a certain way of life, they will put up with certain shortcomings. It is well known and accepted that in Singapore certain restrictions are placed on the citizens, but the citizens do not mind that because in the long term it is balanced out by they being guaranteed a high standard of living, better quality of life, access to the kind of education that they want, and, certainly, some of the best living condition in terms of accommodation in the world barring none.

Mr. Speaker, there are those of us in this Parliament who hold out the Singapore path of development as a model that we in the Cayman Islands should follow even at this stage. So, perhaps with the tabling of the Vision 2008 Statement, that gives us some hope that we can make up ground.

Significantly too, this document allows us to view each person's contribution as being worthy and important. And so one of the lessons that we need to learn early if this exercise is going to be a success, is that each citizen has his or her worth. Indeed development must operate like a tightly cohesive unit. If we are going to be self-righteous and self-centred, hypocritical trying to eliminate or exclude any individual or any element from being important, then we are doomed to fail even before we begin.

I believe that this gives us an opportunity to start the new millennium on a positive note. I don't want to spend any time dwelling on what happened in the past or what didn't happen in the past. Only to say that it is a pity that it took us all these years and all this pain to realise that those persons who, like me, proposed this kind of planning were rejected until now.

Mr. Speaker, I heard the honourable minister in moving this say that this was the first plan—that is not entirely accurate. There was the 1975 Development Plan, that was tabled and passed in the House. It was not implemented because there was some objection to the plan. And rather than the legislators adjusting the plan and tailoring the plan to meet the objections, they ill advisedly went ahead and tried to put their plan in place over the objections. As a result of that, there was a great hue and cry and hullabaloo, and the plan had to be scrapped. I say that for two reasons: One, is to say that even the best of plans will have to be altered at some time or the other; and the second reason is, no plan should be thought of as being so perfect that there will not be some concerns raised about the plan.

What is important about this plan is that this is not the plan of the Honourable Minister with responsibility for Planning. This is the country's plan. This is as much the plan of all the Members of the Legislative Assembly as it is the government's plan. So all of us have a vested interest in seeing that the plan is put forward. By the same token, all of us have a legitimate right to weigh the plan, to measure the plan and to say what we consider are the shortcomings in the plan and how they could be improved or how we can achieve the objectives that are set out.

Plans fail when they are monopolised by one element or one entity. Plans fail when they are seen as the exclusive domain of a certain element or a certain segment. The most successful plans are those which are taken up by everyone, adopted by everyone as being their plan when everyone is seen as having a vested interest. I believe this could be the case with the Vision 2008 exercise.

I believe that politicians have done a good job promoting it. Certainly, I can recall there were not many persons who from the very outset in this Parliament said they were not supportive of the plan. As a matter of fact, to my knowledge there was only one. You know, fourteen other members said that they were in on the exercise from the very beginning.

Mr. Speaker, like the Minister of Education sometimes used to say, it is going to be interesting now that everything seems to be going well, to see the number of people who are going to jump on the bandwagon and say that they are wholeheartedly behind it. It reminds me of the old adage, Mr. Speaker: success has a thousand fathers, but defeat is an orphan.

So I believe that this is a worthy exercise. I think that honourable members of the House should be challenged. I certainly would hope that even that person who expressed some disenchantment and reluctance at the beginning is now convinced that this is a worthy path to take. I for my part have always been supportive. I promoted the exercise from the very beginning among my constituents and I commend the plan. I give it my support and I hope that we could find a way to work together as a Parliament and as a nation to take our country into the 21st Century in the strongest position that it can be.

I believe that it is necessary for us to modernise many of things we are doing, to improve the way we do

things, while at the same time saying that we need not be scared of change, particularly if it is a change that we are managing. It is human to look around and compare. We in the Cayman Islands at this time are no different than other countries. Certainly, Bermuda, as I said, has embarked on such a plan. Indeed, we are leaving behind some countries that constitutionally and politically are more advanced than we are because our stage of development, particularly economic development, places us in an eminent position to take an exercise such as this and run with it.

I hope that we make the best of the exercise and we can continue in relationship with the United Kingdom Government that is both beneficial to the Cayman Islands and to the United Kingdom Government.

For a long time, this House has been without an exercise such as this with the capability to unite us all in this effort. It is interesting to see that as we enter the threshold of 2000—and a new election—how many honourable members and indeed how many other political actors will embrace what is in this plan to become a part of their manifesto. I believe if we do that, if it works out as I think it will work out, then it really gives the electorate and our constituents a difficult time because you are likely to see a uniformity of manifestos making it then difficult to differentiate between the platforms of the various candidates.

I believe Mr. Speaker, that the Cayman Islands at this time with all the challenges and obstacles that they may have are in a good position if it embraces the opportunities we have and lays out for itself realisable objectives. I believe that we are poised on the verge of a take-off and I hope and pray that I can be a part of this journey into the next millennium, as I would hope for other honourable colleagues who are here.

But after we have arrived at our priorities then we really have to sit down to decide how we are going to fund these priorities that we have chosen while at the same time ensuring that the high standard of living to which our people are accustomed can be maintained.

I commend the plan, Mr. Speaker, and I would say to the honourable minister moving it on behalf of the government that he now has a dual responsibility. He has the responsibility to see that this plan is carried out, while at the same time ensuring that the plans of his own ministry are kept abreast and current with developments and process. Mr. Speaker, that is not an easy exercise but certainly for a minister who likes to remind me of how long he has been here and how eminently qualified he is, I am sure that he will rise to that challenge.

I certainly hope he does because the progress and the development and the success of the Vision 2008 exercise is going to be dependent upon his ability to marshal us and to convince us and the country as a whole that this is a worthy exercise to embark upon, while at the same time taking care of the business of his ministry. So in essence, he will have to be wearing two hats on one head simultaneously.

The honourable minister read out some important elements how at the same time we are doing this, we have to ensure that we are preparing the next generation

of leaders to take the mantle. Whether that generation of leaders is going to be those people who sit in these hallowed halls or whether it is going to be those people who occupy the bureaucracy. What I am saying is that it is an exercise that is flawed with a myriad of challenges.

The Cayman Islands have overcome obstacles before and risen to the various challenges. It is left to us to see that it does so on this occasion. I would caution, in conclusion, let us not degenerate to the point where we become selfish and we try to be so distracted that we get to the point where we begin laying blame and pointing fingers. This is an exercise that all of us should be involved in. This is an exercise that if successful, all of us can feel proud and take credit in.

It is also an exercise where if it fails all of us will be collectively to blame for its failure. Having said that, I once again reiterate my intention to do what I can to see that the plan is a success and I commend the plan to honourable members. Mr. Speaker, I need not remind the House that it is not so often that I am so unilaterally in such agreement with the honourable minister moving this. I hope, we can take the best of this opportunity and since it is not exclusive his plan, I commend him and tell him that he has my wholehearted support and I wish him well in promoting the plan to the Parliament and the nation.

The Speaker: The floor is opened to debate, does any other Member wish to speak? Would this be a convenient time to take the afternoon break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:24 PM

PROCEEDINGS RESUMED AT 3:45 PM

*Mrs. Edna Moyle, JP, Deputy Speaker
In the Chair*

The Deputy Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99, 10 Year National Strategic Plan (1999 - 2008).

Does any other Member wish to speak? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Madam Speaker. My contribution is going to be very short, but I would just like to say congratulations to those who have been responsible for moving the Vision 2008 plan forward. For the first time in a long time, the country has a plan to guide us into the future. Even the Bible tells us that without a plan, or a vision, the people shall perish.

One of the important aspects of this plan is the fact that it is supposed to be widely circulated. There has been extensive involvement by members of the public as well as the Parliament. I believe that the Permanent Secretary responsible, Mrs. Joy Basdeo, has to be congratulated with the job she has done with respect to meeting the deadlines that were outlined for the plan, the interim reports etcetera.

Madam Speaker, I trust that the recommendations put forward in the plan basically reflect the views of the majority of the people consulted. Those are the recommendations that will be put into effect. Madam Speaker, you and I are both aware that we cannot please everyone. But I believe if we can come up with a plan that addresses the needs and that deals with the issues of the majority of people in this country, then we would have done very well indeed.

In connection with any vision or plan of this nature, there is always a financial cost associated. Vision 2008 is no exception, it is going to spend money to implement those recommendations that have been put forward.

I believe what we have to do as a country, is determine what the priorities are and at least attempt to implement the plan in a phased manner over a period of time. The plan should also be flexible enough so that it is an on-going plan subject to revisions and updates as we go along so that it remains current, practical, and continues to express the views of the majority in this country.

Madam Speaker, I firmly believe that in this country we have a lot to be thankful for. In my opinion, we are a blessed people. We are a very attractive destination from the standpoint of persons from the outside wanting to come here to take advantage of the opportunities that exist here. And for that reason, we have to have some guidelines, some control, some plan in place to ensure that first of all the true born Caymanian continues to have his or her own identity and continues to enjoy the fruits of his or her labour invested over a period of time.

I am excited about the plan. I have attended a number of the briefings. There are very professional people associated with the plan, and I look forward to seeing some of the recommendations that are contained in this plan put forward and put in place. Thank you, Madam Speaker.

The Deputy Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Madam Speaker, I have been one that has said there is a difference between leadership and management. Leaders are responsible primarily for creating the map, the plan; and management is responsible primarily for the implementation of that plan.

I have also said that the carpenter's rule is to measure twice and cut once. Therefore, if you don't know what size you want the piece of wood to be, you would really not be rational in cutting it because you would have to cut it too many times. If you measure, it is possible to get the exact dimension required. If we apply that principle to other aspects of human organisation, if we apply that same principle to government—which is the art of managing a society—then we would see that it is necessary for government to measure twice and to cut once.

This National Strategic Plan should give this government (and any future government) the possibility to know on a wider level what the aspirations and ideologies are with regards development and other aspects. So the government does not have to second-guess what the people think with regards to the environment, nor does

the government have to second-guess what the people think with regards to the issue of immigration, because the Government has had carried out a survey that gives them as scientifically as possible an indication of what the specific concerns are from the point of view of the people.

So the principles that government have the so-called ideological principles, or governing principles, or manifestos which the government has can be moulded with this National Strategic Plan in mind thereby allowing our leaders to become leaders rather than managers; persons that have the end in mind, that have the map. Now that we have that, I believe that is a worthwhile accomplishment.

Now, there is no point in my denying the fact that I felt from the very beginning that this exercise could become very political. I spoke to the last Governor, Mr. John Owen, when he was here with regard to my concern that this particular National Strategic Plan could be seen at some particular point as the accomplishment of one member of government, or of a specific government.

Now, we know that we must be vigilant in making people understand that this is not the accomplishment of any particular minister in government; nor is this the accomplishment of any particular government, but this is an accomplishment of the people of these islands. The people of these islands have created this National Strategic Plan by using the resources—intellectual and otherwise—made available to them by way of the government. So it is important that those of us that now become involved in the plan, that now see the usefulness of a plan . . . if this is the way that we must achieve a plan or a map for our country for the next eight to ten years, it is important for us now, if this is the way we have achieved it, that we are satisfied that we have achieved something that gives us the possibility to have principles to guide us forward with regards where it is we going with our country.

I was of the opinion previously that it is also part of a politician's job to sit down and weigh the pros and cons, to analyse, to dissect, to research, to be able to come up with as good a view as possible as to truly what would be good for the majority of the people. But an individual politician would not be able to achieve this successfully. It is better achieved in the way in which the country has gone about achieving this National Strategic Plan, which means it has not just involved the churches, it has not just involved the government, it has not just involved Executive Council, it has not just involved members of the Legislative Assembly, it has not just involved young people. It has involved a broad cross-section of the society. Therefore, from a point of legitimacy, the plan has my approval.

It is something that I can work with. It is something, of course, that I would never have the money to be able to finance, to be able to produce and say *'Well, here is a plan that I as a politician have . . .'* or *'Here is a plan that my group of politicians has for the running of the country over the next for to eight years'*. We will never have those types of resources to be able to produce those

plans. But we have had them produced. Therefore, we must all own these plans.

Owning the plan, saying that the plan is good, does not necessarily mean that there is no room for criticism of some of the basic objectives. Some of the objectives, or some of the beliefs or ideals might be idealistic to the point where they begin to exclude other people's ideas or ideals and beliefs. So we have to understand that it is a point to begin to discuss.

Now, just this morning I heard one of the persons responsible for the study group talking about the question of immigration and how this is in the plan. What is it that people are talking about from the point of view of immigration? If we are going to have a plan for the country, we need to decide, first of all, whom the country belongs to. Who can participate? On what level can they participate?

If we decide that we are going to allow people to participate on a particular level giving information as to what a National Plan should be over a period of ten years, if we go and we take 45 percent of the people that have given information to create this plan . . . they have been expatriates. Fifty-five percent have been Caymanian. Now, that is a very significant decision in the first place.

In the first place, when we analyse the plan and the usefulness of the plan, we see that the plan is not just for those persons that we call Caymanians. The plan is really for persons living within the jurisdiction of the Cayman Islands. That is a very significant point when people who are not Caymanians are able to influence the direction of development in the Cayman Islands without actually having the right to vote.

Now, we have done this. And I am just looking at the methodology of arriving at a plan. If we can say that persons who are not Caymanian can become a valid part of the input used to arrive at a National Strategic Plan for the Cayman Islands, then we have to understand that those persons that are not Caymanians are therefore part of the machinery that is pushing whatever plan there is forward. So when we come to ask what role should expatriates play in our society, we have partly answered that question by allowing them to become a part of the decision-making process—by making the map, by making the ideals, by creating the belief system that will guide us, that will rule us. So they have become part of governance in fact.

They have become part and they now participate in the governance of this island as long as we are going to use a plan that they have participated in to that particular degree. I am not at this particular point, Madam Speaker, making any value judgment, no subject judgment, no political judgment with regards that particular degree of participation. I am basically looking at what some other people seem not to have examined in the process in saying this is what we have.

Now, I am saying this again because the question of immigration comes up in the plan. If we say that the immigration group is composed of 45 percent expatriate and 55 percent Caymanian, it would be important to look at the methodology that was used in arriving at the par-

ticular conclusions, considerations, or strategies. If the strategies are being formed by way of opinion, what we are looking at, what we see, what the plan gives us is a consensus of opinion with regards the different challenges which we face, with regards the issue of immigration in our country.

But, Madam Speaker, the consensus is not the same consensus that will be expressed at the poll in the Year 2000 because 45 percent of the persons that have been involved in forming the consensus will not have the right to vote. So right away we have a significant problem that nobody seems to have thought about. Although they can be part of the creation of the plan, they cannot be a part of voting for the people that will be responsible for implementing the plan. This is very, very significant.

So, what are we going to do? How are we going to treat it? I have heard remarks made by persons with regards the issue of immigration, and they were pretty drastic remarks made by an expatriate, saying more or less that some of the Caymanians on that particular strategy group were intolerant and were expressing ideas (the person said) which reminded him of Nazism or whatever. But he didn't think that the Caymanians that were expressing ideas about Cayman belonging to Caymanians, and that expatriates not having certain types of rights—they did not approve of that particular value, they did not believe that that should be the consensus that went into forming a national strategic plan. They wanted a consensus that more or less admitted that expatriates had contributed to the creation of what we now understand as the Cayman Islands success story—because that is the truth.

But if that is the truth, and we accept it as the truth, the expatriate goes one step further and says, 'Ok, if I have helped to create this so-called success story, then I am a part of it and I should participate in a particular manner.' I am asking basically that this be recognised in law, that this be recognised by way of how the immigration policies in this country work, if we are going to think, for instance, about giving permanent residency for people who have been here for a period of time.

Or are we going to consider giving them permanent residency rather than giving them Caymanian Status because we believe somehow that if we give them Caymanian Status then we will create some kind of fear in the society that will set off a reaction that will cause there to be more conflict than there is today.

What I am basically attempting to make known at the beginning is that a plan is a good thing. But a plan is a human document and it has been created by human beings and by social and economic and political factors. We must take these factors that have created the plan into consideration in the implementation of the plan, because if the factors are removed and all we have is the plan (as if somehow the plan has achieved some type of objectivity by itself, some kind of objective abilities by itself) we will make a mistake.

When it comes to the issues of the environment, for instance, again we find that the plan suggests that people are concerned about the preservation of their physical environment. On the other hand, we find that people

are at the same time concerned about the preservation of their economic prosperity. One of the questions that a planner would have is how do you balance out the two? Is there anything in the plan that tells us how you balance out economic prosperity with environmental concerns? Can the planners, the persons that were responsible for creating these plans, for bringing it here, tell us how that specific dilemma would be addressed? Because it is a dilemma!

It is a contradiction to a certain extent to preserve the environment, and at the same time to maintain a particular degree of economic development and prosperity. Of course, we have seen this already discussed with regards to the Ritz Carlton Project—when the government on one hand (aided by members of the opposition) was saying that the development of the Ritz Carlton was central for the economic well being of the Cayman Islands. And members of the National Trust were at the same time saying that the destruction of the mangrove was a detriment to the prosperity of the Cayman Islands. This particular strategic plan has both things in there and the question is, Who is going to weigh them and how is it going to be weighed? What is the importance of the human factor, the human element in weighing these particular plans?

The reason why I am saying this, Madam Speaker, is because even with a plan the human being is still important. The types of people that we have in Executive Council, the types of people that we have as legislators are still important. The quality, the analytical ability is still important. The plan itself, delivered by the bureaucrats, does not relieve us of the necessity of having good leaders that have analytical abilities to be able to dissect these things and to note and be aware of the shortcomings of human plans.

We have seen plans before in the Soviet Union. We have seen plans in China. We have seen plans all over the world, and we know that the plans by themselves are not sufficient to make a society work. The persons that are going to be working with the plan are equally important. So we might have a good plan now. The question is, Do we have good leadership?

The people have to bear in mind these particular types of situations. They still have to begin to think about the quality of leadership and the need for leadership and the need to improve the leadership. Improving the plan without improving the leadership is not going to cause the situation to be any more improved.

That is what I feel is important to say to the people of these islands at this particular time—that we need to have people who are more interested and who have the ability to work in the social science areas. Who knows how different aspects of human society are interrelated and how one thing affects the other, and not at the same time, Madam Speaker, that somehow what we are dealing with are raw principles, laws, and therefore somehow are rational and correct as a result of being laws.

So, the issue of how the government will begin to implement these plans is important to me. How will they start? Where will they start? What portfolio will they start in? Will they begin to work differently now, as in Execu-

tive Council where they see everything as interrelated? Will they work different from what my criticism was before that it seems to be that sometimes you have five different governments? Will they begin to see that all of these things are interrelated and that they have to work together and they have to share responsibilities too if this plan is to be balanced? How do we still deal with the problem that we have been talking about from the point of view of establishing priorities? If we don't have the priorities in place, if we don't use some of our own subjective feelings and the kind of positions we are at with relationship to our constituents, we won't be able to deal also with what the priorities are, what the urgencies are.

The urgencies are not simply created by way of this plan because the politician that forgets that the plan is 55 percent Caymanian, and, in that sense, will take certain points to have more urgency that it might have. We are all politicians. We all are here because we are elected and if we don't get elected we won't be here. And regardless of whether or not we deny that logic, that is the logic we live with.

So when the Executive Council begins to look at how do we start to deal with this, we need to take into consideration the urgency. What are the great urgencies I have seen in the country that I continue to witness today? It is that the majority of our people are living below a living wage—they are earning below a living wage. What does the plan speak to about this? What does the plan tell us? The plan tell us, on an idealistic level, that we would like to preserve a particular quality of life for all the people on the Cayman Islands. But on a more practical level, the question is how do we preserve a quality of life for all the people of the Cayman Islands and at the same time to what degree does the government interfere in order to maintain that quality of life?

What does the government do in establishing (as some people have said before) what we would consider to be a margin of where... If a person went below that particular margin they would be considered to be poor. Do we create that and say if we are going to maintain a lifestyle . . . what is the quality of this lifestyle that we are trying to maintain?

What I am saying is that when we look at it, what the Financial Secretary says when he is delivering the budget, what I hear people out there saying, and what I know those people are experiencing that are making \$3.75 an hour at the hotels . . . I know that we do not as a collective group agree on any standard of what the quality of life is that we are supposed to be maintaining. So when people are talking about these plans, about the maintenance or trying to continue this prosperity and maintain this quality of life, we have to understand from the very beginning that this is an opinion. There are no scientific facts, no hard empirical evidence that was entered into this study to show us what this quality of life was between the banker who comes from England and the Caymanian who works down at the hotel making \$3.75 an hour who cannot get a mortgage.

So we have to watch the ideologies, where plans in fact become ideologies in our societies today, where we begin to make these types of assumptions.

The Third Elected Member for Bodden Town, I think made some remark with regards to religious beliefs. Where he found that the assumption there was that religion had to do with Christianity—that believing in God had to do with believing in Christianity because in that sense it is almost being assumed that people who are not Christians don't believe in God. We know that that is not the truth. We know that there are a lot of people that believe in God that are not Christians. We know that as empirical evidence.

We see in that particular statement that the plan in itself has certain types of failings, in that it attempts to idealise, to put people's opinions into what we consider to be general beliefs that do not always reflect scientific facts, that do not always reflect the truth of the matter. The question then is, How valid would this document be? How perfect can it be considered? What are the scientific weaknesses of this particular exercise? There are many weaknesses that were involved in the very methodology of devising a plan.

But as the Minister of Education said this was a plan that the British Government wanted. I said that in here already—that this was a plan that the British Government wanted. The Governor was more or less instructed to move forward. Executive Council went along with it. Members of the Legislative Assembly and the majority went along with it, and I am going to agree again that we have something better than nothing. But we must be aware of the methodological weaknesses and the flaws in the creation of a strategic plan.

I have given a few concrete examples to show that the plan will also need persons to be responsible in terms of the review process, to see how it has to be adjusted and things like that; persons who have the quality to be analytical and able to see the interdependency between things in our society.

I would hope, Madam Speaker, without going on and indicating exactly what my ability is with regards to looking at that particular plan and even creating methodological questions for the actual persons that were involved . . . because I don't want to actually do that at this particular point (I will do that later on when I sit down and I work on my computer creating a written response to this particular exercise) . . . But I do say and I do believe that I have at least made it obvious that any plan has its weaknesses.

Plans have to do with people. Not only do they come from people but they have to be implemented among people. People have to agree for there to be implementation. I said that one of the most obvious problems we might have is the fact that 45 percent of the persons that gave their opinions to help create the plan do not have the right to vote for the people that are going to be responsible for implementing, reviewing, and for adjusting the plan.

I think that I will leave everybody at this particular point before I go ahead and make too many holes in the chicken coop. So, thank you, Madam Speaker.

The Deputy Speaker: It is 4:25 p.m., I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this honourable House until 10:00 a.m. tomorrow morning.

The Deputy Speaker: The question is that this honourable House do now adjourn until 10:00 a.m. tomorrow morning. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it.

AT 4:25 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM THURSDAY, 1 JULY 1999.

**EDITED
THURSDAY
1 JULY 1999
10.33 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed.

Item 2 on today's Order Paper, reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: We have apologies for absence from the Honourable Third Official Member responsible for Finance and Economic Development, and from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture who are overseas on official business.

Item 3, Questions to Honourable Members/Ministers. Question 69 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 69

No. 69: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what actions are being taken by Government to provide adequate health care benefits for those persons categorised as "uninsurable" and "partially uninsurable".

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

Hon. Anthony S. Eden: Under the Health Insurance Law and Regulations 1997 which came into effect on 1 January 1998, an uninsurable person is one who, by reason of an existing medical condition or history of illness, has been refused cover under a standard health insurance contract by two or more approved providers of health insurance. Similarly, a partially uninsurable person is one who has been provided cover, but that cover has been subject to an exclusion or a limitation.

Persons in both these categories continue to be provided with health care just as they were prior to the introduction of the Health Insurance Law and Regulations. Those who are able to meet the cost of treatment received are, as previously, expected to do so. Those whose means are so extremely limited that they are classified as indigent may have their health care costs met

from a fund established under the Health Insurance Law and Regulations for that purpose. The Director of Health Services is empowered to make claims on the fund in respect of treatment provided to these indigent uninsurable and indigent partially uninsurable persons.

As at 1 June 1999, there were 27,000 people with private health insurance cover in the Islands. Adding the approximately 10,500 people for whom Government is responsible, we can see that some 37,500 people (approximately 94 percent of the population) have access to means to pay for their health care costs.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether this fund to be made available to the partially uninsurable and uninsurable is in operation at this time?

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

Hon. Anthony S. Eden: Yes, we dealt with that at the last sitting of this honourable House and with the approval of this House that fund is now ready to make claims on. For the information of the House it stands at \$1,080,000.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how persons needing this coverage can access it? What is the procedure?

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

Hon. Anthony S. Eden: Once the patient is assessed as not being in a position to pay, the request is then made through the Health Services Department to the Monetary Authority in control of this fund. The patient is not billed.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether the assessment is made prior to the visit to the health establishment and submission of a bill, or

after receipt of a bill the person then goes and applies for this assistance?

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

Hon. Anthony S. Eden: There is a list of approximately 1,000 people at this time that can be referred to. But if someone needing treatment goes in, they could be assessed at that time. Whatever needs to be done would then be done.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say what steps government has taken regarding the private member's motion I brought asking government to consider the possibility of establishing a government health insurance company?

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

Hon. Anthony S. Eden: That's a good question. The 10,500 people shown at this time in the most recent budget we appropriated approximately \$3 million to start covering this area. In regard to the motion, the final report from the consultant was received toward the end of last year, in October. A small committee comprised of the permanent secretary in my ministry, the deputy chief secretary, the deputy financial secretary and the superintendent of health insurance considered the recommendations and were to advise me in the ministry. A paper to ExCo will then be drafted and a further meeting of the small committee would be required to finalise this paper.

But because of time, and the many things we have been going through with the initiatives within the Glass House, we have been a bit down on this. Once everything is in order I will come back and table it in this Honourable House.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: It's good to know that something is being done in this area. I would ask that the ministry take whatever steps necessary to speed the process up. But my real supplementary question is, Can the honourable minister say if there has been any evidence to suggest that government would be using its resources best by establishing a health insurance company for those persons it is responsible for, or would government be advised to pay this amount to one or two insurance companies?

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

Hon. Anthony S. Eden: In the actuary's recommendation it is suggested that government implement a self insured plan which would be administered by a third party.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you. Can the honourable minister say why it is that the Health Services Department insists that 75 and 80 year olds who were previously entitled to free medical to go out and attempt to get insurance coverage from private insurance companies, knowing full well that they are not insurable?

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

Hon. Anthony S. Eden: Mr. Speaker, the law indicates that people must show that they are not insurable. The formality that we go through is that a request is made to two insurance companies turning them down. I would not comment, but I feel sure that it is just a matter of the formality and to make sure that the government system is protected in case the auditor general or someone else looks at these things and wants to know why.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: When persons have been covered up until the time they reach the age of about 70 and the insurance companies terminate their coverage on the grounds that they are becoming too old, inferring that the risk is too great, Who assumes the responsibility and what recourse do these people have to ensure they are not dumped in such a fashion?

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

Hon. Anthony S. Eden: I am informed that the coverage terminates when a person reaches a certain age. But under the law that would not continue to happen. If help is needed, this would certainly be looked at.

The Speaker: Are there any further supplementaries? If not, the next question is 70, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 70

No. 70: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide the details of any staff and personnel changes at Pedro St James Castle since January 1999.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The following relates to the personnel changes which have taken place at Pedro St James since January 1999:

Suspension:	Mr. Atlee Ebanks	General Manager
Appointment:	Mr. Harding Watler	Temporary General Manager
	Mr. Kirkland Nixon	Temporary Deputy General Manager
	Mrs. Laura Da Re	Financial Controller
Resignation:	Mr. Harold Powell	Grounds Manager
	Ms. Tia Bodden	Administrative Secretary

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how these changes have affected the ongoing operation of the project?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe that in any organisation if you lose the general manager from the operation there is a vacuum to some extent in the whole responsibility of the particular project. That is the case with Pedro since he has been suspended. And Mr. Watler and Mr. Nixon have been holding the fort until we have this whole matter resolved.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say how it is that the permanent secretary can be the general manager even in a temporary capacity? And how does that affect the office?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Under the Tourism Attraction Law, His Excellency the Governor has the power to appoint a temporary person at Pedro St. James, or the Botanic Park. That is actually what has transpired. The project has been under liaison with the ministry from two or three years ago and that continues until we have this matter resolved.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say whether the general manager under suspension is being paid, and what kind of salary? Part? Half? Quarter?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think there is a substantive question set down. Question 44 speaks about salaries to the suspended general manager that I propose to answer within the next day or two.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether the posts of the two persons who resigned, namely the grounds manager and the administrative secretary, have been offered to anyone else, or do they remain vacant at this time?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In relation to the grounds manager, Mr. Harold Powell, we have not filled his position because we are utilising the grounds manager at Botanic Park with a view to trying to streamline the entire operation of Pedro St. James as well as Botanic Park as it relates to salaries and wages. So that position has not been filled.

The administrative secretary's position of Miss Tia Bodden, is presently being filled and I apologise for not having that on the list.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: For clarification I would like to find out whether the positions within the Tourism Attraction Board structure are classified as civil service positions or do they have another type of regulation. Are they in fact governed by civil service regulation?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The persons working for Botanic Park and Pedro St. James, which fall under the Tourism Attraction Law, under section 11 they are deemed as public servants.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say whether or not the suspension of Mr. Atlee Ebanks is an automatic suspension as a result of his being considered within the same guidelines and regulations as the public service?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Question 44 is very much related to the supplementary being asked by the Fourth Elected Member for George Town. What I would say is that we are following the civil service process in dealing with this general manager, as laid down by the various regulations of the Public Service Commission Regulations.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Having regard to the minister's last answer, can he tell this honourable House which Civil Service Regulation authorises him or his Board or Authority to pay part salary to anyone while they are holding a job on suspension?

The Speaker: I think he said he was going to answer that on a later question.

Mr. W. McKeever Bush: I took what he said when he wouldn't answer me the first time, but he did answer the Fourth Elected Member for George Town which left the question open.

The Speaker: I didn't hear the salary come into that question. He may answer if he cares to.

Mr. W. McKeever Bush: It's okay, sir. He doesn't have to answer.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: It is my understanding that there may be a restructuring of the restaurant at this complex. If this is so, can the honourable minister say how this may affect any personnel presently in this section of the establishment?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The operation of Pedro St. James has as its objective to run as commercially as it possibly can. There have been some considerations given to the cafeteria area in particular with a view that the Board is looking at restructuring it and also that the food which is served at Pedro St. James, which is an historic and cultural site, should have some Caymanian content. We are looking to place in charge of the cafeteria a lady who is well known within the Cayman Islands who produces local food.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if within this assessment there has been any decision as to any displacement of persons currently working in the cafeteria section?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The honest truth is that there is likely to be. If a person is not carrying out the duties in such a way that the Board is satisfied with it, then there is likely to be.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the honourable minister say what reasons were given for the two resignations?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In terms of the resignation of the grounds manager, the gentleman got a better offer and he went off to work for a private individual. In terms of the administrative secretary my understanding is similar—she got a better offer paying more so she moved on.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the honourable minister say what time the financial controller takes up the position?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We put the financial controller down as an appointment simply because the person had signed the contract with us. She is due to take up her office in about a week's time.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: In relation to the answer on the temporary general manager, I don't think the minister said what the effects were on the ministry since the permanent secretary is the temporary general manager of Pedro Castle.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What I did say was that the ministry has been, as far back as three years ago, liasing with that particular project. The person actually carrying out the function is the administrative officer. We know that a permanent secretary is the head of the ministry as well as the head of all departments. The duties of general manager is being split between Mr. Nixon and Mr. Watler.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Since that is so, can the honourable minister say what time these persons are at the job? Do they sit behind a desk there, on the job? Do they go around to see what's happening? Do they have meetings with staff?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: They have meetings as and when they believe it's necessary. They had a meeting with staff as recently as yesterday afternoon, and they visit on occasion at the project. Mr. Nixon visits. Mr. Wat-

ler visits. Mrs. Ulett is there almost three or four times a week, and it functions in that way.

The Speaker: Before I call for another supplementary question, I would ask the honourable minister under Standing Order 86 to suspend Standing Order 23 (7) and (8) in order for Question Time to continue.

The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

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

Hon. Thomas C. Jefferson: Mr. Speaker, I am pleased to move that the relevant Standing Order be suspended.

The Speaker: I shall put the question. Those in favour please say aye. Those against no.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is the temporary general manager at the site at all times?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What I said earlier was that he visits on occasion. The duties of the general manager are split between Mr. Nixon and Mr. Watler and they visit on occasion. They are certainly not there at all times.

The Speaker: The Third Elected Member for Bodden Town.

Mr. W. McKeeva Bush: I don't think I heard if there is any effect on the ministry since the permanent secretary is acting as temporary general manager.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The only affect I have seen is more work.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would like to enquire as to whether the financial controller is a Caymanian. If not, was the post advertised locally?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The post was advertised. The applicants were short-listed by the auditor general. The applicants were interviewed by the chairman and the acting temporary general manager and the auditor general. The person is a certified public accountant which we (the Board) believe is the person we need to establish the charter of accounts which will not only deal with Pedro St. James, but with all projects—meaning (at this time) Botanic Park as well as Pedro St. James—being kept on an individual basis and then to have a consolidation and to assist us in bringing the accounts up to date.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if he is absolutely sure that the list of names he has provided has omitted no one who was either terminated or who left since January 1 1999?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I did indicate earlier that the administrative secretary is presently being filled. That is not on the list and I apologise for that.

Beyond that . . . what I am referring to is that there is a resignation by the administrative secretary, and she left quite some time ago. What I am now talking about is that the replacement for that position is presently in place and that is not on the list.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I heard what the minister said. Perhaps I did not explain myself carefully enough in the question. I am asking if the minister is absolutely sure that there were no other—and I understand what you said and I am taking that into consideration—resignations or terminations of anyone employed at Pedro Castle since January 1 1999 outside of what is on the list and what he just mentioned.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I have to rely on what I have been given by my staff and this is the list they provided with the exception on this occasion I know that the administrative secretary's position has been filled. I know that the general manager released some staff. I am a bit unsure if that was before January 1999 or slightly after. I am unable to say. But the list here came from the staff dealing with the project.

The Speaker: The First Elected Member for West Bay. There will be two additional supplementaries and then we will move on to the next question.

Mr. W. McKeeva Bush: Thank you. Can the honourable minister say whether these appointments, suspensions, resignations were dealt with by the Board? If so, when did the Board meet? If so, did the new members, namely those appointed from this House—the Fourth Elected Member for George Town—attend that meeting as well?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There are times when we need to act, and we did act. We tried to call a meeting, we did not have a quorum so we did not meet on this item as a Board.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: There are other parts to that question, Mr. Speaker.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think he's referring to the Fourth Elected Member for George Town. He was not present at the meeting dealing with this.

Mr. W. McKeeva Bush: Mr. Speaker, what I said was whether new members were appointed to the Board, if that was so did the Fourth Elected Member for George Town, being a member of the House, attend the meeting.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, let's go back to the beginning. There are only three appointments. Two were done by the Governor; one was done really by the ministry. We wanted to hold a Board meeting to deal with the appointment of the financial controller. We called a meeting. We did not have a quorum. We still have to arrange that meeting.

The Speaker: The First Elected Member for West Bay. Final supplementary.

Mr. W. McKeeva Bush: Is it true that the Fourth Elected Member for George Town was told not to come to the meeting, being a member of the committee?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I can't say what he was told, Mr. Speaker. I can say that this Minister of Tourism did not tell him not to come.

Dr. Frank McField: Mr. Speaker, I was not told not to go to any meeting. I don't know where the First Elected Member for West Bay is coming up with these things.

The Speaker: Moving on to question 71, standing in the name of the First Elected Member for West Bay.

QUESTION 71

No. 71: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works when this honourable House will receive the accounts for the Pedro St James project.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The audited accounts of Pedro St James are scheduled for completion this month.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: This month meaning July or June? And can the honourable minister say when the House will receive (as the question asks) the accounts.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The first part of the question means this month—July. In relation to laying it on the Table of this House, after the Auditor General has completed his exercise, if we are still here it can be laid then, otherwise in September.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state up until what time those accounts . . . meaning, what time period will the accounts take into consideration?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: It is my understanding that the accounts will be up through the 30th June 1998, I believe. That's what is being audited now, all accounts for 1998, by the Auditor General at the moment.

The Speaker: If there are no further supplementaries we will move on to question 72, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 72

No. 72: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide a list of capital projects approved by Executive Council since 1995 stating dates approved by Executive Council, when such projects were commenced and/or completed; and the related expenditure for each project.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I must say before I read the answer that what I have in my hand is a massive document.

Honourable Members will no doubt recall that during the June 1998 Sitting of this Honourable House, His Excellency the Governor provided information confirming Executive Council's approval of the Gun Bay Community Hall and the Agriculture Department's Office.

All other Capital Projects undertaken by Government since 1995 have been approved by Executive Council as they would have been included in the budget document for each respective year. A list of all capital projects is attached.

When you look at it, it's a little bit confusing, but may I say that it's broken down into 1995, the group of capital projects, 1996, 1997, and 1998. And the year tells you what the date is as regards the project. It also gives the budgeted amount as well as the actual amount that was spent in that particular year. (See Appendix)

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Since the very beginning of the answer refers to two specific projects, for purposes of clarity can the honourable minister state exactly what the procedure is (if he is allowed to do so) regarding these projects being approved by Executive Council? I think that some of us might not grasp exactly what the procedure is. Sometimes even when we have the letter from the Governor regarding Executive Council approval . . . there were two documents we got. I know that this refers to one of them, but there was another document that was sent to us which caused some confusion as to exactly what constitutes Executive Council approval. Perhaps the minister could just go over that so that we can be clear as to what the procedure is.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I will try to be comprehensive, and I will also try to be brief. Capital projects are normally put forward by the head of a department to the Public Works Department. Public Works is given a brief. It then decides on a drawing and works up bills of quanti-

ties giving the total dollar figure. That then gets inserted in the draft budget and comes before the Finance Department. That department looks at it, it then goes before a budget committee, following that it goes on to Executive Council. If the item is in the Executive Council draft budget it is then approved and sent on to the House where it is accompanied by the Appropriation Law. Once it is approved here it moves on to implementation back to the head of the department who then, together with Public Works, moves on with the project. We know that Public Works builds the project, but in consultation with the head of the department.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if he is quite content and happy at this point in time that everyone involved with the procedure he just outlined in the ministries is knowledgeable of that procedure and cognisant of the way it should follow from beginning to end?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: All I can say is that that is the procedure. I think that many of us on this side have been around for at least six or seven years so we should understand what the procedure is. It's left to us to follow the procedure I would think. I am not casting any daggers at anyone, but I think the procedure as I have described is left for all of us to follow. I think it's in the best interest of value for money, among other things and responsibility to the public who pays us the revenue to carry out these projects.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on that, can the minister state if he knows for a fact that those procedures were followed with the projects he has given us in the answer?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We are talking about projects that go back to 1995. I can't really say that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noticed that the answer excludes the start up and completion of the projects. I don't expect the minister to provide that now, but it does deprive me of the ability to further probe into the point I wish to raise, or to make a full assessment. I would ask the minister for an undertaking that in the future when such information is requested that he ensure the complete information is provided before the answer is tabled in parliament.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the volume of this information is overwhelming. I did notice the point made by the Third Elected Member, but at that stage it was somewhat late to decide to go back and get this information. I think his point is right. If a member asks a question he should get the specific answer to his question as regards commencement and completion time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would just like to say that my request is a reasonable one since this question was asked about six months ago. This report was printed on 19 November 1998 at 6.30. So I would like the House to take note that my request is certainly not unreasonable. Thank you.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My comment was not to suggest that the member's request was unreasonable. I think he also realises that at the time the question was being answered I wasn't responsible for Public Works either. But that's not really the salient point. The salient point is that he should get a specific answer to the question he is asking. He has asked for an undertaking in that regard and I would so do.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Seeing that this question was ready for answering from 19 November 1998, can the honourable minister say why it was not answered before now?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I can't answer that. I took over the department on 1 January and whether the question was there—and apparently it must have been—it just didn't come to our attention I guess. That's the only thing I can say.

The Speaker: If there are no further supplementaries we will move on to question 73, standing in the name of the Third Elected Member for West Bay.

QUESTION 73

No. 73: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works what is being done to enhance or facilitate the proper marking of channels around the Cayman Islands and do these marks meet international standards.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There are 13 marked channels in Grand Cayman of which seven are lighted. Four have poles with reflectors and two have reflecting buoys.

The lights that are being used are the same lights used by the US Coast Guard and European Ports.

These channels are checked regularly to ensure that the lights are burning and reflectors are in place. Worn bulbs are replaced immediately. The Port recently purchased a 16-foot Dusky boat which will be used in all districts to service the channel markers. This has significantly enhanced the staff's ability in response time.

To prevent the problems caused to the batteries of these lights by bird droppings, bird spikes are being installed on the light poles.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer provided the minister said the lights being used are the same lights being used by the US Coastguard and European Ports. Does that mean that our channel markings do meet with international standards?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: That is the inference that comment makes, that the buoys and the markings of the channels as we do them in Grand Cayman are what is known as the "lateral system" which is used in the United States and also by us.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The reason I asked is because I have been advised that normally speaking when a channel is marked to international standards you have two markers that basically designate the area that you are going through. But there is always a third light or marker that if you are coming in under treacherous conditions or whatever, even if the two designating the channel are out, if you line up with the third one you can go straight in in a safe manner. I wonder if the honourable minister can say whether or not these channels have that particular facility.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The system that we deploy at North Side, at North Sound, at East End and other areas of the island is the same as the international standard you have been talking about. No matter how many lights you put up, if the sea takes them out you are back to maybe two markers. The system is that as you leave

the island going out the red is on your left and the green is on your right as you are going out to sea. That is the system we employ.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Before I ask my question, sir with your permission I would just like to say that it is my understanding that the outside poles on the Rum Point Channel do not have lights. Would the honourable minister undertake to have some lights put in there?

In the answer it says there are 13 marked channels in Grand Cayman. Can the honourable minister say how many channels are unmarked and where they are located?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My information says that the Rum Point Channel has four lighted poles with reflectors on both sides. I am not quite sure—

[inaudible interjection]

Hon. Thomas C. Jefferson: Mr. Speaker, what I am saying is that the four lit poles are there and they also have reflectors. We know that on occasion . . . these lights are solar in nature and if there are droppings on it the battery can't charge so the light doesn't work. That is the frustration the Port Authority goes through on almost a daily basis.

What I can say is that from all of the information provided to me it appears that all major channels are marked and lit. Whether you are talking about Old Man Bay or the Brinkley's or the Browsers, which are all up in North Side, or about the main channel in the North Sound, the big channel or Stingray City Channel or the Collier's Channel or the Eastern Channel, Southern Channel, Fragile Flats, Frank Sound Channel, South Sound Channel, they are all marked with lights and reflectors.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The answer says there are 13 marked channels, of which seven are lighted. Can the honourable minister say what happened to the other six? Why are they not being lighted and is there any intention to light them?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the Port Authority utilises a system that they will light or put reflectors on channels that persons with boats could navigate safely. There are other minor channels in this country that people should not try to get through. We know some of them ourselves. So while we can look at all the channels, it's still a matter of us believing it's safe to try to negotiate

that channel realising the depth of the water, it's shallow or being something in that area that makes it unsafe.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noted there is an absence of any channel markers in Bodden Town. There are none until you get up to Frank Sound. Can the honourable minister give an undertaking that this will be looked into possibly as soon as weather permits as this time of the year is not the ideal time for locating and marking these channels on the south side?

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Yes, Mr. Speaker, I am happy to look at the Bodden Town, as well as the Spotts area to be certain they are properly marked in order to negotiate them safely.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer provided the honourable minister said that the channels are checked regularly to ensure the lights are burning and the reflectors are in place. Can the honourable minister define what he means by "regularly?" Is it every three months, every week? What is the case? Because it appears that the Port Authority is aware that a light or marker is out when somebody brings it to their attention.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think in all fairness to the Port Authority there are people who are in the North Sound and other parts of the island on a daily basis. If they see something wrong they should tell the Port Authority. I think that is in their best interest because if the channel is not properly marked or lit and the weather gets nasty and they try to negotiate the channel they could just as easily be on the rocks as in the channel, meaning on the reef.

But my understanding is that it is looked at regularly. Certainly it's not months or quarterly. I don't want to say to this honourable House that they do it every day because I am not sure that happens.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps in asking my supplementary I will just take the opportunity to advise the minister that the marker with the green light by Queeny Key, Duck Pond, going into what we know as Rackley Canal, someone knocked it down a couple of days ago so maybe you could let them know that.

If we look at some of the channels and we see how the markers are set up, and I am not questioning the

method used to place the poles, but there are some where they use the lights and there are some others where they use the reflectors. I am not sure what the reasoning is, but the point I want to make is that it is not all the time that the boats using these channels are the larger boats with big spotlights. Sometimes very small boats go in and out of these channels. The type of lighting some of these people have are not huge spotlights which can pick up the reflectors from a great distance. And it puts some of these people at a disadvantage in that when they are trying to catch sight of those reflectors it is not very easy to do so especially also the fact that those small boats are very low down. If the water is not smooth it is not easy to pick up those reflectors.

I am asking the minister if he would have them looked at again and wherever it is possible to put the lights to do so if the exercise isn't too onerous or too expensive because I speak from personal experience.

The Speaker: The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I thank the member for bringing to our attention the Duck Pond light being out of commission. I will certainly look with the Port Authority at the channels and take a review of the entire situation and see what we can do in that regard to make it as safe as we possibly can.

The Speaker: If there are no further supplementaries the next question is 74, standing in the name of the Third Elected Member for West Bay.

QUESTION 74

No. 74: Mr. John D. Jefferson, Jr. asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide details on staff turnover in the Health Services Department over the past three years.

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

Hon. Anthony S. Eden: Between 1996 and 10 June 1999, a total of 96 staff left the Health Services Department. Of these 96, 33 resigned; 28 completed their contracts and did not seek or obtain renewal; 7 were terminated; 10 transferred to other jobs; 6 retired; 6 went on study leave; 1 died; 5 left their jobs unannounced.

I have included, as part of the answer, two tables which break these figures further by section and by post which I hope will be of help to the Honourable Member.

BY SECTION					
Section	1996	1997	1998	1999	Totals
Administration	0	1	0	0	1
Ambulance	2	2	1	0	5
Dental	0	0	1	0	1
Dietary	1	1	0	2	4
Faith Hospital	3	2	3	2	10
Finance	2	1	0	1	4

BY SECTION					
Section	1996	1997	1998	1999	Totals
Laboratory	4	0	2	1	7
Maintenance	0	0	1	0	1
Material Management	0	0	1	0	1
Medical	2	3	6	1	12
Medical Records	1	0	0	0	1
Nursing	9	10	10	6	35
Physiotherapy	1	1	1	0	3
Public Health	5	2	1	1	9
Radiology	0	0	1	1	2
Total:	30	23	28	15	96

BY POST					
Post	1996	1997	1998	1999	Totals
Accounts Officer	0	0	0	1	1
Ambulance Service Officer	2	0	0	0	2
Assistant Store Keeper	0	0	1	0	1
Clerical Officer	6	2	1	1	10
Community Nurse	1	0	1	0	2
Cook	1	0	0	1	2
Dental Nurse	0	1	1	0	2
Dental Officer	0	0	1	0	1
Dietician	0	0	0	1	1
Emergency Technicians	1	1	1	0	3
Executive Officer	2	3	1	0	6
Health Promotional Officer	1	0	0	1	2
Histo/cyto	1	0	0	0	1
Housekeeping	1	1	0	0	2
Jr Medical Officer	0	0	1	0	1
Maintenance Supervisor	0	0	1	0	1
Medical Officer	2	3	3	2	10
Medical Social Worker	0	0	1	0	1
Medical Technologist	1	0	1	1	3
Nursing Assistant	4	3	3	1	11
Nursing Supervisor	0	0	0	1	1
Nutritionist	0	1	0	1	2
Paramedic	0	1	0	0	1
Phlebotomist	0	0	1	0	1
Physiotherapist	1	1	2	1	5
Practical Nurse	1	3	0	0	4
Radiographer – Trainee	0	0	1	0	1
Registered Nurse	3	3	6	3	1
Scientific Officer	1	0	0	0	15
School/Nurse	1	0	0	0	1
Ward Clerk	0	0	1	0	1
Totals:	30	23	28	15	96

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the information provided I noticed that in 1996 we had nine nurses who resigned or moved on. In 1997 we had ten, in 1998 we had ten, and so far in 1999 we have had six for a total of 35. Can the honourable minister say why it is that we have a problem keeping nurses in the Health Services Department?

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

Hon. Anthony S. Eden: There is nothing specific that I know of. The reason this is the biggest number is that nursing has the greatest concentration of staff members.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: It is my information that one of the reasons we are having a problem with nurses or other professionals in the Health Services Department is that when they are recruited they are told certain things. They are offered certain benefits and when they arrive here in the island . . . it's mainly the personnel department I am told, does not confirm or in some cases re-negees on those promised benefits. Can the honourable minister say whether or not he has any knowledge of this being done?

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

Hon. Anthony S. Eden: No, but I will give the honourable member the undertaking that I will check this out. It's of concern.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say what is being done by the health services to attract, encourage and retain Caymanians in this particular area?

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

Hon. Anthony S. Eden: That's a good question. The department actively encourages young people in the school system during the career activities and there is a very active summer programme in existence.

I have been given some numbers here. There are approximately 30 summer students this year that will be working along with us. In addition we work closely through the careers officers in the schools and also five to six students are accommodated yearly through the Duke of Edinburgh Awards in the health services.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I am aware that in the area of education, for example, government provides full scholarships in order to encourage Caymanians in this area. Can the honourable minister say if the same exists for young Caymanians who want to pursue a career in nursing or in the medical field, doctors and other professional areas? And if not, why not?

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

Hon. Anthony S. Eden: Yes it is pointed out to me that the priority list is with the Caymanian social workers, the teachers and within the medical profession. But I do know of a certain person that the member may be thinking about who may have requested a full scholarship. For whatever reason . . . I am now checking to find out why it is not being done.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Just as a follow up, I think about four or five years ago the Ministry of Tourism launched its own scholarship programme. As I said, education has it, sports has it, I understand. I wonder if the honourable minister can say if such a plan is in the works in regard to health services because of the dire need to attract Caymanians into this particular profession.

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

Hon. Anthony S. Eden: I know quite well what the honourable member is talking about. When we were the National Team, the previous minister, Mr. Bush, advocated this. We talked about it. So far we have utilised the education scholarship fund but I would certainly give consideration and see what happens. I know the funds are there. Wherever I can find young Caymanians I encourage them. I feel that with the provision of superior facilities many more Caymanians will take the opportunity to work there.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: One of the difficulties that I am aware of in regard to scholarships, and I think it might be because of previous experience which should not be held against our young people in the future is that a young Caymanian wanting to go into medicine, for example, basically the government says it will not give it to them, not a full scholarship, because of experience in the past.

What they have to do (as you are aware, Mr. Speaker, being a member of the Education Council) is major in one of the sciences, chemistry, physics, whatever, and once they have finished that degree then government is prepared to finance med school. But I would really urge the minister to really take this as a priority and see if he can encourage his colleagues on Executive Council and in the Education Council to see to it that Caymanians have an opportunity to pursue a career in this area on full scholarship.

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

Hon. Anthony S. Eden: I will give this my full consideration.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.45 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated.

Other Business, Private Members' Motions. Private Member's Motion No. 15/99, Enquiry into Local Companies (Control) Licence for ESSO Standard Oil SA Ltd, continuation of debate thereon.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 15/99

ENQUIRY INTO LOCAL COMPANIES (CONTROL) LICENCE FOR ESSO STANDARD OIL SA LTD

(Continuation of debate thereon)

Mr. W. McKeeva Bush: When we adjourned on Monday, I was dealing with the matter of ESSO and its control over a local business or local businesses. We had gotten to the point where we agreed on some amendments. I believe at this point it is best to move those amendments, with your permission.

The Speaker: Please go ahead.

AMENDMENT NO. 2 TO PRIVATE MEMBER'S MOTION NO. 15/99

Mr. W. McKeeva Bush: In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for West Bay, hereby give notice of my intention to move the following amendments to Private Member's Motion No. 15/99: (i) By deleting the words "Government has found" as they appear in the first line of the second resolve clause and substituting therefor the words "*the relevant authority finds*"; (ii) By deleting the word "Government" as it appears in the second line of the second resolve clause and substituting therefor the words "*the relevant authority*"; and (iii) By deleting the word "take" as it appears in the last line of the second resolve clause and substituting therefor the word "*takes*."

The Speaker: Do you have a seconder?
The Member for North Side.

Mrs. Edna M. Moyle: I beg to second the amendment, Mr. Speaker.

The Speaker: The amendment has been duly moved and seconded and is open for debate. Do you wish to speak to it?

Mr. W. McKeeva Bush: I don't see that this needs to be any long explanation. It's just a matter of changing the wording and we have agreed that we put the words "relevant authority" in the case it would be the Trade and Business Board that does it and not central government as such. That's basically what I am talking about sir.

The Speaker: Does any other member wish to speak to this amendment? If not, does the proposer wish to exercise his right of reply?

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

AYES.

The Speaker: The Ayes have it. The motion is accordingly amended.

AGREED: AMENDMENT NO. 2 TO PRIVATE MEMBER'S MOTION NO. 15/99 PASSED.

The Speaker: The First Elected Member for West Bay, please continue.

Mr. W. McKeeva Bush: As I said, we are debating a motion to ask government, or the relevant authority, to try to (using my own words) straighten up the situation where a foreign company is operating without a licence to do certain businesses which is hurting a Caymanian company.

We are aware that ESSO offers, or has offered financing to dealers that is proprietors of filling stations. They have also purchased a number of filling stations. These are operated by means of a lease from ESSO to the dealer.

We understand that some years ago ESSO was in the habit of operating its sites by means of a commercial rent and a dealer agreement, which essentially required the dealer, that is the owner of the filling station, to sell only ESSO products. In short, ESSO Standard Oil had two profit centres—the rental income and the sale of fuel to the proprietors of filling stations, the dealers. We are of the opinion that the sale of fuel clearly falls within the ambit of a bulk fuel installation licence. The rent of commercial property is clearly a separate business whether they own the property and then lease it to dealers, or as in the case of the station we are talking about on Crewe Road by the Airport, they take lease of the property and promptly sublease it back to that company.

We have not seen a Trade and Business Licence or Local Companies (Control) Law Licence that enables ESSO to lease property. Our understanding is that they have none. This is one area where the law is breached. More recently ESSO has introduced a franchising arrangement under which they require their filling station operators to pay a percentage of the sales made at the station. Not only on the sale of fuel and oil, which has already been purchased from ESSO, but also the sale of groceries and merchandise sold in the convenience store. This franchise fee is a further profit centre in addi-

tion to the rental income and the income from the sale of fuel.

Again, if one applies the provisions of the Trade and Business Licensing Law and the Local Companies (Control) Licensing Law these additional businesses they are operating need to be the subject of a specific licence. The procedure as we understand it is that an applicant applies for a separate licence for each business he or she conducts rather than the one licence under which all the businesses are described. From our own information, this is certainly the case in relation to the retail and other service station licences with the company ESSO is now pressuring. And other local persons must follow the same rules. We have to get separate licences for every bit of business that we want to conduct in the country.

It seems that the history of ESSO's licences is somewhat problematic—chequered, one might say. As we understand it, there have been substantial periods when they have had no licence whatsoever. We also understand that the licences have been backdated, although neither the Trade and Business Licensing Law or the Local Companies (Control) Law permits the respective authority to backdate a licence. A licence can merely be granted, as we understand it, at the date it is granted.

We also understand that ESSO has in the past made specific applications to operate certain stations and government has refused ESSO permission to obtain further licences. When I say “government” I mean the relevant licensing authority. That was what I also meant in the motion. If that is so, the relevant authority ought to now act so as to stop the unfair pressure on the Caymanian company in the fashion being carried on now.

There is an issue of legality. Generally speaking a contract is void if it is illegal. It is illegal under Cayman Islands Law to carry on a business without the appropriate licences. In ESSO's case this means the Local Companies (Control) Law Licence as this company is not a Caymanian controlled entity (that is, ESSO) and a Trade and Business Licence. There must be a licence for every area of business that a company carries on, and that includes ESSO and what ESSO carries on in these islands.

The leasing of the filling stations is a business. ESSO should therefore have a licence for that. These licences are location specific. You have to display your particular licence at every location whether you own three or four shops you have to have your licence displayed. That is location specific. There would be a licence for every station that ESSO leased.

These licenses would also have to be baked up by a Local Companies (Control) Licence. Up until now, ESSO has not shown any licence (from what we understand) that enables them to lease the station at Crewe Road by the Airport, that is, Mr. Webster's filling station, to him. In the circumstances we are of the opinion that the lease is therefore unlawful and of no effect, and it must be so according to our law.

In August of 1998 the lease and sublease of Jose's Service Centre came to an end and should have been renewed. Quite apart from the issues as to whether or not the lease and sublease were renewed there is the question of whether or not it was lawful for ESSO to renew its

lease at the time. It seems that it did not have the requisite licenses so it was unlawful to enter into these agreements and to the extent that ESSO has purported to renew the lease as it is trying to do it would be unlawful.

The Trade and Business Licensing Board has several functions, but one of those is under the Trade and Business Licensing Law and the other under the Local Companies (Control) Law. The hands of the Board would be somewhat tied under the Trade and Business Licensing Law. In respect of a company it is required to grant the licence unless it does not hold a Local Companies (Control) Law licence. I do not believe that there is any discretion on the part of the Board to have regard to any external factors when granting a Trade and Business Licence.

Either the person or company is entitled to get a licence and is granted one, or they are refused. ESSO has no such licence. There is no discretion on the part of the Board to have regard to external factors when granting a licence. On the other hand, this is not the case where the Board is considering the grant of a Local Companies (Control) Law [licence].

Section 11(4) of the Law lists ten grounds which the Board may have regard to when considering an application for Local Companies (Control) licence. Let me read those out, in particular 11(4) (a), (b), (d), and (e). That section says, “**Subject to any general directions which the Governor may from time to time give in respect of the consideration of such applications the Board shall in deciding whether or not to grant a licence have regard *inter alia* to the following matters: (a) the economic situation of the islands and the due protection of persons already engaged in business in the islands; (b) the nature and previous conduct of the companies and persons having an interest in that company whether as directors, shareholders, or otherwise; (c) the advantage or disadvantage which may result from that company carrying on business in the islands; (d) the desirability of retaining in the control of Caymanians the economic resources of the islands; (e) the efforts made by the company to obtain Caymanian participation**”

Now, if ESSO had applied for a licence would they have asked for Caymanian partnership? Would they have been able to get Caymanian partnership?

“(f) the number of additional people from outside the islands who would be required to reside in the islands were the application to be granted; (g) whether the company, its directors and employees have and are likely to continue to have the necessary professional, technical and other knowledge to carry on the business proposed by the company; (h) the finances of the company and the economic feasibility of its plans; (i) whether the true ownership and control of the company have been satisfactorily established; and (j) the environmental and social consequences that could result from the carrying on of the business proposed to be carried on by the company.”

These are the ten grounds the Board may have regard to when considering an application for a Local Companies (Control) licence.

So far as the lease and sublease are in existence and may be in existence if it is found they were properly renewed, their terms are far from commercial. Jose's ESSO Service Centre is paying \$12,000 per year for the sublease of his station from ESSO and ESSO is paying him \$40,000 per year for the lease of his station. We understand that ESSO currently leases its stations to its dealers for approximately \$14,000 per month. For ESSO to be granted a Local Companies (Control) licence in relation to that station would effectively permit them to continue to operate a business far below any commercially accepted standard.

The principle reason behind the lease and sublease would now have fallen away as that service station has repaid the money lent to it by ESSO. And as this loan has been repaid and there is no genuine commercial purpose behind the lease and the sublease it is not a bona fide business arrangement. It cannot be. What it effectively amounts to is a device by which a foreign company—which is ESSO—controls the way in which a local company carries on its business. That's exactly the nuts and bolts of the argument. That's the crux of it as far as I am concerned.

I would have thought that ESSO's conduct in this matter to date, in that it has chosen to disregard the laws of the islands to carry on business after being refused the proper licenses must work against any application they make to renew or obtain new licences.

There is a clear disadvantage from my point of view, and I think from our point of view as legislators, to allowing ESSO a licence to operate the service station other than in connection with their bulk fuel licence in that the station is wholly Caymanian owned. It does not now need to look for private sources of finance and therefore it is unreasonable for the local business to be tied to ESSO through the device of the lease and sublease which is illegal in any event.

It is our view that it would be clearly desirable for the local business to retain the control of its station in the hands of a Caymanian rather than allowing ESSO the right through the terms of the lease to put him out of business where there is no proper underlying commercial relationship.

It will be appreciated that if ESSO was to allege a breach of the terms of the lease, which I understand they have done in the past on a number of occasions where there has been a dispute between ESSO and that service station (and maybe another one), then they would be able to terminate the lease with him and put in another tenant even though the property belongs to the local person. That is what is so ridiculous about this whole thing. It puts the local company at a serious risk which we as the government with the proper licensing authority should not allow.

They could replace the sublease the local company had with them with a lease and commercial terms and with the payment of the franchise fee in respect of the sale of fuel and merchandise from the convenience store.

Based on what we understand of the sales and what we understand to be the current position it is likely that the local company would receive a rent of \$40,000 from ESSO who in turn would receive a rent exclusive of commissions to them of approximately \$168,000 per annum. That can't be right for a person who owns the building, who owns the property who has worked for years, and gone to work in the morning at 4.00 and 5.00 to build this business up. He has even been damaged on the job. This can't be right, Mr. Speaker. I believe that we and the government are on all fours with this and something will now be done.

I hope I have outlined what is the true position in regard to the ongoing struggle of a local company properly licensed to do business here in these islands as against a company not so licensed yet having the power to put a strangle hold on that local company. Government, or the relevant authority as we want to put it, must now move to rectify this situation. ESSO is clearly not licensed by law or anything else to do the other business except bulk fuel importation and distribution. That is the crux of what their licence can do.

We cannot allow them to take advantage of a local company in this fashion and, as I said, doing it illegally. As I said, I believe that we and the government are on all fours with this matter and that they intend to have it investigated properly and rectified. Bearing in mind that there were questions asked in here that said there was already knowledge of this, and bearing in mind that they have been refused licenses in the past we hope this can be rectified quickly.

This is a Caymanian company. This is a man who started from virtually nothing but has struggled hard, built his business. If this is not the main issue before us, then I don't know what is. We need to be able to do something to help that person, that company.

So, Mr. Speaker, I do hope that while it is technical and difficult all members who might not have been so close to the matter understand it and will go along with us in this situation. Thank you.

The Speaker: Is it the wish of the House that we take the luncheon break at this time? It's the usual time. We shall suspend until 2.15.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.29 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 15/99.

The Honourable First Official Member.

Hon. James M. Ryan: Thank you.

I rise to make a contribution on behalf of the government to Private Member's Motion No. 15/99 entitled Enquiry into Local Companies (Control) Licence for ESSO Standard Oil SA Ltd.

I should like to begin by moving an amendment to Private Member's Motion No. 15/99. I have circulated that amendment and with your permission I will move ahead.

The Speaker: Please continue.

AMENDMENT NO. 1

TO PRIVATE MEMBER'S MOTION NO. 15/99

Hon. James M. Ryan: In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable First Official Member, hereby give notice of my intention to move the following amendment to Private Member's Motion No. 15/99: That the first resolve clause be amended by deleting the words: "by September 1999" and substituting therefor the words: "*as soon as possible.*"

The Speaker: The amendment to Private Member's Motion No. 15/99 has been duly moved. The question is that the motion be amended as notice has been circulated to members. Does the honourable First Official Member wish to speak to it?

Hon. James M. Ryan: Thank you.

The motion in the first resolve asks that the government cause an enquiry into the matter and report its findings to this honourable House by September 1999. I want to bring to the attention of this honourable House that we are now into the month of July. September is simply two months away. The issue of Local Companies (Control) licence is a matter that is dealt with by the Trade and Business Licensing Board and while the matter can be enquired into I believe that it is difficult if not impossible to have the enquiry carried out and report to this honourable House by September. Accordingly, I ask that members support the amendment to allow the report to be done as soon as possible.

The Speaker: Does any other member wish to speak?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I fully understand what the honourable First Official Member has said, and understanding the timing that we are dealing with I can appreciate him wanting the time in the motion to be amended. My question regarding the proposed amendment is, and this is not to have any differences but to see if it is possible to satisfy the circumstance in a little bit different fashion. I am certain that when the honourable First Official Member winds up on this amendment perhaps we will get a clearer understanding.

Understanding that the original timing is too constraining, I wonder if we still can't have some specifics rather than the generic "as soon as possible." In other words, if it needs another three months or six months for whatever authority to do what has to be done, at least we'd have a definitive time span. Not to differ from what I understand the government is seeking, I wonder if government could see fit in its amendment to be specific rather than generic.

Unfortunately I did not get a chance to speak to the honourable First Official Member before we convened regarding this matter, but I am certain that once we explain it we won't have a problem with that.

The Speaker: Does any other member wish to speak? If not, does the honourable First Official Member wish to reply?

Hon. James M. Ryan: Thank you.

First of all I want to thank the First Elected Member for George Town for his comments. I take his point that it is always good to have a definitive period rather than an open ended time.

I think perhaps the main reason why I have concerns about the time given in the first instance as September is because during this period from July through the end of August most people, civil servants or elected representatives, will want and will try to get a little vacation time. Many have family commitments with children and will want to take advantage of the long school holiday for this purpose. While I intend to deal with this matter as expeditiously as possible I would still prefer to deal with my amendment and if the House sees fit to support it to do so, and I will certainly move it forward in a timely manner as quickly as possible and get it back to the House.

We could very well set a six month time period on it as has been suggested, but I would hope in all honesty to have it back to this House in less time than that. But if I could simply not be tied to a time. . . . In my experience, when something is rushed it is never done as thoroughly as it would have been if time were given. So I would ask for the support of the House on my amendment.

The Speaker: I shall put the question. Those in favour of the amendment, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The amendment is carried and the motion stands twice amended.

AGREED: AMENDMENT NO. 1 PASSED.

The Speaker: Honourable First Official Member, do you care to speak to the motion as twice amended?

Hon. James M. Ryan: Thank you, Mr. Speaker. Yes, I would certainly like to.

In rising to speak to the motion as you so aptly referred to it as twice amended, the original motion was amended to remove the word "government" and substitute "relevant authority" and to have the plural changed into the singular accordingly, and of course now with my amendment the report of the findings will be made to this honourable House as soon as possible.

I believe that it is necessary for me to give a little bit of background information on Local Companies (Control) Licenses (LCCL) before dealing with the specifics. Historically there has been a board in this country that dealt

with Immigration matters. At one stage it was called the Caymanian Protection Board. In recent years by legislation the Board became the Immigration Board. The Immigration Board was appointed under the Immigration Law but there are some additional pieces of legislation (I refer to them as companion legislation), the Trade and Business Licensing Law and the Local Companies (Control) Law.

The Immigration Board not only dealt with immigration applications but in the past it dealt with Trade and Business licences and Local Companies (Control) licences. Local Companies (Control) licences were much longer licences than the others. The Trade and Business licence, for instance, is an annual licence, whereas the Local Companies (Control) licence is generally for a period of 12 years.

In 1997 the government recognised that the Immigration Board had more on its hands than it could deal with. It was decided to amend both The Trade and Business Licensing Law and the LCCL. On 17 April 1997 two pieces of amending legislation were passed by this honourable House, The Trade and Business (Amendment) Licensing Board Law 1997, and The Local Companies (Control) (Amendment) Licensing Law, 1997. The former of the two (the Trade and Business Licensing (Amendment) Board Law 1997, and the Local Companies (Control) (Amendment) Licensing Law 1997) the Trade and Business Licensing (Amendment) Board Law 1997 called for the appointment of a Trade and Business Licensing Board. The functions of that new Board were not only dealing with Trade and Business Licences but also Local Companies (Control) Licences.

Quite rightly the government recognised that in the past Local Companies (Control) licences probably could not get the in depth examination they really needed; the Board was simply over worked. I went over myself on one occasion about five years ago and sat in on that Board as an observer. At that time the Board started at 1.00 and went on for eight hours without a break. That was a weekly thing, week after week. It was simply too much.

In setting up a Trade and Business Licensing Board that Board could now take a very close look and a careful examination of each Trade and Business Licence application and I believe more particularly each Local Companies (Control) application. What transpired prior to this for non-Caymanian companies is now history. But I believe the time had come for this Board to look carefully and critically if necessary at any application coming before it. Of course, with LCCLs running for perhaps 12 years, it takes quite a while before we work through all of those licences that had been in effect.

At the end of 1998 the LCCL for ESSO Standard Oil SA Ltd. Came to an end. And there was, as the motion stated, a question answered in this honourable House regarding the LCCL for ESSO Standard Oil SA Ltd. I have written to the chairman of the Trade and Business Licensing Board in regard to LCCLs such as the one that forms part of this motion. The past LCCL for that company was, as I understand it, a bulk fuel installation licence.

The company has made an application for a new LCCL. But by having a Board that can spend more time on this sort of application, the matter is not going to be rushed, it is going to be gone into in great detail. It is going to be examined and scrutinised carefully to determine what the company is allowed to do under its LCCL.

The government does have concern regarding the supply of fuel in these islands, particularly about the needs of the transportation sector. However, as the Trade and Business Licensing Board is the statutory board for dealing with these applications, and as I have conveyed to the Board the concerns of government, I have every confidence that the Trade and Business Licensing Board will address the matter in detail. I believe it will address the matter in a fair-minded manner; I believe it will address it in an impartial manner and once a decision is made a response will be received in due course.

To the best of my knowledge any arrangement between ESSO Standard Oil SA Ltd. and any Caymanian business is a voluntary and private arrangement. And any disagreement in relation to such an arrangement is a civil matter.

I have been made aware of a recent judgment in the Grand Court that might have a bearing on this issue. Having said that, I would not envisage the Trade and Business Licensing Board would be inclined to authorise any foreign company to engage in a field of business in which there are trading Caymanian companies and corresponding risk of such a company being displaced or being put at a disadvantage. Indeed, if the law cannot protect Caymanian businesses, then in my view it would not be worth the paper it is written on because that is the purpose of the law first and foremost—to protect Caymanian companies.

The government is fully committed to seeing this happen. That is why efforts were made to amend the two pieces of legislation I spoke of earlier to allow for a Board that could deal specifically with the LCCLs and the Trade and Business Licences and not merely deal with them, but deal with them in an effective and full manner that I believe can give justice to local businesses.

The government is quite prepared to have an enquiry made into this matter and report its findings to this honourable House as soon as possible. I would say that having been privy to correspondence that has been exchanged the Trade and Business Licensing Board is actively investigating and examining this and other Local Companies (Control) Licences to ensure that decisions handed down will be fair to all concerned. So, Mr. Speaker, on behalf of the government I am happy to accept and support this motion, Private Member's Motion No. 15/99 as twice amended, and to have an enquiry into this matter and to report back to this honourable House the findings. Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy with the position government has taken. I certainly appreciate the fact that the government recognises that this matter is something which needs some kind of addressing.

The motion is predicated upon the fact that a number of Caymanian businesses and Caymanian entrepreneurs have been brought under some duress as a result of the contractual arrangements and business relationship between themselves as entrepreneurs, retailers of gasoline and related products and companies supplying these products.

It is generally accepted that in situations where a company provides wholesale goods to entrepreneurs and businesses, and that company itself is also in the business of retailing the same goods they supply, that places the independent retailer at some disadvantage. In many jurisdictions that has come to be regarded as unfair competition and unfair trading. One could see quite logically how that could be so.

That is one of the problems faced by these persons. Another problem, as I understand it, is prior to the new arrangement most of the people who retailed gasoline were either owners of the premises themselves or had premises leased that they made private arrangements for. I don't know if it is accurate to say that the business of retailing gas in this country is a lucrative business. Certainly one would think it must offer some incentive because of the vast number of automobiles on the roads. As I understand it, there is not much money to be made off the gas, per se, businessmen realise the return on their investments through selling other products related to gasoline and certainly now that they have gone into the "C" stores, that is where the money is to be had.

The history of bulk storage in this country is a history which was largely dominated by two companies. It is interesting that in answer to a question which I asked in this House originally these companies licences were limited to bulk fuel installation. More recently they got into the business of "C" stores and this is what has sparked the controversy and complaints, and attempts to seek some ease on the part of these persons who retail this gas.

I believe that this particular problem could have been adequately dealt with if we had in place a fair trading commission and a fair competition law enacted on our books. While I realise that the actual business of the Local Companies (Control) Licence would have had to be settled by the Trade and Business Licensing Board, the actual practice of the company wholesaling and retailing at the same time is a significant issue which at some stage will still have to be addressed and could best be addressed through a forum such as a fair trading commission, or if there was a fair competition act in place.

It is interesting to note too that this honourable House passed a motion calling for the establishment of a Fair Competition Law and a Fair Trading Commission in December 1994. Indeed, it was on 27 December 1994. The motion was passed on division by 12 Ayes to 2 Noes, and according to the *Hansards* there were four absences. I moved the motion on 1 December 1994.

We are a free enterprise society. In a free enterprise society it is recognised that there must be the freedom for some entrepreneurs to practice and be able to carry on their business without certain constraints. I have noticed that this problem is not an uncommon phenomenon in the Cayman Islands. I call upon the government to set about enacting this fair competition law and establishing this fair trade commission as soon as possible. I submit that if these mechanisms are in place it would eliminate many of the problems we have now, some of which find their ways to the Courts at great expense to the parties concerned, and certainly at the consumption of much valuable time.

I believe that in any other jurisdiction this business of an oil company wholesaling and retailing in direct competition to the persons they retail with would have been settled in this type of manner. Certainly, if it is not a conflict of interest it is deemed to be unfair competition. I mooted as much to persons who approached me with this complaint. In some jurisdictions dealers get around this by forming themselves into a retailers association and using this association to leverage and lobby for better deals and better contracts from the companies they represent.

Cayman being the kind of place it is it is sometimes difficult to get collective associations because for whatever reason entrepreneurship in the Cayman Islands seems to be based solely on an individualistic basis. And yet, I cannot understand that psychology seeing that we have come from a nation of seafaring people where in the days of sailing ships cooperation among numbers was absolutely necessary for the survival of crew and cargo. Yet in business it seems we lose out because we always take the individualistic approach and the psychology seems to be that if it doesn't hurt me, I won't be bothered with it. The upshot was that the retailers association never came to any fruition and as a result these multinational organisations are quick to seize on these kinds of opportunities and I suppose they have used one or two testing cases.

I also believe, and have always said, that in these kinds of instances fortunately, or unfortunately, the onus then falls upon the government to step in and offer some kind of protection. But often, and all too frequently, it casts the state in a bad light. If, at the end of the investigation as a result of that the Local Companies (Control) Law or licence is changed in a way that affects the oil company, the oil companies will squeal and say the government is holding them down and stopping them from expanding and performing the way they should perform.

The obverse is also true. If government's findings comes out in such a way that the oil company's behaviour is upheld, then the entrepreneurs will say the State is not doing its job because it is not protecting them and it has abandoned them, the very people it should be seeking to protect. That is what they are saying now.

It is almost a no win situation for government. That is why I am saying if government has said '*Listen, we have established this board and we have this law which the board is supposed to act under, we have this law and these regulations which are supposed to guide the decisions of the board . . .*' this whole business of the Local

Companies (Control) licence would not be an issue so much as a fair trading practice which government would be directly removed from—at least in the first instance. It would be a question of this company trading unfairly by retailing to us and then competing against the very ones they sell the stuff too being a retail agent themselves.

So the business of the licence would be at least one step removed from government so that government would not be cast in a quandary. Now government is in the unenviable position where it has to make a ruling in whatever form or fashion. The government is not going to be popular with one party or the other.

We have to take greater opportunity of these kinds of organisations and this kind of legislation because in addition to making business practice more orderly and more efficient it also serves as a buffer so that government is at least one step removed from the players involved. That is how it should be. It is unfortunate that quite often we are taken up with the politics of the situation and when motions are accepted little or nothing is done to bring them into play. I don't want to say that it may have to do with the person bringing the motion or the persons not bringing the motion. I would rather hope that the government has some other more acceptable excuse.

Nevertheless, I take the opportunity to point out that the motion having been accepted, the government must find a way to enact it and the necessary legislation so that in the future these kinds of cases can be handled other than the way this one is being handled.

One of the things that concerns me is the seeming disregard for creating opportunities for small businesses, medium size businesses and for Caymanian entrepreneurs to get a stake in this kind of business. I have first-hand knowledge of this because I know that these multinational corporations are motivated primarily by profit. One cannot blame them. They certainly have significant investments and they are predicated upon deriving returns from these investments.

A few months ago I wrote a couple of letters to the press because one of these companies involved wanted to spread its wings into territory which I, as a representative of investors in the constituency, thought was entirely unnecessary since some of my constituents had already invested significantly into at least two stations within close proximity to each other and I dared to write a letter to the *Caymanian Compass* saying there was no need for the company to set up a station in direct competition to these two persons who were my constituents who had significant investment. One investment has to be nearing \$1 million, and the other one was several hundred thousand. And these people were just getting established and here the company wanted to set up in direct competition.

Well, as it turned out, there was a reply in the paper. But I also got a call from someone high in the company trying to explain and have me see it the way they saw it. Well, I really couldn't see it their way because I had spoken to the business persons involved and I realised that they were in no way equipped to take on that kind of competition. In the United States, Canada and Britain that would never be an issue because the company wholesaling would never under any fair trading practice be al-

lowed to retail in direct competition to the company they are selling to.

I am happy to say that nothing further has developed in terms of the company going ahead with its intended plans to put up the station. Nevertheless there has been a move now to what I call "squeeze" several of the Caymanian entrepreneurs and this is serious in the sense that these are multinational corporations which can afford the best legal representation. These are multinational corporations which can afford to take a loss of three months, six months, even a year, because they know they will be making up the profit somewhere else. But when we have young Caymanians whose life savings depends upon establishing a little business and getting it off the ground from day one, they cannot survive in the face of this kind of competition.

So I don't even want to dwell so much on the legal ramifications, I will leave that to the government. What I want today is equally important and covers the purely moral and ethical grounds. There is also a point at which it is counter productive for the oil companies to expand beyond a certain point, particularly if they are going to get into the business themselves because there is only so much geographical space in the Cayman Islands. And if they are going to put a station on every corner they are not going to be making more money so much as they are going to be having a greater outlay to realise the same amount of return.

I am saying it is in their best interest to have the Caymanian people share in the business to encourage Caymanian entrepreneurs and in a sense it would be lessening some of the risks they are taking and they should concentrate on what they originally were doing—bulk storage and installation.

I am concerned too that this whole business of the "C" stores and the company demanding a percentage of the profits on products that they do not even manufacture is onerous on the owners of the "C" stores. It is a wholly questionable practice. This kind of business and these kinds of demands in other circumstances are described in the most unflattering of terms. It is certainly very frequently described by a word beginning with "M" and ending in "like." I don't want to say that, but that is what it begs. This kind of behaviour comes right out of Chicago in the Roaring Twenties.

We must develop in such a way that we give Caymanians who want to invest a reasonable chance of their investment realising success. I went to school at a time when it was fashionable to question the behaviour of multinational corporations. I am afraid that I never quite lost that ability to suspect and question their behaviour. Having heard complaints from my constituents and the wider public, I have to raise alarm and concern at this time.

In conclusion, I am happy that government has taken the refreshing and enlightened approach it has taken, and I am saying that as far as I am concerned it is an unenviable position for government because I don't see government, whichever way it goes, whatever colour its decision takes, as being able to please both sides. But government is government and I am satisfied that after

having conscientiously done the research they are going to come to the best decision necessary.

My position is in no way to be interpreted as an attempt to downplay the importance or the contribution these companies have made and continue to make in the Cayman Islands because we couldn't operate without the fuel and the products they sell. But at the same time, we have to recognise that it is also our duty to ensure that we develop in such a way that the free enterprise system is played out to its fullest and even though I myself do not have any entrepreneurial abilities, I would certainly like to see those of my countrymen with such abilities and desires to be able to operate in a way so as to realise the returns on their investments. Many of these people are up at the crack of dawn and stay up sometimes past midnight providing and performing services which our country could not do without.

Having said that, I wish government success and I hope that whenever the decision is arrived at it can be one of Solomonic proportions so that both sides can feel some kind of satisfaction in merit to what was done. Thank you.

The Speaker: Does any other member wish to speak? (Pause)? The floor is open for debate. Does any other member wish to speak? (Pause)

The Third Elected Member for West Bay.

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

I rise to offer my support on Private Member's Motion No. 15/99 [as twice amended] entitled Enquiry into Local Companies (Control) Licence for ESSO Standard Oil SA Ltd. I was aware of this situation (I think it was from the 1992 elections) and what I am a bit disappointed in is that those responsible, that is those in the government responsible for this particular area, have allowed this situation to go on for so long.

Many of these large companies have deep pockets. You and I can't fight them. They can hire the best lawyers and all they do is drag it out and drag it out until you run out of money. They get what they want and another small business bites the dust. They have no conscience whatsoever.

I personally believe and feel strongly that it is the role and responsibility of government to protect and ensure that our local entrepreneurs, our small business people, have an opportunity to do business and earn a living in this country.

The other thing I am a bit disappointed about is that the Trade and Business Licensing Board that is responsible for ensuring that entities that operate in this country have the proper licences that they haven't done more to bring this to a head much sooner. I know how difficult it is because I have a lot of small business people, Caymanians who come to me on a daily basis and they are dealing with the Trade and Business Licensing Board, it takes them six months to get a Trade and Business Licence—including me! They want to be legal and do things the right way. But what happens if you are honest and want to do things the way they are supposed to be done then you are the one that is victimised.

I feel very badly about what has happened to the local businessman involved. I went to school with that young man. He has worked very hard over the years to build himself up business-wise to be in a position where he can take care of himself and his family. I think it is a crying shame to see what has been allowed to happen to him because of strong-arm tactics by these large conglomerates or monopolies. We only have a couple of companies that provide gas in this country.

I trust that this situation will be rectified and I personally do not believe that the big companies with the licence or authority to supply fuel on a wholesale basis should also be allowed to get a retail licence to also operate and control the gas stations. This in itself provides additional opportunities for Caymanians to go into business and it's a pretty lucrative business when you take into consideration the gas station and in most cases the convenience store that is associated with the station.

I think that it is important for us to continue to have the reputation in this country of fairness. It is important for us to continue to have the reputation that persons on all levels of society have an opportunity to earn a living. I believe right now that this particular motion could not have come at a more convenient time. In addition to this particular issue a lot of Caymanians are finding it very difficult to survive because of the cost of living and the red tape and the bureaucracy in government. I believe that we need to do whatever we can in order to rectify this situation because if we don't then in the long run we will all suffer.

So I support this motion and trust that government will give it priority and that the situation will be addressed.

The Speaker: I think this would be a convenient time to take the afternoon break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.28 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 15/99 as twice amended. Does any other member wish to speak? (Pause)

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. It is very heartening to hear the government be willing to accept this motion after the two, what I would consider to be minor, amendments.

After hearing the history of what has driven the motion to the floor of this House, and also after hearing government's comments coming from the honourable First Official Member, I think that even though it has been accepted we need a little insight into the various principles that surround the motion, many of which have been addressed by previous speakers and perhaps more precisely by the Third Elected Member for Bodden Town.

I want to shortly address one of the statements made by the honourable First Official Member and perhaps just expand on it slightly. The honourable First Official

cial Member in clarifying government's position, not just in this matter but with other matters that may concern the new Trade and Business Licensing Board, said that any arrangements between private companies is assumed to be voluntary (I am not quoting verbatim). He went on to say as a result of that any disagreement arising from that agreement becomes a civil matter. I totally agree with that, limiting it to the confines of what was said. But I want to expand on it just a bit further so that we can all be very sure, and in taking the vote on this motion all have a very clear understanding of what we as legislators have as our responsibility.

As the Third Elected Member for Bodden Town stated, in some circumstances where there is disagreement between two parties, once a decision has to be taken by government or any of its agencies, you will have one tapping you on the shoulder saying *'Thank you, thank you. Yes. You have done right.'* And the other one who will have displeasure over the decision is going to say *'You're the biggest you-know-what in the world.'* Therefore, what needs to be very clear is not just the decision that is taken but the reason why.

Perhaps in a specific circumstance that was alluded to earlier on in the debate the reason why certain decisions have not been taken yet is because maybe (and I am not very sure) the people who have to make the decision are not fully equipped at present to make that decision. I am going to talk about that at two different levels. If they are not equipped at present either with information or legislation to make a decision they can feel comfortable that they can stand by and justify, regardless of which way it goes, then the onus falls on the government to provide them with all those vehicles, whether they need more than one. And I am not arguing one way or the other for that right now. I don't think that is the most important part, I think it is just a matter we need to look at.

Secondly, if they have the vehicle and they are actually prepared to make the decision and they haven't made the decision then it begs the question, why? I know it's a bit more complicated than that. I also know that in a specific circumstance we are dealing with a matter that was before the courts and I don't want to have to get into that because I think what we need to be looking at while the motion is specific is principles to be applied, proper legislation in place to ensure that outside of the specific circumstances we are talking about that the same situations will not be allowed to recur. I am certain that government is aware of that. I am very confident of that.

One of the things that we must accept has gone on in this country, and it is one of the things that we should be looking to correct, is people in many instances suspect that because of who they are or where they find themselves they will get the decision they want. I am going to stand here this evening and say very clearly that I have seen that, I have experienced that and it is wrong. And it has happened. And it has nothing to do with pointing fingers.

You always hear and see on the TV and the common thought is "it's who you know." This is not the way we should be doing business. By mentioning that I am in

no way casting aspersions or making accusations against the government, saying that is how government operates. That's not what I am talking about. I am talking about the expectations of people. That is what people get used to and that is what we have to be careful of. We have to ensure that any type of vehicle that is put in place for any decisions to be made is done in such a way that people know from the beginning that you cannot come with that style because it is not going to work.

This country has grown beyond any of our expectations; faster; it has brought wealth to many people and there are many good things that we could talk about for hours on end. But that has had its price. One of the big prices I am talking about is because we find ourselves as a country where people who have money see great opportunities to make more money. Then perhaps because of what they have become used to, perhaps because of what is the norm elsewhere, on many occasions people form the impression that it is not so important to come and find out what is due process to accomplish what you wish to accomplish, but who you know. That's a fact.

I know because somewhere along the line, thank God I know better. But people think I am somebody too and I have had them come to me. Yes!

I might seem to be talking without making a point here, but I know that we understand what we are dealing with. So having talked about that for a little bit, the principle of what I am talking about here is regardless of the individuals involved, regardless of the likes and dislikes, the playing field that we talk about being level must really be level for one and all. The investor must be comfortable and bureaucracy must not kill him. But at the same time there must be devices in place that even if it is not intentional that advantage cannot be taken because of money.

In other words, while investment is to be encouraged we not only have the right, but we have the duty to protect our own. When we speak about Local Companies (Control) Licences and about fair trading legislation, and when we speak about wholesale and retail it must be done in such a way that the person who wholesales is satisfied that all is as well as he can reasonably expect and the person who retails must feel the same way.

It can be done. Not because other larger countries are used to conglomerates that you have people lobbying for them and it just depends on whom you know and whom you can lobby to get a circumstance your way. That is not what we know this country to be like. There is no reason why this country must come to that. None at all!

Since the mood is flowing right I am going to say here today that if we allow this country to get like that there is only one reason and that's greed. Any other reason must mean that we have lost our good senses.

So, getting back to the motion as amended, we see in the two resolve sections where it now reads: **"BE IT NOW THEREFORE RESOLVED THAT the Government now cause an enquiry into the matter and report its findings to this honourable House as soon as possible"** which I think we all accept.

"AND BE IT FURTHER RESOLVED THAT, if the relevant authority has found that any Caymanian

company or other entity is being displaced through that situation, the relevant authority immediately take measures to have it rectified so that Caymanian businesses do not suffer."

This might well be a test case with much wider ramifications. I want to be careful so that I don't create the wrong impression because I recognise the value of investments and business at various levels to this country. I don't have any problems with that. But I think we have to have our act together. Don't forget everybody in this world is different. Not everyone who feels that he or she has been persecuted wrongly or done an injustice reacts in the same manner. We must have the tools where whatever injustice a person feels aggrieved over they must have recourse. We have the courts. We all understand the separation of powers.

In instances like this the courts should really be the last resort because it's expensive. I know the lawyers have to live too, but we shouldn't have to create work for them. If that's the way we do legislation then I would have a real problem with the minister for education. But I don't believe that. While we know what recourse there is now, the mere fact that not everyone has the wherewithal to utilise that recourse puts an onus on government to have proper legislation, proper checks and balances, that it must be in the most extreme and complex circumstances that the matter cannot be resolved clearly and legally by what is in place by government.

I believe that government is well on the way to ensuring that those steps are taken. I don't have a problem with that. I notice that the honourable First Official Member is listening keenly, and I just want him to know that I too remember the amendment to the legislation not so long ago and I recognise that there were certain things recognised at that time when the amendments were brought. So I know we are on the right track.

I think the motion, while one may wish to attribute political connotations to its genesis, is responsible because this is our responsibility. The motion has been brought. The government has accepted the motion and I trust that not just for the specific circumstance that may have spurred it on but for future individuals who may get involved in situations like this we will have things in order so that disagreements need not get this far before they are resolved.

When we talk about a Local Companies (Control) Licence and we talk about wholesale and retail, the problem I think most of us recognise here whether it's unique or not is this . . . and I will draw examples. Let us take the three major supermarkets. All three of them also have wholesale businesses. All three of them sell in their retail business the products they wholesale to other outlets. We need to understand clearly that it's three of them and the laws of competition create the level playfields in those areas because any one of them that wholesales to the small shop owner or anyone who is buying wholesale and that is not at a reasonable wholesale price one of the other two, or both, will take advantage. So we have a level playing field there.

We find that items are wholesaled and there are other wholesale areas, I just used those two because

they are easy to recognise. We find that people are able to purchase items at wholesale prices and are able to resale at a reasonable profit and sell for very close to what they retail in the big stores for. It might not be exactly the same, but it's nothing glaring so they are not at a huge disadvantage that people will not buy from them also. But there is a difference in the circumstance that we are talking about now. I won't choose this afternoon to tear that apart. I could, but I think the point is made.

I don't think the exercise here is to discredit anyone or to prove the right and the wrong. I think that this motion should be used as an exercise for people to understand that all of us have to find the ways and means to coexist. Right now there is a problem and that problem must be rectified. I believe it will be rectified.

I also don't have a major problem if people sit around the table and talk about circumstances. I don't believe people should create discord all the time. I mean the minister for education and I get at it all the time, but even this evening I was joking with him and he is smiling right now. So it's not like that all the time. The point I really wish to make is that no matter who we are dealing with we, as the government, should be able to come to a position and say '*Gentlemen, listen, we understand this is how it is but we need you to understand that this is how it has to be. Now, can we find the ways and means to arrive at the way it has to be without it getting into a fist fight?*' I think that's the position that needs to be taken in this specific circumstance. But using that circumstance as a guide, then we can ensure that we don't have to face the same situation in the future. I think that's where we need to arrive at.

I believe that is sufficient. The mover of the motion has had to attend a funeral. I am not quite sure whether he would have wished the vote to be taken in his absence.

The Speaker: We will adjourn first.

Mr. D. Kurt Tibbetts: I was going to say to you if you weren't prepared to adjourn to let me know so that I could think of something else.

The Speaker: We will adjourn. I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman Boddan: Mr. Speaker, I move the adjournment of this Honourable House until Friday at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.26 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 2 JULY 1999.**

**EDITED
FRIDAY
2 JULY 1999
10.14 AM**

[Prayers read by the Honourable Second Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: We have apologies from the Honourable Third Official Member who is overseas on official business; and apologies from the Honourable Minister of Community Affairs, Sports, Women, Youth and Culture, who is also overseas on official business.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question No. 75 is standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 75

No. 75: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works (a) what policy allows for the suspended manager of Pedro St James Castle to hold another job while receiving part salary; and (b) whether this policy has ever been extended in the past to a staff member of any statutory authority or statutory board for which the Minister has responsibility.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: (a) The Manager and staff of Pedro St James are deemed public servants under section 11 of the Tourism Attractions Law 1996. The General Manager is presently facing charges against him in the Courts and was therefore interdicted or suspended on 11 March 1999 under Regulation 41 of the Public Service Commission Regulations 1985.

The Regulations allow the suspended person to draw one-half of his or her salary. This is common practise in the civil service. There is no regulation that forbids the person from holding another job while suspended from the service. This is a civil service procedure and not a political one.

(b) Persons working for a Statutory Authority, for example the Port Authority, which is under this Ministry, are not civil servants so the Public Service Commission Regulations 1985 do not apply. However, civil servants have been employed in departments of government under this ministry who received half salary and worked while on suspension.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say which departments of Government under the Ministry of Tourism, Commerce, Transport and Works have had staff who have been suspended and worked while on suspension?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer right off the top of my head is that I know that there have been firemen who have been suspended where court were cases pending a year or more in abeyance until the case was heard and they worked during that process.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say what kind of salary was being drawn by the suspended Manager of Pedro Castle and what type of salary would a fireman get?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the regulations to say that whatever the full salary is of the individual, whether he is a Head of Department, whether he is a Permanent Secretary, or whether he is a clerical officer, he is entitled 1/2—whatever that amount is.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I don't think my question was answered. I am asking what type of half salary does a suspended manager get, and what would any fireman have gotten?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I don't have the exact figure of what the general manager draws or what the fireman draws right here with me. I would not want to give a figure that would not prove to be exactly correct to the penny.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is the Minister saying that after having his permanent secretary as temporary manager, after having them liase with his ministry and with him (according to the *Hansards*) since the project, after the Ministry having hired the general manager, that he doesn't know what the general manager gets as a salary?

The Speaker: Are you asking a question?

Mr. W. McKeeva Bush: Mr. Speaker, I am asking him to tell us what the full salary is, even an approximate number would do.

The Speaker: Thank you. The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My recollection is that the general manager was hired at a salary of around \$65,000.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, could the Minister say what this general manager did before he took over this position?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the general manager served as a banker when he first came back to this country. He worked for British American in particular. He also worked for First Cayman Bank. He was also the General Manager of the Turtle Farm for approximately eighteen months, and I think all members realise that the Turtle Farm runs well.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say, if this person was completely in the private sector, whether or not any kind of charges he would be facing in court would cause a suspension to take place? I am asking to the best of the Minister's knowledge, whether or not this is a particular policy that is unique to the civil service, and not something that is common in the private sector.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: If I understand correctly, the system deployed in the public service does not give too much discretion about whether the person should remain on the job or not. It basically says that in the interest of the public service, the person can be required to cease the exercise of his powers. I served for about six years as the First Official Member responsible for civil service matters and I know that during my time, in most cases similar to this one, the person would have been interdicted.

When it comes to the private sector, it obviously depends on the manager as to whether that person sees any disadvantage to their respective business by allowing the person to continue.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I don't know whether all this is in the interest of the public service but it is in somebody's interest, it looks like to me. Nevertheless, can the Minister say whether the part salary has to do with the Botanic Park?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the general manager is [also] the general manager of the Tourism Attraction Board, which is responsible for the Botanic Park as well as Pedro St. James.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you. The Member is saying that the manager suspended was the manager of Pedro St. James Castle, not just the Board but the Castle project and the Botanic Park.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me try to answer it in a different way, Mr. Speaker. We know we have two projects, Botanic Park and Pedro St. James.

The Botanic Park has what we call a Site Manager, who is the person that has horticulture and other experiences. The General Manager (the person we are speaking about) of the Tourism Attraction Board also served as the Site Manager of Pedro St. James. The reason for this was to obviously try to be more cost efficient in dealing with the overall projects. He is answerable to the Tourism Attraction Board.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the manager is the manager for the Castle and for the Botanic Park. The salary of \$65,000 was that for both and are both covered in the law?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The law, that is the Tourism Attraction Law, allows the Governor to vest certain tourism attractions under the Tourism Attraction Law and then under the Board, as appointed under this law.

The General Manager oversees all projects that are the responsibility of the Tourism Attraction Board. It would be the Pedro St. James at this point, and the Botanic Park.

If I am not answering the Member's question to his satisfaction, he can come back.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I just wanted to be clear that the Board manages the Botanic Park. The manager manages the Botanic Park?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The general manager has overall supervision and management of Botanic Park as well as Pedro St. James, and is paid as a general manager for overall [supervision] over those two projects. So while there is a site manager at Botanic Park, the general manager is still the top person involved with the managerial operations of that park.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning.

Moving on to Government Business, Motions. I would just like to ask is it the wish of the House that we suspend Standing Order 14 (2) and continue with the Private Member's Motion and finish that or go ahead and complete the Government Motion.

The Order Paper calls for continuation with Government Business, and if I am hearing nothing, we will move on to Government Business, Motions. Government Motion No. 4/99, the 10 Year National Strategic Plan (1999-2008), continuation of debate thereon.

Mr. W. McKeeva Bush: I am sorry, Mr. Speaker. Are we moving to the Government Business and not the motion?

The Speaker: That is what I was asking. Today is not Thursday, so I was asking if it was the wish of the House that we suspend Standing Order 14(2) and continue with the Private Member's Motion in order to complete that since it was in the winding-up stage. I am in the hands of the House.

Mr. W. McKeeva Bush: I think it makes sense and I move that we suspend the relevant Standing Order to have private business today.

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works would you speak on behalf of Government?

Hon. Thomas C. Jefferson: Mr. Speaker, I was basically going to say the same thing, so I guess we are in agreement.

SUSPENSION OF STANDING ORDER 14(2)

The Speaker: Okay. In accordance with Standing Order 86, I would ask that some Member move the suspension of Standing Order 14(2) in order that we can take the Private Member's Motion before Government Business.

So do I have a seconder, it has been moved by the First Elected Member for West Bay.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, you have a seconder, sir.

The Speaker: So moved and seconded. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(2) SUSPENDED.

The Speaker: Continuing then on item number 5, Other Business, Private Members' Motion, Private Member's Motion No. 15/99, Enquiry into Local Companies Control Licence for Esso Standard Oil SA Ltd. Continuation of debate thereon. The floor is opened to debate.

The First Elected Member for George Town, please continue.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 15/99

ENQUIRY INTO LOCAL COMPANIES CONTROL LICENCE FOR ESSO STANDARD OIL SA LTD.

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Just so that it is clear, when we had our little discussion at the close yesterday afternoon, it was only about the closure, not my closure, sir. I am sorry if there was a misunderstanding, my apologies.

Mr. Speaker, I don't have too much to say regarding the motion but I think there are a couple of issues which I would just like to quickly talk about and then we can get on with other speakers.

I want to go back to the two resolve sections of the motion; bearing in mind government has accepted the motion. The first resolve section which reads: "**BE IT**

NOW THEREFORE RESOLVED THAT the Government now cause an enquiry into the matter and report its findings to this honourable House as soon as possible. . ."

Because of the amendment proposed by the Government and the fact that the Government has accepted the motion, although the vote isn't taken yet as twice amended, we can pretty well put that to bed that this enquiry is going to take place. And as soon as it is possible, the Government will come back to the House and give a report.

But when we look into the second resolve section, Mr. Speaker, which reads: **"AND BE IT FURTHER RESOLVED THAT if the relevant authority finds that any Caymanian company or other entity is being displaced through that situation, then the relevant authority immediately takes measures to have it rectified so that Caymanian businesses do not suffer. . ."**

Mr. Speaker, it is interesting to note here that Esso (I am talking about Esso now. I am not quite sure what the full name is but it is Esso Standard Oil SA Ltd or something of that order), their Trade and Business Licence and their Local Companies (Control) Licence expired at the end of 1998. Like the good corporate citizens that I am sure they are, they had applied for renewal of both of these licences in November of 1998. I believe they would have certainly remembered it this time around because I remember not so long ago they and others may have forgotten about the renewal of their Trade and Business Licence but nevertheless that is fine.

Now, my understanding of the way the Trade and Business Licensing Board operates is if it is a straight forward situation for a renewal, once the application is put in and all the relevant documentation is in place, that the procedure is a timely one. I also understand that as of today, these renewals have not been granted. So basically we are looking at somewhere between six and seven months that these applications have been into that Board. Mr. Speaker, the assumption that I draw is that there has to be some question why these licences have not been renewed and issued in the timely manner in which the Board would normally operate.

So the fact that there seems to be some question with regard to satisfying the Board that the licences should be renewed, given the circumstances that surround the operations of the company, leaves questions in our minds also. I want to say here that it is my understanding that there has been some type of investigation carried on by some agency or some arm of the government and I would like to know what has transpired about that.

I am going to tell you something else for the benefit of the Government. Purposely, I have not had any communication with any person or persons who may know anything about this, for the simple reason that I don't want anybody to think that I am raising this question with knowledge before hand. I am going to immediately give away any advantage that anyone might think I have because I have none. But I think it is only fair that we understand what has transpired.

Now, if that is going to take part and parcel of a report back to the House, that is fine but the timing of everything raises questions in my mind.

I want to also make something very clear. Anyone who wants to get up and take me to task can. It doesn't matter to me. But I believe that the public servants in this country have been and are capable of doing whatever job they are called upon to do. The public servants I am talking about come straight down from the Honourable First Official Member right down the chain of command, and I am not questioning what part of that chain of command has dealt with this issue. But I am saying I have confidence that that arm has dealt with whatever it has had to deal with. But I firmly believe that either somebody is afraid of something or somebody has talked to somebody about something, and that somewhere in the elected arm of government there is a hitch.

If it is not so, Mr. Speaker, and it can be proven to me that it is not so, I am quite happy to withdraw and apologise. I don't want to go into the issue of transparency but I have to make a little note right here, that if we practice transparency and if Government was prepared to give information out about issues at hand instead of this closed door operation, we wouldn't be having to think like this.

Something else that people must understand, Mr. Speaker, regardless of how this motion may be seen to be politicising a situation . . . the truth of the matter is that when people are paying out huge sums of money which will affect their livelihood, the future of their children and all of that, there is a responsibility and an onus on the Government then [that] they should not sit down flat on their you-know-what and figure they can deal with something at whatever time they feel. That is where I have the problem.

I am not questioning what any decision might be because I believe that once it is done in the usual fashion, the decision will be based on the facts. But the mere fact that there seems to be a hold-up tells me what I just said and I believe that. It is totally insensitive to be dealing with it in this fashion.

Mr. Speaker, I am going to leave this alone right now because something tells me it is best not to go any further and that is fine. I wanted to make it crystal clear that any finger pointing that I may be doing is dealing with the elected arm of Government, and I will take them on anytime with it. I want them to bring the facts because it takes me putting myself out on the limb for them to come with the facts, I will do that any day of the week because that is what we want to know. It has nothing to do with the official arm of Government.

But I am going to issue a little warning here, Mr. Speaker. In the not-too-distant future, I believe certain things are going to become evident. And if this Government does not deal with this matter in the way it should, then I can promise that any opportunity I get I am going to rub it in its face because that is what it will deserve because too much of that goes on with Government. And the individuals who may think that I shouldn't be bunching them all together . . . I am sorry, I cannot help it. I cannot single out who does what because they all talk

amongst one another. If others know amongst them that certain things shouldn't be done, they should stop the rest from doing it. That is how I live.

As I said, I better not go any further. As I close, let me say that there is fast coming a time when the people of this country are not going to tolerate this style of government from anyone—including me.

Thank you, sir.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I rise to briefly speak in regard to this Private Member's Motion No. 15/99, which calls for an enquiry into Local Companies (Control) Licence for Esso Standard Oil SA Ltd.

Mr. Speaker, the oil companies world-wide have been responsible for dictating to very large countries and to very experienced and organised business people. Simply because the oil companies, as a part of the kind of multi-national concerns which have grown over the last fifty years or so, have been able to act in such a way as to be in restraint of trade. They can determine, as a result of their monopoly on the oil we all need, certain types of relationships.

It is important that when we get up and make accusations, and when we make statements and when we say things that we also give the people a dose of reality. It is quite possible for us to say that we don't like something, we don't like relationships, we don't like the way they develop, but it is another thing when we understand that the relationships that have developed over a period of time with regard to oil companies and the local distributors are a result also of the fact of need—not just the need of the retailer but the need of the people, the consumer in the countries that consume. It needs the oil or the fuel for daily consumption for transportation and other means for improving commerce and life.

So the overall picture is that we cannot narrowly go into this situation and define the situation. We have to look at the general good of the society as a whole. We just cannot look at the good of one or two retailers; we have to look at the overall picture. We have to make sure that the people in listening are being enlightened as to what we consider to be the predicament that we are in, that they see the entire picture. The entire picture is, of course, that . . . and I am not familiar with the total situation with regards to the Esso Standard relationship with, for instance, one of the persons that operates a retail gas station in George Town. But that person has informed me to a certain extent as to the conflict that existed. I believe also that that conflict expressed itself within the courts where people usually go for remedies of this particular nature.

We as legislators, we as politicians are faced with an even greater question: To what extent do we compromise the rights of Caymanian business people in order that the Caymanian consumer or that the Caymanian people are able to get the types of resources that they badly need for the functioning of their economy? We are

not the producers of the oil. We are not the people who refine the oil. We are not the people who are capable of transporting the oil. We are basically the people who have the capacity at this particular time, as expressed by the relationship, to distribute the oil or the benzene or petroleum to the individual consumers who are driving the car.

So even if there was, for instance, a confrontation which we must look at—because any time there is a conflict it can lead to confrontation—we must have in the back of our mind what the particular consequences would be of any actions we take. So it is not just we that have power, the multi-national oil companies have power too—they are giants, they have turf to protect, they have an interest. If we establish a situation whereby we have two competing parties, let us say or retailers, and the multi-nationals, if there is a confrontation, they want this or retailers want this, we as politicians are behind our retailers. We still have to also remember the third party—being the consumers of this country that would be affected in case that Esso Standard and Texaco got together and said, '*Hey, this is intolerable! We believe somehow that this is a breach of the types of relationships that we expect as fair to us.*' So the situation is not as simple as we might sometimes think.

Now, I am not saying that this motion is not timely. This motion is timely. I am not saying that the motion is formulated in any wrong way. What I am saying though is that this motion brings to our attention a whole series of relationships in this country that we have with foreign businesses that are not, I believe, in the best interest of the Caymanians. We have to as a group of people make a resolve to define and be clear in defining what our interest really are as Caymanians. Because there is the interest of those persons that operate business and, like I said, it is the interest of the consumer as well.

A situation that we have dealt with in this country I think is with the supermarkets. We see that the more supermarkets we get, the better prices we get and the better quality of food we get. So competition is an important aspect here. We must be clear whether or not Esso Standard is hindering competition, is hindering the improvement of standards within these gas stations or whether or not it is facilitating that. So I approach it always from the point of view of the consumer. I believe and I will always say it is not about who owns it, it is about who *benefits* from it.

That is also a very practical democratic position as well because the majority of people at the end of the day who votes are the consumers. It is not the individual, two, three, four or 15 businesspeople, although they might have their influence because of their monies. Basically at the end of the day what the consumer is concerned with is the quality in the price of the product. That is what is very important to them and that is also a consideration that we have to take into account when we are coming to the point of trying to find a resolution with regard to the practices of these oil companies in the Cayman Islands.

How does any kind of restraint on their desire to expand in a particular way influence the quality of the product and the price of the product?

The Government has accepted this motion and has done well in accepting this motion. The enquires must continue. But I am saying that it is not as simple as it seems because you can argue about water but if you go to the well and it is dry, the fact that you have said that the water belongs to you will not give you water if it is not there. What we understand about commerce today is that there are interconnections, interdependencies between different national and international companies and individuals.

We accept that the Cayman Islands have been to a certain extent assisted in its development by foreign corporations. So it is not as easy as how nationalistic economics saw it before where people brought things into a country or they took things out of a country. We say what happened in the countries that started this very nationalistic approach, like in Jamaica for instance, with the bauxite back in the sixties. We have to be careful because at the end of the day, the question must be not who owns but who benefits.

Those people that benefit by way of control because the law of economics is exchange, and so because we are dealing with exchange, as long as the exchange process continues to function and is not stifled or hindered by Government intervention we have a possibility that everybody will be better off. Not just one person, not just one group of people, not just one class of people but all groups and all classes of people.

Mr. Speaker, at this particular time, I see that my good friend, the First Official Member has a smile on his face. Of course, I am not asking him to wipe that off, but I am telling him that I am a very observant person. Although it might seem that I am talking about something and I am not talking about Government, I am not ridiculing Government—I am not praising Government. I am talking basically about the whole issue of problem solving. Whether or not it be on the individual level or whether or not it be on a country level, problem solving means patience; that you investigate and get your facts straight; that you remain objective and don't be subjective; and that you come to a conclusion that is good for the majority of people.

When you have done that then there is no harm in brining ridicule. Okay? So I would like to make it clear that I am asking the Government—not just the elected Government but the official Government—in dealing with that authority that is responsible for the Local Companies (Control) Licensing Laws to remember in applying these laws, the benefits of the majority of people. The benefits of the majority of people are by way of results, that is getting good products at good prices. At the end of the day, although, I would like to see Caymanians with wealth, I am more pleased when I see the average person being able to afford an improved lifestyle because of the improvement of the quality of goods and services that are delivered to them by whatever company is licensed to do business in these islands. That is my primary concern.

I am saying, therefore, that I would like to leave with those persons that are going to take this motion one step further, these considerations. These considerations are important and although I have sympathy and I would like to see the Caymanian businesspeople that are retailing oil protected, I would like to see at the same time that the protection is the protection for the consumer as a whole

Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: As mentioned earlier, the Government accepts this motion has amended. I had hoped that we would not have seen once again an attempt where we accept a motion to pound or beat up on the Government the way that this has gone on.

Mr. Speaker, from what I have heard of all of the members from the Backbench who have spoken, no one seems to have come forward with a constructive solution to the problem. When no solution is put forward, the move is then to blame the Government and this is a very good instance where the Government is being blamed for something which is clearly within the precinct of this honourable house.

Mr. Speaker, if this honourable House is serious about doing something, legislation is made inside of this House. It is not made in Government, it is not made in Executive Council and, therefore, the solution is within the hands of this House. Further, if the view on this is that Esso or anyone else should not have a certain type of licence... And I have to be careful how far I go because I am aware that there is a court decision, even though I have not read it.

Erskine May's *Parliamentary Practice* is very clear. At page 303, it states: "**Questions which reflect on the decision of a court of law are not in order. The Speaker has ruled privately that questions relating to a sentence...are inadmissible.**" So, while I don't intend to go into what the court has done, what the court has ruled, for about (I don't know how many years) 2 - 3 years and before that there was a select committee again that has been dealing with Trade and Business Licences and with Immigration.

Mr. Speaker, if the Opposition is serious about this matter then the select committee drafts the legislation or puts forward the legislation to deal with it. For years, I have heard in the select committee, I have heard in this House that the Local Companies (Control) Licensing Law needs to be further amended and that protection needs to be given to certain local businesses, whether they are retail or watersports or whatever. It is clearly within the ambit of this House, it is clearly within the select committee. This is a very clear case of shifting and trying to make Government look bad when the solution, if this House is serious, lies clearly within the legislative means of this House. Government does not legislate.

That select committee can recommend. That select committee can look at draft legislation, the same as it

has done with immigration as it has done with the elections and with everything else. So let's not play around with words in here because I am always reminded that when one has no solution, one blames somebody else.

Well, I am clearly saying now—and this cannot be challenged because it is within the ambit of this House—if they wish to pass an amendment to the Trade and Business Licence Law, saying that all companies cannot do retail business, pass it. But don't blame the Government. What has been done and this was what came out of one of the select committees some time back . . . the legislature has amended the Local Companies (Control) Licence Law and instead of a minimum of 12 years for local companies licences, it is now a maximum of 12 unless extended. There was an amendment in 1997 as the Honourable Chief Secretary has clearly stated, which has separated the Trade and Business Licensing Board from the Immigration Board, which allows for more in-depth looking at licenses to be done.

The question of how the court decision will be interpreted is a matter in due course as it affects the Local Companies (Control) Licences, anyhow, for the Trade and Business Licences Board to make a decision on. So I don't really understand and, in fact, it is unfair for Opposition to try blaming Government for doing nothing within an area—and this hasn't just started now. This has been going on.

I mean, as the honourable mover of this motion, the First Elected Member for West Bay, knows and the second, this issue has been going on for years. It is not just this government, it's previous governments as well and it is governments made up differently from how the present government is made up. We have all known this problem is there. But the solution is very simple. And to be frank, I am going to be brief but if the time spent on this debate had been put in the Select Committee on Immigration, and Trade and Business, the law could have been drafted as a very short amendment brought back to the House in a select committee report and put through the House. That is the solution!

It is no good blaming the Government. We cannot pass regulations. We cannot pass laws. I mean, we can pass regulations, but not in this area. If the law wants to restrict the giving out of a specific type of licence and it says it cannot be given to a company that is not Caymanian owned, or in this case at least 60% Caymanian owned under the Local Companies (Control) Licences Law or even more than that . . . if the legislature wishes to say it has to be 100% Caymanian owned, then they must legislate for it here. That is the simple solution to the answer.

So at the end of the day no matter what is done, Mr. Speaker, this legislature and I think the Select Committee of the House that is now sitting, if this is that urgent, then bring it up in there. It is probably going to sit in another week's time and deal with the matter.

So this is once again just something where an attempt has been made to blame Government when we are agreeing with a motion and to attempt to say that a duty which rests on this Legislative Assembly and not only Government—I want to repeat that—the Select

Committee of the Legislative Assembly can draft an amendment to the law and bring it here. Any one of the Opposition can bring an amendment to a law—this is not restricted to Government.

What I would suggest is that we forget about the politics of this, forget who is right and wrong and if a practical solution needs to be done, the select committee probably will be sitting next week on Immigration and Trade and Business Licences, and then legislation can come back here as to what needs to be done. So I put forward a solution. It is my personal view (and I point that out) but it seems to me that a lot of time has been spent debating a matter which has a simple practical solution that lies within this House.

I would just like to mention as well that in going to the many graduations that we have seen recently at the schools, both government and private, and also letters in the paper recently, that the conduct in this House . . . I really think the time has come where we must look at debates constructively and try not to get into a stage of anger or a stage where the conduct of the House could be looked by those school children as saying, '*Are they the people who are talking about discipline in the schools?*' when they are listening to these things on the radio. I think it is just timely to urge that.

I know, Mr. Speaker, that you do keep order. But I would just like to mention that because when you look at hundreds of children there and they are very disciplined then it does give us a lot to think about, as to how we should conduct ourselves in this honourable House.

So my support for this motion continues. However, I have put forward, as I see it, the only solution to this problem that is clearly within the ambit of this House is if there is a problem with the law in this respect then let us legislate in this House, let us go in the Select Committee, let us draft what needs to be done and bring it to the House and put it through. I have put that forward constructively because that as I see it is the ultimate solution to this problem if the legislature seriously wants to solve it. Thank you.

The Speaker: Does any other Member wish to speak? The floor is opened to debate. If no other Member wishes to speak, does the mover wish to exercise his right of reply?

The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, thank you very much. The job of a Member of this House is to be so watchful, so careful, and so observant of the needs of his constituents or the needs of the entire country, that if he sees a situation that is not being handled and is not being dealt with correctly, or if we know that the Government is being one-sided, or taking sides, or that the Government is not doing anything about it, then it is our duty to come to this House to find ways and means of addressing those problems. This motion is such today.

Mr. Speaker, two members have gotten up to tear down the Opposition on this Backbench for a matter that the Government of the Cayman Islands should have done something about a long time ago. I am not here to

talk about Governments thirty years ago or eight years ago. I am here to talk about this present Government—one which the Minister of Education is the Leader of Government Business.

He is not the Minister of Commerce and Works neither is he the Minister responsible for Communications and Environment, whichever one we want to put these licences under. But this Government is responsible.

I had hoped that I would not even have had to reply to this motion because it is technical in stages. But, you know, Mr. Speaker, having listened to the Minister of Education and the Fourth Elected Member for George Town, I cannot leave the misleading things without trying to correct them because what the Minister of Education was saying, is completely misleading. I don't know yet what the Fourth Elected Member for George Town was trying to say—

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, with respect, on a point of order.

The Speaker: I was about to call.

Hon. Truman M. Bodden: He said what I said is misleading the House. I think he should explain that or withdraw it, sir.

The Speaker: Yes, I was just about to call on that. I think there are other words and that was his point, you have made yours but please explain it.

Mr. W. McKeeva Bush: That's right, I have made my point that he is misleading the House and I am going to tell you how he is misleading the House, Mr. Speaker. Would you allow me to?

The Speaker: I would just want to record that he has a right to say that you are misleading so let us not get into an argument on that today. Please explain what you are saying but I am not prepared to entertain it, misleading.

Mr. W. McKeeva Bush: Well, Mr. Speaker, you will have to find the word because I really don't know what else it is. He is confusing the issue, that is probably a good way to put.

The Speaker: Make your explanation, please.

Mr. W. McKeeva Bush: Mr. Speaker, I had planned to deal with him last but since he rose on a point of order, I will deal with him first.

The Minister, as usual, confuses the situation when he knows they should have acted. The best thing that they can do is to confuse the issue and then try to blame whoever is raising the matter for not getting something done. So that is the Government's hobbyhorse these days. That is their defence—to confuse the issue, then to blame the Opposition.

We cannot blame the Opposition in this matter. The Opposition is doing its job in bringing this to the forefront in this legislature.

Now, Mr. Speaker, the Minister went on to talk about legislation is made here, trying to make us believe that this matter . . . in fact, that is what he had said: that this matter can be solved by legislation or an amendment.

Mr. Speaker, the solution of this matter is not within the hands of this House and no legislation has to be amended in this case. The fact is, Mr. Speaker, that Government—

[Interjection: Let it go!]

Mr. W. McKeeva Bush: Not in this case! The Government answering a question here some time ago said that the company, Esso Standard Oil, has no licence but for that of bulk importation and distribution of fuel. That is what the Government said. The Government told the House that! The company does not have a licence to retail oil and gas. The company does not have a licence to operate a convenience store. The company does not have a licence—that is a fact! So do not blame the Opposition. Do not come to this House and say that it is within the hands of this House.

You know, Mr. Speaker, I am really getting tired of the Minister trying to confuse the whole House and in turn the country. And in turn blame those of us on this side that say we are Opposition.

Mr. Roy Bodden: He is over there laughing now!

Mr. W. McKeeva Bush: It makes him laugh! He who laughs last, laughs best.

Mr. Speaker, the Government says that they don't have these licences. Then what really needs to happen, Mr. Speaker, as we amended the motion to say the relevant Board must be allowed to do its business, and then we see Government talking to one side but would not talk to the other side, we have to question what is going on and that is why the motion is partly before this House today.

Did the Minister of Commerce, did the Minister of Environment, did the Minister of Education ever talk to the owner of that service station?

Mr. Roy Bodden: They begrudge him!

Mr. W. McKeeva Bush: Did they ever talk to him? Did they talk to the people from Esso? I have seen them within this legislature talking to certain ministers. This is not right.

And when the Opposition see these kinds of things, we have to protect our constituents, the people of this country.

Now, Mr. Speaker, I know a little bit about it when I say that the complaints have been going on for years, as the Minister of Education said. The people came to me when I was in Council and I talked to them—but I was not the Minister responsible, I could not take a paper to

Executive Council but I did raise the matter. I did say to them that something ought to be done. But the answer then was one that I am hearing again today—that this is a private thing. It is not a private thing! It is not between two companies just so, Mr. Speaker.

The Government of this country has a job in that the Government licenses companies. And, Mr. Speaker, when we see the Government prosecute a Jamaican national living in this country for 30 years but this company can go on—

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

Hon. Truman M. Bodden: Government doesn't licence companies. The Trade and Business Licence Board, before that the Immigration Board licenses these companies.

Mr. W. McKeeva Bush: Mr. Speaker, I take that point. He is right. The members—

POINT OF ORDER

Hon. David F. Ballantyne: Mr. Speaker.

The Speaker: The Honourable Second Official Member.

Hon. David F. Ballantyne: On another point of order without intervening in the matter, the prosecution in the islands is a Constitutional responsibility of the Attorney General rather than the Government. Although the Attorney General's Office is part of the Government but it is a matter that is within the responsibility of the Attorney General. So I simply point out that.

Thank you.

Mr. W. McKeeva Bush: No, I am not questioning that. Mr. Speaker, both are correct. And I want them to know that I am not really saying that the Government is responsible. I take the point by the Honourable Attorney General—matters are put to him and it is weighed on its merits or its legal or illegal whatever. I think he made the correct point.

I would say this concerning the Minister of Education interjection: While they do not grant the licences, they appoint the people that grant the licences. The political system does that.

The country has a board appointed by the Executive Council of this country. And what needs to be done is for that Board to do its job. When we have the Deputy Chief Secretary (the Chief Secretary at the time because he was acting) came here and said that the company had no licence, then what was happened? As I said, what we look at—and I am not questioning the honourable courts, what I am saying is that when we see a Jamaican national sentenced to one month for hiring people without a

permit and if he breached the law, then the law was breached—I have no question with that. What I am saying is: Why has this company, Esso—a multi-national corporation, millions of dollars at its disposal—been allowed to carry on these businesses without the requisite licences? That is the crux of the matter before us. Not an amendment by this honourable House to any legislation.

Mr. Speaker, the Minister of Education was specific to say that we must attend the committee meeting and organise an amendment to say oil companies can't retail oil.

[Laughter]

Mr. W. McKeeva Bush: Mr. Speaker, I know that he has to defend the Government but really he should have sat down at that point and let the Minister of Commerce or the other Minister who was responsible for this answer. He should not have taken this on!

Mr. Roy Bodden: True!

Mr. W. McKeeva Bush: He should not have taken this on because it is utter nonsense. No amendment is needed to the Trade and Business Law of this country. What is needed is for the company to be licensed and what is good for the goose in this country, must be for the gander.

Do we continue by saying, Mr. Speaker, that a poor man and his wife who struggle to do a business . . . and I have been at both ends of this thing. They sell and you can't? I said no! If you worked and built up a business and you want to sell, once you go through the right channel, you should be allowed to sell if you come to that point in your life that you don't want to operate your business. But in this case, this man wants to carry on his business, he wants to be able to—and he has built it up, Mr. Speaker, and this thing has got to touch us.

Don't say that we are playing politics. I don't live in George Town but even if I lived in George Town—and the truth is, the man is my constituent, somebody pointed out, I just realised that! That has nothing to do with it! It has happened before and it will happen again.

They must realise that this motion goes beyond the specific case. But do you know what? Even if somebody wants to say that is what it is all about, let him say that. My position is that a wrong has been committed in this country and whether it is from George Town, West Bay, North Side, East End or Cayman Brac, it is wrong. And if it was wrong for the Jamaican national who lived here 30 years, it is wrong for the Esso Standard Oil with the billions of dollars. It is wrong, wrong, wrong, wrong!

The motion goes beyond this specific case at hand, Mr. Speaker, because we don't want it to happen to anyone in the future. That is what this is all about! And what is going to happen, Mr. Speaker, is that if they are allowed to continue and they get away with this one, they are going to do it to others.

We have a law—and I want to make that clear to this House and to the country, Mr. Speaker. We do not need to do as the Minister of Education has said, we do

not need to bring an amendment to the Trade and Business Licensing Law. This has nothing to do with that. What this is all about is that this company is operating in at least three different areas without a licence to do that kind of business. In so doing, they are hurting a local company; they are pressurising them. We can't allow that.

Since government has been aware of certain instances, and since it has done nothing about it, we had to bring it to the forefront. So, Mr. Speaker, it is really nothing as the Minister of Education has said. I think that he should not have even spoken in this debate because he really seemed like he didn't know what he was talking about—but he knew what he was talking about. I know that he has better sense than that! He was confusing the issue!

Mr. Speaker, as to the debate on the matter by the Fourth Elected Member for George Town, I still don't know where he was at. And, Mr. Speaker, I wish you had intervened. He mentioned at some point in his speech about having to look at the entire good of everybody. What that was all about I still don't know. Not one or two retailers, he said.

[Inaudible interjection]

Mr. W. McKeever Bush: Let him insinuate whatever he wants to. If what is being done to this one company—this one retailer—is allowed it will trickle down to other retailers. That is the crux of the matter.

The fundamental problem is that Esso does not have the proper licences. They are not licensed to do the business. How can anyone even hint that they must be left alone? How can we leave it alone if they are wrongfully doing what they are doing?

He talked about competition. You know, he is another one that is seriously confused! The situation of Esso operating a business without a lawful licence has nothing to do with competition, has nothing to do with nationalisation. And he should be the last one to talk about nationalisation. Nobody is saying anything about nationalisation—this has nothing to do with what Jamaica did. He read the wrong book this morning or last night.

We are saying here, Mr. Speaker, that a multinational corporation—which doesn't have a licence—is preventing a legitimate Caymanian company—probably so licensed within our laws—from being able to serve its customers and from significantly realising returns on its investments and labour, which is at the very core of our free enterprise system we talk about. That is the crux of the matter. The inability of this company to operate without curtailing the ability of Caymanians to benefit from its products and services.

The Fourth Elected Member for George Town was completely out to sea—without even a boat! Even without a life vest! He was lost! He didn't know what he was talking about and he is another one who should not have spoken in this debate. Only to get up and think that somehow he can get the best of us. He has a long way to go and he better understand that!

Mr. Speaker, I think that those of us on this side who say that we are Opposition have done the right thing in bringing this motion to the House. I think, Mr. Speaker, we are asking . . . and the Honourable Chief Secretary recognised it. He must have recognised it because he accepted it. So how can the Minister of Education contradict him by confusing this situation? The Honourable Chief Secretary said he knew that this was happening—he said that!

The Speaker: Just refer to him as the Honourable First Official Member.

Mr. W. McKeever Bush: Sorry!

The Speaker: Refer to him as the Honourable First Official Member.

Mr. W. McKeever Bush: Yes, okay, Mr. Speaker. The Honourable Chief Secretary—the Honourable First Official Member.

Mr. Speaker, I don't think I need to say anymore on this. The fundamental problem is that Esso Standard Oil does not have the proper licences, they are not licensed to do the business, and I don't see how anybody can say anything else. That is the crux of the matter. The end result is that they are pressuring a local company and we are saying to the Government to get their relevant authority to act and it should be done quickly because they know it is a problem. I would hope that the political arm with five members is not stopping the official arm with three members from getting its job done.

Mr. Speaker, one last comment on the conduct of Members of the House.

[Inaudible interjection]

Mr. W. McKeever Bush: Mr. Speaker, Parliament is the house of debate—and heated debate at times. We can carry on and go too far, and we have at times. But those members that provoke it are the biggest sinners. Those members that get up and call people fools, idiots, that talk about people who don't have education and have no sense—that is the kind of thing that brings the heated debate. The Minister of Education—who is the Minister responsible for schools—ought to be in the lead with conduct.

Thank you very much, Mr. Speaker.

The Speaker: I shall now put the question on Private Member's Motion No. 15/99 as twice amended. All in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 15/99, AS TWICE AMENDED, PASSED.

The Speaker: We shall now suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:37 AM

PROCEEDINGS RESUMED AT 12:13 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 4 on today's Order Paper, Government Business, Motions, Government Motion No. 4/99, 10 Year National Strategic Plan (1999 - 2008). Debate continues.

The First Elected Member for West Bay.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/99

**10 YEAR NATIONAL STRATEGIC PLAN
(1999-2008)**

(Continuation of debate thereon)

Mr. W. McKeeva Bush: Mr. Speaker, we recognise that the needs of our country, our society, are dynamic. And we must plan for the changes taking place now and those changes that will come in the future. This is a good motion, one that I hope to rise to and put forward my ideas as I view the present and the future.

Mr. Speaker, I have long recognised the need to plan long-term in order to be able to cull a society that fits the needs of the people of these islands. We have a few resources and we must compete in the world market to survive and prosper. We are an open country and are exposed to the fluctuations of global business and demand cycles. When the world sneezes, we catch a cold. That is, when market conditions change we are rapidly affected.

We have grown fast over the last thirty years and the quality of life, or as I like to put it, the wellness of life, has improved on most fronts. Many people, however, did not think far enough into the future in the beginning of that thirty years to sufficiently plan for the kind of world we are living in and developing today. Thirty years ago, the in-thing for a young person was to get out of school and get a job. The banking industry and construction with tourism was booming so the attitude was *let's get what we can get*.

I am glad that some of our people have done well. But for the physical growth and development of our nation, for nation building in the new millennium, we find most of our people to a great extent not prepared. Far too many of our people are not prepared to take advantage of global markets and the advanced technology that will drive economies in the new millennium.

The Vision 2008 Plan has within it tremendous needs, wants, and things that are a 'must do' if we are to survive. As legislators and proponents of this plan, we

really need to get out in the highways and byways of this country to involve our people and let them know the kind of country we are trying to build over the next 10 years and beyond. The greatest challenge I see for this plan is that of being able to take our people along with it. We cannot build over a nation within ten years, and from what I hear we are in a mode of 'want.'

Some people 'want' but don't want in this country. Mr. Speaker, in saying that, everybody wants the same standard of living—nobody wants to regress to where we were thirty years ago. And those of us who care about those at the lower end realise that they are still far behind and not equipped educationally to come to grips with the changes that are being demanded; nor are they equipped to take advantage of the opportunities that exist and that we are striving to create in the next millennium.

We have to ask: Can we keep the standard of living but live with the kind of restrictions that, for instance, certain environmentalist say are needed? Can we keep the standard of living and, for instance, slow down development? The key will be to balance the two. Mr. Speaker, if we keep everything as is right now today, the banking sector will continue (we hope), but not all our people work there. If we kept everything as it is today, the big employers will continue—Cable & Wireless, Caribbean Utilities Company, and Government will continue but not all our people work there.

If we build larger bureaucracies, if we put in tighter restrictions, if we take away the rights of people to sell their land at the price they want, if we do away with real estate and development companies, if we harass investors, what then? The sad thing is, Mr. Speaker, even with some magic we are able to keep things as they are today, those same big employers I mentioned would be forced to find other open environments to do business in which resemble what Cayman used to be.

Where do we go from here? Would the people in the safe jobs—the banks, CUC, Cable and Wireless, National Trust, Government, make a living and plan for the future? Raise their children? Pay their bills? But would those people who are not in those safe jobs be able to do those things? Will they even have a job?

The competitive environment surrounding us has changed tremendously. Thirty years ago, we were unique in our liberal attitude seeking to attract foreign direct investments. Both developed and developing countries today, Mr. Speaker, are going all out to attract high value projects. Some of them even offer very generous incentives including, in some cases, outright grants.

Thirty years ago, there were no banking alternatives in the Turks. Thirty years ago, there were no safe off-shore opportunities in the British Virgin Islands. Thirty years ago, Cuba was not poised to be a power house in the Caribbean tourism market. Mr. Speaker, thirty years ago, the Cayman Islands stood as the prime option for investment and growth in the Caribbean basin. That is a fact!

Many of our competitors have the advantage of lower land and labour costs. We are constrained by our

size and limited resources. Labour costs are still high, but we do know in a lot of cases it is one-sided because far too many people in construction and in tourism are getting wage levels that are not manageable in today's economy. But it is not the Government's job to depress labour costs, but rather to create and foster an environment where higher wages are balanced and sustained by opportunities for business and workers alike.

We do need to step in when we see that advantage is being taken of our people. It is a partnership between worker and employer, and the sooner that some people get that in their minds, the better off we are. Mr. Speaker, business cannot carry on without labour. Labour would not be able to be labour without business with a salary paid. I think at least one person in the House ought to recognise that fact.

Our realm, in any case, must be to create better paying jobs. Also, when we hear statements made about people not being able to buy property and why they cannot buy it—we should ensure that each piece of property is used efficiently and yields full economic return. Now, in order to achieve this market forces must be allowed to prevail. For the value created by the market place, as I understand it, translates into opportunities for wealth to be shared by all those persons involved.

If a person is forced by whomever to sell his property for a lower price than he might otherwise get (whether that person is rich or a man on the street who owns a little lot), he is then unable to share the normal profits with those who work for and with him. What am I saying? That sort of Government control smacks of Communism an ideology that has failed the world over to provide any benefit to the people it purported to help.

You don't create housing opportunities for the lower income by artificially suppressing land cost. You create those opportunities by giving people the tools and the assistance necessary to choose for themselves where they want to live, the kind of opportunities and assistance that we brought forward in the last couple of weeks in the motion for housing. We should not try to force down the level of people's aspirations but lift them up so that they are able to have what they aspire to. That is what is needed, Mr. Speaker.

We must balance the country's needs in housing, industry, commerce, and recreation to provide the opportunities that all our people desire. We seriously need to be watching at the same time the overall cost of doing business in these islands. Mr. Speaker, for us to remain competitive in the new millennium, higher costs in these islands should be justified by higher performance and capabilities. We know that that is not altogether happening especially in government's capital expenditure.

Mr. Speaker, some of the plans in Vision 2008 are costly in terms of money. But we know that all things cannot be done at one time and government will have to prioritise. For these islands to remain successful, it is not good enough to operate the system according to existing rules—trying to do what we have always done. Although it is necessary to constantly fine tune existing policies and replace them sometimes, it is even more important to review the overall framework of policies from time to

time and decide when fundamental changes have become necessary.

I don't think the Cayman Islands—this government or any other government—can do in the future as we did in the past. In fact, that is most obvious from the challenges we are facing. To begin with, government has to lead by example. If we are asking our people to do something, to further the vision of the islands, we must enable them to do so. The old way of managing will surely need realigning to achieve this future vision. All that our people want, all that our people will demand of us, will not be able to be done as quick or in the fashion they want it. And, Mr. Speaker, we as managers, we as legislators will have to say so openly to them—even at the risk of losing votes.

It's no use coming in here talking about land cost, saying you don't mean one thing, then going on the street and saying that people are selling their land too expensive. I think I covered that already but that is what I am talking about. We cannot talk out of both corners of our mouths as legislators. We must openly tell people that all the things that they demand of us, all the things that they might want, might not be able to be done as quickly as they want it or some of them might not even be able to be done.

Mr. Speaker, I will give you an idea of what I am talking about. When I was a minister in Executive Council and trying to get sports off the ground, I spoke to various people and looked at various plans. The plan we came up with for facilities was one of regional centres—a centre in West Bay, a centre in Frank Sound for the Eastern districts, and a larger centre in George Town with a track with smaller fields and a district for practice. Unfortunately, only one person, the Elected Member for North Side agreed with that. Nobody wanted that. Everybody wanted their own centre because that is what their people were demanding of them.

[Inaudible interjection]

Mr. W. McKeeva Bush: In the Government, the National Team, policymakers and supporters, everybody wanted their own because that is what the people were demanding. Everybody wanted to see something in their own constituency, in their own district. Well, we got them but at what price.

Mr. Speaker, perhaps it would have saved tremendous money if we had had a regional medical centre in the Frank Sound area with all its facilities rather than the three clinics we have. Not to say that the people don't deserve it but we are talking about cost and utilising the available resources in the best economic way possible.

Again, we went to what the people wanted—everybody wanted a clinic in their own district and so that is what we got. Not criticising any minister because at times I was the minister responsible. We as legislators have to have fresh ideas, change old habits and be prepared to explain to our people why something cannot be done the way they ideally wish it to be and guide them to the solutions that will enable them to achieve it. That's what we have to start doing.

Mr. Speaker, Look at the recurrent cost of all these facilities I just mentioned. Everybody wanted it, the people were screaming for it for twenty-five years. Vision 2008 gives us a chance to move forward. Fresh ideas, change old habits and explain to our people.

Mr. Speaker, there is much concern for the future of the natural heritage of the Cayman Islands, particularly the preservation in a sustainable fashion of our environment. It has always been my position that we need to establish an equity balance between development and the environment, as I said in the beginning. In recent months, there has been much said about the dangers of over-development and the impact upon the natural heritage that we are entrusted to safeguard for our children. We cannot have our cake and eat it too, if we are to offer to the future Caymanians the type of living standard and opportunities our generation has enjoyed.

In response to this pressing challenge, we need to do more than talk. We are obliged by the trust that the people have placed in us to find solutions. Not just expedient solutions, Mr. Speaker, or solutions that have a short-term political benefit but true solutions, visionary solutions that will balance the needs and desires of all the people of the Cayman Islands.

Mr. Speaker, I suggest we turn our gaze to the future, which the Vision 2008 compels us so to do. In doing so, work together with all concerned citizens to create a pattern and a formula that balances these needs and provides a blueprint for the sustainable and profitable future we all wish for our children and our children's children.

A little more than a full generation ago our islands were a fishing tank, more commonly called "The Islands that Time Forgot," where infestations of harmful mosquitoes endangered the lives of livestock and children. Slightly more than a generation ago, our people had to leave the islands for any hope of a brighter future. Our mothers, our fathers, and some of us in this honourable House today played a part, had the vision to think of our islands as a place where a higher standard of living could exist than there ever had been in the Caribbean before. A place, Mr. Speaker, where we could take the swamps and make them into a safe and healthy paradise. A place where the world would come to do business and, oh, how we have prospered.

The courage of those dreams and the will to make them a reality has made the Cayman Islands today the envy of the world. But the past successes that we have achieved are no insurance for our future success and security. We need to look forward again and map out a future that will ensure the past gains and provide for future growth and prosperity for all our people.

Mr. Speaker, it is with these concerns in mind that I would like us to stop talking and begin planning for the future that is at our doorstep today. An example of what I am expounding, Mr. Speaker, is the balance between development and environmental protection, the use of our current resources to create the kind of sustainable growth to meet future expectations and desires of the people who live here.

As we heard from one member and from others in the community, one current topic that has been hotly debated is the best use of our developable land and its relation and impact on the natural heritage of our islands. Mr. Speaker, there has been much said about the dangers of development but little of constructive use on how to deal with it. By now, we all recognise the need for balance in our approach. Indeed, one of the key pillars of the Vision 2008 Report boldly outlined in the opening statement of purpose is (and I quote): **"That healthy natural and built environment and a balance between the two, is essential for social, economic and political well-being and prosperity."** This is a fine goal but how are we to achieve it?

I believe, Mr. Speaker, that Vision 2008 contains some of the answers if we have the courage to embrace them. What are we to do to balance the real benefits, for instance, of a large project like the Ritz Carlton, which was mentioned by one with the critical on-going concern for the preservation of our mangrove wetlands. Do we put our heads in the sand and hope it goes away? Mr. Speaker, do we drive out the very development that has given us all the standard of living of which we are so proud? Or do we seek a sensible and balanced approach whereby the benefit of development can be enjoyed by the current population and at the same time create a basis for a living heritage of our children.

The pressing need facing us now is to find our way to the future we all want. And to do so, we need to chart our course and take the first steps. I believe that the first course is a thoughtful balance of the benefits that development brings and to couple those benefits to the longer term goals of preservation, both of our natural resources and the economic opportunities in a sustainable way.

As I said, Mr. Speaker, Vision 2008 contains some of the answers. The first step on this course can be found on page 72, Action Plan 7, Step 1 (and I quote): **"Further the onus [for protection, that is] must be placed on the developer to identify and implement mitigation measures for the impact of the project."**

Mr. Speaker, what does this mean? It means that rather than fighting development in the areas that offer the highest growth and opportunity for the people, we should encourage, we should insist that developers work with the people to see that this type of partnership for the future is made a reality.

The Speaker: If this is a convenient time in your speech, we shall suspend for lunch. We will resume at 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:50 PM

PROCEEDINGS RESUMED AT 2:37 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99.

The First Elected Member for West Bay continuing.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. When we took the break for lunch, I said we needed to educate our people on the things that will be demanded of them in order to fulfil the Vision 2008 plans. I said we need to be competitive, to be able to cope with emerging markets around us. I also said that we couldn't create better paying jobs by killing business but that sensible discussion is needed, and that business and labour should be partners.

I said we couldn't under price our land, as we should ensure that each piece of land is used efficiently and yields full economic returns.

Mr. Speaker, I said that if a person were forced by whatever means to sell his property for a lower price than he might otherwise get, he would be unable to share those profits, and that government or any entity or person using that sort of thinking or that sort of control over the market place is using an ideology that has failed—namely, Communism—the world over to provide any benefit to the people that it purported to help.

Mr. Speaker, I had said that you don't create housing opportunities for the lower income by artificially suppressing land cost. We need to create those opportunities by giving people the tools and assistance necessary and that is what we had attempted to do in the motions passed in the house a few days ago.

I also talked about the need to balance development with our natural environment. We need to be cognisant of the critical ongoing concern for the preservation of our mangrove wetlands as against any large development. I said that the Ritz Carlton Project was pointed out by one Member.

Then, Mr. Speaker, do we put our heads in the sand and hope that all this goes away? Do we drive out the very development that has given us all the standard of living of which we are so proud? Or do we seek a sensible and balanced approach whereby the benefits of development can be enjoyed by the current population and at the same time create a base for a living heritage for our children.

The pressing need facing us now is to find our way to the future we all want and to do so, we need to chart our course and take those first steps. I believe, Mr. Speaker, that the right course is a thoughtful balance of the benefits that development brings and to couple those benefits to the longer term goals of preservation, both of our natural resources and the economic opportunities in a sustainable way.

The first step on this course can be found on page 72, Action Plan 7, Step 1, and I quote: **"Further the onus [that is the onus for protection] must be placed on the developer to identify and implement mitigation measures for the impact of the project."** Mr. Speaker, what does this mean? It means that rather than fighting development in the areas that offers the highest growth and opportunity for the people, we should encourage, we should insist that developers work with the people to see that this type of partnership for the future is made a reality.

Mr. Speaker, what would be good for these islands (since the Ritz Carlton was mentioned) is if the develop-

ers of the Ritz Carlton Project were to purchase lands in the central mangroves and donate them to the National Trust as mitigation for the development of lands, which have already been dyked by the necessary efforts to drain for the removal of the mosquitoes, the lands that they are developing.

Mr. Speaker, public energies should not be squandered in opposing validly approved plans, rather they should be spent in working towards this type of positive initiative. And I am not just talking about the Ritz Carlton, it could be any project. The report on page 76, Action Plan 3, Step 3, goes on to say that the purchase of the lands should be paid for out of the environment protection fees. Mr. Speaker, why don't we ask from the developers of the Ritz Carlton and all future developers to offer this mitigation in addition to the fees that are already paid by them? The fees can then be used for other conservation projects.

Also on page 76, the statement aim of the report is to (and I quote): **"Officially declare the North Sound and its remaining fringing mangroves an area of national importance."**

Mr. Speaker, the report also on page 76, goes on to say in subsection 3, **"Amend immediately the Planning law to prohibit any further removal of remaining mangroves (with the exception of access channels) within 300 feet of the outer edge of the mangroves fringing the Western and Southern periphery of the North Sound..."** Mr. Speaker, again looking at this topic and looking at what was said by the Fourth Elected Member for George Town, this is exactly what forms part of the approvals of that development as I understand it, and is reinforced by its environmental guidelines and impact study which forms part of the approvals. This should be the model for all future applications for development on the islands.

This is an opportunity, Mr. Speaker, rather than a problem. It is an opportunity for us to create in a real and tangible way a precedent for how we want our islands developed. And they have said so in this Vision 2008. I say, let us welcome the opportunity for this private investor funded mitigation and enshrine the necessity for detail studies and guidelines along with creating a direct link between development and the effectual ownership of the entire central mangrove by the people of the Cayman Islands for all time.

I believe, Mr. Speaker, that this is a healthy way to go. We cannot roll back the hands of time. Development will have to go [on] if we all want to have a good standard of living. Further, Mr. Speaker, let us guide our people in the appreciation of their natural heritage by adopting the proposal from page 77, Action Plan 6, Step 3, and I quote: **"Implement an educational campaign targeting public and private sectors regarding the necessity and process of Environment Impact Assessments."**

This need not be something that is far fetched or a dream for the future, we can have it today, I believe. Let us agree that an environmental impact assessment becomes a part of all future development applications and that we also insist that these developments provide at

their own expense educational centres accessible to all our people which will teach our children about the heritage we are striving to protect.

This type of educational centre I am talking about is one where recognised experts, biologist from around the globe, come to study the environment of our islands and teach our people about them, whether in the classrooms, town halls but preferably on the central mangroves itself. This type of centre has been successfully established in other countries, which have taken a concerned view of their future natural heritage. In the future, we can train our own people to pass on the appreciation of our heritage to future generations without anyone being able to push in their heads that development can't go on because you are destroying everything.

Let us pull together and use the resources, skills, and energies of all people who love the Cayman Islands to move forward to provide the future we want for our grandchildren, a future they will look back and thank us for.

Mr. Speaker, development and the natural environment can work together but it has to be a balanced approach—not one-sided. If we are going to offer the continued standard of living that we are used to we have to have that balanced approach where both co-exist. Mr. Speaker, how else are we going to pay the kind of mortgages that we pay for our homes? How else are we going to raise our children and give them the necessities of life? Yes, government pays for their education, at least up to high school. But government, too, has to get funds. And where else will they get funds from? The only other place that we will get funds is if we move into direct taxation—and nobody on this side of the House ever talks about that.

Development is where funds come from. And anybody on this side or anywhere else who believes that they can stand up to get political mileage for a few votes and tell people that you have to stop them from charging for their land what they want to, or that you have to stop development is not doing the country any favours. If they are doing all that, then they must come and say where the country is going to get the money from to do the things that everybody needs.

Not only [do we have] wants, Mr. Speaker, but we all have a standard of living, thank God, that we all want to keep. Who wants to go back to the days of outside toilets? Who wants to go back to the days of the caboose? Yes, this is part and parcel of our heritage. Mr. Speaker, but who wants it? Yes, we all like the cake that is baked on the caboose, but we all would not want to give up sleeping in a good bedroom to get that cake from that caboose. Who wants to go back to plantain trash bed?

Mr. Speaker, we have done well. The country has done well over the thirty years. We have failed in certain areas but by and large we know where we have come from and we ought not to let anybody destroy what we have for political mileage.

There was mention about who worked on the plan, some 46 percent outsiders and 50-something percent Caymanians. Mr. Speaker, I have never been one that

believed I can't be told something or I can't be shown something. We don't know that much that we cannot learn something. And we have to stop using and we have to get to a position in this country . . . and we talk about diversity of the population. Well, we have to get to the position where we stop using foreign nationals as scapegoats too!

Yes, some of them might not be able to vote, but some of them can offer and have offered to us—and I say some because not all make their contribution and can tell us certain things because of what they have been through, what they have learned from their own countries. Some people ask me, Mr. Speaker, why I go to conferences in the Caribbean or go to conferences in some countries. I say *'to learn sometimes what not to do'*.

You can learn from any situation. I hope that we can get to a position where immigration is not used for political reasons, vote catching and vote gathering. Mr. Speaker, the biggest job of this plan, some of the most difficult areas to deal with for the plan to accomplish are those that talk about changing the way people think. That, in itself, is a long-term education, to change attitudes. When people are used to doing things in a certain way, it is not easy to turn it around.

The plan talks about Caymanian morals and spiritual values. And how do we bring people back to the morals we talked about, for instance? How do we do that? We have to start in our homes. We have to start in our schools. We have to start in public forums. We have to start when children's minds are elastic enough to gather that information, to understand what we are talking about but we have to do it. I said earlier that we have to sing the same tune—every district has to learn to raise the child.

They talk about, it takes a village—a global village? Mr. Speaker, it takes our own village—we start here to raise a child, but we must all sing the same tune. We must all sing the same song to the same tune. That's how we are going to get passed some of these problems.

Mr. Speaker, globalisation, the rapid rate of technological advancement, has created a completely new competitive landscape. Changing the way business is done, creating new projects, creating new services and markets. Cayman must be prepared to enter that in the new millennium—we must be even more fleet-footed and move decisively to meet these changes.

Mr. Speaker, I congratulate the team on the work they have done. I congratulate the ministry. This is an important document—not everything I agree [with], not everything can be done overnight but it is a plan that the country needs. You have to have a plan to move forward with.

I congratulate the Permanent Secretary, Mrs. Basdeo, on her management. Now, we all have a job of educating our people and bringing our people along so that they can take advantage of this new millennium, we talked about. We have policies that need revamping now and we need new policies. We know, as I said earlier, we cannot continue to keep doing business the same way

we used to. And where we are at fault, let us acknowledge our fault and move forward.

The new millennium is upon us. These are challenging times. I am glad to be alive, I am glad to be a legislator—I am part of it all. I plan to rise to the challenges before us for the 21st Century and pray that Almighty God will continue to bless us in the next thirty years, as He has blessed us in the last.

Thank you very much, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The floor is opened to debate.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. The Cayman Islands National Strategic Plan (1999-2008) is the brainchild of our former Governor, Mr. John Owen. These islands, therefore, owe a great deal of gratitude to him for this plan and other key initiatives introduced by him during his tenure as Governor.

But let me quickly add that I am pleased to note that the present Governor, His Excellency, Mr. Peter John Smith, has continued to develop upon the foundation laid by his predecessor. Vision 2008, which was first announced by Governor Owen in his 1998 Throne Speech, is but one of a number of reform initiatives introduced during his tenure in office, the others being the reinvention of government, fiscal reforms and the public sector management reforms and freedom of information.

Mr. Speaker, Vision 2008 is nonetheless one of the key initiatives introduced to provide for a better and more responsive style of government. Mr. Speaker, the Honourable Minister for Education, Aviation and Planning did a good job in his comprehensive presentation of the motion now before the House. Similarly, my gratitude goes out to the news media for the great job that they have done in educating the public about this plan, Vision 2008.

While it is not my intention during my short contribution to extol the excellency or virtue of the plan as such, (mainly because I am cognisant of the fact that the most crucial aspect of this exercise still remains to be accomplished) I nonetheless recognise the major efforts that have been made by the planning team and others involved in this exercise.

Mr. Speaker, the most important part of this plan is yet to come—and that is the implementation phase of the plan. In Mr. John Owen's 1999 Throne Speech, he stated that the two key challenges facing these islands today, will be the OECD, EU and G7 initiatives; and the implementation of the Vision 2008 Plan. So, Mr. Speaker, he has placed the implementation of this plan amongst the top 10 percent of the matters that require to be dealt with.

Mr. Speaker, though the OECD, EU, and G7 initiatives will have a major impact on the success or otherwise of the implementation of this plan, it is not my intention to go into any detail on that subject except to say that Vision 2008 and all other similar exercises will be relegated to the wastepaper basket or at best become an academic exercise if we are unable to reach a satisfactory agreement in regard to the Cayman Islands position

within the global marketplace and more specifically as it relates to the OECD group of countries. In this respect as regards the OECD group of countries, we have demonstrated in a number of ways our commitment to maintaining a quality jurisdiction which acknowledges our responsibilities to the international community.

Mr. Speaker, let us not lose sight of the fact that the 10 Year National Strategic Plan is exactly as it says—at this stage it is only a *plan*. Some people have described it as “blueprint for the future,” others a “design” or a “scheme.” But it is basically a plan. The success of that plan will be determined by the success of its implementation.

The foreword to the plan states (and I quote): **“The 10 Year National Strategic Plan is based on the belief that the Cayman Islands can continue in harmony and prosperity if we implement the recommendations of Vision 2008 according to the principle of balance growth and integrated policy development.”**

The plan, as is stated in that paragraph, is based on the beliefs in the continued smooth and uninterrupted future development of these islands. But it should be noted, Mr. Speaker, that it is highlighted that implementation of the recommendation of Vision 2008 is the most crucial aspect of this exercise. In other words, the key challenge of Vision 2008 still remains to be accomplished. I, therefore, trust that all those responsible for the success of the plan thus far are totally committed to its implementation. It is only then, that any conclusions can reasonably be reached as to its success. This does not, however, take away from the hard work and efforts of all that have contributed in bringing the plan to this point.

Let me, therefore, congratulate the Vision 2008 team under the able leadership of Mrs. Joy Basedo, the Executive Director. And, of course, her assistant, Mrs. Hyacinth Connolly, the Strategic Planning Facilitator. Also the Planning Team members and the Round Table leaders and last but by no means least, the Strategic Integration Group under the able chairmanship of the Governor, responsible for the co-ordination of the various initiatives including the Vision 2008 Plan. I was somewhat disappointed to have not heard more mention made of the role that was played by the Strategic Integration Group.

Mr. Speaker, many of the previous speakers have spoken on the plan. But I do not intend to spend a lot of time speaking on the plan because as I see it, it is list of wishes for the future, beliefs, a blueprint of what we would wish to see happen. I will concentrate somewhat more on the implementation phase of the plan.

We have seen a number of very good plans come and go, Mr. Speaker. But there has to be a will for the implementation of those plans for them to be successful.

A key ingredient to the mix of initiatives necessary for the successful implementation of the National Strategic Plan, or Vision 2008 as it is known, is to have bipartisan political support of the plan. Mr. Speaker, my good colleague from Bodden Town, the Third Elected Member, stressed that point and I could not agree with him more that one of the beautiful aspects of the preparation

of this plan is that it received the support of both sides of this House. So, no one will be able to gain political mileage by saying to somebody else, *'it is your plan and if it doesn't succeed, you are responsible'*. We are all responsible for this plan. So, it is our duty and responsibility to see that it works.

Mr. Speaker, the crucial ingredient that remains to be accomplished is that of the implementation of the plan. This can only be accomplished by the full support of the same people that prepared the plan, the people of the Cayman Islands. It will be calling for human resources to support it, it will be calling for certain funds to make it work and we will have to depend on the same people that have asked us to put their objectives in place in the form of this plan.

A number of strategies and objectives have been included in this plan. But how will these strategies and objectives be implemented? Has sufficient attention been given to the necessary commitment and training of senior civil servants and their staff? What is the human resource policy in this regard? Why is it that the key individual responsible for putting this plan together, the Executive Director, was not allowed to continue until at least the first implementation phase of the plan was completed? Why is it that she is returning to full-time work in the portfolio on the 14th of this month? The question remains who is to co-ordinate the plan? I realise that the Vision Office is still running and will be put in place but we all know that the success of any organisation depends on a good leader.

Mr. Speaker, in addition to who will co-ordinate the plan, what new way of thinking is required? We have a number of senior civil servants that have been accustomed to doing things in a certain way. Are those individuals being afforded the opportunity to obtain effective training that will prepare them for this next phase of this plan? How will this information or communication be facilitated? Mr. Speaker, the most crucial question is: When will they begin?

There is no use for members to get up in here and talk about the excellencies of this plan—it is such a beautifully bound plan, it has a pretty cover, it is going to do wonders for this country... That is not so! It will do nothing for the Cayman Islands unless it is properly implemented.

Now, Mr. Speaker, the main question is that effective training be put in place so that the permanent secretaries and their departments and units, ministries and portfolios will be able to do the proper implementation of this plan.

I will just take a minute to look at the Key to this plan. From page 60 it makes reference to the setting of priorities. It says here, Mr. Speaker, under setting of priorities that the strategies and action plans developed within the Vision process cover a vast range of subjects, all of which are important to the community. Integrated growth management requires policy development and implementation to be an on-going process. Throughout this area of the Key, reference is made to the need for effective implementation of the plan.

Mr. Speaker, I am going to be speaking on this particular point for a bit longer because it is so important and I am wondering whether there is enough understanding and realisation within the top echelon of government that sacrifices will have to be made at the top level of the senior civil service personnel in order for this plan to become a success.

Mr. Speaker, programmes begun in the initial phase with policy formulation and data collection, which may continue into the second phase for implementation and the third for programme assessment and modification. It is also important to note that the sequence of implementation of our suggestive objectives is much more important than the time period suggestion. That is very important, Mr. Speaker. There is no use—the people that will be responsible for directing these initiatives, sitting back and saying that they are not prepared either in their minds or with the knowledge that they have to take this plan into the next phase of implementation.

The same thing will apply to the financial reforms when we get to them. We here a lot of talk about accrual accounting, that is the password in this House, and I wonder sometimes if a lot of the people talking about it realise how much work is going to be entailed in doing this. This plan is no bigger or no better except for the fact that it had the input of our Caymanian people, for instance the tourism that was done. But where is that today? Where is the tourism plan? And I am not going to say how much better our road system would have been if the Master Ground Transportation Plan had not been scuffled.

Mr. Speaker, the planning team is cognisant of the fact (and I am reading from the Key, page 61) **"That government resources, both human and economic are finite and that priorities must be set so as to achieve balance development in the most efficient manner. The planning team is also aware that the greatest efficiency and public benefit will be derived if the action plans are implemented in a balance and integrated fashion consistent with the unifying theme of developing in harmony and prosperity which vision has established."**

Mr. Speaker, I will be touching on the area of the phasing as I move along but I cannot stress too strongly the importance of us getting the proper human resources, the economic resources put together in order that this plan can now move ahead. Why is it so important that it moves ahead in this balanced manner in which I have just referred to? The importance is that it is not our plan, it is not the plan of any Member of this House—it is the people's plan. It is the people that put this plan together. So we have a duty and we have a responsibility to see that it is implemented in a timely and proper manner.

On setting priorities, the passage goes on, therefore, within the framework of integrated growth management, the following criteria was used in establishing priorities and allocation to phases: **"Urgency: The determination of carrying capacities for our natural environment, built environment, economic, human resource, social and cultural, cost effectiveness and**

implementation logistics." Mr. Speaker, I would just like to pause here.

We have heard a lot of rhetoric about the destruction of the natural environment. Mr. Speaker, until this country is prepared to accept that there needs to be a happy balance—a balance that the people of this country can live with—then the Vision 2008 Plan is just a big academic exercise. It will not be put into any kind of implementation phase. We need to understand that some amount of destruction will be done to the natural environment.

As much as we would hate to see some of the trees in this country pulled down, if we are going to talk about developing the Cayman Islands under a sustained plan of development in accordance with Vision 2008 Plan, then we have to be sensible and understand that some sacrifice will have to be made.

The same situation will occur with the marine environment. We want to bring in more tourism, our docks getting busier, we are importing more stuff, then we will have to expand the docks. To expand the docks, it might mean that there will be some degree of siltage. Mr. Speaker, one Member in this House used a phrase, I don't think it is original but it was appropriate. I don't think it was used in the appropriate circumstance but one cannot have one's cake and eat it. I think that Member was taken to task by one of my good colleagues.

[Inaudible interjection]

Mr. Linford A. Pierson: Mr. Speaker, we also have to look at the cost of operating these islands. Many people believe that despite the fact that we have perhaps the paradise of the world, not just of the Caribbean in which we live, that we are fast pricing ourselves out of the market.

It has gotten so bad in the Cayman Islands that it is difficult to say what is the standard of living of people in the island. How do you measure one's standard of living? It cannot be measured by the yardstick of one's salary—it must be measured by the purchasing power of that salary. What can you obtain with that salary? And what are the other amenities that are available to the people living in the country?

We also hear, Mr. Speaker, that our per capita income is so high. That is a big joke! What we have to take into account is that at least 45% to 50% Gross Domestic Product (GDP)—or the income generated in these islands—is shipped away from these shores, is transit income. It is taken back to the country where these people come from!

We need to also face the reality that many of our people are suffering in these islands. Some people can't even find a decent place to sleep, a decent room to put their children in. Up to yesterday, my colleague and I (and this happens quite often), the First Elected Member for George Town, had to listen to the very sad story of one of our constituents. This is all a part of looking at what we want our islands to look like by the year 2008.

We want ensure that our people are taken care of. Not just to be able to present a beautifully bound volume

and say this is what we have put together for the next year. The greatest asset of these islands that must be protected is our people. In this whole equation, we want to ensure that their interests are well protected.

Mr. Speaker, if you would like to take a break, I would be pleased to do that.

The Speaker: Is it convenient to you at this time?

Mr. Linford A. Pierson: Yes, Mr. Speaker.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:33 PM

PROCEEDINGS RESUMED AT 4:19 PM

The Speaker: Proceedings are resumed. Debate continues on Government Motion No. 4/99. I would entertain a motion for the adjournment because the Member who was speaking is not here.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I know that the last speaker, the Third Elected Member for George Town is tied up in another important meeting here and it's just about time for adjournment. So I move the adjournment of this Honourable House until next week Wednesday at 10:00 p.m.

The Speaker: If I may ask the Honourable Minister for Education, Aviation and Planning. A Paper has been circulated that they have asked for the Immigration Select Committee to meet on Wednesday and Thursday of next week. I don't know if that has been approved by the House.

Hon. Truman M. Bodden: Mr. Speaker, the Honourable Second Official Member has kindly agreed to put that committee on Friday and Monday instead, so that the House could go on Wednesday and Thursday and finish this motion, sir, and get it out.

The Speaker: So the question is that this House do now adjourn until Wednesday at 10:00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10:00 a.m. on Wednesday.

AT 4:21 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 7 JULY 1999.

**EDITED
WEDNESDAY
7 JULY 1999
10.28 AM**

[Prayers read by the Fourth Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. There are no announcements. Item 3 on today's Order Paper, Government Business, Motions; Government Motions No. 4/99, The 10 Year National Strategic Plan (1999-2008), Continuation of debate thereon.

The Third Elected Member for George Town continuing.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/99

10 YEAR NATIONAL STRATEGIC PLAN (1999-2008)

(Continuation of debate thereon)

Mr. Linford A. Pierson: Thank you, Mr. Speaker. On Friday (2 July), I commenced with my contribution on Government Motion No. 4/99. During my introductory remarks I paid compliments to various individuals directly involved in the preparation of the Vision plan including former Governor, John Owen, whose brainchild resulted not only in the birth of the Vision 2008 Plan but also in a number of other government reform initiatives.

Mr. Speaker, I also quoted from Mr. Owen's 1999 Throne Speech when he stated that the two key challenges facing these islands were the OECD, EU, G7 initiatives, and the implementation of Vision 2008. And, Mr. Speaker, how true!

Before continuing on that, because the 10 Year National Strategic Plan is so broad-based it covers the whole operation of the government and sets the plans and objectives of these islands for years to come, I feel and I must compliment you Mr. Speaker, for allowing the latitude you have on this most important plan, since every aspect and facet of our country is directly or indirectly impacted.

I was concerned when I read yesterday's paper but at the same time I wish to compliment the *Caymanian Compass* for the very comprehensive article written by one of their journalists on one of the major pillars of our economy, tourism. One might ask what has tourism and finance to do with the 10 Year National Strategic Plan. My answer would be it has everything to do with it because the success of any forward planning will depend on the continued growth and development within these two key pillars of our economy. Therefore, when I see a

problem in tourism, I begin to wonder about the success of any plan we are now making for the future. But, Mr. Speaker, that said, I do feel that the Tourism Department and the Ministry are doing an excellent job, considering the amount of competition they have to cope with.

I want to congratulate Mr. Hue for the comments he made on this most important article. Indeed, Mr. Speaker with your permission I also wish to briefly refer to the editorial that was done on this major subject. It was such an important subject that it was given the full attention of the editorial in yesterday's paper.

Reference was also made about the economy by one of our leading business people in this island, Mrs. Gailya Hall, in her speech as she took over the reigns of the Chamber of Commerce. Mr. Speaker, we cannot ignore these matters, and I am not here to try to push this out of proportion because I do believe (as was said in the paper) that we have time to correct the problems that are facing these islands. I, like others, find it somewhat ludicrous that the Department of Tourism (DOT) would want to blame the NATA conflict in Kosovo and the shaky financial markets across the globe (in view of the Y2K crises) to the slow down the tourism market in Cayman. That could be some of the problem, but I do believe and I share the view of others that the major problem facing these islands now is that we are perhaps pricing ourselves out of the market.

Mr. Speaker, I have long said that we needed to put a lot of attention on the situation occurring in Cuba. We might feel that because of the devastation caused by the Communist government in Cuba that we have nothing to fear from that country. When I see that there is only a growth of 2.5% in tourist arrivals in Cayman as compared to 33% in Cuba, then I begin to sit back and wonder exactly what is going on.

I also note that we can hardly blame certain external factors for the slowdown in our tourism growth when many of our Caribbean neighbours are experiencing fairly good growth. Even Jamaica, which has been accused of having so much problems, has a 3.9% growth. I believe that we are indeed pricing ourselves out of the market and that we are not giving the sort of value for money that can be obtained by the value-conscious tourist elsewhere.

That is why, Mr. Speaker, that during the budget debate I was extremely critical of the increase that was placed on families in these islands in regard to book rentals, etcetera. I felt that the necessary funds could have been found elsewhere and that we would not have to continue to burden these families with these kinds of costs.

Mr. Speaker, for whatever reason there is a misconception that the Cayman Islands has such a high stan-

dard of living, that everybody shares in that standard of living. The per capita income of these islands is perhaps the highest in the Caribbean and maybe some parts of the world. But what is hardly known is that there is a transient amount of this per capita income that does not remain within the Cayman Islands. At least, 45% of that per capita income is attributed to the contribution made by expatriates working in these islands—most of who send their funds back to their native lands.

I think it was the First Elected Member for George Town that reminded us in this House recently that of the total budget agreed by the Government, there is only approximately 70% that we can say we receive value for money on. That relates in money terms to about \$90M that we are not receiving value for money on. We could do a lot with that money.

Mr. Speaker, there are many areas that we need to be concentrating on. We still have a lot of time as regards the tourism industry to do something about it. Let us start concentrating on the area of value for money. Let us once again look at the tremendous cost that is being placed on the shoulders of the people that are expected to do business within the economy.

I trust that the Ministry for Tourism and the Department of Tourism will indeed accept my comments in the good spirit that is intended, and that is to assist in this crucial problem. This is not a matter for any of us to play politics with. We could get up here on the Backbench and we could be very critical and some could say, '*Oh, it is easy to criticise. Now let's find a solution*'. I am speaking for myself (and I am sure for others from the Backbench) when I say that I am also interested in finding the solution because I have nowhere else to go to live. I have to live here like many of our fellow Caymanians. Let us put our shoulders together and try to address this major problem, even if it means reducing some of those fees and revenue enhancement measures that were brought to this House recently. Let us again look at it and see how we can give more value for money, how we can reduce the cost of living in these islands.

Mr. Speaker, sometimes I wonder why even in the churches, the Rotary Club and other organisations, we find so much attention being placed on areas like Haiti and other areas for Outreach missions when there are so many dire needs right within our own country. I alluded to this problem on Friday, but I will again say that charity begins at home. We should start looking at the problems that are facing our own people due to the high cost of living and the lack of value for money. Some of them have to hold two or three jobs in order to make ends meet. It is not a question of being greedy, it is a question of being able to feed their children.

I would recommend to any government of which I may be fortunate to be a part of in the future, that one of the first areas of attention should be to look at the plight of the poorer people in this country. Mr. Speaker most of the taxes from which the Government is able to earn the enhancement measures has to be taken from the people even though we might say that there is no direct form of taxation in these islands. The consumption tax—or indirect form of taxation—borne by the people is creating an

unbearable burden. That is one of the areas that I would ask that urgent attention be given to.

We are not talking here about political rhetoric, we are talking about basic practical realities of life. Even Mrs. Hall in her inaugural address when she was elected the President of the Chamber of Commerce said that some of the main issues included the rising cost of doing business, immigration matters, long-term economic planning, traffic concerns, government and financial reform. She also mentioned the UK's White Paper and, of course, the single most important problem facing this country, the OECD tax harmonisation proposals. But, Mr. Speaker, things are not as rosy as some of us politicians would like others to believe. And I again congratulate the *Caymanian Compass* for giving this most important issue front-page coverage.

The other main pillar of our economy is finance. I am mentioning this because it ties so well into the Vision 2008 Plan, without which the plan becomes an academic exercise. The major challenge facing the Cayman Islands today is the OECD, EU, and G7 initiatives. Mr. Speaker, notwithstanding the amount of time that has already been placed on this important subject, I am still of the view that more time should be given to it. It should be placed as the top priority item in the Cayman Islands.

Mr. Speaker, there are many issues yet to be resolved and I will not go in to many of the details because this can be better dealt with at some other forum. One that we need to be looking at at present is engaging more directly into a proactive stance on issues that are important to this whole exercise. As we were reminded on a recent trip to the UK by the Foreign and Commonwealth Office, the treasury officials and others, the UK stands firmly behind the initiatives and it is not their intention to see these fall by the wayside.

Mr. Speaker, let us get down to the task of engaging countries such as the United States in direct dialogue so that it is made very clear to the international world what our position is on these crucial subjects.

In order for us to maintain sustainable and continued economic growth, it is important that the people of these islands be fully trained, that top priority be given to training our people within and outside of the public service. I am cognisant of the fact that training is now being given to our senior civil servants and others within the service as I am aware is also being done within the private sector.

Mr. Speaker, one of my concerns is that sufficient training will also be necessary. It is all well and good for us to say that the success of Vision 2008 will depend upon a trained civil service. But if the political directorate is not given equal training, then they will hardly be in a position to cope with the new challenges that will face them. This is why I believe that the people of these islands will look very carefully at the selection of their representatives in the next election. From what I hear on the Marl Road, they are already concerned that a proper selection of people capable of leading this country over the next few crucial years of our history will come forth, be counted and take up the responsibility of leadership in these islands.

Trained human resources are the key to our success. There is no use in our people complaining about expatriates taking our key positions unless they make the effort to get the necessary training and unless the opportunities for the training are made available to them.

Mr. Speaker, it is also important that those officials responsible for higher administration learn the heart of delegation. I have said here in the House before, and I say again, that some of the key people are spreading themselves too thinly. They are becoming jacks of all trades and masters of few. The intention is good, but the results are disastrous. In order for this country to continue as the fifth largest financial centre in the world and continue to receive the respect of the international market, the Cayman Islands must pay serious attention to the development of Caymanians to fill these key positions.

I was reading a report made on the Bahamas, and one of the things that they proudly stated—and in which they also ridiculed places like the Cayman Islands on—was the fact that most of their key service providers are Bahamians. Most of their top civil servants, most of the top people in the private sector are Bahamians. Mr. Speaker, before I am taken wrongly, let me quickly say that we are happy to have the expatriate professionals that we have to bring into these islands. They are doing a fantastic job. What I am saying here is that more attention must be given to training our own people to fill these top positions.

I also feel that government must pay more attention in ensuring that where Caymanians are qualified and capable to fill positions, they are not unduly and unnecessarily held back.

Mr. Speaker, recently in this House I mentioned the problems that we will face again, come the preparation of the Year 2000 Budget. It was precisely against that background that I recommended that urgent attention be placed by the Finance Department of the appointment of a think tank so that ideas could emanate from the private sector and become involved in the whole budgetary process. But, here again, this most important exercise is lagging behind.

I know, Mr. Speaker, that if this is not done with all the talk about trying to bring the budget in line with the accrual accounting process and the other technicalities that will be brought into that process, we will again be asking that more and more taxes be placed on the backs of our people. We are not coming up with new and innovative ideas for that process; we are following the old system introduced in the mid-sixties. The only thing that we have done with the budget, for instance, is to improve the presentation because the volume has gotten larger but the basic principles of the budget remain the same.

Mr. Speaker, it is also important (before I move away from the economy) especially in the private sector that we attempt to carry on the business within our financial industry above board so that there can be no criticism from the international forum. We are within a global economy and whatever is done in the Cayman Islands is known in New York, London, Frankfurt, Tokyo, Hong Kong, Singapore, just to name some of the key financial

centres that we have to compete with. Already we have places like the Bahamas rejoicing in a way that the Cayman Islands, being a British Overseas Territory, will be at a disadvantage under the new OECD initiatives. They, as an independent country, will not have this problem.

Even though I know they are terribly mistaken about this, because it was made known in no uncertain terms that independent countries like dependent countries will be taken to account for their stewardship in this regard, we should understand that there are many of our competitors, our neighbours, that would like to see the demise of our financial industry. This is why I have to congratulate the Government for taking very stringent measures against any bank in this country found to be working outside of the Basle System of Banking or of the Code of Conduct that has been approved between the bankers. Mr. Speaker, long may this continue.

On the question of the Organisation for Economic Co-operation and Development (OECD), the European Union (EU) and the group of G7 countries, G7 initiatives, we should understand that these will significantly and materially impact upon most of the ongoing government reforms. Mr. Speaker, the ongoing reforms as we know are the Vision 2008, the Re-invention of Government, the Public Sector Reforms, Management Development and, of course one of the most important, the Fiscal Reforms.

The philosophy of the plan as expressed in the foreword to the plan, and I quote, "**The 10-Year National Strategic Plan is based on the belief that the Cayman Islands can continue to develop in harmony and prosperity if we implement [and I stress that word, Mr. Speaker], if we implement the recommendation of Vision 2008 according to the principles of balanced growth and integrated policy development.**" It was against this background and with this knowledge in mind that I suggested in this House that there is no place at this point in time for euphoria or rejoicing over the Vision 2008 Plan, it is merely and basically only a plan. The rejoicing should come when we have at least implemented the first phase of the plan.

On Friday last, Mr. Speaker, reference was made to a lot of good plans that have come before this House such as the Tourism Development Plan prepared some time ago, the Master Ground Transportation Plan, just to name a few. The implementation process is the most important process of any plan. This is also the reason why I stated that until the first phase of the plan has been implemented, the Executive Director that was responsible for putting the plan together should remain with the process and that her portfolio should not demand her return to active office in that portfolio until this implementation process is completed. It is no use completing the plan and leaving it before any form of implementation is done.

I want to make it quite clear that I am not blaming that very talented lady for the work she has done because I have already congratulated her. I am just basically stating that the most important part of the whole equation remains to be completed.

Continued development in harmony and prosperity can only be assured if we are able to maintain a sustain-

able economic growth in these islands, not if the UK allows the OECD, EU, G7 or any other international group of companies to disrupt our harmonious way of life or adopt initiatives that may adversely impact upon our economy. In this respect, it is most relevant to make reference to the promise made by Mr. Robin Cook in the White Paper entitled "Partnership for Progress and Prosperity" between the UK and Overseas Territories that a genuine attempt is made to make this promise become a reality. If we are to have progress and prosperity, then we will need the assistance of the mother country.

In view of the various pressing initiatives from the OECD, EU and G7 group of companies, the key point that I wish to make here is my hope that the UK will demonstrate by action what it has committed in writing to do for their overseas territories. More importantly, the phrase, "Partnership for Progress and Prosperity" is not just mere words.

It is interesting to note that when it comes to the financial affairs of the City of London, which is the second largest financial centre in the world, that the UK through its Finance Minister, Mr. Gordon Brown, has, since the issuing of initiatives, clearly stated where the draft directives and the taxation of interest and savings is concerned that the Euro bond market of London will be protected. One of the reasons I understand that this particular initiative that has been issued by the EU has not yet received the full and unfettered support of the UK is because it could have a dangerous impact on the economy of the UK, in particular on the Euro bond market within the City of London.

I have said that to say this, Mr. Speaker, that if the UK is so mindful of taking care of its own position then we would expect that they would show similar concerns for the interest of their overseas territories including the Cayman Islands.

I have been requested by the local branch of the CPA to speak on this very subject, OECD, EU, G7 initiatives at the upcoming Commonwealth Parliamentary Conference here in the Cayman Islands. It is my intention to make those attending understand quite clearly the type of operation we have in these islands, the well-regulated financial centre we have in these islands. As previously stated, I will not be spending a lot of time on the 10-Year National Strategic Plan, Vision 2008 Plan. This is history. It is, as I said, Mr. Speaker, a plan.

My concentration is on the implementation process of the plan and, as was said, this is against the background that a lot of good plans have gone through this House and ended up in File 13. I also feel in this regard that it would be unwise at this time to close down the Vision 2008 Office. This office needs to continue so that the implementation process can be properly monitored and co-ordinated.

Mr. Speaker, it has been acknowledged by the Planning Team that the plan is based on our core principles, beliefs and values, the things that we hold most dear. In considering this motion to accept this plan, one has to bear in mind that we are accepting a plan that should rightly be called the people's plan. This was one of the few plans that received the full input of the people

of these islands, and for that, I wish to congratulate the Executive Director and those responsible for so ably carrying out the policies of the person whose brainchild the plan was—the former Governor, Mr. John Owen.

As also mentioned during the commencement of my contribution on Friday last, the Executive Director and her team, together with the news media have done a fantastic job in educating the public about the contents of the plan. There is, therefore, no need to utilise the time of this House to read in detail the contents of the plan. Many copies have been printed and made available to the public. So as I mentioned, I will continue to develop on the need for proper implementation.

I would be remiss also if I did not pay some amount of gratitude to the honourable minister who piloted this motion, as it was under his portfolio that this plan was formulated. This is why I am calling on him to ensure that it does not take its place on the dusty shelf of history but that every effort is made to ensure that it is properly implemented and that the proper staff is put in place to do this.

The brunt of the implementation effort will out of necessity be borne by the civil service and this comes at a very crucial time when our human resources are severely stretched by the requirements of several other initiatives mentioned earlier—such as the Reinvention of Government, the Fiscal Reforms, etcetera. In order for us to meet the implementation challenge, we will require strong and committed leadership from the top down. I realise that there are a number of speakers that have not yet spoken on this motion and that there are those who may try to remind me that implementation is the next stage and they will deal with that when the time is right. Let me quickly advise them, Mr. Speaker, that the necessary mechanisms will have to be put in place now. For example, it seems that at present, the implementation of the Vision 2008 may have to take second place to the financial reforms.

Mr. Speaker, I heard one of the senior officers of government remind certain individuals in a meeting of the danger of over-extending the limited and scarce human resources, and that because of this over-extension a lot of very important departmental work is being ignored or scarified on the altar.

Whilst it is important that the other reforms, in particular the fiscal reforms, move concurrently with the Vision 2008, we have to be at the same time realistic in understanding that many of the same individuals will be needed in the implementation process of the various reforms.

Mr. Speaker, if you wish to take the break now, it would be fine.

The Speaker: We shall suspend proceedings for fifteen minutes

PROCEEDINGS SUSPENDED AT 11:28 AM

PROCEEDINGS RESUMED AT 12 NOON

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99. The Third Elected Member for George Town continuing.

Mr. Linford A. Pierson: Earlier in my contribution this morning, I made reference to the 10-Year Tourism Plan, the 1992-2002 plan, and stated that this was considered to be an excellent plan. As a matter of fact, this was regarded also as the people's plan as Coopers & Lybrand were only the facilitators. Had that plan been followed, it is my view that we would have seen the positive effects of it in our tourism market today.

As regard the MGTP, even though that was scuttled back in 1989 I think it was, we are today seeing certain parts of it still being brought forward in the form of the Crewe Road Bypass and the Harquail Bypass. These were all considered under that plan. Mr. Speaker, I have said that to say that whilst the Vision 2008 Plan is accepted as being a plan of the people, I think it would be incorrect to state that that is the only plan that has come to this House with the support of the people.

I also wanted to mention another point that was raised in the editorial in the *Caymanian Compass* of Tuesday, 6 July. That was the point of over-crowding, traffic jams, and I have already dealt with the high prices. Ever since the present government came into power in 1992, we have been told that a National Roads Plan would be brought to this House. That is some seven years ago and we are still being told that it will soon come. More priority needs to be placed on this very crucial issue. This is not to say that the present minister is not trying his best, but there comes a point where one's best may not be good enough. And I do believe that if there was a National Roads Plan in place concerning the amount of work that minister has done and is doing, that his job would be made easier.

One of the big mistakes that the Opposition at the time—now the Government—made back in 1989, was to remove the road corridors from the composite map. That was a major mistake. In order for the government to put through proper roads in this country to alleviate the traffic jams, those same road corridors would be necessary but it is now impossible because many of the corridors have been built upon and it would make it ten times as expensive to put similar corridors in place today.

That shows, Mr. Speaker, that when a Government comes to power, or even as Opposition we should have one aim in view and that is do our very best for the Cayman Islands—not to show our power or to oppose for the sake of opposition but to do the very best we can for the people we serve.

Mr. Speaker, returning to the crucial question as to who will coordinate the efforts of the implementation. This question is most important as without the answer to that question the Vision 2008 plan will fall away and there will be no results because the results will come in the smooth implementation of the three phases to the plan and, in particular, phase one. I have been talking about the phases to the plan and just so that this is made clear to the listening public and to the House, let me say

that those crucial phases will be spread over the period 1999 to 2008. Phase 1 will spread over the period 1999 to 2001.

Mr. Speaker, I propose to confine the rest of my discussion mainly to the Phase 1 as I feel that if the mechanisms are put in place for the successful implementation, that this will go a long way in the success of the other two phases, phases 2 and 3.

On page 60 of the Key to the Plan, we see that the plan sets certain priorities that have to be met. The strategies and action plans developed within the vision process cover a vast range of subjects, all of which are important to the public. The integrated growth management requires policy development and implementation to be an ongoing process. For example, programmes begun in the initial phase with policy formulation and data collection may continue into the second phase for implementation and the third, for programme assessment and modification.

It is also important to note that the sequence of implementation of our suggestive objectives is much more important than the time period suggested. Therefore, if the sources are available to implement programmes ahead of the suggested schedule, this should be undertaken provided that the related objectives from each earlier phase have been met.

Mr. Speaker, there are certain additional resources which will also be required: personnel for the changed management process; Legal drafting personnel; expert personnel to build human resources capacity; and expert personnel to develop an integrated information resource.

On the need for legal drafting personnel, legislation will be required to establish the following new statutory bodies, many of which will subsume existing bodies. Mr. Speaker, this in itself is a major task.

Legislation will be needed for the Growth Management Board, the Infrastructural Development and Management body, the Human Resources Authority, the Information Technology Authority, the Emergency Management Agency and Tourism Authority.

On the implementation process also, implementation will require the collection, analysis, and integration of many types of information. In order to effectively implement phase 1, which covers this year through the year 2001, the following framework must be considered for establishing the top priorities. This framework includes:

- 1) The adoption and implementing growth management and change of management policies;
- 2) Creating the legislative and regulatory framework for implementation;
- 3) Building the information base required for prudent management;
- 4) Building human resource capacity;
- 5) Informing the public;
- 6) Integrating medium and long-term financial planning for phases 2 and 3;
- 7) Integrating public sector reform.

Mr. Speaker, we are looking on a vast amount of work to be accomplished.

I am just speaking now about phase 1. And I would like to have a look now at the phase 1 suggested objectives and these are:

- Formally adopt and implement integrated growth management as an over-arching policy
- Identify and appoint key personnel responsible for the management change
- Charge inter alia with guiding the transition to integrated growth management within a fixed time frame.
- Also, to integrate vision with existing government initiatives
- Reprioritise the legislative review process to give priority to legislation required to initiate implementation. This might even entail additional strain on the Legislative Assembly and on the Legal Department because in addition to the normal work that they have to do, this additional legislation will have to be put in place.
- It would also be necessary to enact legislation to create the boards and authorities, which will apply the integrated growth management policy across and within existing ministries and departments.
- It would also be necessary to enact legislation to modernise the process of governance and to provide for greater community participation.
- New immigration reform and other legislation will be necessary, some of which, I have already referred to.

Mr. Speaker, repetition bears emphasis. Let me repeat that under the legislation recommended in the action plan Strategy 1 will deal with Crime and Drugs Legislation and Boards; Strategy 4, the Family; Strategy 7 will deal with Little Cayman; Strategy 8, Open and accountable government; Strategy 9, Infrastructure; Strategy 10 Growth management.

I will just look at Strategy 1, the legislation recommended, just to give an indication of the amount of work that will be needed to put the implementation plan in place. It will be necessary under this strategy to appoint advisory board and establish legislation to ensure its proper function. It will be necessary to review and amend laws prescribing sentencing for juvenile offenders. It will be necessary to enact legislation governing use of photo ID cards et cetera.

Mr. Speaker, there will be a lot of work involved in the implementation plan and that is why I repeat that it is so important to have a leader of the calibre of the Executive Director of the Vision 2008 Plan—Mrs. Basdeo—become intimately involved to lead out this most important phase, as she has the ability and respect of those individuals that will be needed to carry out this plan. I trust in this respect that His Excellency the Governor will see fit to release Mrs. Basdeo from her present duties as Permanent Secretary in the Ministry of Education, Aviation and Planning and re-assign her to head up this most important area of work.

Mr. Speaker, I appreciate that there are other members of the House that have not yet spoken and are no doubt anxious to also speak on this most important subject. So, in conclusion I wish to leave the following questions to be answered and to be given top priority by the

honourable minister under whose portfolio this subject falls.

Question 1 is (again), Who will co-ordinate the implementation stage of this most important plan? Let me repeat, Mr. Speaker, that I would warn against hastily closing the Vision 2008 Office at this time and I think it should remain to function until, at least, the first phase of the implementation process has been completed.

The second question is, How will the various strategies be implemented?

And, my third question, Is sufficient attention being given to securing the necessary trained staff to carry out the various strategies?

Finally, may I once again convey my sincere congratulations to the Vision 2008 Team under the able leadership of Mrs. Joy Basdeo and Mrs. Hyacinth Connolly, the Strategic Planning Facilitator. Of course, the planning team members and roundtable leaders, again, to Mr. John Owen, our former Governor, for his foresight. And, to the members of the Strategic Integration Group, which continues to function under the able chairmanship of His Excellency, Mr. Peter Smith (our present Governor). I am pleased to see that he is continuing to build upon the solid foundation laid by his predecessor in the development of the 10-Year National Strategic Plan, the Vision 2008 Plan.

Mr. Speaker, I trust that my comments will be taken with the good intentions with which they have been said and I wish for this process God's blessing and success for the future.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?
The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. I rise in support of Government Motion No. 4/99 and to also make my contribution to the 10-Year National Strategic (1999-2008).

Mr. Speaker, the launch of this national plan is indeed a very important and special one for the people of these islands and for future generations to come. When our former Governor, Mr John Owen, spoke of Vision 2008 in 1998 Throne Speech, he made it quite clear that it was a plan meant for the people of these islands. It called for hard work, commitment, and dedication on the part of those who became involved.

Now, this plan has been accepted by Government as the way forward. It is the people's plan and one in which the people of the Cayman Islands have been very involved in; working to create a national plan that will set them on a successful course for the 21st Century.

Mr. Speaker, the cover of the small booklet that was laid on every Member's desk, said it all—"working together to shape our future." That is indeed the way this plan will work—working together. And that is hand in hand and in harmony.

I encourage every one who became involved in this important initiative to stay committed to this plan. Even though concerns have been voiced, in that this plan will be shelved only to collect dust, Mr. Speaker I must dis-

agree. Anyone looking at the Vision 2008 Planning Team members will realise that committed and outstanding citizens of these islands came forward and put many long and hard hours into this plan and I cannot honestly see those members not seeing this through.

Mr. Speaker, the Vision 2008 is the blueprint of how we will cater to the needs and desires of all our citizens. It is about quality of life and creating a Cayman Islands that our children and our children's children will be happy and proud to live in. Without a vision and a blueprint for our future, all of our actions would be meaningless.

It is at this time that I pause to applaud the efforts of everyone involved, beginning with the Honourable Minister for Education, Aviation and Planning; and the Executive Director, Mrs. Joy Basdeo, and her very hard-working and energetic team. I clearly recall the first meeting held in the district of Bodden Town, and I also remember the mood of Mrs. Basdeo—she was very upbeat and positive. She made it known that no one was going to discourage her. She was ready and willing to hear the views of the people and they were just as ready and anxious to develop a plan that would indeed better the quality of life that we in the Cayman Islands have been so blessed with and to also find the right balance for continued prosperity and social harmony.

Such meetings continued for months throughout every district and many long and tiring hours were seen by Mrs. Basdeo and her team. Anyone who has a plan in hand will see that many hours were spent on this plan. I say congratulations on a job well done.

Now, I would like to congratulate the Vision 2008 planning team members. Again, Mr. Speaker, those involved gave many long hours of their time all because the plan is based on their beliefs and values. It is the people's plan and one we know will undoubtedly need funds, the Minister of Education, Aviation and Planning mentioned in his presentation will have to be brought to Finance Committee for approval of funds. Mr. Speaker, I feel quite confident that this will meet Finance Committee approval.

Moving to the Vision statement, Mr. Speaker, one of the things that I took specific note of is that the people of the Cayman Islands would like to see Cayman Islands remain a God fearing place—this was at the top of the list. I wholeheartedly agree and this is indeed the cornerstone of my own philosophy.

Mention must also be made to the key recommendations developed from the strategic plan in the area given highest priority was on crime and drug abuse. Mr. Speaker, I fully support the recommendations that will develop and implement a policy of zero tolerance to crime and drugs. The recommendations include wide community involvement and education.

Regarding community involvement, I say to each and every one listening, get involved and make it your business to assist in stamping out crime and drugs. These are our islands and if we intend to live in peace and harmony then each of us must be involved. Let us come together and send a message loud and clear that crime and drugs are not acceptable.

Mr. Speaker, in winding up, I would like to make special mention of the students who became very involved in Vision 2008 through activities in schools. The schools through partnership with the Cayman Islands Post office were invited to participate in a competition to design a commemorative issue of stamps. The students were asked to paint the things they would like to see in Cayman's environment in ten years' time. The winners were thirteen-year-old Sarah Henley of George Hicks High School. She was the overall winner. Her design of a coral reef is on the thirty-cent stamp. Seven-year-old, Ryan Martinez of Cayman Prep School was awarded second place for his design of three fish and a turtle. That is on the two dollar stamp. Ten-year-old Jessica Cranston of Bodden Town Primary School won third place and her design of a Cayman House is on the ten-cent stamp. Twelve-year-old Sarah Cuff also of Cayman Prep School won fourth place with her design of fisherman on the North Sound and her design is on a forty-cent stamp.

Mr. Speaker, these winning entries would become the first stamp issue to be designed by young children in these islands. Today, four students' stamps have gone world-wide. Governor and Mrs. Smith, along with other members of government attended a function held in their honour at the Airport Post Office just recently. It was obvious from the smiles on these young students' faces that they were very happy and excited that their efforts had been recognised. Mr. Speaker, I felt very proud that three out of four of those students live in the district of Bodden Town—Sarah Henley, in the Village of Newlands; Ryan Martinez in Lower Valley, and Jessica Cranston in Midland Acres.

Mr. Speaker, I would like at this time to once again congratulate the winners and to encourage them to stay involved and to continue their good work.

Mr. Speaker, I commend this motion and I support Vision 2008. I pray for God's continued blessings on these Islands and its people.

Thank you, Mr. Speaker.

The Speaker: The floor is opened to debate. Does any other Member wish to speak? Since it is so near to time we usually take lunch, is it the wish that we suspend for lunch at this time?

Before taking the suspension I would like to ask honourable members at the break this afternoon that we meet in the committee room for an informal meeting of the Legislative Assembly. Thank you very much.

We shall now suspend until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:40 PM

PROCEEDINGS RESUMED AT 2:40 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Government Motion No. 4/99 continuing. The floor is open to debate. Does any other Member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I rise to offer my contribution on this motion. I would like to first thank all of those who had significant input into this effort led by the Permanent Secretary in the Ministry of Education, Aviation and Planning. I must say that it was a commendable job done by her and her troops. I know we in Bodden Town, the three representatives there, were able to take part in the debate with much input from the people within our community.

Throughout the islands, as we witnessed in our district, there was significant input. There were some reservations, but the overall feeling I got was that people were quite interested in taking part in changing the direction that these islands are going in, and to have their stamp on anything that we will do in the future.

I honestly feel that the more contribution from the public, the better and the more successful this effort will be. I feel that all parliamentarians to a certain degree have offered support to this and as we go forward into the new millennium, it certainly gives us a basis and a framework from which to work and to move forward.

I would just like to briefly touch on a few of the strategies. As has been pointed out, the very first one is one of the biggest concerns in these islands at this time. That is the concern of drug abuse and crime. They seem to be so finely entwined. As we know within the walls of Northward Prison, the majority of people that are incarcerated there have had at some stage involvement in drugs. So, to address one area of this without the other it is not easy.

The idea of zero tolerance is something that many people will say is a great anticipation in trying to accomplish. But, Mr. Speaker, I feel that if we don't reach for the top, we could easily get caught at the middle or the bottom. So if we don't go for the zero, we may end up with much, much less than what these islands expect from us as legislators.

As pointed out in one of the strategies—and it has always been my philosophy—the best form in addressing the long-term benefits or reduction in drug abuse is through education. In the first strategy, one of the action steps says appoint a drug education representative in each school. I do know that there is a lot of drug education within the curriculum at this time, but I feel that it has to be of a greater concentration than what we are now experiencing. This is been looked at through the National Drug Council and the education side of it.

I do know as I said earlier in another debate that the Commissioner of Police through a programme known as DARE has selected two policemen to go into the schools to deal with and teach the children. This area is at an earlier level than what we have been accustomed to, that is, we normally don't deal with this until the middle school or high school. This area will concentrate on the final year of primary school and this makes me feel good as I feel the sooner that we get the information across to these young people, the better it will be for us.

I would like to take this opportunity to thank the Lions Club for the tremendous amount of time and money that they have put into the Quest Programme. This has

been quite successful. There needs to be more concentration, more teachers taught in the aspect of presenting this to the children in the schools. I know that there is now a concerted effort after meeting with the players in there, the Chief Education Officer, the Ministry of Education Department's Secretary and the National Drug Council that we will continue to emphasise the importance of education.

We can build all of the prisons and all of the support services we want, but if we don't get the children educated and let them know the dangers that are there, it will be all in vain.

Mr. Speaker, the other area I will speak briefly on is education. We have a very good system of education here and we continue to build on it. Emphasised in the thoughts that came forward from the public was increasing the tertiary and secondary—university (I should use that terminology for the people to understand what I saying). The more we can educate our young people, the better prepared they will be as they go forward in life because once they have the education, it is easy for them to find work.

Many of the high paying jobs are going to non-Caymanians. We have to prepare our young people to take up these jobs. And they cannot be prepared if we do not provide a system of education where they can be educated at a higher level than what we are seeing at present.

Mr. Speaker, another area talked about in the Vision 2008 is the strengthening of the family unit. We all know that these islands have been built on that family tradition and its incumbent on us to do whatever is necessary to make sure that we keep that as intact as possible.

The more services we can provide for our people, Mr. Speaker, the better it will be. I know that within my ministry in regard to the youth, there are concerns about the provision of a secure remand [centre] and eventually part of this will be used as rehabilitation for the young people, which at this time in our development we do not provide locally. I look forward that as we continue to go down the line, we will be able to move forward and provide the services.

We do know that with our elderly there still remains much to be done. Our elderly ancestors who have brought us to the position in these islands are on occasion not remembered. Within the Social Services Department, we are looking at improving these facilities. We are looking at providing another rest home in North Side. We have already identified a facility in Bodden Town where studies have revealed there is not as dramatic a need as in some of the other districts. But we feel that since Bodden Town has the facility, we will now work on developing that. Funds have been put in the budget to start on Bodden Town. And, also for possible plans, if time permits and funds are available, to the earlier development of the facility in North Side.

Mr. Speaker, also touched on in the Vision 2008 Plans are the continued improvement of health care in these islands with emphasis on prevention. It specifically talks about mental health and wellness. This I fully support and I think this is indicated in our health strategic

plan, which as we go forward should make things much easier for us as we have already had this foundation in place.

As I said earlier, our emphasis in the new millennium will be in providing services to those who are mentally challenged. We must cease having to send our people overseas to areas where the services provided are not to the standard that we expect here in the Cayman Islands. Having to deal with that will be an expensive venture but whatever we need to do, we must.

It was interesting to note, Mr. Speaker, that in regard to the handicapped and those that are not included in the main stream of life, that there was significant emphasis put on this. We do know that set down on the Order Paper by one of my colleagues from the district of Bodden Town, there is a motion to address this. I think, this is very timely and it is hard to believe that many of the things that we now say we need have not been put in place before. We certainly look forward to dealing with this because this is an area of our population that has been neglected for too long.

It really irks me when I go to some of the business places, the banks and other office buildings, and I see areas designated for the handicapped and people just use them casually. We must put a stop to this! Hopefully this will be emanating from the motion coming later to this House which I feel is something that we must give our full support to.

Mr. Speaker, the last area that I will talk on is immigration. I think for us to go forward in the development of these islands we must now deal with immigration—the many varied and difficult problems that we have had to face when we know people that have been here for twenty-five and thirty years and still do not have security of tenure. They do not know whether they will have to go back home to a place that they are not familiar with for almost three decades. I do not suggest that we open our doors, but we must look at this sensibly and for those that qualify and for those that have contributed to the development of these islands over the many decades they have been here, they must be given due consideration.

I would like to once again give credit to my colleague, the Minister for Education, Aviation and Planning for the undertaking. We all know of the many difficulties and hardships that he experienced in his ministry with the absence of his Permanent Secretary. But, Mr. Speaker, I feel that down the line what these islands will benefit from, will have been worth the sacrifices made.

For many years, we have been talking about a plan on the way forward. We now have this in place and it behoves us to work on this plan together for the good of these islands. I see some good days ahead of us and there is so much that we can do by working together and sharing this vision, it's a vision that will benefit most of our Caymanians and those that are living here with us.

I ask God's guidance on this effort and I would like to once again say that I give my full support to this effort. Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Perhaps there is a disadvantage in speaking to a motion of this nature, not only so late in the afternoon but after so many others have spoken, because many areas have been covered in the debates that have taken place since the Ministry of Education moved this motion. Nevertheless, I hope to be able to shed some light in certain areas that will be thought provoking, and perhaps be positive in this new and exciting plan for the country.

Mr. Speaker, when this plan was launched about fifteen months ago, this emanated from the UK's desire for dependent territories to have a country plan. Now, many of the country plans that have developed in other territories do not really extend themselves as far as this one has and perhaps there are two ways to look at that. But I believe if all of the other areas are covered, the way this plan has been done can certainly create the country that we wish to see as the Cayman Islands by the year 2008.

Mr. Speaker, everyone has congratulated the many, many individuals who have been involved thus far with developing this plan. While I am not one to spend a lot of time in that area (not because I am mean but I just think that people know how people like myself feel when it comes to appreciating their efforts), nevertheless, I do believe that all of the hard work that has been put into the preparation of this plan should be recognised. The individuals from within the various communities who have spent many hours in dialogue (and I am sure they had their own little fights amongst themselves which is healthy most of the time) should be congratulated for the commitment on their part in playing their role in the development of this plan.

As the planning team and the members of the roundtables met and worked in unison, Mr. Speaker, they developed 16 main strategies and 208 action plans. We now have two documents—the actual Vision document and the second document is the “Key to the Future,” which is a guide to the Vision 2008 Plan. So with all of the work that has been put into it, what we have now is a plan, which in summary is said to be a formal set of guiding policies created to provide for the national direction of the Cayman Islands. I am going to interject here and say that I am one (certainly not the only one) of those who for many years has been preaching the sermon about some type of forward planning.

Mr. Speaker, when we talk about forward planning and when we talked about it in the past, those of us who had our convictions, which were very strong about this, could see that there was not proper management of resources, whether they be financial resources or human resources in the public sector. That was the main basis why we have been calling for this forward planning. Now, what has been developed is . . . and I say this with the best meaning in the world and I trust it will not be misunderstood, but Vision 2008 is basically the wish list of the people of this country. It is the list that they have created,

which if it is achieved will bring about their utopia—our utopia—the country that we would like to see and the country that we would like to be living in, in the future. That is what this plan is.

The people who participated in the preparation of this wish list were not to my knowledge given terms of reference with regard to how we were going to create this utopia. So after all the accolades are poured on now, where we are at right now, as the Minister of Education has brought this motion, is what is the next step forward. To my mind, that is where we are.

At the same time, we have been going headlong into financial reform initiatives. We have also been dealing with what is termed reinvention, which, as I understand, is basically the public sector reform initiatives. Mr. Speaker, what is very clear to me at this point in time is that this wish list that has been created, this utopia that all of us would like to see the Cayman Islands become . . . we now are at the point where we have to be looking into where the nuts and bolts are going to fit and how we are going to fit them and what we are going to fit together to achieve the goals.

Mr. Speaker, perhaps if we had not had our little discussion awhile ago, I would have taken time out to go into a few more preliminaries before I got into the meat of my contribution to this debate. But taking that into consideration, perhaps I will be safely able to bypass certain areas and get right down to it. As my good friend, the Third Elected Member from Bodden Town would say, I think I am correct in saying, let's cut to the chase—something like that . . . anyway.

The Vision 2008 plan cannot become a reality. I say this again: it cannot and it will not become a reality unless each and every one of us legislators, and the citizens of the country sitting in the private sector, and the public servants in the civil service—all of us—buy into this plan. Every one of us has to claim ownership at the level that we are at if it is going to work. So while the political directorate and its sometimes adversaries, like myself, will get at it on occasion and we will bring out opposing thoughts on issues, this one above all else that has come thus far is the one that we cannot afford to deal with in that fashion. I stand here today saying that and meaning it from the bottom of my heart.

That is not to say, Mr. Speaker, that there are not going to be times . . . because this is not something that you are going to achieve overnight. And this is not something that you will go at one time and when it is over, it is over. This is going to be a way of life for years to come and that is not to say that during certain times, for instance, that the Minister of Education is not going to take a position regarding dealing with this plan that I might disagree with. And, of course, I am going to tell him that I disagree with him and I am going to tell him why I disagree with him, and then decisions will have to be made.

But while being an integral part of the whole process that does not have to extend itself beyond the point of making sense. I am speaking as much to myself right now as I speak to anyone else because I know that I too can be guilty of going a little bit overboard when certain things cause me to get a little bit more excited than

usual. Let us do the best we can to look forward with this plan rather than just simply using it to strike a position to score points. The Minister of Education knows full well what I am talking about. And while I speak to myself, I speak to him also. We will see how we can work together on the issue in times to come.

It is very important for us to have a crystal clear understanding of the way the public service functions today. Perhaps I will do the best I can to throw some ideas out as to how I see the public service transforming itself into the way it operates to be able to achieve Vision 2008. As I mentioned, everyone in the country has a role to play. The real truth of the matter is the public service is going to play the most important role in achieving Vision 2008. I will explain that.

Mr. Speaker, any change that we need to bring about to make this country better for the people to live and thrive in, is going to be an exercise that exacts some type of cost. Now, in many instances those costs are going to equate to money but in many other instances accompanied with the monetary cost there will be commitment. There will be human resource development and there will be policy directives, which are revolutionary in their own right and which, Mr. Speaker, is where the commitment comes in.

I know I speak for myself, sometimes I have to step back and really look at something before I am willing to accept a change. This is what is going to happen. Many things are going to have to change. I make a plea to all of us involved to think about this carefully. The reason why we should have no fear of the changes that are necessary is because those changes cannot be thrown at us all at one time. The players in the game fully understand that the process has to be one where everyone moves along in unison in order for these changes to be effected in such a way that the best results are achieved.

I started to talk about the way the public service is structured at the moment. This is not an easy task for me. Perhaps it would have been more appropriate if a person who was in the service itself were taking the job on, but nevertheless, I guess I will give it the best attempt that I can and hope that any gaps left can be filled, not necessarily by any debate but when the time comes for action.

If we look at the way the service is structured and the limited amount of accountability that exists at present, what we find is that when it comes to fiscal policy and being held to task for the way the country's money is spent, the Financial Secretary is accountable to the Legislative Assembly. In other words, he is the person who holds Finance Committee—he chairs it, he brings finance bills, he delivers the Budget Address and basically at the end of the day, he is the person who falls accountable to the Legislative Assembly.

Then, stepping down a rung in the ladder, if my count is anywhere near correct I think we have 38 controlling officers. That would include permanent secretaries. The way the system works right now is that those controlling officers are accountable to our Public Accounts Committee, which is made up of elected representatives of the Legislative Assembly.

Executive Council, which constitutes the five elected representatives and the three official members, with the Governor being its head, at this point in time has no accountability to the Public Accounts Committee. So there is a paradox! The real truth of the matter is that it creates a huge comfort zone for elected members of Council. This is no reflection on the Council that exists now because this has been the case forever. So let them understand that I am not suggesting that they try and invent a situation to give them advantage—nothing like that. That's not what I am saying today. When I am ready to make that kind of statement, I will craft it in a different fashion so that the Minister of Education can immediately look up and realise that there is something coming.

The point I wish to make with this, is that the way the system works, we have the elected arm of Government—who is in truth and in fact responsible for policy but while their permanent secretaries are then responsible for the heads of departments below them, the permanent secretary is the chief advisor to the minister. The permanent secretary also has the responsibility to ensure that the proper procedures are carried out in implementing the policies that emanate from the Government. But if something goes wrong—and we have seen this happen in here—and I can be challenged at any time) . . . here is where the paradox is: If anything goes wrong and the Public Accounts Committee is investigating certain inadequacies, for instance, arising out of an Auditor General's Report, a minister is not called to answer any questions. You see? There is a problem there because in truth and in fact, neither the ministers nor the public servants are comfortable and it always ends up in a question of who shifts the blame back and forth. Publicly it has to go one way; privately you hear it another way.

What I honestly believe happens on more than one occasion is that ministers face a situation where they are outside of the regular forum where debate takes place, they are held responsible for certain things that in truth and in fact they might not even know anything about. That's on the one hand. Of course, on the other hand the opposite can occur also. Public servants can be taken to task and hauled over the coals, simply protecting their ministers because they can't otherwise do because when I finish with them, I am finished with them—they have to go back and live with the minister after that.

The reason why I have chosen to talk about this for a few minutes, Mr. Speaker, is simply because anyone in his or her right mind who lives within a regime of that nature must want it to change if the right things are going to occur. I am not just talking about change for the sake of change. I am talking about a change in the way you do business.

Let me give you an example, this will be near and dear to the Minister of Education. I stood up and argued with him for five years about building a school. It turns around now and within the system he finally says, 'Ok, we are going to build a school!'. So, nine months later, he is taken to task again because the school has not started. When he explains it—and I want everybody to understand that I am not going at anybody this afternoon, sir. This has nothing to do with individuals. But

what happens with that, Mr. Speaker, in truth and in fact, is the Minister really has no control over when that school will be built!

Am I correct, Mr. Minister? Or are you not willing to answer me? Am I correct? All right. Here is why I am saying what I am saying and I want to explain this because we have to understand the nuts and bolts and why we have to change. Not only does the Minister have no method by which he can control when something is to be built, but he has nothing at the end of the day by way of recourse to determine what it is going to cost—it cannot be right.

Of course, the flip side to that is the comfort zone—they can always say, 'Well, it is not done. You can't blame me.' But who in his right mind would want that responsibility if there is not something to go at, something to achieve and something to be held accountable for? Mr. Speaker, that has to be wrong!

As a result of that (and not just that alone) we end up with a total lack of accountability. And whereas we talk about authority and responsibility accompanying the accountability, there is no sequence of events which allows for anything to happen the right way to get the right result.

Do you know what happens, Mr. Speaker? I am going to tell you what happens—and here is the paradox, fantasy or whatever you want to call it. People like myself on the Backbench, in order to be seen to be doing our job, apply every inch and ounce of pressure that we can on the ministers to get certain things done. We stand up and say we are the representatives of the people, this is what the people need, and this is what the ministers must do. Good!

We have established that the ministers don't have any control over when something is done at the end of the day because of what is commonly termed as the bureaucracy. They also do not have any determining influence on what something costs either. But we are telling them that we want it done. Inevitably, Mr. Speaker (and every minister who sits there can only say yes to what I am saying now), the majority of things that get done are carried down to the wire. It's a rush all the time and at that point in time, you have no control over cost. Am I not correct? It is frightening!

But the question here is not who to lay blame on—all I am doing here this afternoon is trying to point out some of the inadequacies to show why we have to change. It is not about blame! It is not a question that you must not learn from your mistakes, but Mr. Speaker, deciding who or what group to blame doesn't mean anything.

I have been here nearly seven years and that has been the order of the day—who's to blame. Of course, the reason why that is the case all the time . . . and you almost get into that syndrome, Mr. Speaker, because you cannot do anything else but find somebody to blame when something goes wrong. I think we have established that.

But let us look at the mechanisms in place for the minister's policy to become a reality. They too have their problems because there is no clear cut, straightforward

mechanism which outlines what they have to deliver, what would be the outcome, and the whole chain of command becomes built on who is who and how long you have been there. But the primary focus is never on performance. Mr. Speaker, I am here today to say that the people who are in the civil service—regardless of what anyone else wants to say . . . if there was role clarity, if everybody knew exactly what their job description was and if everyone knew that they were going to be paid according to their performance—our civil servants would perform!

Some people talk about the inefficiency of the service and you need to get rid of a bunch of them and that kind of foolishness. Mr. Speaker, that is not the case in my view. If you hire a person and he comes into a situation where all he has to do is to boil one egg hard every morning—end of story. He is going to get used to simply boiling that little egg—no challenge, no security of tenure and you gradually just pull one little plug in his side and drain his life away slowly but surely. That is what happens to many of our civil servants; not because they cannot perform or won't perform but the system is not one that is conducive for them to buy into the ownership of the performance that is required.

Mr. Speaker, I will stop here for one second because I think it is appropriate to interject. The Third Elected Member for George Town in his contribution this morning, mentioned the fact that it is a considered opinion even by many of the senior people involved in the process directly that government at best gets 70 percent value for money. I am going to just make one simple statement here: If we have the ability to create the circumstances under which the public service functions where you can maximise efficiency to the point that you are not wasting \$90,000 a year, do you realise how much more we could do?

Look at all the things that we keep fighting about in here! After tremendous pressure is put on the Minister of Education, when he looks at his circumstances and knows what he has to do—he has to deliver to the Finance Committee a \$56M tap just for physical facilities that the country needs now. Where are we going to get \$56M? Somebody tell me because I don't know! But the country needs it. The people are screaming for it—and so am I because from where I sit that's my job. I can't deliver it. That is only one area.

Then what is really worse, when they get to budget time and they look at what they really cannot avoid doing, they say, *'Well, these are our recurrent expenditures.'* That includes personal emoluments statutory obligations, whatever. *'This is what the projected budget is like. If we want to do these capital projects based on what our recurrent costs are going to be this year and what we project to be our revenue, we are going to have to borrow some money. But the amount of money that we are going to have to borrow to do these projects, if we take that down to them boys at the Legislative Assembly they are going to maltreat us. They are going to kill us. They are going to eat us up.'*

Well, we accept that we are going to have to borrow some money. This is the government now, Mr. Speaker. I am sure you understand what I am saying.

The Speaker: I am following you.

Mr. D. Kurt Tibbetts: But perhaps our best bet then is, let's look at the debt. Let's see how much we will have paid down by the end of last year so that we can know how much we can add back on to the debt so it won't look so bad and see how much more we can squeeze out, that between what we are going to borrow and any little excess we might have on recurrent might do it . . . it cannot work!

There is only one choice now. We have got to find additional revenue. Of course, we have to deliver the budget in four days to the Legislative Assembly so gentlemen get your thinking caps on you have got to work hard now. So they bust their brains for two nights and they figure they got something worked out. But you know that is the same old dead horses that they tax to get additional revenue, they simply add on to that just a little bit more.

And mind you now, so that the government will understand, when they get in that untenable position they cannot do anything about it then. Either that or cut the capital projects. So how do they say that again? You're damned if you do and you damned if you don't. If you don't do your capital projects—you are damned, and if you do them without increasing the taxes then you are going to borrow too much money so you are ruined again.

I am simply trying to paint this little picture so that it proves that it is not only in the interest of the country but it is in the interest of any government to want to change the way we do business. How wonderful it would be if any government could create circumstances in the way the public sector performs where they can almost safely look at their nation and say, *'Listen, we are almost absolutely sure (barring any unforeseen disaster or something of that nature) that it will be at least three to five years before we have to be looking at any revenue measures because we have tightened up the ship.'* We are creating that much more efficiency so that the cost of running the country is not increasing tremendously because we are being more efficient. So that means the demands to increase our revenue are less so we don't have to come to you and slap you across the side of your head once every year *till it tun yu giddy* because you don't know how you are going to live for the rest of the year with the extra charges and you don't have to worry about that, we are a good government.

I know the government would love to be in that position, but I know, and they know, they are not...

I am sorry.

The Speaker: May I interrupt you just a moment? Is it the wish of the House that we continue without an interruption or that we suspend for the afternoon break?

Mr. D. Kurt Tibbetts: Mr. Speaker, if you don't mind, sir, just a short break. It doesn't have to be long but if you don't mind.

The Speaker: If you promise me that it will be a short break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:46 PM

PROCEEDINGS RESUMED AT 4:11 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99. The First Elected Member for George Town continuing debate.

Mr. D. Kurt Tibbetts: Mr. Speaker, having given that little passage through the way in which I see certain aspects of government working at present, I want to explain the reason why I have attempted to point that out is because when we look at Vision and we look at the goals and objectives that we wish to meet, it is without a doubt going to have a dramatic initial impact on the financial resources of the country.

The point in hand is simply this: It is necessary for us to become more efficient in the management of our financial resources if we are going to be able to have a semblance of a chance to achieve the goals and objectives that are set. Which brings me now to talk about what I see basically as the formula in a nutshell to achieving Vision.

Perhaps, the little formula that I am going to be talking about will not capture everything, but as I go on maybe those areas that are missed can be addressed. If we are going to become more efficient and get more value for money, then financial reform initiatives are going to have to take place. It is accepted by one and all that there are inefficiencies and we will now have to move on to create the necessary reforms which will allow for better management of our financial resources.

If that is going to happen it means that we have to have a very, very serious look at how we are managing our human resources because it is going to take the human resources to create the financial reform initiatives because they are not going to happen by themselves. And running parallel to financial reform initiatives is the area of personnel, not just personnel management but personnel development. And I need to use some little examples to show how I see the situation and how I see the way forward.

If we are going to be speaking of remuneration based on performance, if we are going to be talking about role clarity (which basically means a proper job description for all of the individuals involved), then we have to take any position and look at it from the top down or from the bottom up, anywhere we want to look at it—a clerical officer to a permanent secretary. When that role is defined, the next step is to make proper assessment as to whether the individual in that role is equipped and tooled to perform what is expected. You see, Mr. Speaker, we have a great advantage here at this point in

time. Most countries that had to deal with any type of reform, whether it be public sector management reform or whether it be financial reform, have had to deal with it under crises—when they are ready to go belly-up if they don't have a big brother to call on, when they are ready to go bankrupt. So they have to resort to these measures simply because if they don't, they die.

We are not dead yet! So we have the opportunity now to be sensitive and this is why I don't think anyone should be scared. We need not be scared. We all need to just buy into this thing.

Mr. Speaker, people have been hired in the past (and I am specifically taking about the civil service now) and as time has gone on... You have some areas in the service where people are not challenged to the length that they need to be or should be, given their ability, background and/or training. And you have a few other areas where job descriptions by evolution have shifted in various areas and the people who are doing the job really, some of them are not equipped to do what they are called on to do. I know it exists. You have people who have been acting in posts for years and have not been confirmed and there must be reasons for that. But there is no criticism to be levelled here all we want to do is to talk about...

Let us identify these things and once we have proper phased action taken, we can equip these people. Once we establish the roles that they have to play and what their job description is, then we simply take them and we have to equip them to do those jobs.

Let us take, for instance, changing over from our cash based system to accrual accounting. It is only fair for people to assume that this changeover from a cash based accounting system to an accrual accounting system is going to cause some problems. It is only fair for people to expect that it is going to cause some problems because the truth is we know that not everyone—and I am not talking about just about in the Treasury, I am talking about the various individuals in the department that has to deal with it in on a day to day basis. Not all of them are going to be knowledgeable and equipped to be able to have a change that is following and without hitches.

I am not an accountant. I don't claim to be, but I believe that I understand the basics of both systems. Once we get into the accrual system and people are equipped to be able to deal with it, it is not going to be any more work than the other one but there are some fruits to be picked at the end of the day because there are many, many positives in changing from one system to the other. I will explain that in a minute, Mr. Speaker, but what I want to say before I say that (even if it is a bit repetitious) is that is one of the changes that people might immediately start to get nervous about because it is something new to them. Mr. Speaker, it is not going to be any different from what they are used to now, once they learn it and it is no more difficult to learn than the system they are into now.

Let me show you a far-fetched situation and show you what is possible in a cash based accounting system. If I were the Government with a cash based accounting

system and I do not want the members of the Opposition or the members of the Backbench to know everything that is going on at year end, for instance, I have the ability to ensure that there is no overdraft at Barclays Bank in the government account. If I have general reserves, I can transfer what I need to transfer out of general reserves into that account, so that on the 31st day of December it shows a positive balance and the very next working day after New Year's Day that we go back to work I just transfer it back out. And when we talk about the year-end figures, it is made positive. It is as simply as that.

The other thing that I could do if I were the government under the present system is that I could basically say, *'Well, before December 31st such and such bills—just don't pay them. People aren't going to die, it is okay. When we come around into January, we can pay them.'*

A cash based system simply records physical exchange of money. That is what it does. So while you can use a cash based system and show a pretty true picture, you can use the system if you so desire and paint a picture that is not true.

The basic difference between the two is that in your accrual system you deal with your assets. I noticed the Acting Third Official Member was perplexed there when I made the statement so I had to quickly say what I was saying to make sure that I was not painting the picture only half way. The truth of the matter is, Mr. Speaker, the point I wish to make is that you cannot run a system whereby you don't have the ability to know (what those old people use to call) the true position, that is the system we have in place now. It is nothing untoward to anyone. I am not suggesting at this point in time abuse or anything like that, I am just saying the system allows for that and if I was even talking about running my home . . . For instance, if you came to me and you asked me, *'Well, what's your position?'* I [would] say, *'Well you can check my bank account; you can check my current account and you can check my savings. I give you authority. I will call the bank and tell them to give the Honourable Speaker those figures for me.'* Both of them are in credit, a fairly healthy situation and it is going to immediately give you the impression that you can do some business with me if you want because I am all right. But what I am not telling you is how much I owe outside that I have not paid—therein lies the basic difference. We cannot do it like that! At any point in time the country must know what its cash position is and what commitments it has.

You see, we have argued endlessly in Finance Committee when we come down to capital projects and the debt service ratio and all this stuff and we have never . . . I want to take that back before I say it. I don't want to say we have never—what I want to say, Mr. Speaker, is on many occasions, because of the system, we are not able to make a true determination before we have to make certain decisions on exactly what the country's position is. Now that is a fact!

And we must be able to do that but, you see, accompanied with that are calls for proper prioritisation and proper planning. In using the analogy I want to show the

type of human resource development that is going to have to take place in certain areas and that is just one of them.

I know it is that time so perhaps I can continue in the morning.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Will you be finishing in a short period of time, or . . . ?

Mr. D. Kurt Tibbetts: Regrettably, Mr. Speaker, no, sir.

The Speaker: We have reached the hour of 4:30 p.m., I would entertain a motion either for the suspension of Standing Orders or the adjournment.

Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this Honourable House until 9:00 a.m. tomorrow morning.

The Speaker: The question is that this honourable House do adjourn until 9:00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 9:00 a.m. tomorrow.

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 9:00 AM THURSDAY, 8 JULY 1999.

**EDITED
THURSDAY
8 JULY 1999
9.30 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies this morning from the Honourable Acting Third Official Member and also from the Honourable Minister for Tourism, Commerce, Transport and Works who will be arriving later this morning.

OBITUARY

Mrs. Ruth Rutty

The Speaker: Honourable members of this Honourable House, I rise this morning to offer condolences to the family of the late Mrs. Ruth Rutty who passed away recently.

Mrs. Rutty was the wife of Mr. Aston S. Rutty, MBE, a former Member of the Justices and Vestry of the Cayman Island. He held numerous other positions, retiring as the District Commissioner after a long career in Cayman Brac. She was also the mother of G. Burns Rutty who was a Member of this Legislative Assembly.

Mrs. Rutty was loved by all. I have also been asked by the people of Cayman Brac and Little Cayman to express special condolences and their love for her as she was highly respected in the district of Cayman Brac and Little Cayman. Thank you.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 76 is standing in the name of the Third Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 76

No. 76: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what is being done to educate or advise the general public about the boundaries of Replenishment Zones and Marine Parks?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Department of Environment continues to maintain active systems of environmental awareness campaigns. With reference specifically to marine parks regulations and boundaries, there are several programmes to keep the public informed. These programmes include the following:

1) A system of buoys clearly marking the boundaries of marine parks and replenishment zones has been installed across protected lagoons and sounds.

2) A system of range markers visible by boats has been installed to delineate parks' boundaries on shores not enclosed by fringing reefs.

3) Large information signs with maps of marine parks areas and text of marine parks regulations have been located in strategic coastal areas with public access as well as displayed inside many public buildings.

4) Information brochures produced by the Department of Environment are distributed to visitors at airports and harbours, hotels, watersports shops, as well as to residents through the Government Information Services and the Department of Environment. A waterproof version of the brochure is produced for local boat operators.

5) Public education campaigns are conducted including school visits and the production of the Coral Forest, a teachers' guide to coral reef education which covers many aspects of marine conservation in the Cayman Islands including the location and rules of the marine parks. Two copies of the Teachers' Guide have been made available to every school in the Cayman Islands.

In addition to projects by the Department of Environment, other public and private agencies provide marine parks information including Port Authority, Department of Tourism, Government Information Services, local tourist magazines and local television and the Internet.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say how many marine parks and replenishment zones there are. And if there are sufficient marine officers to monitor and control abuse in these areas.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Mr. Speaker, the last part of the question with regard to the number of marine officers, I

honestly believe (and this is my opinion) that we could definitely do with more marine officers in order to police it properly. The correct amount of parks that he has asked for, I don't have that figure with me.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can confirm whether or not these marine parks and replenishment zones are monitored and patrolled on a 24-hour basis.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: They are actually patrolled, not on a 24-hour basis because of, like I said, man power. We could use some more manpower but they are monitored and that is as much as I can tell you on that.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say whether or not they are any marine parks or replenishment zones that are not designated or marked as outlined in his answer.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Mr. Speaker, not to the best of my knowledge. It is my understanding that the map I referred to a while ago shows exactly where the replenishment zones and the parks are, and they have been marked. I am not here to say that some of the marks may not have been removed but should that be the case, I would be happy to have them put back.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I get the impression that in order to know where these parks and replenishment zones are you need a map. What is being done to educate or advise our visitors who may not know that they need a map in order to determine where these particular parks and replenishment zones are?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Mr. Speaker, the last paragraph of the answer to the question states that the same information I mentioned with regard to the map and other identification for these areas, is also in the local tourist magazines. It is my understanding that they are posted also in hotels by Tourism. So I don't know what else we could do. Also, like I pointed out here, it's on the Internet and also on television.

The Speaker: Any further supplementaries? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I wonder if the minister could tell this House whether there are plans to get more manpower on it?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Mr. Speaker, it is my understanding that the department will be taking all steps possible to make sure that these areas are policed properly. To do that they would probably have to look for more manpower and, of course, perhaps a couple more boats.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: With respect to enforcement, can the honourable minister confirm whether or not the department has its own boats, or is it that when they recruit, the person who they are recruiting has to have that boat in order to hold the position?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: The department has its own boats. What I am saying is that I don't think that we have sufficient to police the island the way that we should. As far as the other part of the question with regard to somebody having to have a boat, I am not one hundred per cent sure about that.

The Speaker: If there are no further supplementaries, we will move onto question 77 standing in the name of the Third Elected Member for West Bay.

QUESTION 77

No. 77: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources what is being done to avoid damage to corals by the anchors of boats and ships?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Anchor damage poses one of the greatest threats to the health of our coral reefs. Efforts to prevent this damage include:

1) The installation and maintenance of public moorings on frequently visited dive sites in Grand Cayman and Cayman Brac and Little Cayman. To date the Department of Environment has installed 281 moorings including six new sites for Cayman Brac earlier this month. Five new sites will be installed in Grand Cayman later this year. Our mooring programme was the first in the Caribbean and is by far the most extensive.

2) In addition to dive sites, it was recognised that significant damage was being caused by anchors from visiting yachts. Five moorings have been installed in the

George Town anchorage for vessels up to 100 tonnes and an additional five moorings will be installed at Spotts later this year.

3) Discussions are in progress for the provision of moorings for yachts larger than 100 tonnes.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister can confirm whether or not there are sufficient public moorings or buoys that boats can tie up to in the popular dive areas such as Stingray City and the Sand Bar?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I would be speaking out of line if I said that I was sure that there was sufficient around those areas because with the growing number of boats that are now utilised in the Sand Bar and other dive sites I believe it is almost impossible to say that we have sufficient. However, if there were an area that the member has some ideas about I would be happy to send it on to the department.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I wonder if the honourable minister could supply the list (because I know he would not have this at hand this morning) of the 281 moorings.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I give that undertaking. I will have that supplied to the Legislative Assembly.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Item number 4, Government Business. I would entertain a motion for the suspension of Standing Order 14(2) in order that we can take Government Business on Thursday in preference of Private Members' Motions.

Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

SUSPENSION OF STANDING ORDER 14(2)

Hon. John B. McLean: Mr. Speaker, I move that the relevant Standing Order be suspended so that we can continue with the business of the House.

The Speaker: I put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(2) SUSPENDED.

The Speaker: Government Business continuing, Government Motion No. 4/99, Debate continuing thereon. The First Elected Member for George Town continuing

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/99

10 YEAR NATIONAL STRATEGIC PLAN (1999 - 2008)

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we closed off yesterday, I was about to move on to the area of human resource development and management. Just before I get there, having had the evening to think some more, I want to quickly add a few thoughts to my contribution with regard to the financial reforms.

I will quickly lay a case down so that people will understand the inefficiencies that exist, in my mind at least, and sort of promote the urgency for change. Someone said to me recently that the government is singly responsible for whatever inflation takes place in the country and whatever rising cost to do business that occur in the country. They were leaning towards the tourism product but I was taken aback by the statement and I thought about it. While I will not at this point in time subscribe to that very broad statement, I want to use the statement to show why people will come to that conclusion.

Earlier on I spoke about the way budgets are created nowadays and the reasoning behind any revenue enhancement measures that are delivered. While I know that the private sector is an integral part of a stable economic environment, by way of not allowing inflation to run away, if we look at what transpires by way of these revenue enhancement measures and the accompanying fees that go with it, we can understand. If the government—and let me make this very clear now when I speak of the government, as I spoke yesterday, I am continuing in that same vein. When I speak of the government this has nothing to do with the bodies that are there now, this is simply the mechanism which triggers the operations of government at present—that's what I am referring to.

We find, for instance, that there is no steady and meaningful gathering of information and policy decisions with regard to raising government revenue. And the whole reasoning for this is because there is no forward planning with knowledge beforehand of what financial resources are going to be needed to be able to accomplish the goals that are set. The goals that are set at present, are goals that are taken at random, so to speak, because there is no plan.

We can find where there has been no increase in a certain field. Let us say for instance, licensing of vehicles. People will boast that there has been no increase in this fee for ten years. So you have the ordinary person who has a budget to live by, living with the thought that every year it is going to be X amount of dollars to license the vehicle. Just like you have to find insurance and everything else, you know when the time comes this is what you are going to find. Without any warning, all of a sudden because of a government decision—and nothing has been done for ten years—the cost of that will double or sometimes more than double with the stroke of a pen.

I am not here now questioning whether whatever that cost is is not a real cost. I am talking about the way that it is done. You find that your ordinary consumer doesn't have an opportunity to plan his life. That is just one example but that spills over into everything else. And when there are sudden increases given to people, then you find that the merchants who also incur these costs are simply going to sit down and calculate immediately the method by which they are going to pass the cost on—that's only natural. There is nothing devious about that, that is just the way commerce works. So the whole ball starts rolling from actions taken by the government.

I will site another example, Mr. Speaker. When we look at what is publicly talked about and things that we argue about in this Legislative Assembly and in Finance Committee, and we hear about the tremendous construction costs when we do capital projects, I was talking about that earlier yesterday. But there is an extension to the argument. When we find that we are saying that the government is paying X amount of dollars per square foot for construction of a government building, it is only natural that the private sector is going to use that as a benchmark. It's simple! The entire effect of that comes down to those who cannot afford it—it doesn't stop until it reaches them and the only reason why it stops at them is because there is nobody else after them.

Mr. Roy Bodden: Preach brother, preach. Tell it like it is!

Mr. D. Kurt Tibbetts: So all that does is show us the reason why we have to change the way we are doing what we are doing.

Mr. Roy Bodden: Hear, hear!

Mr. D. Kurt Tibbetts: You see, we can even go as far with the price that government has to pay for capital projects whether it be roads or buildings or whatever. Because of the way that we end up having to do them, the cost may well be actual cost. It may not be inflated cost but if we go through the whole process that has to take place from A to Z, when we add all of the little bits of pieces put together, that is why it comes up to that. We have to find a way to do it differently that is what I am saying.

There is no accusation that people are ripping anybody off. It's just the way you achieve what you achieve. If you need your car serviced and because you have to

go through four different mechanics to do it, it must cost you more. Simple! Just adding that to the line of argument, that along with other things that I have said plus things that I haven't said, give rise to the thought that final reforms must be fast tracked as best as possible.

And I daresay that there is a pleasant thought to that because I think that one and all have to accept that this is a necessity and that is well on the way. So perhaps it's simply a matter of allowing due process to take place before we can see some accomplishments in that area.

Mr. Speaker, what I haven't really said (which I need to say at this point in time with regard to accomplishing the Vision) is the wish list that I have spoken about. It is going to fall directly on the public service to bear the brunt of accomplishing the Vision and providing the mechanisms and the tools with which this can be accomplished. I daresay my thoughts are that the three most important factors to allow this Vision to become a reality are what I have previously discussed as: Number one, the final reform initiatives; and number two, the personnel human resource development, the people in place to do whatever it necessary to make these changes come about; and third—and very near and dear to my heart—is going to be freedom of information.

I am going to leave freedom of information for a little bit and just take a few minutes to talk about the demands that are going to be created for further development of human resources.

You see, Mr. Speaker, it is my view that the way the system operates now is a bit confusing for one and all and I will explain that. It seems to me (and I have taken people to task in Finance Committee based on what my understanding was at the time) that the Personnel Unit, the original concept of that was to be able to manage the government employees, to structure the hiring and the discipline and the succession planning of these individuals. Now, as time has gone on in the government system, I believe that the way departments work at present because of lack of role clarity and because of cloudy circumstances, there may be a difference of opinion in some areas as to who is responsible for what. The truth of the matter is in the chain of command, heads of department will obviously know much more what the requirements are for that department to function but we always find that when it comes to personnel matters, people are saying, *'well, the way I understand general orders'* and blah, blah, blah. That is not responsibility.

I can only write a note or write a memorandum saying this is what's happening and then somebody else has to take charge and deal with it. I think that there may well be a gap there as to how that function is to be carried out properly. So, that needs to be taken in hand.

Mr. Speaker, I daresay that at present (no one's fault, that's the way it is), the Personnel Department is in no way geared to play the role that is going to be required in these changes because the reform initiatives that have to take place demand for a type of human resource that is not readily available in the service. Not because of the number of bodies but the bodies don't know, simply because they haven't been exposed to

what the demands are. So again we come back to role clarity, job description and that type of thing.

When it comes to the management and the development of human resources, there has to be serious and careful consideration. And there has to be a move to put in place the mechanism with the will to parallel those accomplishments that need to be realised in that area with all of the other reforms, otherwise nothing is going to happen. So there lies the importance of the human resource development. It simply means that we have to ensure that when the systems are put in place to create the efficiencies, that the bodies are there, trained and tooled properly to be able to work those systems—that's what it means. So one cannot go without the other.

Now, Mr. Speaker, when it comes to succession planning, that is going to be an area that I believe certain responsibilities and powers will have to be delegated and distributed in the chain of command in order to allow for that to happen. But it doesn't quite end there—let me tell you. There are people who might not wish to discuss certain things that I want to talk about but we need to now, Mr. Speaker. Now, is the time!

We have situations that occur with petty jealousies between personalities and because of those types of clashes and because the system isn't crystal clear and transparent to deal with those circumstances, we find a whole department suffering because of that. Again, not to be apologetic, but the point in all of this is to simply accept that these problems exist. As far as I am concerned, when we talk about the Public Service Commission, that has to involve arbitration. Because naturally if you have any checks and balances in your system, you must have a circumstance where if anyone feels that an injustice has been done, that they have recourse, which is obvious and that has to be the case. Because if it is not, then you are given the authority and the power to make decisions into too much of a lop-sided situation—you can't have that.

If I am the head of a department and you are working under me sir (I am certain that will never be the case—I am just speaking hypothetically) then if there is an injustice from me as head of the department to you, that you feel is an injustice, you must have natural recourse. If the situation is put in place properly, chances are it will happen ten times less than it might have happened before (or might be happening now) simply because either the head of department knows that that circumstance exists and is not going to take that chance. I am not going to expose myself to be shown that I have done something that is not in order.

In all of the planning, and all of the thoughts that are given to that, I think we need to evolve ourselves into that circumstance in order to be able to move forward. I know I haven't addressed the issue in total, but I think that is enough of that basically, not just to show inadequacies that exist, but to show what the needs are that will drive the change which will allow us to accomplish the goal.

Mr. Speaker, freedom of information—which I termed as the third main ingredient to accomplish all of these changes which will allow for Vision to become a

reality over a time—has been termed by others as the lubricant in the whole thing. If the whole thing is an engine then it needs the oil to lubricate the pistons for them to fire, to give you power to move forward. And that's what freedom of information is.

Mr. Speaker, it wasn't very long ago when a private member's motion was passed in this honourable Assembly calling for a select committee to get together to bring about the necessary legislation. That is in the works. And while in my zeal I may wish for things to happen a bit faster, I begin to understand because of so many things happening that you cannot expect blood out of stone. So I am satisfied that that will get there but it is very necessary also to parallel . . . and I am going to urge the government at this point in time to practise and to preach, and to pass it on to all of the players involved. Even though the legislation is not in place yet, let us begin to practise as if it were in place and certainly we will all be better off.

There is an increasing demand by the public for information regarding government's activities. In previous years, I daresay that government operated on the premise that everything was secret except what you wanted the public to know. That is inherent—again, there is no accusation. People who are here now, people who have been here for a long time, people who have been part of the government for a long time have just gotten into the system. That's the way they found it, that's the way they live it and that's the way they know it. That has to change. We need to be doing exactly the opposite.

We need to be living on the principle that everything should be public except information that for obvious reasons warrants confidentiality and would put the state or individuals at certain risks.

Mr. Speaker, there is this growing demand from the public as I said before for openness. One might ask, what are the reasons the public should have access to official information? The first one, which is very obvious, is simply to enhance and increase the knowledge and the awareness of the public. Simple! Another reason is also to allow for the public to appreciate government more and to appreciate why certain decisions are taken and certain actions are taken. Many, many times certain decisions that are made by government, certain actions taken by government bring about a big uproar in the public because all they know is the action.

On the surface, the action seems not be in the best interest of the public so they are going to automatically react, but I believe that on many occasions if along with the decision made the accompanying reasons are given, the public would have a much better understanding. I am not saying that everybody would agree with the decisions but I believe that there would not be half as much uproar as we have. It wouldn't be half as many as the whole big crusades that go on. But not only that, Mr. Speaker, the truth is, the entire mechanism of government belongs to the people of the country. Any power or authority that any one of us hold is by virtue of the people of the country allowing us to hold it—regardless of what system is in place.

So, Mr. Speaker, the government must be accountable to the public. The greatest way that they can be shown to be accountable to the public is by being willing to give the public whatever information they wish to receive, within reason.

Just so that people don't misunderstand my line of argument, I will show a few areas where obviously we cannot treat that same principle across the board. I accept that there will have to be some types of rules that govern the disclosure of information. If there are matters that are of national security then obviously you cannot have that information being disseminated. There are also circumstances—probably more so now than ever before, Mr. Speaker—which will have a direct impact on the economic stability of the country. I respect that government has to make a decision whether certain information if it were disseminated would be more harmful than good—I don't have a problem with that type of stuff. There are also matters, which might have a direct impact on crime prevention or detection.

It is not to say that proper legislation should not accommodate all of those areas but I am saying that freedom of information being the lubricant in the engine—here is what it is going to do: When you have an entire system in place that is called the public service, and the public knows that they have access to information, and the public service knows that the public has access to information. . . that alone is the greatest check and balance that could be created to allow for all of these workings to be done thoroughly, correct and to the best ability that it can be afforded.

If we look into the chain of command, we have the policy makers, we have their advisors, and we have the people who are going to implement the policies. Having freedom of information legislation in place and practising that on a daily basis within the service will allow for the quality of advice and the basis of decision-making to be automatically enhanced because it creates immediately the accountability that is desired. That has to automatically extend itself to more respect from the public for the institution of government.

Let us get down a bit lower, Mr. Speaker. You know, I can stand here this morning and think of probably a dozen instances when rumours and marl road talk have had seriously impacted the lives of individuals in this country. For those who have never had to encounter it, it may not seem to be a big deal. But, you know the way it works now, Mr. Speaker, when myself and the Minister of Education get at it sometimes, here's what happens with that system: I do not have access to information and once he knows (this is hypothetical—but I like to use he and I because he can live with it) that I am his political adversary, okay I cannot expect him (when I go to him) to give me whatever information I want—it just doesn't work like that, I know that. The situation being reversed would be the same thing—I understand that.

So you know what I have to do? I have to make judgment calls trying not to be devious putting two and two together to make about ten, and out of frustrating circumstances I cannot get up and speak on the floor of this House and only be able to say two and two and say

it adds up to ten! Listen, this is frightening. So I have to use whatever methods I can muster up, again, like I said, trying to make the best judgment call that I can, not involving other people or exposing them by asking them to give me information which I know they shouldn't be doing. When I add it up to make ten, I have to make a case because I believe it—remember that. It is not just because I want to show him up but I believe I am right even though I don't have all of the pieces together.

When I am making a case like that, I have to find some way to fill the other six pieces. By the time it is over, it is not impossible that my end story and whatever I accuse him of doing might not quite be the case—it is possible. If there were freedom of information legislation that could not happen. Of course, there is another side to that coin too. If I were the minister and he were I, and he was adding six out of his own mind to make ten, and I knew all ten, I would lash that on him so fast it wouldn't be funny. But in any case, I just used that little example to show the value of freedom of information.

If we look at the most serious aspect of it, Mr. Speaker, every arm and every part and parcel of government must be accountable for its actions. The only sure-fire way for them to be accountable is for information to be free. That means there can be no hiding behind this cloud, not only of secrecy but of . . . not deviousness. Mr. Speaker, that is not what I want to say because that is not the line of argument. But let us leave it at this shroud of secrecy. There can be no hiding behind that at any level and for government ministers that can happen to them on the chain of command going down. They must understand too.

Freedom of information and accountability works positively from the top down or from the bottom up either way you take it. I mean if they are going to be accountable to us at the end of the day then they must have the mechanisms throughout the chain of command for everybody else to be accountable to them. Simple! That is not the case now. So, Mr. Speaker, those three ingredients in my view once taken seriously and everybody put to work will allow for the Vision that has been proposed to become a reality.

Mr. Speaker, when we look at the circumstances that we live with today, the government has no choice but to restrain the growth of public spending and at the same time improve the level of services it provides for that same public. As onerous a task as that may seem, there is no choice anymore. Government is always under public scrutiny and freedom of information allows for the transparency that is being called for, something I dearly believe in.

You know, Mr. Speaker, I am going to leave off that topic now, but I want to say something and I say this purely from very personal insight. I know that human beings, including me, can fail. I firmly believe that being in this arena [all of us] should advocate and try to ensure that there are as many checks and balances (within reason) as possible so that I cannot fail. Some people might think different but I want it simply known. And as I said, I speak personally. I am not afraid to say that because for some of us our integrity is our lifeline and that should be

the thought throughout the entire system from top to bottom and from bottom up. If that is the case, we must be better off. We cannot be infiltrated. I am not going to expand on that but I mean that from the bottom of my heart.

Mr. Speaker, I just want to take a minute here with your permission. There is a book called *Managing Change*, and one short paragraph in it basically sums up a lot of things. I would just like to read it: "**Overall the pressure for reform has been so enormous that governments across the Commonwealth have been forced to question the fundamental roles and responsibilities of the nation's state. Many Commonwealth governments have adopted a variety of strategies including redefining the relationship between policymaking and administration and introducing greater accountability, task definition and performance measurements.** [That's just different ways of saying role clarity and performance based remuneration.] **Many have increasingly delegated the control of resources. Governments have become more aware of the need to work in a collaborative fashion with all stakeholders and have accepted that they must improve levels and quality of service.**"

Mr. Speaker, that sums it up. We are no exception. None whatsoever.

When it comes to the leadership, Mr. Speaker, leadership in government must establish the direction. The quality of leadership is going to take on a whole new meaning. The way I see this thing working is no longer should we find ourselves up in here arguing about who is responsible for what. This is not my responsibility, it is our responsibility. Everything is our responsibility but accountability must be fine-tuned to where the buck falls in a certain spot and that's it. Everybody knows what he has to do, everybody knows what he is responsible for.

Mr. Speaker, you have been here longer than most of us and I am sure you have lived the frustration of seeing that wheel spinning round and round, and getting nowhere. Being accountable doesn't mean that you want to have a system in place where people are accountable for their actions so that you can do them something—that's not the whole point. That is what some people fear because they haven't swum those waters yet. That is not to be feared. That in itself, is what gives rise for people to perform better.

Mr. Speaker, the changes are afoot. I am convinced without a shadow of a doubt and we have probably said it and I may have said it before now. But where we go from here and how we do what we do to achieve the wish list that the people of this country have helped to create is going to be the most important part in the history of this country. We have been out to sea for too long without a sense of direction. The fuel is running low. We now know where we have to get to as a destination. We need to chart the course to get there before the fuel runs out.

Change has to be managed. I know we can't just thrust change on people and expect the right reactions. That is where leadership comes in, Mr. Speaker, at all levels. A leader does not necessarily mean the Leader of

Government Business, the Governor, the Chief Secretary, a Member of this Legislative Assembly. Leaders come at all levels. The human resource development is vital. The financial reform initiatives, which are taking place now, are vital. Having freedom of information as the lubricant to the engine is as vital as either one of the other two.

I believe that we have the ability to see this thing through. I believe that there is enough knowledge from within us, once the commitment is there to achieve the goals. Mr. Speaker, this is no time for petty squabbles. The future of my children is at stake. My children are not just who live with me at home, the children that I see walking on the road, going to school with mine, they are mine too. That is how I must feel—that's how all of us must feel. And, if from where we sit we do not make that commitment to direct the way this country is going to head, then we have failed our children. We cannot expect to run out of steam now and figure they are going to come behind and cure it all. It will not happen.

Luckily for us, even the tremendous growth that this country has experienced was accompanied by many of our former leaders who had their own types of vision, which has helped tremendously. Luckily for us, we don't have an untenable situation where we don't know where to turn. The least that we can do (because we have been blessed to find ourselves in that circumstance) is to do what is right.

I am nearing the end, but I need to say this: The greatest sin that any one of us could commit is to try to cause for any direction in our role as parliamentarians because of where we are going to end up. That is the greatest sin any one of us could commit.

If my best contribution is going to mean sitting in this little corner and doing what I think is right—trying to come from an informed position, trying to learn all about what is happening—that's fine with me. In fact, that is wonderful because I cannot have a better feeling if I know I have done what I could do. And do you know what else? If we do it right, God has a certain way of making everything else fall in place. I am sure you have lived that. Let us not worry about what's going to happen to us individually tomorrow. Collectively, if we move forward individually we will be fine. If we move forward individually, one of us might end up being responsible for the demise of all the rest. And, if we talk about onerous responsibility—that's onerous. That is what we need to be thinking like.

Mr. Speaker, there is a time and a place for everything. This is the time for all of us to be one. I am prepared for it. I am saying publicly that if we do not do what is right, we will all pay the price for it.

Thank you.

The Speaker: Does any other member wish to speak? The floor is opened to debate. [Pause] If no other member wish to speak, does the honourable mover wish to exercise his right of reply? The Honourable Minister of Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. I must say that I am very proud of the high calibre of debate that this motion has drawn. I am very proud of the constructive and optimistic debate, and also the non-political way in which this motion can be handled.

I guess I would like to open with what the Honourable First Elected Member for George Town finished with, and that is that collectively if we move forward individually we will be fine. I think they are probably some of the soundest words of advice that I have heard and he pointed out the dangers of trying to move forward individually. That really is the importance of ensuring that this legislature on matters that affect the national interest such as this 10 Year Strategic Plan for the Cayman Islands, Vision 2008, that this legislature and the people of these islands move forward collectively.

If that happens on major issues Mr. Speaker, then I am satisfied that the future of this country is well secured and that our children will be able in generations to come, to reap the benefits of this country, which we must ensure that we hand down to them.

Mr. Speaker, I would like to deal with as many of the matters collectively amongst members who have put these forward. The Third Elected Member for George Town put forward some very crucial issues and asked I think all of the important questions at the end of his speech, questions that were well developed throughout. Unless we collectively answer those questions that the Third Elected Member for George Town posed (and there were four of them)... questions which were also stressed were from the First Elected Member for George Town and the Fourth Elected Member for George Town in their debates and also by other honourable members, especially the Second Elected Member for Bodden Town in her short but very important contribution to this debate.

I would say that all members who contributed to this including my colleague had very constructive and very important fundamental aspects of this debate.

Mr. Speaker, as was clearly put forward by the Third Elected Member for George Town very early in his debate, the success of the Vision will be based on the success of its implementation. And that is a very crucial statement, it's one of the questions that he asked and all speakers... Here I am quoting from the Third Elected Member for George Town when he said **"it is the duty and the responsibility of the legislators to see that it works,"** meaning that Vision 2008 works.

"Implementation [he went on to say] can only be accomplished if the people of the Cayman Islands make it happen." That is in my view, one of the foundations of this plan and how it will work.

Mr. Speaker, I am also happy to know that in this policy document, the 10 Year Strategic Plan, that not only did all members of the public have input but all members of this Honourable Legislative Assembly had input from the very early stages. So what we have here has the ownership, it has the full backing of this Honourable House and of the people of the Cayman Islands.

This 10-Year Plan has been referred to by one of the members as the wish list for the Cayman Islands. I would like to advance that one step further and say that

Vision 2008 is really the foundation for the future stability and continuity of the Cayman Islands and is in my view basic to what our children will inherit in the future. If we carry this out and we carry out the three stages of it then I am satisfied that my two children as well as all the other children in these lovely islands will have a guaranteed future.

A lot of input was taken from the youth of this country. We must remember that the team leaders, many of them are our young people and this is why the National Strategic Plan is a very vibrant and viable policy plan. A plan that covers all aspects of where this country wishes to be by the Year 2008, and as a result, it has in my view the very best chance of succeeding on implementation.

I would like to apologise for not acknowledging this group at the beginning. It was quite rightly pointed out by the Third Elected Member for George Town. I would like to acknowledge the very significant role played by the Strategic Integration Group, not just in Vision 2008 but also on the financial reforms, the public sector reforms and the transparency reforms, if I may refer to them as that, that are moving at this time.

Mr. Speaker, the Strategic Integration Group is ably chaired by His Excellency the Governor. I am indebted to him despite the short time that our new Governor has been on the island. He has very effectively and efficiently taken the chairmanship of the Strategic Integration Group, he has given his assurances of standing behind Vision 2008. Without His Excellency's commitment (and we have that commitment) then the implementation... Or I should put it this way: the implementation is assured with the Governor's commitment behind it.

Also on the Strategic Integration Group is the Minister for Tourism; the Third Elected Member for George Town, Mr. Linford Pierson; the First Elected Member for George Town, Mr. Kurt Tibbetts; the Honourable Financial Secretary; the Honourable Chief Secretary; Deputy Financial Secretary; Deputy Chief Secretary; my Permanent Secretary, Mrs. Joy Basdeo and myself. Secretary to the Strategic Integration Group is Mr. Peter Gough, and also from the Government Information Services, the Director.

This group is responsible for the co-ordination of the government initiatives and as I would be putting forward and endorsing what the Third Elected Member for George Town put forward, I believe that it must now take a bigger role and begin to deal with how the implementation of these reforms will come about.

Mr. Speaker, I also endorse what has been said by the Third Elected Member for George Town. It is important that Mrs. Joy Basdeo, my Permanent Secretary, who has lead these reforms to this stage be considered an integral part of the Strategic Integration Group's decisions. So I am very grateful to His Excellency and all honourable members of that Strategic Integration Group for the amount of commitment, time and the experience and guidance that comes from it. When you add up the experience of that group, you will find that it is one of the most experienced and able groups of people that this country could really ever pull together under one chairmanship.

Mr. Speaker, I would like to also thank the Third Elected Member from Bodden Town for his contribution, for his dealing with the 10-Year Plan in a constructive and very analytical way. And for the guidance that has been put to this Legislative Assembly by that member and the other members that I referred to.

There was some mention of the fact that in the polling [approximately] 40 percent of the views were from non-Caymanians. But it is important that this policy document fit not only the people of the Cayman Islands but it also deals with those who are resident amongst us, who are also an integral part of the Cayman Islands. The residents in this country are very important to us, their views must be considered very seriously even though as legislators our over-riding duty is to the electorate of this country. But bearing that in mind, we must balance the views of expatriates who are among us.

This was probably raised in relation to the immigration policy, [which] is really being looked at by a Select Committee of this House. I have undertaken to ensure . . . and I believe that the views of the Vision 2008 will go to that select committee and will be looked at considered very seriously.

Mr. Speaker, taking into consideration points raised, I will be basically repeating and also endorsing statements made by honourable members in this House. The Third Elected Member for George Town dealt with the importance of balance when it comes to the natural environment and development—that is ably covered in the plan. He mentioned that the greatest asset of these islands is our people, and that is also borne out in the 10 Year Plan.

Mr. Speaker, the Vision 2008 mentioned (and this was raised by the Third Elected Member of George Town) that the major challenge facing the Cayman Islands today are the OECD, EU, G7 initiatives. Those initiatives and the meetings we have had on this, the Third Elected Member for George Town has been a very important and integral part of that team, together with members and ministers of government who had been dealing with this. I am happy to say that all members of the Legislative Assembly have kept this important issue out of politics. It is a big enough struggle trying to deal with these measures which are put forward by the largest countries in the world. We are not now just dealing with the United States. We are dealing with France, Canada, Japan, Germany—these are the countries that run the world. We, therefore, have to take seriously the changes that they are seeking to bring about which is basically to change the economic order of the world and we have to bear in mind that they run the world.

So we must put forward positively, in a very firm way, the views of the people of the Cayman Islands to them. The fact is that they have to take our interest into consideration when dealing with these issues, and the United Kingdom has been very good support to us throughout our dealings with the OECD, EU and the G7 measures. But we must remember also that they are a part of the Group of 7, European Union and the Organisation for the Economic Co-operation Development.

Mr. Speaker, another statement made that I endorse is that trained human resources are the key to our success. That really goes to the crux of the development of this country, we have to develop and train our people, unless we do that we will never reach the full potential in this country. I must say, I had actually prepared considerably notes but I believe that speaking as I am basically doing now from areas that I feel are important and near to us that other members have put forward is perhaps the way I will deal with this. So if you don't mind, I will not try to group heads as I was attempting to do, I think I will continue along these lines.

Many other good suggestions put forward were the importance of our key people and that is, all of us not spreading ourselves too thin. That can be a danger, I have come under tremendous pressure myself while my Permanent Secretary has been leading the executive of Vision 2008. I had hoped to get a senior staff in her place, unfortunately, in the last 20 months the Personnel [Department] has not been able to give me that staff. So I have had to basically deal with a lot of work on my own that I should have been given staff to deal with. But, Mr. Speaker, I say that not to complain, because I basically work nights, weekends, evenings and I also sit in here (I don't mind saying) and I do listen to members. But I have now had to learn to do my work for government while listening to members at the same time.

I am saying this to show that I believe that no sacrifice is too great for the success of the 10 Year Strategic Plan. If the time comes when a decision is made that my Permanent Secretary should be placed elsewhere to assist with Vision 2008—because she is in my view (and I am endorsing what the Third Elected Member for George Town said) having been at the creation of the document, Vision 2008, best able to assist this country in the implementation. If my ministry must suffer as a result of that, that price, while high, is not too great a sacrifice for seeing Vision 2008 being implemented.

That, I think, has to be at the top of the Legislative Assembly's agenda. And the full backing of the legislature of the ministers of government and of the top civil servants, and all of the ranks of the civil service. There has to be the commitment for the implementation coming from all ranks of the civil service. We in here as legislators cannot alone deal with the implementation of the National Strategic Plan. The implementation has to come from the commitment of the top and all ranks of the civil service and the training, therefore, has to go with it. It is no good for us putting civil servants in there who do not have the training and I believe along with the training will come the commitment to implementing Vision 2008.

The think tank that was put forward by the Third Elected Member for George Town . . . I know the Financial Secretary has already started this and has had at least one meeting on the budgetary process. That honourable member said that the brunt of implementation would be borne by the service and I fully endorse that.

Now, I have really been able to get fairly copious notes and I would like to thank Tricia who is in here with us, she is part of the team of Vision 2008. I have been able to get notes only from the debates of the First

Elected Member for George Town and the Third Elected Member for George Town, therefore I will be quoting from them as they sum up in many ways what many others had said.

The First Elected Member for George Town mentioned that he had always pushed for forward planning and this is correct. That is crucial to the country. At last, we now have (as that honourable member has mentioned) a comprehensive document which goes well beyond what other countries in the Caribbean and around the world in fact have done. In fact, some of these reforms are now on the way in the United Kingdom.

So this legislature and the people of these islands have made one very large leap forward with Vision 2008. When the First Elected Member for George Town stated that Vision 2008 (the plan) cannot become a reality and **“will not become a reality unless each and every one of us from where we sit in the Legislative Assembly, permanent secretaries, civil servants and citizens—all of us, claim ownership if it is going to work,”** I fully endorse that statement. He mentioned the importance of ensuring commitment. And also, the public sector must play the major role in making Vision happen. That I know has been stated by many others.

Mr. Speaker, the importance of ensuring that the reforms are carried out, the integration of those reforms will be a challenge and there is no two ways about that. The ability in this debate for members to look very frankly at, I guess, the past five to six years in this House and the way the First Elected Member for George Town took examples of the problems that are in the system and analysed them . . . I am very grateful to him and I believe this House is because these problems do exist. But I believe that the reforms will clear up the vast majority of these problems.

For example, while ministers in this honourable house answer for why a school hasn't been built on time or built within cost—while we have responsibility . . . and I must answer and I must take responsibility for that. The reality is at the end of the day, I have no direct control over being able to direct that it be built within a certain time or with a certain amount of money and have the ability to enforce it.

The government makes policy and I or Executive Council can make a policy that the school shall be built but if at the end of the day it is not, then other than my having to apologise and have responsibility for it, I cannot personally direct that that school should be built within the specific time and for the amount of money.

Mr. Speaker, as the member mentioned, every ounce of pressure that backbench can put on government, they put and they do that very effectively. But it is good that at least we both understand that unless there are reforms in the system, the reality is that no matter how much pressure the backbench puts on us, we can only do so much and no more. Believe me, the public must be aware that if we could just direct that things be done and have the ability ourselves to carry it out then obviously we would do that. Why would I or other members of Executive Council stand here and take all of these knocks?

I believe that between the revenue measures, the public sector reform, the transparency measures and Vision 2008, this will all come together. I believe that we will reach the stage where we will be able to guarantee the outcomes of what this legislature, what the Executive Council or ministers, whichever level it is at . . . because ministerially we really have very little authority and Executive Council basically makes decisions and then the Legislative Assembly makes decisions and laws.

I fully endorse (and I have said this time and again) the reforms that are underway and if there is one thing throughout my political career that I have never looked forward to it is the budget process. The First Elected Member for George Town stated that the budget time is even worse. You look at what you cannot avoid doing and he went on to say that you then have to make hard decisions on what can and cannot be done.

Mr. Speaker, clarification of roles beginning with roles of the members of the Legislative Assembly, their duties (if we want to call it that) Ministers, Executive Council, civil servants; clarification of roles and job descriptions is critical. It's vital to getting the teamwork, to getting the continuity needed to deal with the reforms and the co-operation that is needed.

Mr. Speaker, I would like to deal with some further matters that were raised. The Public Accounts Committee is chaired by the Third Elected Member for West Bay and the problems pointed out there are that they are not dealing with policy nor does the Auditor General deal with policy. They are really dealing with matters that relate to how those policies are carried out and value for money, among other things. Ministers, therefore, do not appear before the Public Accounts Committee as the matter of policy itself rests with the Executive Council and the accountability for the spending of money rests with the controlling officers and their departments. Depending on whom that controlling officer is, it is normally someone in the department and also with the ministry at the civil service level that division I think is very important that the civil service not be involved in the political matters but the division also creates certain problems with Public Accounts Committee perhaps trying to get to the bottom of a matter.

I am happy though (and this has been acknowledged by the United Kingdom) to give credit to the Public Accounts Committee. We are the only territory which is up-to-date and has an active Public Accounts Committee. It is highly critical of us at times, and that is something we must accept while in government office and seek to correct areas that the Public Accounts Committee has pointed out. But there are territories where the Public Accounts Committee has not sat for years. So there is accountability here and I think it is a very important part of the functioning and the public accountability that the public must be able to see and hear what is happening within government. The Public Accounts Committee is the democratic body that deals with that.

Succession planning for Vision 2008 is very important, this is something that the Strategic Integration Group will have to deal with head on at an early stage.

Despite the criticism—and I think the public realises that I have borne the brunt of criticism in this Honourable House, which I know that while I remain as a Member of Government is something that I must bear and learn to take a lot of. Many times I take it without answering because if we have to answer every allegation levelled at us as politicians, I am even speaking more generally now, we would spend the rest of our lives answering.

The level of debate that we have seen here goes a long way to let me appreciate that despite the harshness of debate in a democratic society, there are times when we can constructively move forward together as we have done now.

I am going on to touch on freedom of information and transparency, which is at the heart of the public sector reforms because it is not only from the civil service point of view, but the government and the public service must make available to the public the maximum amount of necessary information that can be made available. I fully endorse that. I would like to show two examples of how I have played my part in pressing this matter forward because as members of this House quite rightly said, if information is put out to the public, there can be no doubt then on what basis government's decisions or the statutory bodies' decisions are made.

We have to reach a stage where we achieve the maximum of this, but it takes reform within the government and within this honourable House. When the Freedom of Information Law comes about, Question Time is going to be restricted within very narrow limits because information is then in the ambit of the public and cannot be asked here. That I think will be healthy for this country. But to do it, you have to have a government with broad shoulders and a government prepared to accept the challenges, to accept that mistakes will be made and to put forward constructive corrections. Until that day comes, no matter how much legislation we pass here, there will not be an effective and efficient system.

[I would like to thank the] staff within my ministry and the Department of Education—especially my Permanent Secretary—for their support in what was probably the first major decision on freedom of information. That came when we established an Independent School Inspectorate that has gone into seven schools and has reported on those seven schools. And, just two days ago at the opening of a seminar relating to school inspections, the Chief School Inspector, Mr. Victor Green, mentioned that it had taken Britain one hundred years of inspections before they released the first inspection to the public.

Mr. Speaker, we began our Inspectorate on the basis that we would release the information to the public and I had to weigh carefully the fact that when you totally expose the system, when it is then subjected to very critical analysis and the Inspectorate says this is wrong, that is wrong, this is good, that is good—that it could have serious political ramifications for me. But that step was taken at a very early stage and I would just like to read again (because I was reminded of this, at the opening of the Inspectorate) what I regard as a classic editorial by the *Caymanian Compass*.

They have levelled criticism at me over the years starting from day one but it is good to see that they are also prepared to acknowledge when something good is done for the country.

I would like to read this very quickly. It is headed, A Quiet Revolution. **“Last month with very little fanfare, reports on three local schools assembled by the School’s Inspectorate were released to the public.**

“The inspectorate, a wholly independent branch of the Ministry of Education, came into operation in 1997, its job to monitor and report on educational standards in Cayman. The publication of the Inspectorate’s first three reports, for distribution to the schools and parents, is a highly significant moment in the history of education in the islands.

“The ministry had a choice to publish or not, and, to its great credit, chose to do so. Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system. It has meant that, for the first time ever, objective and independent assessments of standards at local schools are available to parents. That is information that all parents and guardians in every country deserve—or perhaps have the right—to have, but too often do not.

“Publication of the reports establishes the honesty of the Ministry of Education, gives much credibility to its stated aim of raising educational standards, and encourages trust between the Ministry and parents.

“Now the reports have been published, the schools are using their own self-assessment reports in conjunction with the Inspectorate reports to produce action plans. The purpose of these will be to bolster areas which have been identified as weak. The Inspectorate is to monitor the implementation of the action plans, and each school will continue to evaluate its own work on a regular basis.

“If staff at the schools concerned can remain motivated to see through their action plans in the coming months, it seems likely that real improvement in standards will quickly follow.

“It remains to congratulate the Inspectorate staff for carrying out its mandate with such thoroughness and professionalism. The inspectorate reports—detailed, concise, and objective as they are—provide an extremely valuable framework for upgrading the quality of education in the Cayman Islands.” [*Caymanian Compass*, 24 November 1998.]

Mr. Speaker, when we talk of transparent—that is, what transparency is all about. My ministry had the faith in the education system to put independent inspectors in it to look individually at the schools and the private schools have also followed suit. Two of them have now been subjected to the inspectorate and the result is as this has stated, the strengths and weaknesses go to the public. If you have confidence in what you are doing, there is no problem with putting those out to the public.

I know there are weaknesses in the system but I also know it is a strong and good education system. I

had no hesitation in taking that step to say to the public, *'Here are the weaknesses of the system and here is how we are going to correct it.'*

Mr. Speaker, one other novel thing was introduced in the inspectorate system and that was self-assessment. Until we are able to assess ourselves and look at our own weaknesses and our strengths then we cannot ever move forward positively and confidently. This has now become an important part of the school assessment for the Inspectorate—teachers and staff have to sit down and analyse their strengths and their weaknesses. And the Inspectorate is here to assist the schools in raising the standard of education and dealing with the problems in those areas. Mr. Speaker, I am happy really to have taken this step. I know there will be times when reports will come out that there will be criticism levelled at the ministry, but I am prepared to take that constructively and to move forward and correct it.

Mr. Speaker, other areas where transparency has been brought in—the Planning Authority minutes are available to members of the public. They call most of the time I would say. They actually have members of the public before them to make objections or representations. It is an open process—nothing could be more open than that but the system functions despite... And we do get things levelled at the Planning Authority, at the Planning Department but that is good. I am always happy to have constructive criticism, the damaging part is at times politics—be that within this House or outside—get in and then we have a destructive criticism or a destructive approach. That doesn't help the country.

But with the two major departments that I have and also with Cayman Airways, I lay those accounts every year. I know what happened in the past. In the past with Cayman Airways . . . and I have that recorded, I know that the ministers in charge of Cayman Airways did not answer questions that affected the trading of Cayman Airways because they said it was a private company and, therefore, it could not be questioned in this House and this is indisputable the way it was.

Mr. Speaker, I did away with that rule. I answered questions and I answered them as long and as full as I could. And, I know even you have commented that sometimes seven to eight page answers are a bit long. Yes, they are. But I try to give full information and so do the other members of the government. So I have nothing to hide. I have nothing fear. I look forward to having the Freedom of Information Act in place and when it comes it will be merely endorsing the steps that I have taken with matters such as the schools, Planning, and Cayman Airways.

As far as freedom of information goes, that's good for this country and when it does come forward, like I said, I believe I have already gone along and other members have gone a long way with complying. Nothing can be more transparent than subjecting our schools to an independent inspection that's published to the people, to the parents, to the guardians.

I am wondering if we may be able to take a break before I go on to the fiscal measures.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:35 AM

PROCEEDINGS RESUMED AT 12:05 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Government Motion No. 4/99. The Honourable Minister for Education, Aviation and Planning continuing.

Hon. Truman M. Boddin: Thank you, Mr. Speaker. The importance of changing government's accounting cash system to the universally accepted accrual system cannot be over-emphasised and several members went into this. At present, government has no balance sheet. It basically only has a cash flow accounting system, which operates much like a person who operates a business on pure cash and whether he pays for his house or he pays for food, it is treated in the same way. At the end of the day, he looks at what remains as his cash balance.

The accrual system will improve the system in many ways but one of the main ways will be when payments are made or money spent, for example on a building, it will not come out of profit and loss but it will go on to show as an addition to capital. In effect, that money has not gone away, it has been turned from cash into an asset. This is what the private sector people really understand and it will show a considerable different light, a far more accurate type of system, one that is universally understood.

Mr. Speaker, I look forward to the introduction of that part of the system. The system will also carry with it the reforms relating to the output of the departments and the statutory authorities. This too is important because it changes the present (if I may call it) one-line cash system into something that is much better understood and far more effective. And those reforms are moving ahead. With these four major areas of reform moving, it is critical that the reform in the human resources, the training of the personnel is in place because that one is crucial to the other three. The integration of the human resources reform and the finance transparency and Vision 2008 is going to be a challenge. But they have to be moved forward in an integrated way at an early stage.

One moving forward and leaving the rest behind is only going to partly achieve what we are seeking to do because all of the reforms depend on the civil service, our human resources. It all depends of our finances and a lot of the policies in Vision 2008 depend on those. As well as there is an interrelation throughout on the four areas of reform. So the overall integration of these reforms has to be dealt with at an early stage.

Mr. Speaker, the questions asked by the Third Elected Member for George Town that need to be answered are: Who will co-ordinate the plan? Who is responsible for clarifying roles and responsibilities? Who will assure proper performance? Are roles, leadership, ministries and support staff properly defined?

It says, integration of various initiatives and allocations are scarce human resources needed to address

these top priorities. Danger of over-extending the limited human resources.

The delivery of the National Strategic Plan is basically a policy document that the duty rested on the acceptance by this honourable House, the acceptance by the Executive Council (which has already taken place), and the acceptance by the public at large (who really put the plan together). This part of the work is finished—thank the Lord, and we now have a 10-Year Strategic Plan covering all three islands and every aspect of the three islands. That document is a policy document that at this stage is substantially complete and subject to certain further costings and then the implementation must take place.

While I cannot and I do not have the authority to give the answers to these questions, what I will do from my personal point of view—I need to stress that it is my personal view . . . and it may well be that the Governor in the Strategic Integration Group or this House may well see some of what I am saying in a different light. I accept the democratic process and naturally, whatever decisions are made on the integration and the implementation of Vision 2008 I will play my part to the best of my ability.

Mr. Speaker, I think that the co-ordination of the plan should rest with the Strategic Integration Group that is chaired by His Excellency and has two members from either side of this honourable House on it, and the other members I mentioned earlier. I think once a decision is taken there, either with the Strategic Integration Group in its form as it is now . . . I would rather it be expanded because the brunt of implementation will fall on the civil service, there are no two ways around it. The political element, us in this House with government, cannot effectively deal with implementation because the civil service is non-political. It's not under a politician. So I believe that major role should lie with the Strategic Integration Group.

I think once that decision is made, the other three questions can be answered. But we have to be careful in relation to performance that the Strategic Integration Group as it has four politicians on it, is not seen to be crossing over and entering in any way the responsibility and the performance aspect of civil servants. It is with that caution that the Strategic Integration Group should sit down at an early stage now and decide how we will go forward with the implementation and the integration of the plans.

Mr. Speaker, I believe that the Strategic Integration Group will need the assistance of the equivalent of an expanded Vision 2008 Office. Perhaps, and here I don't intend to try to say who or which ministry that should be under. I think that's the decision for the Strategic Integration Group. But there has to be basically a permanent implementation secretariat equivalent in place that will assist the Strategic Integration Group with driving these policies forward because the policies are just not going to happen.

The civil service is going to need the training. They are the people who will make this work. And, therefore, as mentioned by several other members, the brunt of the

implement is going to fall on the shoulders of the civil service. To avoid excessive pressure and excessive over-extending of those limited human resources, the necessary training and appropriate support staff must be put in place. I believe that regular reports from the Strategic Integration Group indirectly to this honourable House, to Executive Council, is most important.

Remember, the National Strategic Plan is a rolling plan that will be updated as necessary—but not less than every two years. So within two years, as is necessary, the plan will be revised and updated. That ensures that where there are problems, it can then be effectively corrected.

The plan is about as near to perfect as any country could get, especially as we can get. I know that it carries the support of the people of the Cayman Islands. However, we cannot over stress the importance and the complexity of putting into action what the plan now says. To do that, it is going to mean that every member of this House, every member of government, every civil servant is going to have to accept the change that is coming about.

There is no way that a plan of this magnitude and importance can be implemented without a change of mind and attitude to accept the changes and to look at them positively. Sometimes not just we ourselves, or not just civil servants, sometimes people will look at something and they will give ten reasons why it cannot be done. It may take them an hour to do that, whereas in five minutes they could come up with one good reason why it should be done and get on with it. There has got to be a positive attitude, a changing attitude with ourselves, with the civil service.

We have to accept that the public is our client, the public is our customer—we have to give service, we have to perform. Matters of the excessive cost, for example on buildings in the government sector has to be dealt with! We have to ensure that there is value for money spent and our duty is to ensure that with the implementation the systems that are necessary to support and to deal with good projects on a least cost basis are put in place.

I know that it is going to be difficult at times for some people to take a different approach. But I believe that if the right approach is taken, if a person knows that what they are doing is their best and they have a positive attitude then they will succeed in making the Cayman Islands a better place.

I would once again like to thank all members of the planning team, the roundtables, the Vision 2008 office, and the members of the public who took part. Also to thank members of this honourable House for supporting it and to really call on honourable members here to continue that support while the momentum is on with the National Strategic Plan. We have to move forward with it.

I would like to end by saying that I am very proud of the high calibre of debate in this House on this motion and the constructive, non-political approach taken to it. And to echo what one member stated that if collectively we move forward, individually we will be fine.

Mr. Speaker, the country now has a comprehensive ten-year strategic plan. It is one that I believe is implementable. I believe that it is one that will assure that our children in the future will inherit what they are entitled to. I believe that the ownership of it is with the people of this country and that in the years to come, we will look back on this development plan as being one of the major milestones in this Christian society that we have achieved.

The credit goes to the people of these islands for telling us what they wish to see. Our duty with them now is to carry this out, to implement it to get into the first stage and to effectively see that we achieve what the people foresee as their vision for the future.

I would like to end by asking God's blessing on this ten-year plan and that He assist us in moving it forward along with the country and the people of the Cayman Islands. Thank you.

The Speaker: I shall now put the question on Government Motion No. 4/99. Will those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: GOVERNMENT MOTION NO. 4/99 PASSED.

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

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, would you take the adjournment? I move the adjournment of this Honourable House until 9:00 a.m. on the 2 August 1999.

The Speaker: The question is that this Honourable House do now adjourn until 2 August 1999 at 9:00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 12.29 PM THE HOUSE STOOD ADJOURNED UNTIL 9.00 AM MONDAY, 2 AUGUST 1999.

**EDITED
MONDAY
2 AUGUST 1999
10.06 AM**

[Prayers read by the Third Elected Member for Bodden Town]

The Speaker: Please be seated. Administration of Oaths and Affirmations, Oath of Allegiance to Mr. Donovan W.F. Ebanks, MBE to be the Honourable Temporary Acting First Official Member.

Mr. Ebanks would you come forward to the Clerk's table? Would all Honourable Members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

By Mr. Donovan W.F. Ebanks, MBE

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

The Speaker: Mr. Ebanks, on behalf of all Honourable Members I welcome you to the Legislative Assembly for the time of your service. Would you please stand at your seat as the Temporary Acting First Official Member?

Mr. A. Joel Walton, would you please come forward?

OATH OF ALLEGIANCE

By Mr. A. Joel Walton

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

The Speaker: Mr. Walton, on behalf of all Honourable Members, I welcome you to the Legislative Assembly for the time of your service. Please take your seat as the Temporary Acting Third Official Member.

Please be seated. Item 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: We have apologies from the Third Elected Member for George Town who is absent due to the death of his father, and the Elected Member for North Side, the Deputy Speaker, is overseas.

OBITUARY

Mr Varian O. Pierson

The Speaker: Honourable Members, I rise this morning on behalf of all honourable members and the staff of the Legislative Assembly to offer condolences to the family of the late Mr Varian O. Pierson, the father of Mr Linford A. Pierson, JP, MLA, the Third Elected Member for George Town and a former Member of Executive Council. The late Mr Varion Pierson was employed for some time by the Port Authority of the Cayman Islands, and he was well known throughout the community. May his soul rest in peace.

Item number 4, Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE ELECTIONS (AMENDMENT) BILL, 1999

The Clerk: The Elections (Amendment) Bill, 1999.

The Speaker: The bill is deemed to have been read a first time and is set down for a second reading.
Bills, First Reading.

THE COMPANIES MANAGEMENT BILL, 1999

The Clerk: The Companies Management Bill, 1999.

The Speaker: The bill is deemed to have been read a first time and is set down for a second reading.
Bills, Second Reading.

SECOND READING

THE ELECTIONS (AMENDMENT) BILL, 1999

The Clerk: The Elections (Amendment) Bill, 1999.

The Speaker: The Honourable First Official Member.

Hon. Donovan Ebanks: Thank you, Mr. Speaker. I beg to move the second reading of the Elections (Amendment) Bill, 1999, which I think was circulated to members back on 7 July.

The Speaker: Sir, do you wish to speak to it? Please continue.

Hon. Donovan Ebanks: Thank you Mr. Speaker.

That bill emanated from the work of a Select Committee of this whole House on the Elections Law. The committee was established on 21 April 1997 following the passage of Government Motion No. 2/97. As the House will recall, you appointed the Honourable First Official Member to Chair that committee of the whole House.

The Committee met on five occasions between late 1997 and June of this year, and following the June meeting, it produced its second interim report. For the benefit of the public more than members, I will just reiterate the recommendations contained in that report.

"The Committee wishes to report that it has reviewed two issues, which it considers necessary at this time to be put into place. These relate to amending the Elections Law to make provision for a permanent register of electors in the islands and for voters registration cards."

"The Committee, accordingly, considered and agreed to a draft bill to incorporate these provisions. The draft bill, entitled A Bill for a Law to amend the Elections Law (1998 Revision), is appended hereto and forms part of this report."

"The permanent register will be based upon the register currently in force and will be updated shortly after the coming into force of the amended legislation. The register, thereafter, is to be updated on a quarterly basis to provide for the addition to the roll of those who have become qualified as electors since the previous updating. It will also provide for the removal from the register of persons who have died or who are no longer qualified by other reasons such as non-residence or conviction for criminal offences."

"Information concerning deaths, criminal offences and other matters is to be provided to the Supervisor of Elections. Voters' registration cards will be instituted and are to be produced by the elector when he or she votes on the occasion of any general or by-election."

"The Committee, therefore, recommends to this Honourable House that the Elections Law be amended as set out in the draft bill and that the amending legislation be presented to this Honourable House by the Government as soon as possible."

Mr. Speaker, it is against that background that the draft bill, The Elections (Amendment) Bill, 1999 is, therefore, before the House. It is fortunate for me, sir, that members having served on the Committee and being eminently familiar with the recommendations, and I expect with the content of the Bill, require no great elaboration. I therefore wish to humbly recommend the Bill and trust that it will meet what members have expected and that they will find it possible to give the Bill their full support. Thank you.

The Speaker: The question is that a Bill entitled, The Elections (Amendment) Bill, 1999 be given a second a reading. The motion is open to debate. Does any Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, just to say that I am in support of this Bill for there are certain matters that the Bill covers that are very progressive in that we are going to a permanent register for persons who are eligible to vote in a general election.

Mr. Speaker, it will keep abreast when people become of age and it strengthens the electoral process in that persons will not be easily left off of the voters' role. In previous elections, this has caused much confusion, time, and effort on the part of the officials who prepare the country for a general election.

I believe this makes our electoral process much more democratic than it has ever been. It will give people a card and this too is important because it will form identification. Cayman is no longer the island that time forgot. We are becoming a fast metropolis in our own way with immigration and I find that this card useful.

There are matters, Mr. Speaker, not covered in this Bill which the government has promised to continue the committee on. That is, the matter of absentee votes. This has caused confusion in the past and it is something that I desire to see straightened out. While this Bill, as I said, doesn't cover it, it must be looked at. And, we have had commitment, I should say, from the government on this particular item that they will come back and revisit that aspect of the electoral process.

Mr. Speaker, I am happy to see this Bill before the House.

The Speaker: Does any other Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I wonder sometimes if the government is stupefied. It is their bill and they sit gaping at this side of the House. If no member gets up to speak then the Bill goes to the voting stage, and the government—which I consider owes the country at least an explanation—gets off without stating anything at all. I hope when the new millennium comes that whatever constitutes the government is not so stupefied.

Mr. Speaker, this Bill is accurately described as consisting of a housekeeping exercises. Certainly, there is nothing controversial. The move to have Voter Registration Cards or Electors Identification Cards is one which is in keeping with worldwide trends. And certainly, a permanent register of electors (as they will now be called) is again a move toward efficiency and good scientific management. I have long held the view that this was an objective we should aspire to in the Cayman Islands as it would make the business of managing elections much less cumbersome than every year having to go through a lengthy and expensive registration process.

I noticed, Mr. Speaker, that there will be a card held by each elector. Each elector will be required to hold it in safekeeping as, presumably, without the card a person

will not be allowed to vote because that card confirms the identity of the person. I have to ask, because we already have drivers' licences, whether there was any possibility as to combining the two functions on one card. Of course, one could lay the argument, the more cards you have the greater risk you run of losing or misplacing them. I toss that idea out that sometimes it is good when we do these things to find out if we can save expenses and be more efficient. Rather than have a multiplicity we can have one unit serving many different functions. I don't know whether this is so, I am merely asking if there was any exercise carried out to find out whether it would be workable or not.

Mr. Speaker, I have a question concerning the section dealing with offences and people being denied the right to vote as a result of certain prison sentences or the length of some sentences. I address it by saying that this is almost a universally applicable situation where if you have sentences of certain lengths—indeed in the United States, if you commit certain felonious offences, they ban you from voting for life. So I say to the persons who raise the query that the government was not proposing anything extraordinary or depriving anyone of any universally acclaimed or accepted right, it stands to reason [that] if you have sentences beyond a certain duration that you be denied the business of voting, at least temporarily.

The business of voting in a democracy carries serious obligations and serious responsibilities. I don't think that anyone in his right mind would stand to disenfranchise people for flimsy reasons. But people who are prone to a psychopathic behaviour must access the consequences of such behaviour before they commit the act. They cannot expect to be psychopaths and social outcasts and have the same rights and privileges as people who are law abiding.

I think that should set those concerns to rest. As was echoed by the First Elected Member for West Bay, the business of absentee ballots has not been dealt with in this Bill. I would like to say that I don't consider this Bill all inclusive because I think if we follow international trends, there are other issues. I well realise that we have other legislation that governs the behaviour of political aspirants and electors. But I am reminded that in the United Kingdom and in the United States at this time there is a lively, if not sometimes acrimonious, debate going on as to the business of money and votes, and money as it influences political behaviour and public policy.

I think, Mr. Speaker, that this is an issue which we in the Cayman Islands should always bear in mind and always keep an eye out for. Even although there was no necessity to include such provisions in this law, I am serving notice on the government that we in the Cayman Islands are certainly not exempt from some of the more odious practices when it comes to these things.

Let us not, when we have this Bill, rest on our laurels and think that this Bill addresses all issues for all times. I believe that the Bill is worthy of our support. Certainly, it puts us in a position where we can be more effective and manage more scientifically the business of

voter registration and a permanent register of voters as it applies to our jurisdiction and in our situation.

SUSPENSION OF STANDING ORDER 46

The Speaker: Before I call on another speaker, I would like to call on the Honourable Minister for Education, Aviation and Planning, to move the suspension of Standing Order 46.

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 46 as the Bill has not yet been gazetted, even though it has been circulated as I understand it for some time. It did come out, in any event, sir, of a Select Committee so all members have had notice for a long time.

The Speaker: I shall now put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Standing Order 46 has been suspended.

AGREED: STANDING ORDER 46 SUSPENDED.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, this Bill has made its way to the floor of this Honourable House after it was dealt with in a Select Committee of the whole House. I think that we all had a good opportunity to have added whatever we needed to add to this particular bill. Anything that is failing here, really is failing because of the responsibility of the whole House.

It is important, Mr. Speaker, that we also realise that the Bill was moved forward because we wanted to deal with this whole question of having a permanent register of voters or electors. And this will, I think, facilitate the whole electoral process and perhaps assist and in making it a bit more democratic because some persons are annoyed by the fact that every four years after they have been registered the government comes back to register them again.

I have heard comments, *'Well, I am supposed to be on the list. I have registered, why should I do it again?'* It is good. I think the people will be happy to hear that there will be a permanent register and that we can proceed from there to add or subtract the names of persons that reach a particular age to qualify or people that are deceased to be struck from the list.

Mr. Speaker, I would like also to briefly say that I am happy that we can move along with this and I am willing to revisit this particular bill at any time. But I do realise also that we have had a great opportunity to make the amendments that were necessary. And that is what we did, the Committee of the whole House, and what we have here I believe was the unanimous decision of eve-

ryone. So it is not surprising, therefore, that we agree with this Bill as it now stands.

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I just wanted to rise and offer my support. One of the things I wanted to take this opportunity to do is . . . for some time (since 1992), it has been put forward that the boundary line between the two districts of Bodden Town and George Town needs to be looked at. This was arbitrarily put there, and it would be timely for this line to be properly demarcated in the not too distant future.

My understanding is that right now the West Side of the Spotts Newlands Road is termed as being part of the George Town District and the East Side is the Bodden Town District.

Otherwise, Mr. Speaker, I think this is a timely piece of legislation. It has brought a degree of modernisation to the process that we use in our election process here and as we go along I would appreciate that this be addressed in due course. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I also rise to offer my support to the proposed amendments to the Elections Law dealing with the establishment of a permanent register and the issuance of a Voter Registration Card.

Mr. Speaker, the permanent register, for the purpose of the listening public, is that list that exists as of November I guess, or October 1996, whenever the last election was. It is very frustrating, and I have gone through three elections so far and each year had to go through the same process of registering people. Mr. Speaker, what is also amazing and frustrating is that in one year there are certain people who qualify. In the next election year, those same people are disqualified for some reason or the other. Mr. Speaker, I think one of the greatest rights that we have in any democratic society is the right to vote or to choose our leaders.

The issue of a permanent register I know was discussed. And according to the Supervisor of Elections, he has the capacity to produce a list of those persons who were approved for the issuance of a postal ballot in 1996. As far as I am concerned, that list should also be apart of the permanent register that we are now discussing here this morning because that is also a very time consuming and frustrating exercise. It is just that we have been very fortunate in the past that we have had health practitioners who co-operated with us and went out and certified that these persons who were applying for postal ballots did qualify because of one reason or the other. What it has done over the years is that those persons who cannot make it to the polls, some of them have been deprived of the right to vote because their application was not approved. A doctor did not get to them in time in order to certify that, yes they are still handicapped or unable to get to the polls.

In my mind, I think the voter or the elector should have the right to choose what form of voting he would exercise. If it means that he comes to the polls then he should have the right to come to the polls. If not, he should have the right also to maybe apply for an absentee ballot to vote in absentee. I think that's the stage we need to arrive at in this country as far as the political electoral process.

Mr. Speaker, I think, it will make it much easier on all of us because as was mentioned in the recent parliamentary conference . . . I was sitting in one day listening to some of the debate, what came across very strong was that politics is well and alive here in the Caribbean. In other words, our people are interested in politics; they want to be a part of the election process. I think we should do whatever is in our power to make it as easy as possible for our people to exercise that right.

The other thing that the permanent register will do is allow many more of our young people who are turning eighteen the opportunity to vote. As I understand it, the list will be upgraded quarterly. I would daresay that somebody on the list up until maybe the end of September, in other words turning eighteen by the end of September, should have the right to vote in the upcoming general election.

I also believe that it is a good idea to have a voter registration card. It makes it easier on everyone if on the day of election you go to the polls, you present your card, it has your ID number on it. Whoever the polling clerk is, checks to make sure that that is you and you are given the opportunity to vote. But there are built-in contingency plans that will allow that person to vote even if he arrives at the polls and does not have a Voter Registration Card. Because we live in a small community and those things will happen, but chances are you can find someone there or allow the person to produce some other form of identification so that you know who it is and also give them the [privilege] to exercise the right to vote.

Mr. Speaker, I know we are not finished with the process as far as reviewing the Elections Law, but I look forward to the day when we can go to the polls after an intensive political campaign and know the results shortly after the elections—in other words, shortly after the polls are closed. In smaller districts, maybe Bodden Town and North Side, maybe even Cayman Brac, it is not a very big deal to have to sit there and go through a list or go through a count. But in the electoral districts of West Bay and George Town it is marathons. I remember the last election, I think, George Town was not finished until the next evening. In other words, Mr. Speaker, it was probably in excess of twenty-four hours at the polls or in counting.

Mr. Speaker, I do congratulate the mover for bringing this piece of legislation. It has my full support and I look forward to us in Committee dealing with some of the other issues that has to be addressed in the Elections Law.

Thank you, Mr. Speaker.

The Chairman: Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, this Bill has arisen from many sittings of a select committee of the whole House, so all members of this House were in that committee and the Second Interim Report was laid on the Table. That set out the several meetings that we had. I would just like to stress that this is a Bill, which has originated from all of the members of this House, was one in which we all had an opportunity to speak on.

Just to clear up what was mentioned by the Third Elected Member of Bodden Town, of what government was doing on it, to say that this was a joint issue that all of us had the input. Mr. Speaker, I know that there are other areas that are still under review but all members of this House are reviewing it, and this is set out in Clause 5 of the Interim Report, which says: "**5. Other Matters under Review: 5. 1 The committee further wishes to report that it is in the process of reviewing a number of other issues and that it will in due course report to the House.**"

So it is not a matter for government to look at the issues raised as such, but for the whole House to look at the issues raised and that includes government and all members here who would look at the other matters arising under the Elections Law.

Mr. Speaker, the Bill is very important. It went through quite a bit of scrutiny by all members of the House and it will provide for the registration cards for elections. One query that was raised was that there is an amendment to Section 37(4) that does permit voting if the polling clerk is satisfied that the person's name appears in the register and is entitled to vote—even though he has not presented his card at the polling station.

I would like to just stress that it would be most important for the polling cards to be brought when a election is on. But the Election Supervisor and his staff are very good at making sure that full information goes out and I am sure that that will happen in these instances.

Mr. Speaker, as to whether you can combine a driver's licence or any other type of identification card with this is really matter that the member who raised it should take up with the committee. Let the committee look at it. I don't think it is really for government itself to look at this. Once matter becomes subject to a select committee of the House, it is normally that select committee that is empowered and is in the best position to make decisions on this. I really would think that what the member who raised it probably meant to say was that it is something that should be looked at jointly by all members of the committee.

I think the amendment is good, sir, and I support it and I am glad that its been kept in a non-political and fairly neutral way because that is the way an amendment such as this should be dealt with, sir.

The Chairman: Does any other Member wish to speak?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and I too rise to give support to this Elections Law (Amendment). The Bill, as the Memorandum of Objects and Reasons clearly states, is to amend the 1998 Revision of the Elections Law so as to provide for a permanent register of electors and registration cards.

Other members have spoken, and, certainly, I think it's fairly clear that this will allow for a more efficient process at the end of the day once these measures are put in place. So, Mr. Speaker, there aren't too many things to really add to what has been said.

What I would like to point out, as has been pointed out before, is that this Bill itself is certainly all encompassing. There are other issues to be dealt with that other and I believe need to be dealt with when it comes to certain amendments to the law itself. But suffice it to say that these two issues were issues which were seen to be able to be done in an expeditious manner. So rather than hold these off until other issues were dealt with down the line, perhaps get these out of the way and allow for the system to commence with these changes prior to the next election.

Mr. Speaker, mention was made regarding the absentee voters' list. It was the Third Elected Member for West Bay who mentioned that. What I would just like to point out with that is that while in many instances if there were a permanent absentee voters list it would make life easy in picking up any list to call it the permanent register, the first step would have to be that the list itself was verified. Not only because of any deaths or whatever, not only people who are incapacitated physically are on this list and there are people who are overseas on a temporary basis for school and for other reasons, who for the next election might not fall into the category of being able to be put on an absentee list.

Also, I think, we need to think very carefully with regard to simply allowing individuals for any reason whatsoever to be put on an absentee voters' list. One of the main reasons for not being able to vote in absentia as one wishes to, Mr. Speaker, was to ensure that an individual's right was protected. While I don't suggest that this is something that happens every day, or whenever election time comes, I think the thought has been that there are individuals who would bow to pressures from others and find themselves voting for individuals who, if they were given the choice and they went into the box by themselves, they would actually have voted for somebody different.

So to leave that to a circumstance where it allows pressure to be put from the outside and certain types of individuals be coerced to vote by this method would certainly not necessarily bring about what is in their best interest. I think the point is valid and for that reason. I think we have to be very careful if we were to consider going that route.

Mr. Speaker, I want to make slight mention of another issue with regards procedure here. The government can say what they wish after I say what I am going to say. My understanding this morning is that the Business Committee met on Friday to decide on at least today's agenda if not for the rest of the week. The Acting

First Official Member who obviously is the mover of this Government Bill had no knowledge that that was going to be his chore this morning until he saw the Order Paper. Now, I hope he is not offended and thinks that I am drawing him into an issue here that I shouldn't, but the issue does not concern him—it concerns procedure.

Everyone has spoken about how the committee met and all members of the House had ample opportunity and they are well prepared for this debate. I don't have a problem with that. I am not talking about myself, but I would like to know what kind of Business Committee it is that operates in such a manner? And, since they think now that I cannot think for myself a little bit further down the line, I know the first answer they are going to come with—that is not their responsibility. Whoever was leaving and whoever the person was that was going to act for that person should have had communication to take care of that.

What I would like to know is: What kind of communication went on to advise that this Bill was coming this morning? That is my question.

You know, Mr. Speaker, that is just a small example. The Business Committee cannot operate the way it has been operating. I am not questioning how busy people's lives are. I understand that. I am not suggesting that people don't have much on their plate and many things to do. I am not just being nasty for the sake of being nasty, but I want to make a point. The Business Committee as it is constituted must operate the right way. I don't even want to bring in and make serious issue of all of the other private member's motions that have been there, that they found every excuse in the world not to put on because we are only meeting this week.

I am not going to fight over that even though I have in my mind just reason to do that. I am trying not to stray too far from this debate itself, Mr. Speaker, but perhaps some people don't consider certain elements of the business of this country to be of major importance—I do. I have been in this Honourable Legislative Assembly . . . I have been part and parcel of things that have been passed in this House. While I respect that it was my responsibility also, I had no idea exactly what I was participating in—because of the way it was dealt with—until after the fact. I had to turn around and come back and fight against it, to try and get it straightened out.

Remember, I am not saying that I was not responsible. I am just saying how life happens. The way the Business Committee operates, we have no idea on occasion (to put it loosely) what's going down. So if you are not totally prepared for everything—and that is physically impossible—and the government says that they are not ready for this and they are not ready for that.

So I am saying, Mr. Speaker, that regardless of schedules of individuals and or groups, including the government, the Business Committee must operate in a better fashion. People have resigned from that committee because of how it is operating. The government can take whatever issue they wish. Whatever the decision is and whatever is being done, the point is it must be done not in the manner that (as the Third Elected Member for Bodden Town puts it) displays *ad hoc*cracy.

We know what the Standing Orders call for. We know the way things are supposed to be done. And I don't care what kind of schedule . . . if the meeting has to be held 8:00 in the morning or 8:00 in the night, it should be done on a timely basis. Time and time again I sit in the common room and people are scrambling to hold a Business Committee meeting to decide what the next day's business is going to be about. It cannot work like that and it must stop!

To be repetitious to make sure the point is made, regardless of schedules and overwork and overburden and over-responsibility, if the business of the House—which is the business of the country—is going to function then it must be done properly. And, if the members who constitute the business community cannot do it properly then let somebody else do it!

POINT OF ORDER

(*Point of Relevancy*)

Hon. Truman M. Bodden: Mr. Speaker, I am going to take a point of order.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am not finished yet.

Hon. Truman M. Bodden: I have sat here and listened to this for a considerable period of time and I am taking a point of order this time on a point of relevancy. The motion here is the Elections Law. Alternatively, I would ask you to give me an opportunity to reply to the different areas of impropriety that has been levelled at the Business Committee—of which I am chairman.

The Speaker: I will permit that, but on a previous occasion I recommended to all honourable members that we meet informally to discuss this. I don't think that we are going to get anywhere here in this Chamber. We know what's happening and we know what we want to do, but if we meet informally I think there is more chance of getting to understand the problems that both sides are having.

But you certainly can have an opportunity. If you wish to have it at this time, you may or as soon as the First Elected Member for George Town is [finished]. But you can reserve that right.

The First Elected Member for George Town, please continue.

Mr. D. Kurt Tibbetts: Mr. Speaker, I crave your indulgence to hear me out, sir.

The Speaker: I will do that, but understand what I am saying.

Mr. D. Kurt Tibbetts: I understand you very clearly, sir, and I understand what the minister has just done. But the minister must understand by now that I was not born yesterday!

I am going to say to you, sir: If you are going to allow that minister to answer, then let him do so now be-

cause he will not corner me to speak last. I am on the floor of the House and he has already spoken, sir. I crave for you to do that.

The Speaker: I can only catch people's eye so if you want to continue your debate, continue it. Please continue, First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I will continue, sir. But I know what I just said to you and I know what you just said. I am going to say this before I continue: If the minister refuses to pick up the option now and does so when I am finished speaking, sir, today is going to be a difficult day because I understand what the minister is doing. I am not trying to put you in a corner, Mr. Speaker, but it is only fair what I asked for.

I would like, sir, before it is over that we have a clear course of action, if we could.

The Speaker: Before we go any further, let me say as Speaker of this House, it is my duty to move the business forward and we have a lot of business that we need to be dealing with. I have asked honourable members to attempt to condense it enough that we can conclude deliberations on Friday—remembering that this Honourable House reconvenes for its September sitting on the 8th day of September.

The Legislative Department takes time to prepare. We will have questions, motions, bills, and everything coming forward. So in order that everything can be ready for the September sitting, we need some time and this honourable House needs to adjourn until September 8th on Friday. I would like to see what is on this Business Paper concluded today and each day forward so that we can achieve our goal, and I ask the co-operation of all honourable members.

If we want to have a time set down for an informal meeting, we will sit after hours—we can sit here until midnight if anybody desires. I am prepared to stay as long as anybody else, but I do not see that that is getting the business of this House completed and I beg for the co-operation.

First Elected Member for George Town, do you wish to continue?

Mr. D. Kurt Tibbetts: Mr. Speaker, I am quite happy to continue but the Minister of Education was trying to get your eyes, sir. Obviously he wishes to say something.

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

Hon. Truman M. Bodden: Mr. Speaker, I quite agree with what you said. I am not in here to get into a fight this morning and I want to make that clear because this is not going to help the House. But I think an explanation to what the First Elected Member [for George Town] has said and the allegations and aspirations cast, need to be dealt with.

Mr. Speaker, firstly in relation to the Deputy Chief Secretary, the decision to put the Elections Law down

today was taken by the then members of Executive Council, not in council but unofficially. It is just unfortunate if the course of action that perhaps he saw fit (and I don't know what sparked the First Elected Member from George Town to do this) was to deal with that in the open arena. All I can say sir, if there was no communication on it, the Chief Secretary and the other members were in there when these things were done.

Secondly, Mr. Speaker, all staff of the Legislative Assembly with the exception of one or two members were out during the time that I tried to hold a Business Committee meeting. Everyone was at the Commonwealth Parliamentary Conference and I only saw one person in here and, at a later stage, a second person. Whether that is correct or not, I don't know. But the Chairman is here and he knows how many staff were at the CPA.

[Laughter]

Hon. Truman M. Bodden: What I tried to do, Mr. Speaker, was during the time before the Commonwealth Parliamentary Association [Conference] began . . . again, I really wish along with this you ask the Third Elected Member for Bodden Town if he is going to laugh to try not to laugh so it goes into the mike.

[Laughter]

Hon. Truman M. Bodden: While you are addressing the behaviour in this House, it perhaps suits you as well to look at those whose behaviour may or may not be less than what is desired of honourable members in this honourable House.

I held a meeting of the Business Committee and present in that meeting was Mr. Dalmain Ebanks, Mr. McKeeva Bush, Miss Heather Bodden, and the Honourable Julianna O'Connor-Connolly was off the island at the time. We did that on Friday.

Now whether or not that one person, that one staff was able to phone or not . . . but I don't know, sir. I doubt it because she was under tremendous pressure, and I thanked her for it. I had to spend some time sitting with her to try to get the minutes done. So I just need to understand the position last week . . . and you, Mr. Speaker, spent time also at the Commonwealth Parliamentary Association Conference and the staff here, I must say, was extremely pressed and there were only one or two here.

Now, if notification was not given then the only thing I can do is to apologise for it. But the public just needs to understand that the harsh allegations that have been made, the circumstances, which I submit, Mr. Speaker, the lack of staff in the Legislature last week had to be known to the First Elected Member from George Town because he must have seen many of the staff at the Commonwealth Parliamentary Association Conference. That is the most I could do.

A meeting was held. I know that the Chief Secretary knew that the Bill was going to be on from a week ago and basically the committee did what we felt was right at

the time. And I hope that clears it up. I don't really want to get into any fights and I don't want any bitterness in here, I am just tired of it because people are beginning to talk generally that we act like little children in here. The time has to come when it stops.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I am going to close my contribution regarding the amendment to the Elections Law. I am going to again reiterate my support for the amending bill. But just like you allowed the Minister of Education to speak, sir, I am going to crave your indulgence for just a couple minutes without getting into what he talks about "a fight" to just reply to certain remarks.

The Speaker: I would ask you let's try not to get another reply and another. Let yours be final, please.

Mr. D. Kurt Tibbetts: Mr. Speaker, I have the greatest of respect for you, sir. He got his so I am having my final. I don't see any chance of anything after this. He can talk to me in the Common Room or he can do something else but I don't see you allowing him to speak again.

Mr. Speaker, all I want to say is this, and I have found on many occasions that when you make a point, people (as is their usual style) take it personally. Of course, obviously what affected the minister a little while ago, the most important thing to him was what the listening public thought and he voiced that. He wanted the public to understand. He thinks I am saying what I am saying for the public to understand certain things about he and his actions.

Frankly, I never thought about it like that, although I realise it now. I was simply trying to get the business of the country done in a fashion that is not the usual style of being reactive. The lame excuses the minister just used are real excuses. What the minister needs to understand is that every one of us knew that this conference was going on and the dates were set for the conference. In fact, we suspended to allow the staff to do what they had to do because of the conference. So the minister knew long ago what it was going to be like.

But what he is trying to say, Mr. Speaker, is that in the middle of all of this is why he couldn't have his meeting. Had he thought of it for a second, knowing what he was going to be up against, he should have had the meeting before or called the meeting at a time when it was going to be allowed. But, Mr. Speaker, it is not important in my line of argument as to what wasn't done right in this specific instance. The point I am trying to make is that the Business Committee, as the minister well knows, needs to function properly. Whatever methodology has to be employed to allow it to function properly, let it happen. That is all I am saying.

We cannot continue to have a million excuses every time. He is talking about wasting time in this House, Mr. Speaker, and every time we have to get up to talk about it it's because... For instance, questions. We have spo-

ken about that a thousand times and every time you get up, his only reply is acting like children and yah, yah, yah....

We don't want to hear that either! We want them to do what they have to do. If the business of the House was conducted properly, we wouldn't have anything to say but to deal with the business. But do you know what the minister needs to understand, Mr. Speaker? I don't care what he wishes the public to understand. He needs to understand that the public understands that the back-bench in the Legislative Assembly of the Cayman Islands is as important as the government bench, and it functions as well—if not better, sir. Thank you.

The Speaker: Does any other member wish to speak? Does the Honourable Acting First Official Member wish to exercise his right of reply?

Hon. Donovan Ebanks: Thank you, Mr. Speaker. I was sitting here thinking that a week ago this time I was on the North Sound and I was pulling my son behind a boat while he and a friend skied. This morning, I came here feeling a little bit like the newly hired waiter, and thought I would be quite content for the people who had actually prepared the meal to talk about it. I was doing all right for a while.

Anyway, I do acknowledge that, yes I wasn't aware that the Bill was coming up. But that didn't pose any insurmountable amount of problem personally. Life is full of surprises and I always try to convert those into opportunities rather than to see them as obstacles.

I want to thank the members who spoke in relation to the Bill and for their worthwhile explanations and comments. I think it has already been made clear that by no means is the select committee concluded. The committee is still standing and there are other issues it is considering. Obviously, from the debate this morning there are some issues which members feel need to be considered, and it was interesting just hearing one member advocate the choice of how to vote and another counter with the merits of providing a sterile environment for the actual casting of that vote.

I mention that only to highlight that indeed it is the members of this House, the real practitioners of this election process, who are obviously most able to give full consideration to the issues relating to the election process. I am confident that the committee as it continues to deliberate will no doubt bring to resolution some of the issues that are still in members' minds.

I simply would wish to thank members for their input and for their support and I am grateful that we can move this Bill forward to the next stage. Thank you, sir.

The Speaker: The question is that a Bill entitled The Elections (Amendment) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The bill has accordingly been given a second reading.

AGREED: THE ELECTIONS (AMENDMENT) BILL, 1999 GIVEN A SECOND READING.

The Speaker: I think this will be an appropriate time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:20 AM

PROCEEDINGS RESUMED AT 11:55 AM

The Speaker: Please be seated. Proceedings are resumed. Bills second reading.

SECOND READING

THE COMPANIES MANAGEMENT BILL, 1999

The Clerk: The Companies Management Bill, 1999.

The Speaker: The Honourable Acting Third Official Member.

Hon. Joel A. Walton: Thank you, sir. In accordance with the relevant Standing Order, I beg to move the second reading of a Bill entitled, The Companies Management Bill, 1999.

The Speaker: Please continue

Hon. Joel A. Walton: Mr. Speaker, this Bill repeals and re-enacts in a much more modern form the original Companies Management Bill, which was enacted in 1984 and had the revisions in 1986 and 1998. In addition, there were a number of amendments over the years.

Among other things, it provides for a system of regulations of company managers by the Monetary Authority and really deals with bringing company management practice in line with the other key pieces of legislation that I am referring to; the Banks and Trust Companies and Insurance and Mutual Funds, which we have over the last several years updated. This is, therefore, the last major piece that we have been working on for the last couple years to be updated.

Members will be aware, sir, that there have been a number of developments both locally and on the international front, as well in the whole area of financial services and their regulations. Cayman, as members are aware, has been on the forefront for many years particularly in the area of money laundering, drugs and similar type crimes. This piece of legislation certainly speaks to enhancing that image.

In addition to developing the legislation, we also spent time and consulted with practitioners both locally again as well as internationally, persons who work in this area to get their feedback. What we have before us is a

result of that consultation as well as of government's own decision.

Sir, I recommend this Bill to this honourable House as presented. Thank you, sir.

The Speaker: The question is that the Bill entitled, The Companies Management Bill, 1999 be given a second reading. It is now open to debate. Does any Member wish to speak? The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I rise to support the Bill for a law to repeal and replace the Companies Management Law, 1998 (Revision) and to make provision for the licensing and control of the business of company management, and for incidental and connected purposes.

Mr. Speaker, the present law on the books was actually enacted after a series of consultations with the private sector back in the mid-1980's. At a time when (as the Honourable Acting Third Official Member said) narcotics were the thing of the day. Although we did not have any guideline to use, I know that piece of legislation did blaze some trails in the company management area, simply because when the committee sought to put forward legislation of that type, there were none available that we could find in any particular jurisdiction.

Therefore, I think after 13 - 14 years, it is always time to re-look at legislation with a view of bringing it into the most current...to deal with the company management operation in a much more comprehensive and current way. Additionally, to place the regulation of company managers within the control of the Cayman Islands Monetary Authority. I believe the legislation before us does serve the purpose of upgrading the legislation as well as setting out the requirements, which I believe is essential to have in dealing with managers of companies for other individuals all around the world.

I do not propose, Mr. Speaker, to make any long speech but basically to say that I believe this piece of legislation is timely. It does cause a movement forward in terms of causing this legislation to be modern in its outlook and to apply its various causes to the operation of company management business in this country. I give this piece of legislation my support.

The Speaker: The floor is open to debate. Does any other Member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I rise to also lend support to this Bill, which is short titled The Companies Management Bill, 1999. I think, one of the most important objectives of the Bill is simply where the memorandum of objects and reasons says that the Bill provides for a system of regulation of company managers by the Cayman Islands Monetary Authority. I think what that will simply allow for (but which is very good, given the atmosphere that the Cayman Islands regime operates under) a way in which all information that is necessary is held by the relevant authorities and a specific set of rules

and regulations are issued by the government for which that authority will operate under.

At the same time it will give the people who operate as company managers, the dos and the don'ts so that there is no question as regards to what is acceptable and what is not acceptable.

While there are other areas in the Bill which are specific to certain activities, I think, the over-riding good in this Bill is the fact that there is a method by which company managers and the management of companies will be properly regulated. I don't profess to have full knowledge of all of the details and the workings of it but for that I depend on the experts in so crafting this Bill. I do know that what I glean from it generally is certainly in good order and very timely. I, therefore, support the Bill.

The Speaker: Any other Member wish to speak? The floor is opened to debate.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: This bill is one of the several regulatory bills that have been put in place to ensure a very high standard of business in the Cayman Islands. It covers the management companies, which are basically the companies that manage or provide registered office or other statutory functions for companies that are registered here. Many of the provisions in it follow the regulatory provisions that exist in the Banks and Trust Companies Law, the Insurance Law, and laws relating to funds.

It will to a large extent follow the present practice of what goes on now in relation to management companies. We have to ensure and we have an obligation internationally as well as locally to make sure that companies that are managed here that they are done so in a way that is acceptable under the normal accepted international standards.

The Financial Action Task Force and the Caribbean Financial Action Task Force, which is chaired by our Financial Secretary, Mr. McCarthy, has set out very detailed guidelines relating to banks. Many of these guidelines that have been developed over the years have also been applied very applicable because many areas of it are not applicable such as capital and lending ratios and those sort of matters which are peculiar to banks.

Mr. Speaker, the Bill will bring some regulatory sanctions in relation to the management companies and I am sure that the overall purpose of the Bill will be to raise the standard of the business of company management in these islands. I think that this is necessary and important so I give the Bill my support and would ask members to please support it also. Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Speaker. The purpose of my contribution is to make the House aware of an amendment which will be coming to this Bill at the Committee Stage and to outline that amendment,

and to indicate that because of that amendment (with the agreement of the House) it would be appropriate to defer the committee stage until slightly later this week to allow the amendment to be circulated and inform members.

The gist of the amendment is to make it a requirement under this law that service providers, that is the company managers, maintain a record themselves. They don't have to file it, but they would have to maintain a record themselves of the beneficial owner of the company or the controller of the company. This is in order to comply with the 'know your customer' principle, which forms an important part of the due diligence expected in the financial services industry. I am making this contribution, as it were, on behalf of the Third Official Member. The Financial Secretary advised me of the necessity for this amendment and that amendment is in the process of being put together for the House.

I apologise for the late intervention on the point, however the requirement for this was only made known recently and has apparently been acknowledged as an appropriate standard and an appropriate way in which to deal with it. I think for further elaboration at the time, it might help to know now that the purpose is that in the event of there being a concern about a company, that authorities would be able to know that the company manager had access to the information as to ownership. But the authorities would generally not have access to that information in the sense of it being a filing requirement.

With those few words, that's all I would wish to say at this juncture but I would be prepared to obviously talk further to the amendment at the appropriate time. Thank you, Mr. Speaker.

The Speaker: Does any other member wish to speak? The floor is open to debate. [Pause] It appears as if no other member wishes to speak, does the Honourable Acting Third Official Member wish to exercise his right of reply?

The Honourable Acting Third Official Member.

Hon. Joel A. Walton: I just want to say thanks to members for their support. And, as highlighted by the speakers, this whole area of company management and the formation of companies and maintenance of companies, in the terms I use—are the window to our financial services industry. As such, it is important that the principles as highlighted by the Honourable Attorney General, that is, 'know your customer' principle, are adhered to in this area as well.

In terms of the longer-term development of our financial services industry, it is therefore key that in all areas, including company management, that we hold the persons who work in this jurisdiction responsible for knowing their clients. It is not a situation where we expect that the information will be made available to us as regulators, but it is important for us to know that the persons who we regulate, that is, the company managers, have that information at hand.

Once again, I thank members for their support on this Bill and would recommend that we move it forward to

the next stage at which time we will have the amendment inserted with the agreement of this House and yourself, sir. Thank you very much.

The Speaker: The question is that a Bill entitled, The Companies Management Bill, 1999 be given a second reading. I shall put the question: Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The bill has accordingly been given a second reading.

AGREED: THE COMPANIES MANAGEMENT BILL, 1999 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled, The Elections (Amendment) Bill, 1999.

HOUSE IN COMMITTEE—12:14 PM

COMMITTEE ON BILL

The Chairman: The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Honourable Second Official Member to correct all minor printing errors and such the like in these bills?

Would the Clerk state each bill and read its clauses?

THE ELECTIONS (AMENDMENT) BILL, 1999

The Clerk: The Elections (Amendment) Bill, 1999.

Clause 1: Short title

Clause 2: General amendment to the Elections Law 1998, Revision

Clause 3: Amendment of Section 2 of the principal Law

Clause 4: Amendment of part 2 of the principal Law

Clause 5: Amendment of Section 37 of the principal Law

Clause 6: Repeal, replacement, addition and amendment of forms in the second schedule to the principal Law

Clause 7: Amendment of third schedule to the principal Law

Clause 8: Addition of fourth schedule to the principal Law.

The Chairman: The question is that clauses 1 through 8 do stand part of the Bill. It is opened to debate. No debate? I will put the question that clauses 1 through 8 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 8 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 8 PASSED.

The Clerk: A Bill for a Law to Amend the Elections Law, (1998 Revision).

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: It is my understanding that we want to defer committee stage on the following bill so the House will now [resume]. I would appreciate a motion that that be deferred.

Hon. Joel A. Walton: Yes, sir, I would move that we defer the consideration of the Company Management Bill, 1999 until later this week, sir, when we have the amendment circulated.

The Chairman: All members have heard the motion. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The motion is passed.

That concludes proceedings in Committee on the Bill entitled, The Elections Amendment Bill, 1999.

The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

The Chairman: The House will resume.

HOUSE RESUMED

The Speaker: Please be seated. Proceedings are resumed. Bills, Reports. The Honourable Acting First Official Member.

REPORT ON BILL

THE ELECTIONS (AMENDMENT) BILL, 1999

Hon. Donovan Ebanks: Mr. Speaker, I beg to report that a Bill entitled, The Elections (Amendment) Bill, 1999 was considered by a Committee of the whole House and passed without amendment.

The Speaker: The bill has accordingly been set down for a third reading.

Item number 5 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 19/99 standing in the name of the Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 19/99

ELECTRONIC MAIL SERVICE

Dr. Frank McField: Mr. Speaker, I move that the relevant Standing Orders be suspended in order to allow for Private Member's Motion, if necessary.

The Speaker: That is not necessary because there is no other business on the Order Paper. Please, move your motion.

Dr. Frank McField: Thank you, Mr. Speaker. Private Member's Motion No. 19/99, Electronic Mail Service:

"WHEREAS a significant amount of time has elapsed since Cable & Wireless (Cayman Islands) Ltd. was first granted a monopoly status in the Cayman Islands;

"AND WHEREAS the technology for and the use of electronic mail has been improved to the point where it will, in the future, conflict with the role of the Post Office as a mail carrier;

"BE IT THEREFORE RESOLVED THAT the Government enters into negotiations with Cable & Wireless (Cayman Islands) Ltd with a view of allowing the Cayman Islands postal service to become a supplier of electronic mail."

The Speaker: Do we have a seconder? Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I beg to second the Private Member's Motion.

The Speaker: Private Member's Motion No. 19/99 has been duly moved and seconded. Do you wish to speak to it? The Fourth Elected Member for George Town.

Dr. Frank McField: Perhaps what I need to say, first of all, with regard to the fact that the government is seconding this Private Member's Motion, rather than the original seconder—Mr. Roy Bodden, the Third Elected Member from Bodden Town—is that somehow I think it is important for the general public to realise that it is very difficult for a member to operate in this Legislative Assembly without any type of support from other individuals on the backbench.

I find that this is a situation that the public needs to pay attention to because it could very well mean that in

the future I might be curtailed from being able to bring private member's motions to the House. I thank the government for deciding to second this motion since the member from Bodden Town withdrew. Perhaps, when he gets up to debate this particular motion, he will give the public an idea as to why he decided after he helped to craft this motion, to form it, why he found it necessary not to second the motion at this particular time.

I don't want people to believe that somehow I am a supporter of the government anymore than I am a supporter of anyone else in here. I have taken up my position according to the issues and not according to personalities. Obviously, if this was an important issue to the Third Elected Member for Bodden Town, I don't believe that my personality or anybody else's personality should be important in terms of this motion being seconded by him.

I would like to say that I have tried to bring motions to the Legislative Assembly that will not just deal with structural issues with regard to government and the bureaucracies but also motions that are practical. It shows a foresight on my part and I believe that that's part of what I am trying to demonstrate here. I think a typical example of this type of motion, of course, was the motion with government establishing its own health insurance policy. I think that motion was one of the first motions, if not the first motion that I brought here as a private member and it was very well supported by all members of the House. I do believe that some progress has been made in that direction.

Another motion, Mr. Speaker, that I feel I need to mention—because I am trying to say also that I feel that there might be some type of attempt to shut me down—is the motion with regard to the establishment of a Roads Fund, which I brought here. I thought that was also a very practical motion because again it gives the government the possibility to do things that will improve the actual physical or material condition of the country.

Now, this motion with regard to electronic mail service is that if we think a bit about this, there has been a lot of talk about a Cable & Wireless monopoly. I am not going to get very deep into the philosophy here except that I am going to say that this motion is based upon the idea that the postal services being a facilitator for information, which means mail data. Data, being not carried electronically but data carried physically before. It seems to be logical that somehow the post office would want to remain in that particular kind of business and would want to go through the kind of progressive technological changes that any company would go through in order to face the new millennium.

It would mean that the post office in the future would not be curtailed in entering into this area of electronic mail service. I will give one example of the electronic mail service. I understand at the moment that the post office is not connected to the Internet, which I find kind of strange. I do believe that they should be connected to the Internet. Not everybody in the post office should necessarily have access to it, but I believe at least the postmaster general or maybe one or two other people should have access to the Internet because it is an important

issue. And, I am quite sure that the minister responsible for this particular area knows a lot more about what I am talking about than I do because I believe that he was also very privileged to have been at a conference that was held here recently with regard to these particular issues.

I am going to leave most of this to him, but what I am encouraging by bringing this motion is for government to be futuristic with regard to the transportation of data. Data does not have to be transported by horse and buggy, because if we look at the development of the mail services over a period of time, we see that the postal service has moved ahead. Again at this particular phase, moving towards the new millennium, the post office needs to move ahead again.

It means revenue for our country that we need. It means that Cable & Wireless does not have the total monopoly to make profit of everything simply because they felt that they were on the ground floor in terms of providing us with telecommunications. But, of course, it is obvious that the post office was also on the ground floor in terms of providing us with the transportation of data. So I am saying that the post office has as much right to expand its mail services into the electronic area as Cable & Wireless has to expand its telecommunication services into the data part.

Now, I believe that this is something that can be worked out with them without any kind of difficulties. I think that the Cayman Islands government has already shown that this is possible with regards to mobile radios and things like that. A system, I think, was worked out in that particular instance.

Mr. Speaker, I will basically wait to hear the reply of the government and wait to hear the reply of other members with regards this private member's motion that I have introduced. Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I am pleased to second this motion. I believe the motion is timely. If we understand the world of Internet and way in which it is spreading throughout the consumers particularly in the United States but not necessarily only there. There are places that you can go into as a consumer, connect and retrieve your emails as well as other activities and you have to pay, obviously, a fee for it.

I believe if you travel to United States, there are places that each one of us if we have email can go into and can retrieve our email even though the box is in Cable & Wireless in George Town. When we have these email situations, Mr. Speaker, we have an area that dispatches it, we have an area that sends it on to the destination, it has an area that receives and there is also another aspect of how do you retrieve it given that you are not exactly in the location to which it was sent. You can go into the United States, you can hook into Compu-

Serve, you can call up your email that is sitting in a collection box at Cable & Wireless.

I relate to it as a collect box because it is a box that captures all the email messages that are sent to you. I believe the timing is right for the member to move this motion and as I understand it, not only because I am seconding it but the government is in support of this particular private member's motion. I think it is a timely motion. It is in step with the future direction that we should be heading into, not only an email and electronic services but in many different areas but this is one of them.

I thank you, Mr. Speaker. I support it and government accepts it.

The Speaker: Does any other member wish to speak?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I do not have any problems whatsoever in supporting this private member's motion. But I think perhaps over and above what the Minister for Tourism has said regarding his support for the motion, perhaps, the government should find itself in a position to at least speak to the motion from the point of view of explaining the practicalities of how it will work with the post office. I am not suggesting that there are any problems there, but perhaps it would make life a lot easier for us to ensure that everything is clear and in support of the motion that they have done due diligence to ensure that it is practical.

Perhaps, we can get that response out of the government just for all purposes and intentions to be very clear with it. I certainly don't have any problems supporting the motion, sir.

The Speaker: The floor is opened to debate, does any other member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I support this motion. As technology and especially information technology moves forward, as the use of electronics in nearly every area and every phase of the business society moves on, it is important that the post office and other sectors of government keep pace with cutting edge of technology.

The days are now here where we will find that the electronic technology that for some while has been largely used mainly by large institutions such as banks, stock exchanges and others has now come down to many of the smaller business. There are those who would appreciate this type of electronic mail. It would allow many of the smaller businesses and persons to get this service, which otherwise they may not be able to get.

The franchise with Cable & Wireless, obviously, would have to be looked at from a legal point of view to ensure exactly what it permits and that is why the motion has been drafted as the mover has put it, to enter into negotiations with Cable & Wireless.

I think this is a very important area. Mr. Speaker, we have to go, I think, even more rapidly into the information technology and into the electronic world because that is

the way that the world is moving these days. It is important that the service not only be efficient but that it also be reasonable in cost.

So I support this, Mr. Speaker. I think it is a good motion. I think the idea is good and my all means it is a matter that the post office, the government will look into, sir. Thank you.

The Speaker: Does any other member wish to speak? If no other member wishes to speak, does the mover wish to exercise his right of reply? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, maybe I should quit while I am ahead! But I feel that this motion could be very significant with regards to the physical and economic conditions of the Cayman Islands. Small things can lead to very big consequences. There is revenue that the government of the Cayman Islands could earn if this motion is taken seriously and if it is not turn into a political ploy.

There is a need for us as a country, as a Legislative Assembly to find ways of improving the revenue of the country without taxing the people. There is nothing wrong with the government who already have a foundation in the postal service department extending the services in areas that would allow them to make revenue that could be used to subsidise things like the cost of school uniforms and books. Rather than the poorer people in this country having to occur cost because government needs funds, these are areas that government can go in, in order to make revenue to subsidise other non-revenue earning institutions.

The question, therefore, is how serious will this motion be treated by the government? How serious was the government treatment of the motion to set up a road fund? Is there a particular politics that have to do with accepting motions but not accepting the responsibility to deal with these motions in a wise and prudent manner? Why has the Minister that is responsible for Cable & Wireless and this particular postal service not given us the benefit of his expertise, especially when I mentioned the fact that we as recently as two weeks had a conference here dealing with telecommunications? Where I understand that persons who are making bold statements to say that if people in the Caribbean region do not do something about the price of the internet so that our people can have access to the information world out there then we are going to suffer from the point of view of our social and economic development.

These are questions, of course, that could be brought into this motion because this motion is talking about making available to our people the benefit of this technological development, that no company should have a monopoly on, more so than the people themselves.

It is true that we have over 8,000 Internet users at the moment in the Cayman Islands, probably with those persons that are involved in having the internet based also in America, probably, 10,000. This is a tremendous amount of revenue for Cable & Wireless and there is no

reason why the government of the Cayman Islands could not find some way of tapping that little resource and perhaps making a little bit of money.

Like the developer in *Time Longer dan Rope*, Mr. Wilder, was always thinking about making a little bit of money. Maybe the government should think that way too. I mentioned that, Mr. Speaker, because I really wanted to put in the fact that I didn't see a lot of people at my play and I thought it would be good for them to be there and see some of these things.

So my point is, I have come to a very critical point in my political career in this House. In my very short time here I find myself caught between the government and members of the backbench. I don't believe that things are being played fair.

Now, I don't want this motion to die simply because there are people in this House that might think that I am a little bit too much of a freshman or an up-start because my record from the point of view of being a freshman, Mr. Speaker, I am going to be fifty-one years old in October. A lot of that time in those fifty-one years I spent on the streets of this island trying to be recognised for what I am and I didn't have to come here to argue with anybody in this Legislative Assembly about who I was. So when I come here, I am coming here to argue a point about what is good for the country and not what is good for Frank McField and not who you think you are and this and that and the other thing. I am not interested in that because we can do that on the outside anytime.

I am interested in people taking what I do from the point of view of my legislative duties seriously as long as I present it in a serious manner. This motion, Mr. Speaker, from the very beginning when it was seconded by the Third Elected Member from Bodden Town, was a serious motion with the possibility of good consequences for these islands. We cannot allow our personal feelings or our political leanings to interfere with what is good for the country—this is good for the country.

And, if it is not good for the country, I would like to see who is going to vote against it and say it is not good for the country because it is not good for the country, please vote against it. But if it is good for the country, don't disassociate yourself from it because you want to punish somebody because people cannot punish me that way. I have been punished already and I will be punished again, if needs be for standing up for what I believe. But I am not going to bring to this House any nonsense. I am not going to try to persuade anybody to second any motion of nonsense, this is a creditable motion.

All I am asking at this particular point is that the motion doesn't die because of expediency on one side of the House or on the other side of the House. It would be real tragic if this motion was not treated seriously simply because it was brought by me, the Fourth Elected Member for George Town, who is an up-start freshman, who thinks he knows everything, who wrote *Time Longer dan Rope* nineteen years ago and made some predictions that came true; who had to be punished then because he wanted to introduce pre-schools to the Cayman Islands. I don't want to go through that again at my particular age.

The people of George Town elected me because they felt that I am feisty, that I will stand if something is right. I won't stop fighting for it but if something is wrong, I am not going to support it. They know I am that kind of way. They know I am a McField. They know I am outspoken. They knew that. They had a chance to see me in all kinds of conditions and yet they voted for me.

I believe that that was not a mistake. I believe that I have done a good job with the limited power that I have here to bring motions to the Legislative Assembly, to have them debated, to have them passed and to have them worked on by government. I am putting the government on notice, Mr. Speaker, with regards this motion.

I want to introduce to them the TV show, *Public Eye* and the newsletter magazine, *The New Vision*. I have organised myself with the possibility to scrutinise their behaviour as well as the behaviour of members of the backbench and other persons. If other people want to do the same thing that I am doing, they can go ahead and do it. But if the government does not move to treat this motion seriously within a specific time, then I am giving notice that I am going to bring my control of my media upon them, to show that it was not done in good faith. I don't want to believe that. I want to believe that this is something that if it is investigated, that if it is treated seriously, the people of these islands can benefit from it in the future.

I am going to stop with that. I thank everybody for supporting this motion and to remind them of the fact that I am not against anybody and I am not for anybody other than the people of the Cayman Islands.

Thank you.

The Speaker: I shall now put the question on Private Member's Motion No. 19/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 19/99 PASSED.

The Speaker: We shall now suspend proceedings until 2:15 p.m. for lunch.

PROCEEDINGS SUSPENDED AT 12:50 PM

PROCEEDINGS RESUMED AT 2:28 PM

The Speaker: Please be seated. Proceedings are resumed. Private Member's Motion No. 18/99 to be moved by the Second Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 18/99

CONSIDERATION FOR THE PROTECTION AND ASSISTANCE OF THE PHYSICALLY CHALLENGED

Miss Heather D. Bodden: Thank you, Mr. Speaker. I rise to move Private Member's Motion No. 18/99. Consideration for the protection and assistance of the physically challenged.

The Speaker: Do we have a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I beg to second the motion, sir.

The Speaker: The Second Elected Member for Bodden do you wish to speak to the motion?

Miss Heather D. Bodden: Private Member's Motion 18/99, Consideration for the protection and assistance of the physically challenged.

"WHEREAS there are a number of persons in our Caymanian society who are physically challenged;

"AND WHEREAS over the past few years, physically challenged persons are entering the mainstream workplace and are becoming more integrated;

"AND WHEREAS there is also an increased need for handicapped parking to be provided and demarcated at all buildings catering to the general public;

"AND WHEREAS there is a need to further enhance and promote facilities which provide for the varied needs of the physically challenged;

"BE IT NOW THEREFORE RESOLVED THAT Government considers enacting legislation which ensures that the physically challenged, as well as other special needs groups are provided for when public buildings are constructed;

"AND BE IT FURTHER RESOLVED THAT Government considers mandating laws for the provision of appropriate handicap access to all facilities and aircraft;

"AND BE IT FURTHER RESOLVED THAT provision for placards, disabled stickers and handicap licence plates be provided for the physically challenged."

Mr Speaker, before I begin my presentation, I would just like to make mention of Miss Rotania Nicholson, who is physically challenged and who has taken time out of her work schedule this afternoon to be here. I would just like to make mention of that and also to say a big welcome Rotania.

Mr. Speaker, I think everyone would agree the timing could not be better for discussion of this very important issue. We are still feeling great pride in the recent success of our Special Olympic Athletes. These seven outstanding individuals brought home a number of medals from one of the world's largest sporting event of 1999, which was held in North Carolina just recently. Just to make mention of that article that appeared in the paper on Wednesday, June 30th on the sports section of the newspaper, "**Athletes bag five medals**" and the article went on to say: "**The Cayman Islands team has won five medals in the first four days of competition**

at the Special Olympics World Games in North Carolina.

"Michael Jackson, 17, won gold in the 400 metre race walk. Not finished, he stormed on to take a silver in his division's shot put competition.

"The world games are Jackson's second taste at international competition. Last year, he competed in the Special Olympics 1999 Caribbean Pentathlon Competition.

"Kevin Anglin, sped to a big gold medal in his division 400 metre race walk. This is Anglin's first time in international competition. He has been involved with Cayman's Special Olympics Programme for eleven years.

"Mackie Smith, a former Cayman Islands Sports person of the year won a gold medal in the Bocce singles competition.

"Leonardo Bodden grabbed the bronze in his 50 metre freestyle swimming event. He set personal best in both his prelim race and in the final.

"Bodden's coaches believe that there may be another pentathlete in the making for 2003 World Games. Though small of stature, there is a lot of courage within this small, wiry frame they say. This is Leonardo's first International Games but he is already making a name for himself as something of a spokesperson for Special Olympics Cayman Islands, says his coaches."

Mr. Speaker, this is what can happen if given a chance. We have also just seen on the news media that six local persons with disabilities recently completed a "Joy of Diving" course taught by handicapped drive instructor brought in by the Department Tourism. And, I will also refer to that *Caymanian Compass* of Thursday, July 1st which says, "A young Caymanian girls shrieks with delight having just completed her first underwater dive. The youngster was among six local handicapped people who were taught the rudiments of scuba diving on Tuesday by a team led by disabled dive instructor, Fraser Bathgate, of the UK's National Disabled Diving Centre (NDDC). The Hyatt loaned its beach pool for Tuesday's training session.

"Mr. Bathgate has also trained eight local diving instructors to teach the handicapped to dive. The NDDC trip was organised by the Department of Tourism, which has been actively promoting diving for the disabled in the Cayman Islands."

In addition, the Cayman Islands Department of Tourism, as I said, has been promoting diving for the disabled in a number of overseas event and publications.

Also, very importantly, the Vision 2008 exercise which we as we all know included the involvement and participation of a large percentage of the population devotes two of its action plans to persons with disabilities. Mr. Speaker, these can be found on page 19 of the National Strategic Plan, and I would just like to take a moment to read them.

"Action Plan 9, Specific Result. To develop and expand care for the handicapped. [Action steps are as follows:]

- "1. Establish a Committee from existing resources e.g. Social Services and Public Health to evaluate and enhance existing services for the handicapped.
- "2. Provide services and aids to enable the handicapped to remain in safe and familiar surroundings where necessary.
- "3. Seek alternatives to Government-provided care in individual homes.
- "4. Evaluate and provide, where necessary, day care facilities in all districts.
- "5. Provide transportation, where necessary, to approved day care centres.
- "6. Encourage families to assume more responsibility for their handicapped.
- "7. Provide financial assistance where necessary.
- "8. Support existing activities, e.g. Special Olympics."

Also, Mr. Speaker, "Action Plan 8, Specific Results. To protect the handicapped and ensure their inclusion in mainstream life. [And action steps are as follows:]

- "9. Educate the public to accept the handicapped as valuable members of the workplace.
- "10. Promote the creation of job opportunities for the handicapped.
- "11. Initiate programmes to develop and utilise the knowledge and skills of the handicapped.
- "12. Provide, maintain and encourage the use of safe community parks.
- "13. Enact and/or enforce laws that protect the handicapped against all forms of abuse.
- "14. Update, enact and implement the existing policies and laws, which deal with the financial and other needs of the handicapped.
- "15. Enhance existing educational facilities to ensure inclusion of the handicapped.
- "16. Encourage and support families to fully integrate their handicapped within the family unit.
- "17. Mandate and ensure the provision of proper handicapped access and facilities in all buildings and other areas open to the public.

Mr. Speaker, certainly we have already made many strides in the right direction. In terms of access, the current regulations from the Planning Department calls for handicapped access in all new construction and in certain existing buildings. In terms of education, two very important facilities: The Sunrise Adult Training Centre and the Lighthouse School.

I am going to take this opportunity to say that I am pleased to report that funds have been appropriated for the upgrading to the Sunrise Adult Training Centre and I am sure that the folks there will be happy to hear that. Also to such a degree that it is time today for a new Lighthouse School and I know the Minister of Education is doing everything he can to make sure that this school becomes a reality.

Mr. Speaker, when I first decided to bring this motion, I honestly and truly did not realise the magnitude of the disability problem. I would just like to take a moment here and just read a letter that I received from a friend

regarding a situation with her mother. The letter reads, **"There is no access for the handicapped in most places. One has to lift the person and the chair into most places. Seven Mile Beach seems to be the only place that has access. Shopping is impossible. You have either pop in and out, leaving the person in the car in the hot sun or don't shop.**

"Every time I take my mother out, I have to be ready to fight over what little handicapped parking there is. I am sure that there are people that don't go out or get taken out because of this." Even at the hospital, my friend took her mother and could not find any handicapped parking.

"I feel that one of the biggest reasons that this is a problem is because everyone knows that the signs are not enforced. Guards try but they do not have the power. One has to be ready to have a nasty fight. This is upsetting to all. My mother will say that she doesn't want to go out then she is very upset sitting alone in the car or being left at home."

That's one of the letters that I have received so far on this motion.

Mr. Speaker, when I began the research on this issue, I had the privilege of meeting Miss Beverley Beckles, who is the Chief Executive Officer of Trinidad's National Centre for persons with disabilities. She was in Cayman recently doing an assessment on the Sunrise Centre and I have to take this opportunity and thank Mrs. Joy Basdeo and Mr. Nical Carter of the Education Ministry for giving me a chance to meet her.

Mr. Speaker, she helped me learn more about the issues of the disabled, directing me to more and more reading. She also caused me to broaden my thinking to include all persons with disabilities not just the physically challenged. The more I researched this issue, the more I became convinced that it is time for the Cayman Islands to join the ranks of other progressive countries who are actively working to address the needs of persons with disabilities.

The United Nations estimates that in the world today, there are more than five hundred million persons with disabilities. The World Health Organisation estimates that in any given population, ten percent of that population has a disability. Applying this ratio to the Cayman Islands, you can see that we are talking about several thousand people.

In order for a country to be called progressive, it must meet the needs of all its citizens. It must not turn a blind eye towards the needs of any fraction of its diverse community. Because we are a progressive country, the time is now to step forward and take a position of advocacy on behalf of the physically challenged. That is why I am introducing this motion.

Mr. Speaker, I will pause here to just make mention that young Jules Fraser just came into the Chamber with his mom, Cathy Fraser. He is the grandson of Mr. and Mrs. Dalkeith Bodden. Welcome Jewels.

I have been so overwhelmed by the response to this motion so far. The input and the interest communicated to me by my constituents and by the public as a whole have only serve to re-enforce my conviction.

I would like to read a very touching letter I received from a young woman whose situation turned out to be the catalyst for my introducing this motion. Mr. Speaker, I was at the Agricultural Show this past February. I stopped to speak to this woman and her husband, who are in fact good friends of mine. They had come out to enjoy the show with their young son, like so many other families had done that day. But it turned out to be much more difficult than they had thought it would be. I was quite saddened when I heard the husband tell of the difficulty he had encountered trying to get his wheelchair-bound wife to the show. He had tried to explain to the Officer-in-charge that they needed parking space near the entrance but they were given no special treatment and had to park quite far away. The lady's husband had been forced to roll the wheelchair with their young son on her lap over a significant distance of rough ground.

Naturally, they were very upset that they didn't get a convenient space but they didn't give up and go home either. They were determined to enjoy themselves like everyone else.

I remember thinking to myself that this wife is younger than I am. I thought, if it is that hard for her at her age, imagine how hard it is for elderly persons with disabilities. Thinking about that couple's situation and the courage they showed that day has given me the determination not to give up on this issue until we have the proper legislation in place to make their lives and those of others like them easier.

Mr. Speaker, with your permission, I would just like to read the letter that I received from this lady that I met at the Agricultural Show. It says:

"Dear Miss Bodden: Thank you for providing an appropriate forum where in I can express my personal views and concerns as a wheelchair bound Caymanian.

"I am forty years old and the mother of a two years old. Until April 1997, my life was normal. My husband and I both worked; I had worked since finishing college. I loved working and staying active but life change for all of us when I was diagnosed with a rare malignant brain tumour.

"Now, two years later, I am glad to be alive having survived extensive neurosurgery, chemotherapy and radiation. Early last year, I arrived home from the States, having been separated from my child for most of his life. It is truly a gift to be have been given a second chance at life and the opportunity to raise my child, but the transition from being strong, active and ambulatory to being wheelchair bound has been most difficult here in Cayman.

"My wheelchair is necessary because of nerve damage inflicted as a result of my treatments. The same treatments that were necessary to save my life also changed it, making me, unable to walk.

"I must admit that I haven't considered the issues of the disabled until it happened to me. Maybe it is just human nature but too often we fail to either appreciate what we have or consider others less fortunate than ourselves until the unpredictable happens.

"Due to my own experiences, I began to look into our laws and into the availability of services offered to the disabled here in Cayman. What I have discovered is consistent with what I have encountered as a disabled person functioning in our society.

- "1. There is no legislation in place that even speaks to wheelchair accessibility to buildings and other facilities.
- "2. The current health care plan does not address this issue although we are hopeful that the soon to be published Vision 2008 plan will (which I mentioned earlier).
- "3. There are no placards, disabled stickers or handicapped licence plates to indicate that the driver of a vehicle is disabled. Thus spots reserved for handicapped persons are used by the general population without regard for those who really need them.
- "4. Likewise, there are no laws enforcing the rights of the handicapped to use reserved parking spots and unfortunately, I have found a basic disrespect for the needs of the disabled especially in the young people.

"On occasion, they have refused to move their cars to accommodate me. There are few wheelchair ramps on our island, making the accessibility to buildings and business minimal.

"I need to work and want to work. I want to be able to get out of my house and do the things that I use to work as an ambulatory person but I am unable to negotiate steps and I have developed a terrible fear of falling on them. Even if I could gain access to buildings, most bathroom facilities are not wheelchair accessible.

"Travel is almost an impossibility as we have no ramps at the airport and access to all aircraft must be by the use of stairs. Of necessity, my health care has to be in the States, thus my use of the airport facilities is frequent. Access to the other side ramps is often blocked by cars. It can be most frustrating to persons with ambulatory disabilities.

"Overall, our country is progressive in many ways but our concentration has been focused on issues that concern the normal population. Maybe the time is right to start thinking of the very real needs of the disabled in our society.

"I never thought it could happen to me. I never expected to be disabled or wheelchair bound but life can change in an instant from one day, a moment to the next.

"I ask you to please let the Government know what the problems are and how difficult life can be when one is in a wheelchair. Please encourage those who govern this country to adopt legislation to protect and assist those who are disabled. We need to be able to work and function in society and travel like everyone else.

"There is so much more to tell you especially regarding work place discrimination that I have faced but I was unable to return to my former job because

of wheelchair inaccessibility. But for the purposes of raising issues with our legislators and raising the awareness of our society, maybe this letter will suffice.

"I want to thank you for your representation and your interest in helping others in Cayman. Thank you, too, for listening and caring."

Mr. Speaker, as we begin to analyse the needs of persons with disabilities living in Caymanian society and those who are visiting our shores as tourists, we must consider addressing their immediate needs first. The most pressing need involves access to public places including our beautiful beaches and also to schools and churches, businesses, rest rooms, parking areas and transportation.

In the schools today, most children with disabilities are attending normal classes and it is also very important that these special needs students are provided with the best care and attention possible. Persons with disabilities need to be provided with a handicapped sign that clearly identifies the vehicle in which they are travelling and ensures them access to handicapped parking. This needs to be done through the Licensing Department so that the signs do not get into the hands of the persons who do not need them.

I would also like to appeal to the Police and security officers to help ensure that handicapped parking is used only by those for whom it is intended. But, Mr. Speaker, this will take the co-operation of everyone in our society to make sure this is enforced. I believe we must all be more sensitive to the presence and the needs of persons with disabilities living in our own community. A public awareness campaign would go a long way in educating people to this issue. There are many lines of communication and they must all be kept open. We need ads on the television, radio and in the newspapers. I would even go so far as to say that I would encourage local companies to sponsor these ads as public service announcement.

I would also make a plea to the community service clubs and others to consider helping support the purchase of a dedicated van to cater to special need persons who require public transportation.

Mr. Speaker, we must remind ourselves that this issue is about people. People, who have often been forgotten in the past and in the fast pace of our day to day economic and business oriented progress. As a nation, we should align our thinking with that of other progressive countries by adopting the United Nations definition of disability, which states and I quote: **"Any restriction or lack resulting from an impairment of ability to perform an activity in the manner or within the range considered normal for a human being"**

This includes not only the physically challenged but the broader group of all those in our society with special needs. The wheels are in motion. Internationally, we are seeing more and more being done to protect and assist persons with special needs.

Here at home, an increasing number of local employers are hiring persons with disabilities who are quickly becoming vital members of the work force. To

name just a few, Fosters Food Fair, Jacques Scott, the Hyatt, the Hospital and the Post Office.

Mr. Speaker, I hope many of you saw the article in last Friday's *Caymanian Compass* about a young woman who's blind and who happens to be in the Chamber this afternoon, Rotania Nicholson, who works at Fosters Food Fair. Rotania is another extraordinary example of courage and determination. But the article also demonstrates very clearly how everybody wins when we open the workplace to persons with disabilities. So I believe, we will see this happening more frequently.

Mr. Speaker, the article appeared in Friday's newspaper of the *Caymanian Compass* and I must say that this article was truly an inspiration to me. The headline on the article said, "Blind woman does not lose sight of goals." And it began, **"They will have to use a crowbar to get me out of here."** That was Rotania's answer when asked if she liked her job at Foster's Food Fair.

This is her first real job complete with pay cheque after many months and numerous attempts at gainful occupation. Now, the terms have turned and it is Foster's who would not want to see her leave.

Mr. Speaker, this young lady had so many set backs and so many rough times in her life but you know what? She didn't give up. She finally got a job at Foster's Food Fair and I am very happy to see her, I must admit that again. She truly has been an inspiration to many people who know her and the fact that Rotania had a lot to offer and that there was so much she could do in spite of her handicapped that Foster's Food Fair went to an extreme to make sure that everything as far as the switchboard, with her sending calls to other extensions were, put in Braille for her to be able to read the numbers.

So today is a fine example of what we can get from these physically challenged people.

Internationally, the Cayman Islands are encouraging tourists with disabilities to visit our beautiful islands. In the July/August issue of *Horizons*, you will find an excellent article promoting diving for the disabled. That appears on page 35 and it says: **"Diving for the Disabled. Over the last few years, the Cayman Islands has seen a marked increase in visiting divers with disabilities: deaf, blind, paraplegics and quadriplegics. Two groups of disabled divers who visit Grand Cayman on a regular basis are the Moray Eels on Wheels and the Houston Disabled Scuba-Divers Association.**

"Blind people enjoy the sensation of the water medium around them and they can communicate with their dive partner by using hand pressure signals. Deaf people have an advantage over most hearing people because they can use sign language to talk under water. Paraplegics and quadriplegics can rely on another diver to help them move underwater or those with some mobility use special aids such webbed gloves. Some even use under water scooters for manoeuvring.

"The Handicapped Scuba Association (HSA) was founded in 1981 by American dive instructor, Jim Gatacre. Since then, the HSA has been educating the SCUBA diving industry and individuals with physical disabilities.

"Locally, Red Sails Sport caters to these special divers and has ramps leading to the dive shop and on to boats spacious enough to take wheelchairs. They also boast five HSA certified instructors, some whom have learnt sign language."

Mr. Speaker, it is our duty to make these islands accessible to these visitors once they arrive. Cayman Airways has also shown an excellent example in transporting handicapped person to and from our shores and others need to follow suite. There are many ways to help. I was delighted recently to see in the media that CUC presented a cheque to the Sunrise Adult Training Centre to help fund a trip to Canada for the residents. Mr. Speaker, I refer to CUC today, which is a biannual newspaper of Caribbean Utilities Companies and they always put in a little community involvement page. I was very pleased when I read this article regarding the Sunrise Adult Training Centre and they had included several pictures with Miss Karen Thompson being a part of these adults at this training centre.

Members of the CUC Committee Involvement Team visited with the trainees at the Sunrise Adult Training Centre in West Bay. The trainees were treated to pizza, ice-cream and cake, and they in turn treated the team to an hour of musical entertainment. As part of the visit, a cheque for \$1,500 was presented to Anesia Woods, President of the Sunrise Caring Association to cover the travel cost for one trainee to participate in a field trip to Toronto, this past summer. (I guess it was just June they went on this trip).

Also, CUC adopted one of the athletes and that was Kevin Anglin, who participated in the Special Olympics also this past June.

Mr. Speaker, I think everyone will agree that in a progressive society, persons with disabilities must be able to move about freely so they can perform the many activities the rest of us take for granted in our every day lives. I believe that in the Cayman Islands, we can create a social and physical environment that favours the full interrogation of all persons with disabilities in our society. That means children, adults and the elderly. By encouraging self-reliance, we will promote the involvement and participation of persons with disabilities in this country's socio-economic growth and development.

As a community, we must work together to eliminate marginalisation and discrimination against persons with disabilities, are realise that everyone has a right to live with dignity and respect. We must protect the rights and individuality of the disabled as active and useful members of our society.

Mr. Speaker, before closing, I would just like to read another letter which I received from one of my constituents that he wrote back in 1997 to the Government regarding this very issue.

"Public facilities to aid the physically handicapped and physically infirm. An appreciable number of persons within the society are physically disabled. In spite of their being handicapped, they are obliged to conduct their personal affairs in the public arena, as well as many of them are actively involved in other community activities. Their physical handi-

caps present daunting challenges in trying to cope with the demands on their restricted mobility. Consequently, they experience much inconvenience and hardships, because there is a severe lack of those facilities normally provided as aids for the handicapped. These are common place and in fact considered indispensable in other progressive countries. Added to the indigenous handicapped, are a number of tourists who visit weekly, primarily by cruise ships. These too experience difficulty in getting around because of lack of public facilities for the physically handicapped. Their mobility is restricted and so is the enjoyment of their visit.

“Being myself physically handicapped, I can positively emphasised with other physically challenged persons. In conducting my personal business and in my involvement in a wide range of public activities, I too experience the inconvenience and frustration caused by the severe lack of those amenities so helpful to the physically challenged. Accordingly, from a purely altruistic motive, I wish to bring the situation to the attention of Government for the purpose of its being put into perspective, in order that it be accorded a degree of priority for positive action, which is considered to merit.

“The facilities that are seen to present a pressing need are:

- "1. Designated spaces on all premises - public and private - catering to a wide cross-section of the public.
- "2. Ramps to facilitate the use of wheelchairs and mobile walking aids.
- "3. Hand rails, where it is necessary to negotiate steps and stairs, both for entering and existing. An example of one style of these and the function they serve may be seen at Kirk Home Centre.
- "4. Special toilets with hand rails (as installed in the Airport Terminal Building), in all buildings or places catering to a wide cross section of the public, especially where these serve tourists in the main and other places where such conveniences should be provided. Such as public toilets, restaurants, medical clinics, hospitals, community centres, places of entertainment - cinemas and theatres and shopping centres, where they should be central (communal) toilet facilities, catering to the general public.

“This could be taken into consideration as the planning requirement for future developments in this area.

“With respect to the designated parking spaces, these should be provided on such premises as medical clinics, pharmacies, supermarkets, banks, hotels, restaurants, shopping centres and other shopping establishments and all other places catering to the general public. Such parking spaces should, for very obvious reasons, be located as near as is possible to main entrances. Handicapped parking spaces require to be protected by law, whether on public or private premises, from being violated by other motor vehicle operators. This is what is hap-

pening on the few premises that currently provide these. However, without the backing of the law, owners are powerless to prevent violation. The spaces serve the convenience of handicapped drivers as well as handicapped passengers.

“To have these facilities put in place by property owners will require the force of law. Hence the approach to Government. These are necessary to provide for the safety, protection and certain aspects of the welfare of an unfortunate group in the society—the physically handicapped and the physically infirm. Their disabled conditions render them very vulnerable to mishaps and injury, from which they look to the State for protection.

“I would like to direct the problem to the Ministry, under which primary responsibility for dealing with the subject of providing public facilities for the physically challenged falls. Unfortunately, I find myself in a quandary, as I am unable to identify, even after making some inquiries, the appropriate Ministry to which the matter should be addressed. This is because it appears to be one of those subjects with different aspects that impinge upon the concerns and interests of more than one portfolio. For example, one facet of the subject relates it to Medical and Health, while another points to welfare. Tourism could have more than a casual concern in the manner, to the extent of taking the initiative to stimulate action to address the problem. Mandating the facilities that are being recommended will implicate the Planning Department. Would this responsibility imply that the portfolio responsible for Planning be also responsible for initiating action to introduce necessary legislation required to have the facilities put in place?

With “the law in operation, particularly as this will affect existing properties, which undoubtedly will be required to comply with some or all of its requirements, it would seem that monitoring and policing compliance with the law by existing properties, would be outside of the province of Planning. Consequently, another enforcement authority will have to be identified to cover the sector. This accordingly would direct the search elsewhere, for the ideal portfolio to take on full responsibility for all aspects of the subject under discussion, from evaluating its merits in terms of serving a community need, to ultimate action and implementation if Government decides the problem should be addressed.

“Because the facilities being sought are all 'structural' in nature—parking signs, ramps, hand rails and toilets; the portfolio under which Works fall would seem to be the most appropriate to take over the matter. It is assumed that Government would lead the way in complying with law, which the Department of Works would oversee. It has the Personnel and the expertise that render it the ideal agency for monitoring and enforcing compliance with the law by the Private Sector.

“These observations of mine are no doubt far fetched as I probably am not seeing the woods for

the trees. Accordingly, I find myself with no alternative but to approach His Excellency for guidance on the matter. I apologise for the unorthodox approach, but I hope you will sympathise with me in my dilemma and be good enough to direct me or direct the matter to the appropriate Ministry for necessary actions. I trust that the problem will be deemed to justify Government taking up the matter and that early action to alleviate the situation will ensue."

Mr. Speaker, that letter was written in 1997 and I think it is time now that we move forward with this issue that has been put forward here this afternoon.

Mr. Speaker, honourable colleagues of this House, this is our wake-up call. Now is the time to rise to the occasion and become proactive on behalf of these very important and valuable members of our workplace and our society.

Thank you.

The Speaker: Private Member's Motion No. 18/99 has been duly moved and seconded. Does any other Member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I deem it appropriate to begin by thanking the Second Elected Member from Bodden Town for bringing this motion. I believe that the motion is worthy of our favourable . . . and let me put it a different way, unanimous approval to what is being requested within this motion.

I know that in dealing with the Traffic Law we have a series of amendments which should be coming forward to the House to deal with handicapped parking as well as the need to have disabled stickers on licence vehicles, where appropriate.

Some years ago, the government did some modification to the sidewalks along Seven Mile Beach to assist the physically challenged persons and we did some small amount of work in George Town as well. An example is the post office, and to some degree along Shedden Road. But I believe it is a small token as to the real requirements to allow physically challenged individuals to interact and take part not only in the work environment but also in the social and other recreational environments.

Certainly when we think of access to prominent public buildings such as the Glass House, or the Tower Building, or the Legislative Assembly, to name just a few, and maybe we should even include the Courts Building, there really isn't any wheelchair access from what I understand. And I believe that it is timely for the government to provide that type of access for these challenged persons.

Sometime as we walk around and take for granted the blessings of Almighty God, we do not reflect in totality on those who are not physically able to negotiate steps, sidewalks where there aren't ramps—to negotiate even the public beach in essence. So I support the motion being brought and I certainly support comments even that public buildings in future should incorporate

facilities for physically challenged persons. Rather than constructing the building and then have to amend the design, incorporate it into the design from the very inception.

We know that there are many other items, Mr. Speaker, that need attention but I believe (as the Second Elected Member from Bodden Town put it) it is a wake-up call to all of us to begin to focus more clearly on this particular area and to seek to provide what is necessary for those persons to be able to move freely and take advantage of any situation in this country as we do.

I know that many other members wish to speak so I will at this stage thank and commend the member for bringing this motion.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am happy to support this motion and wish to congratulate the mover for doing such an excellent job in presenting her case and in doing the background work that was necessary to put forward her views and to also thank her seconder.

Physically challenged individuals in this country and their parents have come through most difficult times. We can imagine the stress that is put on families dealing with the various challenges. And, I know about them for I have an aunt that has left two severely handicapped children who are older than me. In recent times, my mother has been committed to a wheelchair for the balance of her life. So I know what this means. What I don't know is to have to deal with a child in my home.

I am happy that government departments in recent years have taken up the challenge of employing physically handicapped persons. I refer to the hospital because I know that several from my constituency, the district of West Bay, work there. Several private companies are doing the same. The Hyatt hotel is one of the bigger ones and one of the longer standing companies that has been doing this.

It is a joy to visit these physically handicapped persons. They have ambition. I can think of one Mackie Smith, as we know him, who works with the Environment Department. I know him from when he was a little boy and it is a joy to see how he has improved through his own initiatives sometimes. In referring to him, I know that his joy in life would be to work in the Fire Department because that is what he wanted to do. He wanted to be a fireman but he went on to be Sportsman of the Year, just 2-3 years ago and has now represented our country in the international arena.

We have Kevin Anglin, Daireen Powery—they are the kind of person that we should forever be wanting to do something for. Oh, what a good thing it would be that many of those not physically handicapped could have their kind of ambition and drive.

Mr. Speaker, while on this subject, I want to draw government's attention . . . the member moving the motion mentioned the Sunrise Centre and some of these persons that I have been talking about started out at the Sunrise Centre. And, the Minister of Tourism made mention of focusing more clearly. But is government focus-

sing more clearly, or is it just talk? I have in my possession an agenda for the Finance Committee, which is asking for more funds to build yet more prison space. But we still have the atrocity of the Sunrise Centre not being what it should be to deal with the students at that facility in West Bay.

It has long been a place that the Fire Department has condemned. I am only reiterating here what I have already put on record so I am not going to take the time of the House to go through all of it, but a good place to start to focus more clearly as the Minister of Tourism has said, is to start with that. That is something that is needed and we shouldn't be about building prisons and leaving this kind of facility in a condition that does not enhance their education.

Programmes cannot be properly carried out there because of the kind of building it is. And we are now moving it—five months away from the new millennium and we still have this kind of facility.

I am thankful for all that government has done because I know that government does take some care if they get a request in dealing with handicapped persons like the removal of duties from vehicles and all these sort of things government has done in the past. I appreciate that, that is one aspect of it but they need to do something about that Sunrise Centre—pronto!

I want to thank at this point the various service clubs that have over the years been the ones to sort of carry the load for the community. The Rotary Club has a special day where they go and be a buddy to handicapped persons. Not just at the Sunrise Centre but those in the homes.

Mr. Speaker, government needs to pay attention to several other areas. Families have enough stress on them if they have a physically challenged person in the home. And sometimes I know homes that only have physically handicapped persons in there and we are still sending them garbage fees. If government has to take care of these people, where are they going to get the money from to do anything else? So these are the kind of things, I guess that we as representatives need to be more vigilant on but that government needs to pay more attention to also.

This is a good motion, Mr. Speaker, one of the better ones that have come in recent times. There is no fight on either side about it and that is a good thing to see. I am happy that I can support this, and again thank the Second Elected Member from Bodden Town and the seconder, the Third Elected Member from Bodden Town, for bringing to government's attention these various needs for our physically challenged. Thank you.

The Speaker: The floor is opened to debate. Does any other Member wish to speak?

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I rise also to give my support to this motion and I want to congratulate the Second Elected Member from Bodden Town for bringing such a motion to the House.

Mr. Speaker, the physically handicapped are people that throughout the world are always supported by governments or business sectors and it is high time that we got out there and did our bit to help them in the way of life. I feel, sir, that nothing can be more appropriate than helping the handicapped. I want to say this because I give it my full support and I want to let the Second Elected Member know that I congratulate her on a good motion. Thank you, sir.

The Speaker: Does any other member wish to speak?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I also rise to offer my support for this very important private member's motion. The issues relating to the physically challenged are issues that I (as a representative since being elected in 1988) have been fighting to see some improvement in. I want to say that I personally appreciate the sacrifices, the commitment and also the level of support that I see being extended to our physically and mentally challenged individuals at such institutions as the Sunrise Centre in West Bay.

The staff there and those students are surviving under very, very unacceptable conditions. I know the First Elected Member for West Bay and I have been fighting for a very long time, for example to try to get the salaries of those members of staff upgraded to a level that reflects their level of commitment, the hard work and the hours that they put in. Mr. Speaker, until now the last thing I was told was that it was going to be moved from, I think Education to Social Services. Under there, they could deal with the issues of salaries. And, Mr. Speaker, that still has not been done.

The building itself has been condemned by the Fire Department and the basic necessities, the basic programmes that are necessary for these people to continue to enjoy a certain amount of independence and dignity are still not in place. First of all, you cannot add too many services because you don't have the space and a further reason, the programme survived based on the level of commitment that the staff that operates there has.

I was very pleased the other day when I was at the airport to see such a large contingency of the physically and mentality challenged individuals going off to compete in the Special Olympics. There were not only students, there were adults who had volunteered their time probably to a large extent at their own expense taking time-out to travel with their special students so that they could compete and enjoy a little travel and a little different surrounding.

We have done well here recently in the area of our specially challenged individuals. But there is much more that can be done and has to be done. Like the Second Elected Member from Bodden Town mentioned these handicapped ramps and that type of thing. Mr. Speaker, unless you are handicapped you cannot appreciate how difficult these things are to people who find themselves in a wheelchair. I think we need to become much more sensitive to the needs of other special individuals.

I think personally if it is not a requirement at the present time that all new buildings built here in the Cayman Islands should be required to have special ramps for the physically challenged.

Mr. Speaker, I trust that the government will give this request, the urgency that it desires and requires and I am pleased to offer my full support to such a request. Thank you.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I had the very special privilege of being involved with the graduation ceremony or school leaving ceremony for the Lighthouse School this year. And as I was giving out a reward to a young lady, I asked her for a kiss. She gave me a kiss and she said, "sure." What I am trying to say is that sometimes I feel that rather than using the word "challenged" to describe these people, we should use the concept of "special." These persons are so special because their emotions and their feelings are not inhibited by ambitions, selfishness, envy, and the greed that some of us so-called normal people have.

Now, I was privileged enough, Mr. Speaker, to have been involved with the Lighthouse School from the time I came back in 1977 and became a social development officer. I was able to get a van from the Canadian Development Corporation that was located in Jamaica at that time, and between them I think and the Lions Club, we were able to get a van. I became the first driver for the kids at the Lighthouse School back in 1978.

It was a very special task that I had getting up every morning, going West Bay to pick the kids up and drive them to the Lighthouse School. We still had Rev. Shepherd, who was basically the person who started to get us in this country interested in the situation with regards these very special people.

I believe that Darwinism is very outdated. The theory about the survival of the fittest. I think that the society that is fittest from a humanistic point of view, is a society that can give care and attention to those persons that cannot produce the same material abundance that the more healthy ones are capable of doing. What these very special people do is they produce an emotional product because, like I said, they are not inhibited the way we are. So I have had a very special relationship with the kids from the Lighthouse School from 1978 until today. They still say, "Hello, Dr. McField" when they see me.

It is incredible how they remembered me all through the years and would always when they saw me, say, "Hello, Dr. McField." Because at that particular time, we had Miss Jacqui Smith, who was a therapist at the Lighthouse School as it was located at the Church in West Bay before it moved. But over the years, the government of the Cayman Islands seems to have become more and more receptive to the idea that it was worthwhile to invest in these very special people.

Therefore, I must say that I commend the Second Elected Member for Bodden Town for bringing this mo-

tion because she, with her feminine instinct, has brought it in such a way as to give it the type of sympathy that it really needs because they are very special people. Maybe somebody with that type of sensitivity needed to put forward the case for these very special people because we need to understand it in a language that is not overburdened, but a language in itself that is very special because it talks in a very special way about human relationships and human bonds and the role in which emotions and care play in re-enforcing it.

As we go away and progress in our society, and we go away from this Caymanianess, from this very special Caymanian philosophy that I have talked about here occasionally, it is good that we have persons that can call to our attention the fact that we are not paying enough attention, in fact, to these very special people. It is also very good because God has his purpose for everyone and [as] always God has his purpose for these very special people. He must have had a reason to have given them the qualities that He is giving them and I do believe the qualities that He is giving them are very special qualities and we need to stop once in a while and think about that. Because those of us that consider ourselves not to be challenged are very keen about running over the next one and still we say in doing so that we are altruistic.

I support this motion. I commend the two members from Bodden Town for bringing this motion. But in winding-up I would just like to say that I had a motion here that was seconded by the same member that seconded this particular motion. And, I would like the public to know quite clearly that sometimes I am hearing that I am losing support in George Town because I am supporting the government. Well, the Second Elected Member from Bodden Town is obviously a supporter of the government, so I don't know whether or not that means now that the Third Elected Member for Bodden Town is also a supporter of the government, since the Third Elected Member for Bodden Town has supported the motion of the Second Elected Member for Bodden Town.

I think what we have learnt from this, is that what people support or should support (which is the point I was making this morning) is the issue at hand. We should always make that of paramount importance and not let personalities or our emotions stand in the way of how we do our job. I commend this motion to the House. Thank you very much, Mr. Speaker.

The Speaker: Does any other member wish to speak?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Being the seconder of the motion I suppose that I should give it support other than my support during the vote, which I certainly will be giving. I want to say, Mr. Speaker, that there was a time in this country when circumstances did not allow us to be as aware as we are now of those persons who are different than we who have all of our physical and mental capabilities. And, if we didn't have someone in our immediate family who was so challenged, we were not bound to be aware of the differences and the challenges and all of the effort it took for

these persons to just be able to cope, let alone strive successfully in our communities.

Certainly in the Cayman Islands we came upon the occasional person who had vision impairment and who had some hearing impairment but over and beyond that cases were rare of impairments and certainly of multi-impairments. Today, with the growth of our society, we are bound to encompass and meet people who have these kinds of challenges. There needs to be special attention and special care and special arrangements made in order to accommodate them, and help them to realise their sense of worth. They too have a role to play; they too are worth something in our society and they too deserve to feel a sense of self-importance and to realise a sense of what Abraham Maslow (the renowned psychologist) termed "self-actualization." So it was for this effort that this motion was brought.

Having listened to the various honourable members who contributed, it is clear that there is consensus that we realise that we need not only to accommodate these people but [also] to help them arrive at a position where they too can contribute in ways that they may wish to contribute. And, I am happy to be part of these kinds of efforts.

Mr. Speaker, it wasn't until I travelled out into the wider world that I came upon these kinds of conditions. And, indeed, it brought to me a sense of culture shock, particularly during the years that I spent in Canada, where I saw people with multi-handicaps. But by the same token, persons who were not prepared to let the handicap or their challenges set them back in life; persons who were not prepared to take second place and indeed who sometimes became resentful when we normal human beings were seen to be patronising—you know, over attentive towards them or sorry for them, is a nice way to put it.

In one of my classes at university, Mr. Speaker, during my undergraduate years, there was a lady who had a sight impairment. She came to classes with what they called a 'seeing eye-dog'. Many times, I took the bus with her in the evening time and when I say evening I mean dark evening. She came to classes with this dog and she sat right at the front. She took the bus—and it was fascinating to watch. Do you know what? Because that dog was so trained, he could help her cross busy intersections. When the light was green and it was time for the pedestrians to walk, that dog was trained to sense that. But not only was he trained to take her across busy traffic, he was also trained to protect her from molestation from anyone who wanted to molest her, if that was the case. I was absolutely fascinated.

But what fascinated me even more was when I engaged this lady in conversation. She did not see herself as being any different from me. She didn't want anyone to take any notes for her. She didn't want anyone to do anything for her other than what was the normal course of activities. When we treat these persons as equals, many times they can perform just as well as normal persons.

Now, the rate that the Cayman Islands has developed physically speaking has necessitated that in all

buildings... We have not been able for whatever reason to take into consideration the fact that people may need to access wheelchair ramps, they may need to access elevators in ways different from us. So this motion is designed to bring to the attention of the authorities that it is necessary now for us to do this. And, that this is so is made more important by the fact that our whole way of life is changing.

Globalisation and information technology is making it necessary to change our ideas about the world of work because most people now will be contributing by clicking a mouse or inputting information. Even the traditional kinds of backbreaking labour, as we knew it decades and years ago, will be replaced by robotics and by computers programmed by people who click a mouse and input information to computer keyboards, which makes it all the more important for us to accommodate these things.

Motor cars and the way motor cars are manufactured and designed now, Mr. Speaker—there are motor vehicles designed to be handled by paraplegics and even quadriplegics. All of the controls are on the wheel and the dashboard. It is necessary, of course, for them to be able to see. But even as we speak, there are experiments in the auto industry which will allow people who cannot see to be able to drive a motor car because the motor car would be computer controlled. It would have its own radar devices and it will have its own sensors to tell it when it is too close to another vehicle or when it is veering off the path.

It is not far fetched to say that within the next decade, people whose vision is impaired will be able to drive as well as people who have conventional sight and who have all of the normal faculties that we have, which makes it all the more important for us to begin now to accommodate these people and to prepare for these adjustments.

In bringing this motion, the motion I believe is not seeking so much as to feel sorry for these people as it is to level the playing field and give them a chance so that they may make their contributions. Because they too must feel a sense of dignity and feel that they are contributing, and feel that they have something to give to the society, that their labour is important and that their contribution is important. So we are not trying to bring a kind of motion which is patronising to these persons in any way as much as we are trying to create a sense of consciousness and a sense of awareness, which will allow us to develop an appreciation and to level the playing field so that these persons can realise their contributions and they can realise their sense of self worth.

I have to say that motions like this, for whatever reason and without being gender oriented, seems that the delicate touch of the female is more appropriate to getting across certain emotions than those that men would do. And, so I have to commend the mover because there was a certain delicacy and a certain passion, which is sometimes difficult for men to muster on these occasions and that too has its merits. And, the mere fact that so many people communicated with the mover, the importance of this and supported this move,

shows us that within the Caymanian society, there is a crying need for this to be addressed.

Mr. Speaker, I don't have to say much more. Other than to say that I am happy to have been associated with this effort and to lend my support to anything that helps people, whether they are challenged as we might say or whether to use the older and more antiquated and certainly inappropriate now term, whether they are disabled. I am happy to lend my support to anything which allows them to realise their true sense of self-worth, which allows them to reach that point that Abraham Maslow called self actualisation.

As a legislator, I think it is my responsibility to do that because no doubt some of them live in my constituency as well. But I am not now only limiting myself to the narrow political boundaries of my constituencies because I am a cosmopolitan and I believe the world in a manner of speaking is also my constituency. One of the things that we can learn from this, is that, as the world becomes smaller and as we enter a new age, these kinds of challenges should not dissuade our Caymanian people from venturing out into the world. Physically, that may mean getting on a plane and going some where else, literally, as well as it might mean just sitting down by a keyboard clicking a mouse or inputting information, whether we have to us Braille or not.

I am reminded that in the United States Senate, and for the life of me I cannot remember the name of the Senator . . . my inability to recall that name, Mr. Speaker, I can only attribute to the fact that I have so many things going on in my mind now that it is virtually impossible and not to any other condition. Certainly, not to any condition that is brought on by age—although I am entering that era too. But there is in the United States Senate a senator who has lost both legs and one arm and believe you me, I was moved as I read his story. What was unfortunate about that . . . because people who have to make these kinds of adjustments have a tougher life than people who were born or who from early in childhood have these disabilities.

This senator became disabled because he was a Vietnam Veteran. He went out on a patrol in Vietnam and tripped on a land mine. At the same time that they were ambushed and so for him, this was indeed a difficult transition. And, I am saying what a great lesson this man must be sending to persons within the United States and all who have read his story, that at his age he lost his two legs and one arm, and yet he didn't let that deter him. He dresses himself and he has a motorised wheelchair and he comes in the Senate.

You know that there are not much higher than a person like him or any person even under normal circumstances could go in public life than to be a senator. Indeed, one would say, the only thing much higher than that is to be the Secretary of State, the President or the Vice President.

So I am saying that a good lesson for us to realise and to learn is that these challenges should not deter us from trying to realise our ambitions but by the same token, it is encouraging and helpful to know that we have legislators who are capable of putting in motion agendas

and efforts which will help such challenged persons overcome the physical difficulties they may face. And, it is fitting that Rotania Nicholson is here because I too am familiar with her story and I hope that one of these days, she can be a source of inspiration to other challenged persons, to let them realise that once your mind is made up and you believe in God, you can overcome any obstacle.

Mr. Speaker, it would be remiss if I didn't take a little time to answer the query offered by the last speaker. Does seconding this motion mean I am a supporter of the government? No I haven't joined the government; but I think my record here shows that I have always supported the government when they have brought motions worthy of my support.

Does seconding this motion means that I am endeared to one person more than I am endeared to one other person? Not necessarily so, Mr. Speaker. I believe it is my democratic right to refuse to second a motion that I do not wish to second for whatever reason. And, I am not giving my reasons for not seconding the motion here.

I only want to close by saying I am happy that I could offer the support that I have offered to my colleague and the government on this occasion. It is a worthy occasion and it would be politically unsound of me to do less. Thank you, Mr. Speaker.

The Speaker: Does any other member wish to speak?

Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. After the last speaker, I don't think any of us need to say too much more. This has become a way of life here in the Legislative Assembly when this type of motion comes forward, and I would like to take this opportunity to commend my two fellow Bodden Town colleagues, the Second Elected Member for Bodden Town and the Third Elected Member for Bodden Town who seconded.

Mr. Speaker, as the First Elected Member from West Bay said, this is a profound motion and probably one of the most far reaching motions ever tabled in this Legislative Assembly. The effect that it will have on people who need our help and which help we must give without any reservations whatsoever.

The gentleman that was here early on, Jules . . . and I see Rotania is still here and I would like to extend a warm welcome to Rotania here. Just to give a little background as most of us as the Third Elected Member from Bodden Town said he has knowledge of here and I think all of us as legislators have. Incidentally, my first contact with Rotania was through the kindness of the mover of this motion, the Second Elected Member from Bodden Town, when she was working at the T.V. with a lady that was there. They brought her condition and situation to my attention and I am pleased to say with Rotania in the Gallery that we are very much looking at this situation.

I have talked to the First Elected Member from George Town on ways that we can assist and I am pleased to say that we are coming to a position in this case where we can get genuine for her and I know that

Miss Nicholson will make these islands proud as she goes forward and as we help her prepare to make herself better.

Mr. Speaker, the comprehensive presentation done by the Second Elected Member of Bodden Town indicates to me and this House and the islands that the political maturity to which she has now arrived at. The tremendous amount of effort and time that has been spent on the research, the many people that she sat and talked with is of a very time consuming effort and we must take our hats off to her.

As we say and was evidence, the passion with which she delivered this. It was, you know, in her own special way but this comes as no surprise to me as I have watched here literally over her entire life time. And it was because of this knowledge of knowing her and the time of person she was in trying to help not only the elderly but anybody that needed help that made me strongly encourage her in 1995 to enter into politics where it is now paying off for these islands.

Mr. Speaker, this motion, for it to have any real effect, there are sections in it and the penultimate resolve says that we consider mandating laws. I feel, Mr. Speaker, that this is the only effective way to make this have teeth in it. And when I go to some of these business establishments who have taken the initiative to provide these services for the physically challenged and I see people just casually driving in there and parking, leaving their cars running, their stereo going full blast, I know that it was not designed for this. And, we must make sure that whatever needs to be put in place within the next few months, that this be dealt with urgently because there are many people out there who can benefit from the provision of these services. Most of these services as we know as you go to United States and anywhere in the world are strategically placed close to the buildings where people can have easy access going in and out to the buildings.

I look forward, Mr. Speaker, as we go forward with this motion as has been indicated by all members the full support, it is bipartisan and once again it is a pleasure for me to be linked with the two representatives from Bodden Town—the mover, the Second Elected Member and the Third Elected Member. I wish and hope everything goes well with this and in a prompt manner.

Thank you.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, thank you. Perhaps it is fitting for me to be one of the very last speakers to this motion seeing as I have made my life fairly easy and there is not much more that actually can be said. Unlike my usual style, I am going to make an exception this afternoon and I am going to actually echo the sentiments of others and congratulate the mover of the motion. Not just in my usual style but actually to agree with the last speaker about her. As you know that is not my usual style.

But, Mr. Speaker, the mover of the motion has put forward a case that is compelling. That takes nothing away from the contribution of the seconder of the motion but you see, we know he is that good. So we expect the best from him at all times.

While others have gone into various aspects and merits of the motion, I won't be very repetitious. I am not going to take very long. I want to extend an argument that has been brought to the floor of the House by the last speaker, the Minister for Health. When he spoke about the second resolve section of the motion. Which reads, "**AND BE IT FURTHER RESOLVED THAT Government considers mandating laws for the provision of appropriate handicap access to all facilities and aircraft.**" I am going to extend the argument in this manner, Mr. Speaker. I don't speak with vast knowledge and I am going to be making a few assumptions but I think the assumptions are fair based on the circumstances that prevail today.

I think the mover made mention that as of now, it is a policy within the Department of Planning and/or the Central Planning Authority that approval for any public buildings now calls for access to be provided for these physically challenged or special people, depending on which way we want to term them but we know who we are talking about. Now, that has been the policy, I think, in recent years and you would have found that the newer structures have this type of access.

The Minister for Tourism in his contribution made mention of steps that government has taken in recent times to provide access and facilities for these people. Like with sidewalks, I think he mentioned by the Post Office and a couple of other areas. But I want to go further with the argument because the government now if they are going to lead by example and it is obvious that this has been a wake-up call for all of us. The mover has said this is our wake-up call so let us accept the wake-up call and not stay in bed. The government must now immediately provide proper access to government facilities and I mean immediately—this very building that we are in.

I am curious to know how young Jules got into the building today. I think I do know but I am just saying it certainly had to be not a nice time and not a joy ride for him.

Now, having said that, the reason why I am not even thinking for a split second about whatever cost that are involved is because the cost that are involved here have been cost not just to government but to private sector as well. The Third Elected Member for Bodden Town mentioned that the vast majority of these individuals are not looking sympathy, they are simply looking a level playing field to access the various locations to be able to do what they can do, whether it be working or otherwise.

So, therefore, the onus in my view, I call the name of the government first so that the government can lead by example but it doesn't end there. So I am expecting to see in a very short time whatever government facilities there are, that were constructed and plans approved for without such facilities being in place for that facility to be created. It is only then that my other extended argument,

in my view, can be put forward but I am going to let it fly as a seed to be sowed right now.

I cannot advocate retroactive legislation so I could not suppose but I couldn't try to encourage the government either by way of regulation or by law to say that they should create the necessary legislation that all buildings, even buildings that were passed a long time ago must have this type of facility in place. Simply because of the principle. I cannot be one who is supportive of retroactive legislation just by principle alone. But I hold the view that if the government were to do so and lead by example then the government could easily say that all premises have a reasonable period of time—six months, twelve months whatever is considered to be reasonable in order to fall in line.

Thereafter whatever that reasonable time is, there after, these are penalties that will come forward. I am suggesting that for the simple reason that if we believe that this is as important as we say it is then that is the route we take. We are not being insensitive to people who own public buildings, we are leading by example and we are giving everyone fair time to be able to do it. However, if we don't do it then we are not taking the motion as serious as we should and that is not trying to push anything down anyone's throat. I believe that the private sector in this community will be quite sensitive enough and it is only to make sure that they get their wake-up call and that those buildings that don't have proper access for these types of individuals will be given these access once the focus and the energies are channelled in those directions.

So I am simply recommending to the government that they take steps along those lines not to be insensitive about the circumstance but to let everybody know as they have lead by example that this is something that is considered to be of importance and it must be done. I merely make that suggestion following along with whatever else has been said and, I too certainly will know what I have to do when it comes time for the vote for the motion, and I certainly give it my support.

The Speaker: Does any other member wish to speak?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I too rise to give my full support to this motion, being Private Member's Motion No. 18/99 for the consideration of the protection and assistance of the physically, (and I would add) mentally handicapped or challenged.

As our population as increased over the past few years and particularly so to as the number of special needs persons in our community throughout the three islands making up the Cayman Islands. Fortunately, Mr. Speaker, in recent times we have become much more cognisant to these needs and perhaps more readily to react to the needs of the special needs persons. And, although much as been done to assist the special needs and I chose to use that terminology I suppose to handicapped because I believe by so doing with the latter, we

are by implication implying certain negative or derogatory innuendoes in that regard.

Having worked with these special needs children as well as older persons when I did my teacher training several years ago in Florida as well as in Cayman, I can personally say that one of the most rewarding experiences is spending time in trying to teach these children, whether it was in arena of sports or whether it was in classroom for English lessons. I think the mistake that many of us have made more often than not is to view them as lesser than norm but when one takes the time to become closely associated with them, we can sometimes see that perhaps they are much more sensitive in areas than we would consider ourselves normal are.

I was recently privileged to be in North Carolina with the Cayman delegation for the Special Olympian athletes and indeed it was a proud moment for me. But I daresay, it was even a prouder moment for the athletes as they competed on an international level and did extremely well, in that they brought back medals ranging from gold to silver to bronze. I should also like to congratulate the parents who spent an enormous amount of time with these special needs children not only from a financial perspective but indeed from a social and physiological perspective as well. The churches, too, have played a very integral part in the socio-economic development of these special needs persons and they too are also warranting our congratulations here today.

While I am so doing, I would like to congratulate the mover as well as the seconder for this timely and most significant motion. I believe it is a motion that will go down in the annals of history as being sprinkled and indeed unsaturated with a great deal of care and of consideration for the present needs as well as for the future needs of these special persons.

When one also looks at the recent exercise that was carried out by Vision 2008, I believe the mover and the seconder can rest assured with the public's full endorsement that the time is right to fully consider and attend to the needs of these special persons.

Mr. Speaker, although much as been done as far as infrastructure and education in this area, there is still much more that can be done. I know speaking from my area on the Brac, there is still several schools that are in need of handicapped ramps. I know the Spott Bay School, in particular, where there is at least one special needs student attending. That needs immediate attention and the child in which I am referring to as come a very long way and indeed I would submit that it is a miracle that the child is alive, even yet today. Anything that we as a government can do to further facilitate and enhance a fuller and a better quality of life for this individual as well as others in this similar physical needs, then I believe it would also be a step in the right direction.

In travelling back and forth, I also noticed quite frequently that there is much difficulty when such persons have to board or leave the aircraft and that there is no appropriate facilities to assist these persons. Often times, it is quit crude the way they are lifted from the ground. I can imagine the intrepidation that must be in the hearts of these young ones as they are taken back

and forth, especially the young lad who has to travel quite a bit from here to the United States. So perhaps some thought should also be given in this regard to be able to alleviate this problem.

Mr. Speaker, I would also wish to bring notice as some other previous speakers have already so eloquently done to the fact that although the planning law and regulations have made various provisions for putting in place parking facilities for the special needs person, more often than not, the John Public will take these spots for the mere reason of it being much more easier to access or easier from the building. I believe that government as well as the remaining honourable colleagues should seriously look at putting in place the very necessary and requisite mandatory legislation and/or regulation so that a fine can be attach to persons breaching or contravening the various statutory provisions that are put in place and that they are indeed vigorously enforced. Because without so doing, I believe that infringements will continue.

Mr. Speaker, I don't believe that it is just a reckless disregard but perhaps some persons may not cognisant or fully sensitive to the needs of these special needs persons. So I am not advocating merely a mandatory, rigid regulation to be put in place but also that an education process should go hand in hand with it if we are to see the results that I believe we are all hoping to achieve.

Mr. Speaker, with those few words, it is my great pleasure to fully support this motion.

The Speaker: I believe all members have spoken.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: Thank you, Mr. Speaker. The Private Member's Motion No. 18/99 is one that undoubtedly the whole House supports. It is a very important motion. It is one that is very wide reaching, very complex.

I would like to commend the Second Elected Member from Boddén Town. The presentation has been one of the most thorough and highly researched speeches that I have heard in this house throughout the period I have been here. Very comprehensive and it went into all aspects of what is an extremely complex and far reaching issues.

The areas that I would like to deal with are those that relate more directly to my ministry and this motion I think touches literally every ministry and every person in these islands. Firstly, with new public buildings, the building code that is used is the United States Southern Building code and provision for the physically challenged are provided in the new buildings. There are obviously buildings that have been built in the past, not just here but in the United States and Europe which do not have the facilities. But I think we have a duty as did the Minister of Transport when we saw that the sidewalks in town were warped, for example, by the Post Office was probably the most obvious one but also along the full Seven Mile

Beach. The government or legislature at considerable expense has started a rectification programme.

Also the parking at the new places now have the handicapped parking spaces and in due course the law will cover those to ensure that there is enforcement. I take the note made of the bathrooms of the airport and I will definitely take this up with the Civil Aviation Authority because the new arrivals area and the extension of the departure area, all of those are now ramped and have the necessary facilities but I do realise that these bathrooms are older, they do not have that.

Mr. Speaker, I, too would like to acknowledge the persons who were in the Gallery in the Chamber earlier—Rotania Nicholson and also the Frasers. Mr. Speaker, Rotania was the first successful main stream student to go through the John Gray High School and I think this quite an achievement to the principal of that school, Mrs. Flatley, and her year head and staff for making it possible and also I would like to thank the students and staff who assisted her.

I, too, would like to extend my thanks to people such as Mr. David Foster, the people at the Hyatt and others named by the mover of this motion for the way that they have assisted the physically challenged. The ministry has consulted an International Labour Organisation person on developing the Sunrise Centre further and Miss Beckles, who I know met with the mover of this motion was here in June, and we are happy that her visit was timely and that we should receive a report from her in August of this year. In that we would hope to have the future plans that we need to deal with the physically and the mentally challenged.

There are funds in the budget both for the Lighthouse School and also for the Sunrise Training Centre. Miss Beckles and the International Labour Organisation are very important to how the Sunrise Training Centre will be dealt with because it is very important as is being done with the Lighthouse School where we have a highly specialised architect involved in ensuring that the highest standards are met. It is going to be expensive as we know but it will be worth it to the challenged children who will be spending the larger part of their lives at one or other of these schools and centres. We have also in the new schools provided for the physically challenged but quite rightly as was send earlier, as is, for example, this building that we are in is not ramped for wheelchairs and I guess, perhaps, charity begins at home. The day may well come when one of these seats here may be filled by someone who is physically challenged.

So I accept that we need to do more within the schools... Yes, sir, I would actually finish if you would just extended me a few more minutes.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: I just wanted you to move a motion that we could suspend Standing Order 10(2) in order that we can continue beyond 4:30 p.m. We were we supposed to be going until 6:00 p.m.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Bodden: Just finish this today? Yes, sir. I move a motion to waive the Standing Order relevant to extend this beyond 4:30 p.m. to finish the motion.

The Speaker: The question is that we suspend Standing Order 10(2) to go beyond 4:30 p.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: Please continue, I apologise for the interruption. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Not at all, sir. The importance of having these islands especially the public areas accessible to people who are physically and mentally challenged is one that, I think, undoubtedly carries the outmost merit. I will be happy when this comes to support the necessary legislation for it. I know with the building code, we will also be looking at updating that as it is now about three or four years old. And, in the course of doing that, I know that the Building Code Committee, which is a very important committee to planning will be looking specifically at insuring that new buildings are as accessible and useable. Accessible and useable by persons who are physically challenged.

I would like to again commend the mover of the motion, I would not go into... as she was very detailed in the Vision aspects of this, that was read out and it did feature very heavily at page 19 of that plan, which was strategy 4 and as she read action plans 8 and 9 and onwards. So I would like to commend the mover again for her very thorough and able opening of this and to say that she has a hundred percent of my support and I believe of everyone support here and that within the areas of the schools or education, and planning and public buildings such as the airport that are under my ministry or a statutory authority of my ministry that we will do our utmost to ensure that these are as fully accessible and useable by the physically challenged.

Thank you.

The Speaker: Does the mover wish to exercise her right of reply? The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Mr. Speaker, I guess it is in order for me to say or quote the words of a little song we sing in Sunday School: "Oh, happy day; Oh, happy day; Oh, What a happy day."

Mr. Speaker, first let me express my sincere thanks and appreciation to government for accepting this motion. Also my appreciation to my colleague, the Third Elected Member from Bodden Town for seconding this motion. Also, to my other colleagues who occupy this

side of this honourable house, my heart felt thanks for all your support.

All the debates were so upbeat and enthusiastic and at this moment, my heart is extremely full.

Mr. Speaker, I am extremely encouraged to see that the wheels are already been set into motion and that things will be moving forward on several fronts regarding this motion. I hope that from my presentation, this afternoon, the listening public and everyone in this honourable house can appreciate the strength of my commitment to this issue. It was something that needed attention and I was not about to let this opportunity slip by once I knew all the hard facts.

Mr. Speaker, you can bet it took many long hours to research and it certainly opened my eyes but after that there was no turning back. Everyone inside this Chamber and inside these walls can be assured that once I latch on to something I believe in, I will see it through to the end. When I believe in something where it concerns my people, especially those who are less fortunate, I am committed to going about and beyond the call of duty.

I would also like to re-emphasise my commitment to Vision 2008. This issue like after-school programmes for which I introduced a motion earlier this year, is clearly addressed in Vision 2008, the people's plan. And, Mr. Speaker, this issue is about people. People who are just like the rest of us with the same feelings, aspirations and dreams. The only difference is that they were born a little different or perhaps they met with an accident or age has not been kind to them. Any one of us could find ourselves in the same situation today, tomorrow or next year. That is why we must all do our part to ensure that all persons with disabilities feel that they have a place in a caring, God fearing society.

Mr. Speaker, before I close I would like to make an appeal to everyone to please reach out and embrace this issue. We all have a part to play and our lives will be so much richer for it. Over the years I have attended and participated locally in many Special Olympic events and I have gotten very close to many of the athletes. Mr. Speaker, they are all so loving and so hugable. It is always such a rewarding experience to see the effort and dedication of these young people while others in their situation might give up and lose hope, they do not. In fact, by their actions and attitudes, they give the rest of us hope. I think we all have plenty to learn from them.

Mr. Speaker, many years ago, persons with disabilities were locked up and kept at home. Today, thank God, things have changed and we even see them travelling all over the world and competing in sporting events and bringing home medals. This just proves that the concerted efforts of caring and committed people can bring about change and progress in our society.

Mr. Speaker, if everyone takes and active and an on-going interest in developing this caring attitude, I feel confident that the Cayman Islands can become the society of which we all aspire for the next millennium.

Thank you very much.

The Speaker: I shall now put the question on Private Member's Motion No. 18/99. All those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 18/99 PASSED.

POINT OF PROCEDURE

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, on a point of procedure, sir, I don't know if the Chair is in a position to inform the House as to what is the order of business come Wednesday, and particularly Thursday, since Thursday is Private Member's Motion day and I know that I still have a couple motions of which I am the seconder, sir.

You know that I always like to be conscientious. I would certainly appreciate some idea as to what might be coming so that I can avail myself of any opportunity for preparation that there may be between now and then, sir.

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

Hon. Truman M. Bodden: Mr. Speaker, I will be calling a meeting of the Business Committee tomorrow. As the honourable member knows it is a democratic committee made up of me as Chair, three backbenchers and the Minister for Community Affairs, Sports, Women, Youth and Culture. At that stage, we will have to take decisions. All I would say, sir, despite all of what went on we did have a full day. We achieved a lot today, for which I am very thankful. And, we will always endeavour to try to get sufficient on...and I understand questions will be ready for Wednesday to try to get a full day.

However, as you know sir, sometimes things go quickly, sometimes things go slowly so I cannot do any more than that, sir. All I can say is that... Yes, sir, what I am happy to do and what normally would be done is if a motion is put on that relates to mover, then the mover would be contacted by the Legislative Assembly to say the motion is first or second or third or wherever it is. We will have a formal meeting tomorrow afternoon and as I understand it, business will only have to be fixed for Wednesday morning because Finance Committee is Wednesday afternoon, as I understand is now the situation.

Mr. W. McKeeva Bush: Tomorrow? Oh, man!

Hon. Truman M. Bodden: Well, that's what I was told, sir. I will sit down on this one. This is not my baby.

[Laughter]

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, what I am asking then is if we are going to meet Wednesday afternoon, as we were informed we were going to meet tomorrow afternoon, what time will we meet on Wednesday and then how much business can we conduct as the minister just said we will have a full day?

The minister suggested we will have a full day. He is calling the Business Committee and now we hear Finance Committee will meet.

The Speaker: The Acting Third Official Member.

Hon. Joel A. Walton: Thank you, sir. I am going to try to help a bit on the Finance Committee item.

Initially, we had planned it for tomorrow afternoon but in circulating the papers and making the arrangements, it is actually Wednesday at 2:00 p.m. instead. The meeting shouldn't... I like to judge Finance Committee meetings right, but members have seen the agenda and it is really quite small and presumably if we go until 6:00 p.m. on Wednesday, I don't see why once we have done Finance Committee, sir, go back into the House . . . I mean it is up to the Leader. But Finance Committee shouldn't take us more than I guess two hours. So leave us with two hours for Wednesday afternoon, if we go on until 6:00 p.m.

ADJOURNMENT

The Speaker: I will entertain a motion for the adjournment of this Honourable House.

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 9:00 a.m. on Wednesday morning, sir.

The Speaker: The question is that this Honourable House do adjourn until 9:00 a.m. on Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 9:00 a.m. on Wednesday.

AT 4:45 PM THE HOUSE STOOD ADJOURNED UNTIL 9:00 AM WEDNESDAY, 4 AUGUST 1999.

**EDITED
WEDNESDAY
4 AUGUST 1999
9.48 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for the late arrival of the Honourable Minister for Tourism, Commerce, Transport and Works. He will be arriving later this morning.

The Third Elected Member for George Town is absent due to the death of his father, and the Elected Member for North Side is overseas.

Item number 3, Questions to Honourable Members and Ministers. Question number 78 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 78

No. 78: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning. The question is in two parts and it asks for the Minister to provide a list of new personnel hired by Cayman Airways Limited during the past six months, and a list of employees who have left Cayman Airways Limited during the past six months.

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

Hon. Truman M. Boddan: Since 30 November 1998, 25 employees have left Cayman Airways Limited (CAL). During this same period, 23 new employees have joined CAL. At this time, CAL has 22 vacancies for permanent employment posted. Detailed lists by month, of new hires, terminations and their status is attached (Appendix), as is a list of our current vacancies.

Employee levels as of:	31 November 1998	10 June 1999	Change
Full-time employees			
Cayman Islands	218	223	+5
North America	62	62	-
Kingston	1	1	-
Total:	281	286	+5
Part-time employees			
Cayman Islands	18	16	(2)

Employee levels as of:	31 November 1998	10 June 1999	Change
North America	18	13	(5)
Total:	36	29	(7)
Grand Total:	317	315	(2)

As of 10 June 1999, of our permanent employees based in Cayman (being 236) we currently have 14 work permit holders where the employee is married to a Caymanian, and 17 expatriate work permit holders. CAL is very proud of its record for employing Caymanians and that only 7 percent of its workforce in Cayman are expatriates on work permits. The majority of these are in our maintenance area where specific skills/licences are required.

Total employment at CAL over the last 2 ½ years has varied from a low of 299 employees in January 1997 to a high of 323 in September 1998. Mr. Speaker, I am not going to try to go through the list of these but they are all attached with names as well for the benefit of members because it is three pages.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if Cayman Airways has any specific policy regarding succession planning or any initiative in place in that regard?

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

Hon. Truman M. Boddan: In relation to the top positions, we have probably sufficient staff to deal with the continuity that we need. What we do not have in place and is something that is being looked at by a new human resources senior officer we have just employed . . . we have to be looking really with deputies or people who can fill into the four main senior positions and the managing director's position.

At present, we know we have continuity within that and those staff have a well-rounded training so that for a short period continuity would not be a problem but long-term successive planning, we do not have the people in place for that at present in all areas. I would just mention, sir, that it is a costly exercise. I personally think it is a very important exercise and I hope that the new human resources director will give recommendations on it in due course.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister just mentioned the word "training." Can the Minister say if there is any specific policy throughout Cayman Airways with regard to training? Would he be able to explain how training for employees is initiated?

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

Hon. Truman M. Bodden: This morning, unfortunately both the managing director and the deputy are off the island. What I do know, sir, is that we have had training from the senior positions through to all levels of positions. It follows to a large extent the International Airline Travel Associations courses. They have been taking different areas including senior management, and training has been very important under the new managing director's guidance. I know it is continuing. I just cannot give specifics, unfortunately, at this stage because I don't have that staff here with me. I do know that there is a training programme in place.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: To be a little bit more specific regarding training, first of all, can the Minister state if he has any knowledge of any request for training in the recent past that has been denied? And, also in the area of maintenance is there any pointed effort with regard to specific training requirements that may be required for staff who are now employed in the maintenance section who need this training to upgrade themselves to a certain level in order for the maintenance department to function properly?

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

Hon. Truman M. Bodden: I do not know personally of any request for training that has been refused. That's not to say that did not happen and I would have to inquire.

The maintenance department is under continuous scrutiny by the United Kingdom Civil Aviation Authority and I do know that the staff who are in positions where they should be licensed or trained, do have that training. In fact, both the Civil Aviation Authority and the Federal Aviation Authority have oversight on maintenance and I know that, for example, at present—this week a routine audit is going on by the United Kingdom's representative on the civil aviation side.

Now, the other area of the question asked whether we have people licensed in one area that could get further training or be upgraded into another area or higher category. I am sure that that would be a possibility. I don't unfortunately have the details of this. I guess the only assurance that I would like to get across is that the

maintenance facility we have, the staff are trained. They are under the scrutiny of the United States of America Federal Aviation Authority and the United Kingdom's Civil Aviation directorate. And they do comply with that and the International Air Transportation Association (IATA) Guidelines.

We have an impeccable record, Mr. Speaker, on maintenance. If there is anything at all that needs to be done on a jet, it doesn't fly. And that assurance I have been given time and again by the head of maintenance, sir.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister tell the House how the present staff complement compares with the numbers prior to the downsizing exercise?

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

Hon. Truman M. Bodden: Mr. Speaker, I am sorry, I was speaking to two staff [members] that just came in. I apologise. Would the Honourable Member please repeat that question?

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House how the present staff complement of the airline compares with the numbers prior to the downsizing exercise?

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

Hon. Truman M. Bodden: Mr. Speaker, I understand that we are about thirty less than prior to the downsizing.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister also tell the House how any staff numbers will be affected by the acquisition of the third aircraft? Is there any anticipated staff increase, and if so, in what areas?

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

Hon. Truman M. Bodden: We will need three additional crews but all of the other departments have sufficient staff to support the three jets.

[Inaudible interjection]

Hon. Truman M. Bodden: Including maintenance. Yes, the facilities we have...and this is perhaps where the costly aspect comes in but the administrative staff, the maintenance facility and the support facilities can actually cover far more jets than we now have.

However, that doesn't mean to say, sir, that...and I repeat this because once we went on a rapid expansion process on the basis that adding jets because of overhead would not increase beyond direct costs. Fuel and staff and that sort of thing was what created a lot of problems in the past. So we are going to see where these three jets when they settle in . . . and just exactly how we are doing and look at it carefully.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Getting back to the staffing. In the answer the Minister says, "...at this time Cayman Airways has 22 vacancies for permanent employment." Can the Minister state if these vacancies are vacancies which simply have not been able to be filled? Or are they are vacancies that the airline has found it can function efficiently without filling? Exactly what are the reasons why these vacancies exist?

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

Hon. Truman M. Bodden: Mr. Speaker, when this question was put together we did have 22 [vacancies]. That has been reduced now to 16. I understand they range through all departments and interviewing is going on at present. As I said, we recently were very lucky to have a Caymanian Human Resources Director come on and she is trying to fill these [vacancies]. But there will probably always be some there because there are 300 staff. People come and go.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I can see a little bit of impatience so I will make this my final supplementary, sir. Can the Minister give an undertaking that these posts that are still vacant be looked at carefully with a view that if there is any necessary training for individuals within the company to be able to be upgraded (if that is possibly the case) the leading could be towards more succession planning and filling these gaps with trained individuals who are already in the stream of employment at the airline?

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

Hon. Truman M. Bodden: That is the policy of Cayman Airways. In fact, not only do we have probably the best record here of hiring Caymanians—we have 93% of our work force as Caymanians or persons married to Cay-

manians, only 7% of our work force are non-Caymanians. I am happy to say that all of the senior managers, with the exception of one, are Caymanians. So many of the top positions have been filled. The policy is to try to fill those positions from within the company either by further training, further upgrading or whatever, before we go outside the company to fill them.

The Speaker: If there are no further supplementaries, we will move on to question number 79 standing in the name of the First Elected Member for West Bay.

QUESTION 79

No. 79: Mr. W. McKeeva Bush: asked the Honourable Minister responsible for Education, Aviation and Planning what is meant by Baroness Symons (the United Kingdom Minister for Overseas Territories) in the Report of the *Caymanian Compass* of Tuesday 25 May 1999 that says, and I quote, "**All this adds up to a pretty formidable checklist. But if our partnership is to be based on self-determination and the greatest exercise of control over their own lives by people in the territories...**"

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

Hon. Truman M. Bodden: Baroness Symons is the United Kingdom Minister who answers in the House of Lords for the United Kingdom Overseas Territories. Her speech must be read as a whole and not a short passage taken out of the context. I cannot give an opinion on what she meant, but I would suggest that her whole speech be given the literal meaning of the English language.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the whole speech pertained to the review of the Overseas Territories, and I had no reason to quote the entire speech. However, if I would take it in the literal meaning of the English Language, I would take it exactly on the part that I quoted that "**...our partnership is to be based on self-determination and the greatest exercise of control over their own lives by people in the territories...**" It is very plain what I am asking and I think that the House and the country deserve to know exactly what is happening with this review. What is happening and why would this be said in the House of Lords on a speech concerning the review?

That's all I am asking, Mr. Speaker. If the Minister cannot say anymore—and I guess he cannot say any more . . . but what I would ask is that government somehow find out through the Foreign Office what is meant by

this. We are left to wonder. We all know what "self-determination" means when the United Kingdom says it!

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

Hon. Truman M. Bodden: I am afraid I cannot really help the Honourable Member any more. I understand what he is saying but she is a UK Minister—I cannot give an opinion on it.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am curious to know if there is any possibility for us to understand anything that is being said, if we do not understand the language in which it is being said. Since what human beings usually use as a vehicle of communication is language, if we fail to understand the language then we are going to fail to understand the language here. "**All this adds up to a pretty formidable checklist. But if our partnership is to be based on self-determination and the greatest exercise of control over their own lives by the people in these territories . . .**" I will turn this into a question. But what I am saying here, this to me seems pretty clear here that if our partnership is based on self-determination it is a checklist. It is not to tell them this is what they must do.

Since we have people in government, they have to be able to understand something about the language of people that they are negotiating with or are talking with. I would like to ask the Minister whether or not it is his understanding here that Baroness Symons is suggesting clearly that we have ultimate rights to determine our internal domestic policies?

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

Hon. Truman M. Bodden: Mr. Speaker, I have to be careful not to get drawn into this too far, but if we look at what the Member has just read, obviously it is a hypothetical situation that is being put. Baroness Symons says, "**But if our partnership is to be based...**" I cannot comment beyond that. It seems she is putting . . . well, that speaks for itself. It is obvious, Mr. Speaker, that the position with the United Kingdom has always really been that the colonies decide whether they want to advance their constitution or not, if that helps in any way.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: I know we are not going to get any more out of the Minister than what he just said so I am not going to waste the time of the House. But permit me to say that we are getting various signs from this review, various indications. We know what self-determination means. I would ask that the Government of the day to approach the Foreign Office to find out ex-

actly what these kinds of statements mean. We cannot be caught off guard on these situations. If there is something going on between the United Kingdom [and] Government or the Foreign Office and the Executive Council here, then we ought to know.

I take what the Minister says with the highest regard that they don't know. However, that does not leave the country in a good position because the Minister has said—and we have to take it, as he said, in the literal sense of the English Language—self-determination means independence. The review is one based on partnership so when they put the two of those things together, what is Baroness Symons talking about? She is talking about independence for the country.

I appreciate you allowing me the statement and I am asking, sir, that they take that into consideration.

The Speaker: Would you please turn it into a question.

Mr. W. McKeever Bush: I am asking that they take all that I have said into consideration and probably ask the United Kingdom Government to give us full, fair and clear facts of the situations rather than this sort of language that can be turned upside down, inside out.

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

Hon. Truman M. Bodden: Mr. Speaker, as I understand the position, the United Kingdom's position has not changed over the years in that it is a decision of the people of the Cayman Islands whether or not the constitution of the country is to be advanced. That has never changed and nothing in her statement or in Mr. Cook's or anyone else's has changed that position. It is not a decision for members in this Legislative Assembly to decide on changing the constitution. That rests solely with the people of the country for the United Kingdom to get a clear indication whether to remain as the country is—a dependent territory under the United Kingdom.

I don't mind making it abundantly clear, that is my position [and] it always has been. Life here is good. We remain as we are. And, there is nothing that the United Kingdom has done or said which changes the fact that they honour and they will listen to the wishes of the people of the dependent territories on whether or not to change the constitution of the country.

As we know when the people last spoke they spoke loud and clear to let the constitution remain as it is and to leave the power vested in a group of people rather than being put in the hands of one person that happens at a later stage when the constitution is advanced. So, I have no doubt in my mind in that respect. We have had no indication otherwise that the United Kingdom's position has changed. The decision rests with the people of the Cayman Islands.

The Speaker: I had caught the eye of the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I wanted to ask the Honourable Minister if in his earlier answer he meant that the Government didn't understand what the speech was and so because of that he was not prepared to take this portion out of the context.

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

Hon. Truman M. Bodden: Under the Standing Orders, I am not required to give opinions, and really I would never give an opinion on a United Kingdom's House of Lords statement. All I said on it, which I hope was helpful, was that her speech must be read as a whole and not a short passage taken out of context. Basically that is the way the English Language is interpreted, it is called the Golden Rule of Interpretation.

If you look at the speech as a whole and you interpret it in the literal or ordinary meaning of the English Language . . . but I am not going to give an opinion and I cannot give an opinion, sir, on what she may have meant. But I can say what the UK's position to us is that any advancement of the constitution must be after the people of this country request it—not the politicians, the people of the country.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, allow me please to clarify what I said earlier. In no way could anyone say that I was asking for any change. However, when a Minister—one that has responsibility for Overseas Territories speaks, and when you look at her speech in all that she said, the full context of the speech, she talks about the review, and she talks about the partnership. She says that the review is a partnership and talks about determination and the partnership is to be based on self-determination.

Now, we can give it any interpretation, but self-determination is self-determination and control over their own lives with self-determination taken together can only mean one thing. All I am asking—and the question has not been answered—whether the Government intends to seek clarification on this aspect of the speech because they themselves are saying they don't know. So it would hold them in good waters if they got a clarification of what was said. Thank you, and that's all I am asking, sir.

The Speaker: The Honourable Minister for Education, Aviation and Planning do you wish to reply?

Hon. Truman M. Bodden: Mr. Speaker, like I said I am not going to give an opinion on it. What is the full speech was sufficiently clear to me. As I said earlier, I know what the United Kingdom's position is and I have repeated that several times. Any advancement in self-determination—

POINT OF ORDER

Mr. W. McKeeva Bush: On a point of order, Mr. Speaker.

The Speaker: Let me hear your point of order.

Mr. W. McKeeva Bush: I don't think the Minister is answering the question. What I am asking the Minister is if he can get clarification on what she meant on this part of her speech. And if he cannot do that, all he has to say is he cannot do it or they don't think it is necessary.

The Speaker: It is really not a point of order but if the Minister wishes to reply. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Not really! Only to say, sir, I am not confused with the speech and I have no reason to ask for clarification. I mean, I don't want to get to this stage but I am not going to go back on what I wanted to say to the [Member] and I didn't impute anything earlier that the First Elected Member for West Bay was saying anything about self-determination. Let me make that clear. I never said it and I never imputed that. But I have never heard of anything like this happening before and the position is clear, I don't need to go back, sir.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, it is quite clear to me that the concept of self-determination has to do not just with independence but it has to do also with remaining within the status quo, which would be the dependent status quo.

The next point, in terms of the sentence structure here, is the exercise of control over their own lives by people. Well, the exercise of control over lives could mean the exercise of control in terms of continuing in the status quo or changing the status quo. The question I understand here . . . and I will turn this into a question because I am asking if this could not be the case here that we understand the English Language. The Government needs to have a position because if we are dealing with the situation with regard to the human rights issue, the question that people are asking us, and we have a right to ask the Government that's responsible for policy, whether or not we could be interpreting this at the moment as meaning that we will be able to make the decision with regard to the implementation of these specific human rights requirements within the Cayman Islands.

I also know that we have spoken with British MPs with regard to this and that their idea is that this is a conscience issue. We want to know how far has the Government gone in examining or requesting information from the United Kingdom with regard to what kind of exercise of internal sovereignty we will be allowed to have with regards the checklist specifically stated here.

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

Hon. Truman M. Bodden: Let me be very blunt on this. I am not going to vote to change the law on homosexuality, if that is what you are talking about. I don't believe anybody else in here is going to do it.

The United Kingdom has certain legislative authority, which it did with the death penalty—what more can I say? My position is clear. I am not going to support any changes in that law and I think that is what you are referring to.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to ask the Minister then, since he has answered the question bluntly, if he is not going to support the change with regards that particular requirement—if he is suggesting then that this will be legislated by the United Kingdom by Order in Council, and if so, will he accept that?

The Speaker: I think we are getting outside the answer to the substantive question. If the Minister wishes to answer, he may. The Honourable Minister for Education, Aviation and Planning.

I think if you want specific answers, you should ask specific questions.

Hon. Truman M. Bodden: Mr. Speaker, I think I have said enough, sir. The Member knows the position.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Perhaps, Mr. Speaker, we can elicit a different type of answer by leaning the question in a different direction.

Having said what the Minister has said on the possible change in the law regarding homosexual activity, can the Minister state if the Government has taken any position yet with regards making any attempt to negotiate with the mother country regarding the issue rather than simply leaving it to what is crystal clear, and to put it bluntly, as the Minister might say, *'This Parliament is not accepting it,'* and just simply waiting for Britain to do what they have to do by Order in Council?

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

Hon. Truman M. Bodden: Out of courtesy, I am going to reply to this, but I think we are getting so wide now.

What I personally have done and I have gotten an opportunity to speak to the Minister was to refer her to a section in the European Convention on Human Rights, which says (words to the effect because I don't have it before me) that local conditions should be taken into account in applying the sections of the Convention. I have also pointed out the very deep religious feelings that exist in the Cayman Islands and so have the other islands.

In fact, Mr. Speaker, that has been acknowledged. Somewhere in the White Paper a reference is made to the Law on Sodomy, there is a quotation saying that they understand that the beliefs in the territories—I think, they use the words, "...are on deep-seated religious feelings...". And we really asked them to take this all into consideration and really understand that Europe is a different place to the Cayman Islands and some things, you know, may be accepted in one place may not be accepted in others.

I will continue every opportunity I get to urge that a satisfactory settlement on this be brought about as best I can. I would also ask members here who just had an opportunity to meet with some UK MPs to voice the same line of argument and any other lines of arguments that we can have that could assist us in this area.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I can assure the Minister that that was done. I would also like to thank him for being so courteous by being willing to answer.

I don't know when the answer to this question was put together but does the Minister know that in future regarding this issue or similar issues, he will be dealing with somebody else not Baroness Symons?

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

Hon. Truman M. Bodden: Mr. Speaker, I realise there have been changes in the Cabinet. The players do change a lot more often these days than maybe 12 - 15 years ago when we had talks. But I will keep voicing it. I have also voiced that to Mr. Cook. So what I am saying is that at every opportunity that we get, we do voice this and I would ask members here to please do the same because from time to time, we have visiting MPs here or we have visiting people from the UK.

The Speaker: The First Elected Member of George Town.

Mr. D. Kurt Tibbetts: I appreciate the Minister's answer but perhaps even though he has answered in the way that he has, can we get an undertaking from the Minister that there will be a certain commitment not just at every opportunity that arises but a certain commitment which will seek audience to ensure that this message is sent to them before any drastic measures are taken, such as an Order in Council?

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

Hon. Truman M. Bodden: Mr. Speaker, let me just first say I don't have responsibility obviously for foreign affairs but I know we put this in writing. In fact, I believe nearly every Member of this House, as far as two or three years

ago, when the three questions were asked before the White Paper came out . . . so I know it is there in writing. I know we raised it at the Dependent Territories Association—I am sure it will be raised again whoever goes to the upcoming Dependent Territories Association Conference. We will keep it fully up-front as often as we can and in as formal a situation as well as informal.

I have found, sir, that the English are very good at moving through their files. They have a continuous civil service and I am saying this very constructively. They are always well-briefed on talks at that level. But out of abundance of caution, as I think the First Elected Member for George Town has raised, we will keep it as often as we can in the forefront with them and endeavour to get a solution that is acceptable to everybody as far as we can. But I should say the European Convention on Human Rights binds them, it binds us.

The Speaker: Are there any further supplementaries? If not, we will move on to question number 80 standing in the name of the First Elected Member for West Bay.

QUESTION 80

No. 80: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Education, Aviation and Planning what is meant by Baroness Symons, the United Kingdom Minister for Overseas Territories, in the Report of the *Caymanian Compass* of Tuesday 25 May 1999 that says, and I quote, "**Her third issue was improvements to the composition of legislatures and Executive Councils and their operation**" and what effect would this have on our Constitution as it exists?

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

Hon. Truman M. Bodden: Mr. Speaker, I am afraid the answer to this is same as the last one, which basically says that Baroness Symons is the United Kingdom Minister who answers in the House of Lords for the United Kingdom Overseas Territories. Her speech must be read as a whole and not a short passage taken out of the context. I cannot give an opinion on what she meant, but I would suggest that her whole speech be given the literal meaning of the English language.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay, supplementary.

Mr. W. McKeeva Bush: Well, Mr. Speaker, I wonder if you will permit me to read at least the section that we are talking about from that report to see if that could help the Government give an answer.

The Speaker: I don't think...he said it must be read by us.

Mr. W. McKeeva Bush: Well, who would it be read by then, sir?

The Speaker: Go ahead and read it.

Mr. W. McKeeva Bush: Thank you. And I quote, *Caymanian Compass*, Tuesday, 25 May 1999. "**In the White Paper they had drawn attention to five issues which she highlighted as typical of those on which modernisation would focus.**

"**First, measures promoting more open, transparent and accountable governments.**

"**Rights of access to information are essential to the ability of people to engage in political activity effectively. Without, there will be low expectations, lack of participation in and unrepresentative government," she said.**

"**We hope the governments of the territories will encourage public attendance at and reporting on meetings of the legislatures; speedy publication where appropriate of the debates and decision of the main organs of government; high standards of accountability in public life and a willingness to explain decisions and policies to the electorate."**

"**Second, freedom of speech and information. 'Here I include a free and effective media,' the Baroness said. 'If people are to be able to make informed decisions they must be able to obtain their facts on which to base them.'**

"**The freedom to debate and hold different opinions is a key factor in creating and maintaining democratic and free societies.'**

"**Her third issue was improvement to composition of legislatures and executive councils and their operation. 'We need to ensure that the electoral process is fair and inclusive and that once elected members of Overseas Territory Governments put into practice, the concept of collective responsibility for government policy and decisions, and that those who hold elected Office maintain the highest standards of probity,' she said."**

Now, Mr. Speaker, I read the part that has to do with this particular question. I could also read the part that had to do with the other question but what is she talking about when she says that, "**Her third issue was improvements to composition of legislatures and executive councils and their operations**"? I contend that it is not clear and I am asking Government if they could get some sort of answer from them on this whole thing. Now, I know that the woman has left, there is a new Minister but still the policy remains.

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

Hon. Truman M. Bodden: What the Honourable Member read out there, all of the good qualities that should exist in a Government, if she had been writing about Cayman's Government, she couldn't have written any better. We comply with all of that! We have a high cali-

bre of Government, we come here—I even answer questions to statements such as I have done now. The very press has stated things like our school inspectorate how open and everything it is. As far as the Government goes, I think we fulfilled the Cabinet model of Government fully.

[Laughter]

Hon. Truman M. Bodden: I answer, as I did today on Cayman Airways, something that 8 - 10 years ago, nobody answered questions on Cayman Airways. They would say it was a private company and quite rightly normally a private company never answers—I have those quotes, sir, clearly.

I can't really say any more. I mean what do members think about the composition of the legislature. Maybe she was referring to trying to get the level of debate in here much higher so we would be a good example for school children and others in the territory.

So as far as the Government goes, we fulfilled Baroness Symons' good statements that were made there and we will endeavour to continue to do that and I suggest that the legislature try to comply as far as possible with good behaviour and do things that set good examples for our young people out there for debates.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I want to thank the Minister of Education for that very facetious answer—which was not an answer but a statement on what he thinks is a good government that they are performing.

Mr. Speaker, he talks about collective responsibility—if the Government was following collective responsibility and if the good Minister of the United Kingdom was not talking about the bad operation of government and their collective responsibility then what happened yesterday is certainly not good government. When a Minister who is responsible for a subject refuses to answer it in the Legislature and another Minister gets up and has to do it for him. Now, if that is good government then I think the Minister from United Kingdom...

The Speaker: Would you turn this into a question? This is not time for statements.

Mr. W. McKeeva Bush: Well, Mr. Speaker, I am only doing what you allowed the Minister to do, you know, to make a long statement and then at the final...

The Speaker: He was answering not asking.

Mr. W. McKeeva Bush: Well, Mr. Speaker, I was getting to it. I am just doing the lead up to it as is allowed I believe, but thanks for your stopping me in my trend.

What I am asking is, if all that is going on is good government then why (and I am doing this out of his supplementary answer) would Ministers not answer questions if things are done in the highest probity?

Things like Pedro Castle, I cannot get answers after three months and we cannot get a debate on motions after three months? And, if things are done in the highest probity, why then would the Minister of Agriculture, Environment, Communications refuse to answer a Minister about electronic mail?

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

Hon. Truman M. Bodden: Mr. Speaker, this obviously has gone well outside—

[Inaudible interjection]

Hon. Truman M. Bodden: No, but let me just say this: The reason—and the Member knows this—is that the Business Committee felt that on the Pedro Castle matter, until the Attorney General had made this report where facts could come to the legislature rather than running the possibility of warping the truth or giving opinions in a vacuum, it is better until the facts come out. I believe that members should be prepared to debate matters important like that on the facts and those facts will come out—that was the reason there.

Mr. Speaker, on motions, many times I have seen members of the Backbench not even support the motions that they second. So if we are asking, much less speaking on them, I don't want to get into this sort of thing. But all I would say is that maybe what Baroness Symons was referring to is that the procedures on this House should be followed when Question Time is on. Perhaps people should not make statements.

POINT OF ORDER

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order, really!

The Speaker: Let me hear your point of order.

Mr. W. McKeeva Bush: How long is this going to be allowed this morning? The question is really straight forward. Her third issue was improvements to the composition—and my question, and please allow me Mr. Speaker. My question only arose out of that dissertation he gave about their good government.

And the point of order is . . . well, the Speaker should understand that it is relevant. And really, I will not even attempt to sit here and listen. I will go into the members' room because this has turned into a fiasco, Government has—

The Speaker: Honourable Minister for Education, Aviation and Planning, after this we will go on to the next question.

Hon. Truman M. Bodden: Yes, please. Only to say the word "composition" relates to people. Maybe Baroness Symons was saying we need to have a higher calibre of

members in the House. Maybe she was saying we needed to have a different type of Member in the House. I don't know. I cannot give an opinion on it. But composition means the people who make it up. It's her opinion. All I would say, sir, is that I try to answer as far as I can.

Here we have an example of supplementaries going very wide, I would say sir. I realise that's the House prerogative and I abide by it. But this is what sometimes happens. Maybe the time has come to shorten the length of questions—maybe not every day on questions. We could split it up so that there is a specific time on each question—maybe ten minutes or twenty minutes—that will be up to you, and then just cut it off there.

The Speaker: Do you have a supplementary?

Mr. D. Kurt Tibbetts: Yes, sir.

The Speaker: Final supplementary. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Obviously, the Minister for Education was overdue and this morning was the morning that could not pass for him to get some of his usual kicks. However, be that as it may, can the Minister say with regard to question number 80 on what the Baroness referred to with regard to legislature and executive councils and their operation, if in the extended thought process of the government, that the government has sat down at any time with regard to the issues in the White Paper (which all of these questions surround) with a view to forming any opinion or position on certain questions?

Or is it going to be a circumstance that will be held over and held over until the last final moment possible to have any position taken so that the country can know what is going to be put forward to the mother country with regard to the issue?

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

Hon. Truman M. Bodden: Firstly, Baroness Symons when she spoke was dealing with all dependent territories. So it doesn't necessarily mean that every statement made in there applied to the same extent to every territory.

Now, we have a Select Committee, as I understand it sitting on this. It has been for that reason that we have not been able to talk to the television [station] on this. I understand that certain opinions will be coming out of that Select Committee in the form of reports as usual that are laid here. I don't want at this stage to do anything that is going to affect that report because we all know the procedure. Therefore, until we get a further feedback from the people of the Cayman Islands on the White Paper, then I believe that—

[Inaudible Interjection]

Hon. Truman M. Bodden: I know I don't chair it. I think it is the Financial Secretary because part of it is the OECD which we know the position on. But I think you will agree, the First Elected Member for George Town, that we need to get the necessary feedback from that. But the position in relation to those three questions and the earlier positions when we are able to speak on it, I mean government did state what it felt at that time.

However, at the end of the day we obviously have to abide by the wishes of the people of the Cayman Islands. And if the Select Committee of the whole House comes up with measures based on the majority of the electorates, then obviously I have a duty to follow that, sir.

The Speaker: Moving on to question number 33, which was deferred from the 1st April 1999, standing in the name of the First Elected Member for West Bay.

Mr. W. McKeever Bush: Well, Mr. Speaker, let's see if the Government knows anything about this since they didn't know anything about the last two.

QUESTION 33

(Deferred on Thursday, 1 April 1999)

No. 33: Mr. W. McKeever Bush asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to say what was the reason for the injunctions against the *Caymanian Compass* to stop the publication of the contract between Cable & Wireless Ltd. and the Cayman Islands Government?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: When the Government Telecommunications Officer was first informed on Friday, 4 December 1998 that the *Caymanian Compass* intended to publish in the following Monday's edition a summary of the main provisions of the licence together with some editorial comment from a version of the licence which purported to be obtainable on the Internet, the Government was concerned to ensure a number of things.

First, that since the terms of the contract between Government and Cable & Wireless Ltd were contained in a document marked "Confidential" that any disclosure in the *Caymanian Compass* of the details of the Licence did not injure the long-term commercial interests of the people of the Cayman Islands by fettering the commercial freedom of the Government in future negotiations with Cable & Wireless Ltd or others.

Second, that the source of any information regarding the contract had been authenticated and confirmed as the exact wording in the Licence. Although aware of the Internet site, Government did not know of the extent of the publication nor the authenticity nor the availability of the document available on the Web.

Third, the Government's willingness to permit publication of the Licence did not breach any terms of confidentiality contained in the Licence and make it liable for damages at the suit of Cable & Wireless Ltd. That is, any such agreement to the *Caymanian Compass* publication needed the consent of Cable & Wireless Ltd, the other contracting party.

In order to satisfy itself of those essential facts, the Government asked the *Caymanian Compass* to voluntarily postpone publication until those matters could be cleared up. It refused. In order to satisfy itself of the points mentioned above before consenting to publication of the proposed article, the Government therefore had no alternative but to seek the injunction.

During the remainder of December and part of January, the Portfolio and the Legal Department made enquiries about the authenticity of the document on the Net and the extent of the dissemination, the extent of the proposed *Caymanian Compass* article, the views of the other contracting party, Cable & Wireless Ltd – and considered the long-term commercial implications for Government in permitting the proposed publication. Government concluded that on balance it favoured allowing the proposed article to be published.

As a consequence, the Attorney-General was instructed to discontinue the injunction proceedings and those proceedings were formally withdrawn on 28 January 1999.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister explain exactly what is meant by "...fettering the commercial freedom of the Government in future negotiations with Cable & Wireless or others" bearing in mind that in this day and age it is obvious that there are tons and tons of competitors who would love a shot of providing the same services in these islands.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I would have to say that I interpret this to mean that Government was trying its endeavours to make sure that all i's were dotted before any sort of agreement could be reached with the *Caymanian Compass*.

The document, like the Member mentioned, was marked "Confidential." It was a confidential document, that is, the licence. And I think the Cayman Islands Government would have to look at the long-term effect that it could have with regard to future negotiations between Government and Cable & Wireless had they just taken it ad hoc and gone ahead and said, 'Yes, *publish it*'.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Minister then saying that the *Caymanian Compass* asked the Government for permission to print it? Because if I remember correctly I think he said, rather than just going ahead and giving permission— and the answer doesn't state that the *Compass* was requesting this permission. Obviously, the Printing Law would call for any liability to fall with the *Caymanian Compass* not the Government. I don't know if the Minister understands the point I am trying to make, but I don't find it salient from where I sit the fact that the licence being published by the *Caymanian Compass* because no liability at that point in time in my view could fall on the Government, it would have to be the publishers.

So in making the point about "...fettering the commercial freedom of the Government in future negotiations..." all I am saying is that I do not see where that is a real issue and it seems like much is being made out of it to justify the action. I am wondering if the Minister can clarify that position.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I don't know how much I can clarify on this but what I would say is that although the subject matter falls under my ministry, when it came down to this decision it was a full Government decision with the legal advice from Legal Department. Of course, I am not a lawyer and I cannot say too much more on it.

The Speaker: The First Elected Member for West Bay.

Mr. D. Kurt Tibbetts: Mr. Speaker, the answer states that this is a confidential document. Can the Minister say how this confidential document got on the Internet?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I don't have a clue as to how it got on the Internet. I was as shocked as anybody else to know that it was there and I think also that the parties from Cable & Wireless that I spoke to, apparently they were not aware of how it got to the Internet.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the Minister say who had possession of the document? Cable & Wireless and his ministry? Is that correct?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: To the best of my knowledge that is correct. Cable & Wireless being the party concerned would have had a copy and the other copy should have been with the ministry.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Was there any investigation carried out to see where this breach of confidentiality, if that is what they say it was, took place?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it is my understanding that investigations were carried out within Cable & Wireless, and I know within my ministry we tried our best but we could not put our hand on anything as to where it could have leaked from our ministry. I cannot say anymore about Cable & Wireless.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say approximately how many pages exist in this document?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I have seen this document only a few times. I don't recall the number of pages but if it is important to Member, I will definitely get that information.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state the reason why this document is considered by the Government or by both parties to be a confidential document?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: This document was actually put in place before my time as minister responsible for this. It is my understanding that it is somewhat a private company and, therefore, the dealings have been directly company to government and the franchise, itself, was a confidential one.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Surely, sir, while Government did the negotiations with Cable & Wireless on behalf of the people of this country, it is obvious that it is the people of the country—who pay the bills—whose rates are determined by way of that franchise.

Let me change the way I asked the question since the Minister has just said the document was created and deemed to be confidential before he assumed the authority. At this point in time then, is it Government's position that the document will still remain a confidential document, notwithstanding the fact that others have al-

ready seen it by way of the Internet or whatever else, is that still Government's position?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I know of no changes from the way it was.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say whether cost was incurred for these injunctions, the proceedings, and who paid the cost if cost was incurred? Somebody had to write it, somebody had to answer.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that any such action on behalf of the Government would definitely be handled through the Legal Department so I presume that the cost would be absorbed by them.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: What I am trying to determine is that Government issued an injunction against the *Caymanian Compass*, how was this resolved? Was the *Compass*... I knew they withdrew the injunction but—who stood the cost? There had to be some cost associated with that injunction. I would presume that there are costs associated with an injunction.

Mr. Speaker, what I am trying to determine is, when the Government put the injunction on, they would incur cost naturally, but also the *Compass* must have incurred some cost. In withdrawing the injunction, did the Government had to settle with the *Caymanian Compass* or settle the *Caymanian Compass* bill?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I am not in a position to say if Government settled anything for the *Compass*. The most I can say on it [is that] matters such as this would be handled through the Legal Department and settlements would be taken care of at that level.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I did not see the document (and please allow me this) on the Internet and maybe I don't know but can the Minister say whether the document on the Internet had an address or gave an indication of where the document came from?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I have heard what the Member said. I really did not see what was on the Internet and I am not in a position to say if it had anything attached to it.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The Minister indicated that there were investigations. Can he say whether this investigation covered that aspect? Presumably, someone would have gone to the Internet to see if there was an address, his ministry did an investigation as he said which came to no avail. Did they check the Internet to see if there was an address?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, what I said was that we did carry out investigations within my ministry and it was to no avail. We could not point a figure on any one individual who might have given this information to the Internet. As far as Cable & Wireless doing their check, I am not in a position to say whether they contacted the Internet or not. I know for sure, I don't think that anything like that was done through our ministry. We were looking more or less for—if there had been something within our ministry that had been leaked out and we could not come up with anything.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: This is the last that I have, sir. Since the word investigation was spoken and the Minister has said there was internal investigation, I am not clear whether the Ministry of Communications carried out an investigation, searched the Internet to see the document to see who put it on the Internet, whether that carried an address of some kind.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I cannot say anything more on it than what I have said. I know to the extent of our investigation within the ministry. I know of nothing going to the Internet or checking with the Internet. Maybe Cable & Wireless did but I have heard nothing about it.

The Speaker: That concludes Question Time for this morning. The House will now go into Committee to consider the Companies Management Bill, 1999.

The Acting Third Official Member.

Hon. Joel A. Walton: Thank you, sir. On the Companies Management Bill, 1999. I wanted to move a motion to defer the Committee Report and the Third Reading on that bill until the end of business for this meeting be-

cause the amendment is not ready and it has not been circulated.

The Speaker: I think we will have to go into Committee to do it. The House will now go into Committee as I said.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILL

HOUSE IN COMMITTEE—11:12 AM

The Chairman: The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct all printing errors and such like in this bill?

I recognise the Acting Third Official Member.

THE COMPANIES MANAGEMENT BILL, 1999 (Deferred)

Hon. Joel A. Walton: Yes, sir, on the first bill, The Companies Management Bill, 1999, the amendment for this, sir, is not ready and has not been circulated to members. So I am asking that we defer the report on this bill and the third reading until the end of the business of this particular meeting. Thank you.

The Chairman: You also mean to defer the Committee Stage because we have not gone through the Committee Stage.

Hon. Joel A. Walton: That is correct, sir.

The Chairman: It is my understanding that the motion that you are moving that the Committee Stage be deferred until the conclusion of business of today's sitting.

Hon. Joel A. Walton: No, sir, until the end of meeting, of this particular meeting not the sitting. The meeting for Friday.

The Chairman: The motion is that the Committee Stage on a bill entitled, The Company Management Bill, 1999 be deferred until the end of the meeting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: COMMITTEE STAGE ON THE COMPANIES MANAGEMENT BILL, 1999 DEFERRED UNTIL THE END OF THE BUSINESS OF THE MEETING OF THE HOUSE.

The Chairman: That concludes proceeding in Committee, the House will resume.

HOUSE RESUMED

The Speaker: Please be seated. Bills, Third Reading.

THIRD READING

THE ELECTIONS (AMENDMENT) BILL, 1999.

The Clerk: The Elections (Amendment) Bill, 1999.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. I beg to move that the bill entitled, The Elections (Amendment) Bill, 1999 be given a third reading.

The Speaker: The question is that a bill entitled, The Elections (Amendment) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The bill has been given a third reading passed.

AGREED: THE ELECTIONS (AMENDMENT) BILL, 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: Item number 5 on today's Order Paper, Other Business, Private Member's Motion No. 16/99, Caribbean Utilities Co. Ltd. Rate Increase, to be moved by the Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/99

CARIBBEAN UTILITIES CO. LTD RATE INCREASE

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 16/99 entitled, Caribbean Utilities Co. Ltd. Rate Increase, which reads as follows:

"WHEREAS Caribbean Utilities Co. Ltd. (CUC) has announced another rate increase to the general public;

"AND WHEREAS at the present time Caymanians/residents alike are concerned and affected by the continual rise in the cost of living here in Grand Cayman;

"AND WHEREAS there is concern that the rate increase by CUC is not justified or warranted;

"AND WHEREAS in this day and age a guaranteed rate of return is no long justified;

"BE IT THEREFORE RESOLVED THAT Government take steps to appoint a specialist in the utilities field to assist in negotiating with CUC to determine if the proposed rate of increase can be deferred or withdrawn and to attempt to negotiate a change in the guaranteed rate of return."

The Speaker: Do you have a seconder?

Mr. W. McKeeva Bush: Mr. Speaker, I second the motion.

The Speaker: Private Member's Motion No. 16/99 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. In order to appreciate the present situation, I think it would be good for those of us here in the House as well as the listening public to be reminded as to where we came from with regard to the role of CUC.

Regarding the history of CUC, I recall as a boy Government owning the utilities company (that is the light company). Back in those days, many Caymanians even though we had a power plant owned by Government, lived and survived by the use of the lamp light. I also recall, Mr. Speaker, they had set rates or set schedules as far as the service was concerned, it would be on during the day I think it was, and go off around 6:30 p.m. or came on around 6:30 p.m.—I cannot remember exactly...but we had set schedules with regard to the service.

I also recall the frequent interruptions that we had with regard to the service. The plant would be down or we had some problem or the other with regard to the service. So, I believe that the Government of that day was anxious when they were approached by a group of private individuals that had an interest in purchasing and running the utility service or company here in Cayman Islands, that we now know as CUC.

I don't have the details, Mr. Speaker, as to what Government granted that service at, as far as the price, but the group was granted a franchise. In that franchise were a number of attractive incentives with respect to the group prepared to assume the utilities company and run it as a private enterprise.

Mr. Speaker, at the present time we grant concessions as far as items being brought into the country by CUC. For example, it says here, **"All capital assets specified, the rate of duty is not to exceed 10 percent."** The last information I have is as of 1996. Due to the custom value of those items, those capital assets were \$21,555,936, which Government got \$2,155,593 as far as customs duties were concerned. All consumable goods such as lubricants are charged the normal 20 percent. All goods, materials, and supplies, the rate that was charged was 15 percent. The total concessions to CUC by Government in 1996 amounted to \$2,160,229.

Government has offered a number of attractive incentives to this country for providing a service here in the Cayman Islands. In addition to that, CUC under its franchise agreement is guaranteed a 15 percent minimum return annually on investment. I was thinking about this the other day. You know what I am talking about because you are a businessman like me. There can be a huge difference between a rate of return as far as a percentage and the percentage return on sales because in the case of CUC, the rate of return is based on the value of its assets—which are huge.

Mr. Speaker, that is a significant concession as far as CUC is concerned because we who are in private business, if we don't make a profit, we don't make a profit. What we do is keep trying, keep improving our management. We try increasing our market or improving our market to attract people to the business and hopefully, one day we will make a profit. But CUC does not have to concern itself with such matters because they are guaranteed under their franchise agreement a 15 percent minimum return annually on their investment.

The question and the concern that I have is that when CUC at the end of the year tallies up what it has made and comes to Government and says, *'Well, we only made 10 percent return on assets,'* who does Government have on its staff or at its disposal that can look at this submission from CUC? Look at how it is calculated and be in a position on an informed basis based on experience and speciality to be able to refute or question the information or the request that CUC is putting forward to justify their specific proposed increase in rates?

Mr. Speaker, I would challenge Government to let this House know if there is such an individual or group that Government has available for this purpose. I don't think it does, Mr. Speaker. And that is one of the requests that is being put forward in this motion.

The other question is who determines what can be included in the asset base on which the return is based? Mr. Speaker, if I was CUC and I had such a lucrative return, I would throw everything in there. Maybe these are things that no longer exist. But who is in a position to confirm what assets are available, what assets qualify to be included in the base upon which this return is calculated?

In this day of openness and transparency, I think the people of this country deserve to know the rights and the conditions of this franchise agreement. Not only this one, I heard some question this morning with regard to Cable & Wireless—the same thing, Mr. Speaker. We are talking about monopolists in a country.

If the franchise agreement is a fair agreement or a contract between the two parties then what is there to hide? What is the reason for the secrecy? It would be good if the Minister who is going to reply on behalf of the Government were to give us basic information. For example, the length of the franchise agreement—whether or not there are any review clauses in the agreement. What I mean by that is where Government and CUC have the right to sit down maybe at five-year intervals say, *'let's look at what is in this agreement and see*

whether or not we [can] mutually agree that it is still relevant and practical or do we want to change some of these conditions to better reflect the conditions of the time'. That is something that I would also like for the Minister maybe to advise us on because it affects every citizen in this country.

I am aware that CUC accounts are published. Why is it that that information is not also available from Cable & Wireless? Why is it that their accounts are not audited annually and published? No reason! Not to my mind, Mr. Speaker.

As I mentioned before, both you and I are in business, and I know even the Minister who is going to answer on behalf of Government knows what it means to be in business. And, our rate of return is based on our efficiency, that is, how well we promote sales, how well we contain costs and the type of product/service that we make available to the public. I believe that it would be good for Government, first of all, to employ someone who has the expertise in this particular area to deal with CUC.

And I think it would be also in CUC's interest as well to come on a voluntary basis, sit down with Government. What do they have to lose? There is nothing they have to lose. See whether or not at this stage any concessions may be possible, including the guaranteed rate of return of 15 percent.

Now, Mr. Speaker, the issue of utilities in this country is one that affects every citizen. Like I said, when I was a boy most people couldn't afford it anyway so they didn't take advantage the light or the power service. Many of those people did what they had to do at night under the light of a lamp. Today, every home, every business in this country depends heavily on CUC.

I was just talking the other day to a gentleman who was about to retire and he said to me, "Mr. Jefferson, I am retiring today."

And I said, "Well, congratulations. Where are you going to be going and what are you going to be doing after this?"

He said, "Well, first of all, I am not going to be retiring in Grand Cayman because it is too expensive, I am going somewhere else."

Mr. Speaker, we boast of one of the highest standards of living of anyplace in the world here in the Cayman Islands. But another fact that we have to face up to is the cost of living in the Cayman Islands, it must also be one of the highest in the world. An essential service like that provided by CUC, every time you have an increase it affects that cost of living because if CUC adds 15 percent or 10 cents or 20 cents a kilowatt to their rates as an increase, the supermarkets and every other establishment that has that service is going to pass it on to the consumer.

So I think that we have a responsibility in this country to try as much as possible to be fair, reasonable and see what we can do to control—and even possibly reduce—the cost of living to the general public.

You know, Mr. Speaker, we also boast of being one of the richest countries in the Caribbean and probably in

the world but it would frighten you (and you are aware of this, Mr. Speaker, even in your own constituency) how many people live on a fixed income. I would daresay that if Government took a policy of stopping those social services subsidies that are given to our senior citizens, many of them would probably die from starvation because a lot of them that \$250 a month is basically all they have available as far as an income to support themselves.

Mr. Speaker, they are very conscientious, very responsible. They are conscious of the fact that they have to pay their light bill, pay their telephone bill but when you have limited resources, it can only go so far.

So, I also believe that from that standpoint we have to be responsible and see what we can do to contain the cost of living. The utility service is only one part of cost. What amazes me is what people are paying today by way of rent. I remember when I first got married in 1973, we rented a 3-bedroom home for three months, and we paid \$150 per month. We moved from there and went to a newly constructed 2-bedroom place and we paid until I moved into my home, \$135 per month.

Today, I am talking about single parents who have a child or two paying \$1,200 - \$1,500 a month just for rent and in order to do that they are holding two jobs and in some cases three jobs. Why? Because they want to be in a position where they can provide for their families as well as anybody else. But, Mr. Speaker, you got to have a pretty good income where you can pay \$1,500 a month for the rent. Your lights is going to cost another \$200 - \$250. Everybody has a car—you have a car loan. It all adds up. You might say, well, people don't need all those things—Mr. Speaker, when it comes to utilities, it is a must, everyone takes advantage of the service.

It is a good service, it is a very reliable service, and I think CUC has done well to keep up with the demand here in Grand Cayman for electricity. But we have to keep the cost of this service reasonable and where the average person can continue to support and afford the service.

I have done a little research with regard to the cost of utilities around. I printed from the Internet, a particular publication on Bermuda and it says that in Bermuda the cost of utilities is one of the highest in the world. Mr. Speaker, I was not able to get the cost of it here in Grand Cayman but I would daresay that Bermuda's utilities cost is not higher than we have here in Cayman.

Mr. Speaker, I think that there are two approaches that could be taken on this particular issue. CUC could easily say, *'Gentlemen, we have another 15 - 20 years on our franchise agreement. We are going to require that Government complies with the conditions of that franchise agreement regardless of what is in that agreement.'* And hope that when it comes up again for renewal that they have a sympathetic government that would extend the contract again for another 20 - 25 years with similar conditions. Or, they could, in good faith, sit down with government and look at the conditions of the agreement—especially those contentious areas, such as the rate of returns etcetera—and try to

arrive on a joint basis what is fair and reasonable. It is left to see what course of action CUC takes on this matter.

I believe that (and I am not talking about this government only but any government) where you have exclusive services in a country, services such as telephone or electricity, it is the responsibility of that particular government to ensure that they have the expertise in house to effectively monitor what goes on in these particular companies. Mr. Speaker, I have not seen the franchise agreement for CUC but I remember when I was a civil servant that a senior civil servant was commissioned to go through the franchise agreement and put in layman terms what the conditions were—it was that complex.

Now, I think they are operating under a new franchise agreement since that, but I have not seen that one either. But, Mr. Speaker, these things are done by design. One of the conditions that the franchise agreement or CUC has also extended to government is to say, *'You can have a representative on the board.'* Now, can you see me or some other person here in the House who are laymen in these areas making any worthwhile contribution or looking out for government interests or interests of the people on that particular board? Mr. Speaker, it is just a prestigious position to be in, to say, *'Okay, I am a Member of CUC Board,'* but you are not in a position to make any worthwhile contribution.

I think Government would be very responsible for looking into the possibility of employing somebody with that kind of expertise and skills. I also believe, Mr. Speaker, that before any proposed rate increases are approved, this should be done. What happens if CUC has to wait three months or six months in order to put a rate increase in place? Do you think that is going to cause that company to shut down? I doubt it, Mr. Speaker. I really honestly doubt it.

Now, let me say that I have nothing personal against CUC or Cable & Wireless or any other company doing business in this country. As a matter of fact, I must say that I admire what they have done, that is CUC with regards to training Caymanians, with regards to promoting Caymanians, and with regards to the contributions they make financially to community, to basketball and football and all the other non-profit organisations that depend so heavily on such contributions.

They are a good company with good management, very well run, offering good service. But I think it is my responsibility and the responsibility of members in this House to ensure that the exclusive right they have to provide such a service is done in a fair, affordable and should I say justified manner.

So, Mr. Speaker, I trust that Government will see fit to accept this motion in the vein in which it is presented. It is presented strictly out of concern for the welfare of the people of this country and I await to see what Government has to say. Thank you, sir.

The Speaker: I think this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:47 AM

PROCEEDINGS RESUMED AT 12:11 PM

The Speaker: Proceedings are resumed. Before we continue with debate on Private Member's Motion No. 16/99, we will have Administration of Oaths. Mr. Bulgin, would you come forward to the Clerk's table, please? Will all honourable members please stand?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

By Mr. Samuel Bulgin

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

The Speaker: Mr. Bulgin, on behalf of all honourable members, I welcome you to the Legislative Assembly for the time of your service. Please take your seat as the Acting Temporary Second Official Member.

Please be seated.

Does any other member wish to speak on Private Member's Motion No. 16/99? The floor is open to debate.

The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I am pleased to accept Private Member's Motion No. 16/99 and I speak also on behalf of the Government. We all share a similar view on the matter and I will say that the motion is indeed timely.

However, Mr. Speaker, as all members are aware CUC's present franchise has a clause that offers a guarantee of a 15 percent rate of return to the company. I must point out that this is nothing new because this was put in place by a previous government several years ago. This is not to say that we should not endeavour to have a review of the franchise.

Mr. Speaker, a few years ago, this Government had an audit carried out to check into the company's operation, that is, CUC's operation. This exercise was carried out by a reputable company. However, it did not reveal any wrong doings by the company. I believe it was about three years ago that through negotiations between the Government and CUC, we were able to (through their assistance) hold back on an increase in rates for, I think it was a year, a year and a half.

I say that to say that over the years—at least since I have been in office and responsible for CUC—I have found the company to work along with Government and I believe that we will be able to sit down as a Government and a company, and look into the concerns which have been aired this morning by the mover of the motion. I

believe that the end result will be something that will be favourable to the people of this island.

Mr. Speaker, electricity nowadays is a must. I believe that through the good services of CUC this country has moved from strength to strength. I am sure I am correct in saying that our tourism sector and financial sector would not have been what it is today, if it was not for the good service, the dependable service of electricity to the Island. With this goes a cost, but as I pointed out a while ago, I believe that through talks with the company, through the appointment of a specialist by the Government, a person who is well versed in electrical matters, as the motion is asking for, we would be able to come to some sort of agreement with the company.

I must also say that while we look at electrical rates from the point of view of being very expensive, not only should we give credit for good service but we must also give credit for the amount of good jobs, good benefits and especially the training of our Caymanian people that this company actually offers. I believe I am correct in saying that the two companies on the island who have been over many years now offering excellent training and good jobs to our people, is CUC and Cable & Wireless.

So, Mr. Speaker, the Government is pleased with the motion and from our side we are accepting it and we will do whatever possible to carry out the wishes in the motion. Thank you.

The Speaker: The Fourth Elected Member for George Town caught my eye first.

Dr. Frank McField: I rise to give my contribution to this Private Member's Motion, No 16/99, and to say that it is good to know that the policy of the Government is in fact to accept as many Private Member's Motions as they can. This differs from the Governments previous position of rejecting as many as they could. But being the type of person I am in terms of taking the position I take (because I have said that I would take my position based upon issues and not based upon party affiliation or team affiliation or whatever), I need to caution the Government again with regards the acceptance of motions because once they have accepted it, they need to implement the motions and if they are not implementing the motions then they are doing the people a disservice.

With regards this particular motion that says, "**AND WHEREAS there is concern that the rate increase by CUC is not justified or warranted; AND WHEREAS in this day and age, a guaranteed rate of return is no longer justified. . .**" the Government is agreeing to basically the principles of the motion. But if we read the motion, and I will read the motion for clarity to show that if the Government is agreeing with the motion it is important that the Government states whether or not it is agreeing with the last resolution in terms of the action of whether or not it is agreeing with the motives for the motion leading to the resolution.

It says: "**WHEREAS Caribbean Utilities Co. Ltd. (CUC) has announced another rate increase to the general public;**

"AND WHEREAS at the present time Caymanians/residents alike are concerned and affected by the continual rise in the cost of living here in Grand Cayman;

"AND WHEREAS there is concern that the rate increase by CUC is not justified or warranted;

"AND WHEREAS in this day and age a guaranteed rate of return is no long justified;

"BE IT THEREFORE RESOLVED THAT Government take steps to appoint a specialist in the utilities field to assist in negotiating with CUC to determine if the proposed rate of increase can be deferred or withdrawn and to attempt to negotiate a change in the guaranteed rate of return."

So part of the motion is that the guaranteed rate of return of CUC be negotiated. I don't know if the Government seriously intends to do that. So we need to look at the motion, look at what they are agreeing to, look at the implications of what they are agreeing to to find out whether or not it would be realistic or it would be consistent with their political policies at the moment to do that.

Would they be differing from their past policies in going along with the specific requirements and implementation of this motion? Thereby we find that perhaps we are into a "politrick" type of situation

It is important that we look at CUC's position with regard to the August 1999 1 percent rate increase. CUC told the media, and us, that they had announced that (based upon unaudited results) it will be necessary to increase rates by 1 percent effective August 1 1999. CUC is saying that they are basing this on unaudited accounts. Why does the Government accept a Private Member's Motion to look into this when the Government should be in a position to know that CUC is basing this increase upon unaudited accounts, to talk to CUC if the Government feels that maybe this is not justified. From the very beginning, it doesn't have to come to this political arena to be looked into. So, somehow I believe that the Government's is trying to give the impression somehow that they are in agreement with what is being expressed here in this motion, when in fact what's being expressed in this motion is in direct contrast to the stated policies of the Government.

If we noticed what the Minister was saying, he was talking about the good services of CUC—the promotion and training of Caymanians. I agree with all of this. I agree that CUC has played a vital role in terms of shaping and developing our economy. But the question that the consumer has at this particular point, is to what extent should the growth of this country be on the back of the poorer people of the country.

Now, CUC has an answer to this and it is important that this be brought here and the Government who makes fifteen cents out every dollar that CUC earns should have been able to come here and show us why the Government has gone along with CUC's policies. And, if there is a need for change, why they feel that

there is a need for change. You just don't agree with what Opposition is saying or what Backbenchers are saying without showing why there is a commonality in terms of positions because anybody can get up and say, *'I agree with you'*. The question at the end of the day is, can they reasonably agree with the position of the Backbench with regards this position on CUC?

The Government makes fifteen cents out of each dollar. Now, if the Government is making fifteen cents out of each dollar that CUC earns then the Government has an indirect or a direct interest in maintaining their revenue. Therefore, in maintaining this kind of structured pricing, the Government is making more than CUC. Of course, they are!

You know, we find this also when we look at Cable & Wireless. How can the Government say it is representing the consumer, when the Government is also representing its desire to get a piece of that dollar to balance the budget?

I happened to have gone to CUC, Mr. Speaker, when I heard about the situation. I sat down and had a talk with those persons. They presented me with the plans. One of the things that I would like to mention in fairness to CUC, is that CUC is talking about growth and growth management. CUC is not in a position to make any statement with regards how this island grows. How this island grows will either be managed by market factors or by the Government making policies or making suggestions that will cause the island not to accelerate with regards to growth, to the extent where it begins to put the stress on the development of infrastructure. If it begins to affect the development of infrastructure then you will have CUC, Cable & Wireless and other companies putting a similar effect on the development of the infrastructure.

One of the interesting things, Mr. Speaker, with regards infrastructure...because I spoke to CUC and I said to them, "Well, why don't the companies that are responsible for infrastructure get together to decide what is a manageable amount of growth." If they are talking about an average of 13 percent growth in a country, that growth means that there must be a growth in the infrastructure. It means there has to be a growth in roads, there has to be a growth in buildings and so forth and so on.

So, we have for instance, seen in terms of infrastructural growth in 1979 that there was a production of 130, 000 tons of rock that was produced by a particular operation that supplies rocks for roads and for buildings. By 1999 (this year) it is 652,772 tons that is mined. Now, the mining of this particular rock is related to the growth of the economy. If you are not willing to manage the growth of your economy then you cannot manage the supply because the supply is based upon the demand. So if you demand more roads, if you demand more buildings, you will demand more rocks and therefore, the particular industry will relate to the specific market demands and produce more rocks as a result of it, thereby, perhaps incurring other costs in other areas.

CUC works on a similar principle that if you have more buildings being built, more people coming into the country because more hotels are going down, CUC generators have to work harder. They have to replace their equipment, they have to update their equipment, they have to extend and change the basic facilities to facilitate the growth and, therefore, they are going to charge us the price.

Now, when we brag about being the most developed country in the world, of being the most sophisticated country. We need a sophisticated and functional electricity plant, we need a sophisticated and functional telephone company, we need sophisticated functional hospitals, schools and everything. But we find at the end of the day that the average person has to pay a bigger percent for development than anybody else. One of the reasons why this is so is because there is no increase in the wages and salaries of at least 52 percent of the working people in this country.

The fact that CUC is talking about a 13 percent increase in inflation since 1995 as one of the reasons for them to increase their prices, the fact that the working person is talking about that increase and rejecting that increase because they are saying there have been no corresponding increases in their wages in salary is what we have got to talk about.

We have got to talk about this because it appears that as a result of the machinery of development going faster and faster, stress is being placed on infrastructural development, which has to take place at such a pace that does allow the infrastructural facilities to get back and return their money and re-invest it. They have to go out and borrow more money from the banks in order to keep up with this infrastructural development, which means bank interest and different things like that have to be paid. But where are the funds for this really coming from? It is coming from taking out of the pockets of the average person. The average person that is making below \$1,500 a month.

Now, CUC says again that the average residential home is paying \$65.28 in rates today, at the new rate which started August 1st, will only be paying \$65.88, which is an increase of 60 cents per household. The residential facility that is paying \$125, \$126 will only be paying \$126.46, an increase of a \$1.20. And, the commercial that is paying \$304.90 will only experience an increase of \$3.00. The big business that are paying like \$13,500 per month, at the moment, will only experience an increase of \$150. So they are saying that there increase will not have that much of an effect on what the average person is paying.

So this is the soft sell that CUC has. It is saying *'Okay, we have to make an increase. We have to make it in order to keep up, in order to deliver the service for you that you all are so proud of but for that service you have to pay.'* We all realise that we have to pay for the supply if the demand is there. But what I am concerned about is that the merchants now will go and they will use this increase to suggest somehow that there should an increase in the price that they are charging for other goods

and services and that everybody has the right to increase what they charge for goods and services except for the common man.

The politicians can increase the cost. The civil servants can increase the cost for their service according to inflation, according to what is needed in order to remain at a particular surplus profit but the working person surplus, if he had any in the first place, is being dwindled away over the last 5 -10 years, simply because there is no corresponding increases in wages.

What people are saying or what I think I understand them to be saying is that they have less today than they had yesterday. And one of the reasons why they have less today than they had yesterday (on an individual basis not on a country basis) . . . they are not saying that the electricity doesn't work better, the telephones don't work better, the streets are not better and the schools are not better—they are not saying that these things are not better. But then again, they are saying that their individual pocket books have less in them today.

They are more in debt today and not just because of bad management, also because the cost has gone up. The ability of their wages to purchase for them what they want, what they choose to buy for themselves, not what Government chooses to deliver for them by way of free education or medicine or whatever but what they choose to purchase for themselves. That choice is being taken away from the individual consumer and this is what the individual consumer is talking about to a certain extent.

We can see that the Government is making fifteen cents on each dollar that CUC makes and, therefore, that dollar can then be used to redistribute in the society. That the Government can then talk about the fact that it doesn't have an active tax system because it has other ways of taking money out of the economy back into Government to redistribute. But who is paying for this? Not the commercial companies that are dependent more on the services of CUC than the little guy that might be able to turn on his lamp, or might be able to use some kind of solar energy, or might be able to use some type of an alternative energy form that he is not totally 100 percentage dependent upon electricity being supplied by one company.

What I find interesting, and this motion brings to me how Government gets involved with so many conflicts because there is so much conflict of interest that Government finds itself in. Government is on one hand a partner of CUC not as a representative of the people so much but as a bureaucracy that needs revenue to survive.

On the other hand, it wants to say that it is looking after the general good of all the people with regards the price of a consumer item. Now, we can see why Government desires to have monopolies continue to exist because the Government desires to see the continuation of the monopolist status of CUC and Cable & Wireless, has very much to do with the Government using these economic entities as a way of financing their activities, and thereby being able to give the general population the opinion or the feeling that they are not being taxed in

their country. In other words, that the general population is not paying directly for the further development of their country. This is a deception!

I am saying it is time for us to see that this is a form of taxation. The ability of CUC to operate the way they have operated, the ability of Cable & Wireless to operate the way they have operated is a form of taxation. The Government is taxing the people by allowing these corporations to have the control over the consumer, which they do. That is the point.

Now, what would happen if the Government were to remove itself? The Government would lose too much revenue in the first place. Government cannot be an independent arbitrator here. The Government cannot be interested in having an independent arbitrator come in to examine the situation to make any decision. Why would the Government be interested when they are making more money from CUC? So why did they accept the motion? Why do we come to a position where we are trying to somehow... Every time I come here and I try to remove a wall so people can see, somebody comes and try to put the cover over it again.

This was my same concern when I did the motion with regards Cable & Wireless. It was a simple situation, Mr. Speaker. The Government has a vested interest in the perpetuation of the monopolist status of Cable & Wireless and CUC, for the mere fact that it provides a tremendous amount of revenue for the Government to use. Maybe in a lot of instances, we are lucky here because we don't have to spend our money on armies and embassies, this and that, and the other thing. Maybe our people do get direct benefit from that in a roundabout way. Maybe that is a good way of doing this thing. I don't know, Mr. Speaker, I am not going to make any judgements about that.

But I want to bring to the attention of this House, to the attention of the Government, to the attention of the listening public that Government cannot be serious about accepting this motion. The reason that Government cannot be serious about accepting the resolution, which is, **"BE IT THEREFORE RESOLVED THAT Government take steps to appoint a specialist in the utilities field to assist in negotiating with CUC to determine if the proposed rate of increase can be deferred or withdrawn and to attempt to negotiate a change in the guaranteed rate of return."** Government cannot be serious about this.

We know that when compared to other countries the electricity prices, for instance in the December 1998 bills, in countries like the US Virgin Islands were \$49.56. In the Bahamas, it was \$71.88; in the Cayman Islands, \$83.05; St. Vincent, \$85.35; Bermuda, \$91.39. We are not the highest but we are certainly not the lowest. The issue here is not so much about price because price is something that is not objective. The price could be the result of the quality of the service so I cannot say because people are paying \$49.56 in the US Virgin Islands that they are better off than we are here because the quality of service there might be worse than it is here.

If I am driving a good car and the other guy is driving a not too good car that gives him a lot of trouble, then it might have been worthwhile for me to pay \$20,000 for my car and not have to maintain it all the time rather than be driving around with a \$5,000 car that I have to take to the mechanic each day and, therefore, the cost could be very deceptive. So we are not going to really argue price.

What we are arguing here is the situation. The situation of situational ethics. A situation whereby rather than us getting into examining, dissecting the dilemma which the Government has an institution, not the Government as individual members of the National Team or the elected government or whatever, the Government as an institution of the people. The kind of situation that the Government has an institution of the people in a growing society finds itself where it has come twenty years along the line from needing a company and needing the possibility to tie itself, to guarantee revenue for itself by guaranteeing revenue for the company because that is basically what the Government is doing.

The Government is saying we will guarantee you revenue because you will guarantee us. So we will guarantee you being able to make this profit because you will guarantee us that we will have 15 cents out of each dollar profit that you make. That was a situation that might have been convenient for us 20 - 30 years ago. The question is, today can we continue to massage ourselves with this type of incestuousness when we find, for instance, a fact that Cable & Wireless [and] CUC are becoming two institutions that are getting more flak today than Government is even.

CUC and Cable & Wireless to the general consumer, seem to be the bad guys because they are the ones that are putting up the prices rather than the Government putting up the taxes. Because the Government doesn't have to put up the taxes as long as CUC and Cable & Wireless put up the thing.

Government is manipulating to a certain extent. The people need to see how the whole thing functions; how it is not just CUC, a company from abroad; how it is not just Cable & Wireless, a company from abroad making all this money but the Cayman Islands Government as an institution participating in this mutual exploitation of the Cayman Islands people in order to achieve development within a specific amount of time.

The Speaker: May I interrupt you for a moment? It is my understanding that Finance Committee plans to convene at 2:00 p.m. I think that this would be an appropriate time that we suspend for lunch in order that we can return at 2:00 p.m. and that at the conclusion of the Finance Committee we will resume in the Legislative Assembly. Is that the agreement of the House?

[Inaudible interjection]

The Speaker: Right! We shall suspend proceedings until the deliberations of Finance Committee have been completed.

PROCEEDINGS SUSPENDED AT 12:46 PM**PROCEEDINGS RESUMED AT 6.18 PM**

The Speaker: Please be seated. Proceedings are resumed. In order to keep things in order, I would like if the Honourable Minister for Education, Aviation and Planning would move a motion for the suspension of Standing Order 10(2) in order to continue beyond 4:30 p.m.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Boddén: Mr. Speaker, I move the suspension of Standing Order 10(2) for this Honourable House to continue beyond 4.30 p.m.

The Speaker: The question is that we suspend Standing Order 10(2). Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: I would now entertain a motion for the suspension of this Honourable House.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until 9.00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House do adjourn until 9.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 6.20 PM THE HOUSE STOOD ADJOURNED UNTIL 9.00 AM THURSDAY, 5 AUGUST 1999.

**EDITED
THURSDAY
5 AUGUST 1999
9.42 AM**

[Prayers read by the Fourth Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: We have apologies from the Honourable First and Second Official Members who are on leave. The Honourable Acting Third Official Member is not well this morning. The Honourable Minister for Tourism, Commerce, Transport and Works will be arriving later this morning. The Third Elected Member for George Town is absent due to the death of his father and the funeral will be held this afternoon. The Elected Member for North Side, the Deputy Speaker is off the island.

Item number 3 on today's Order Paper, Presentation of Papers and Reports. The Honourable Minister for Health, Social Welfare Drug Abuse Prevention and Rehabilitation.

PRESENTATION OF PAPERS AND REPORTS

THE NATIONAL DRUG COUNCIL OF THE CAYMAN ISLANDS ANNUAL REPORT 1998;

~and~

THE NATIONAL DRUG COUNCIL FINANCIAL STATEMENTS SIX MONTHS ENDED 30 JUNE 1998

Hon. Anthony S. Eden: Mr. Speaker, I beg permission to lay on the Table of this Honourable House, the First Annual Report of the National Drug Council and the Council's Audited Financial Statement.

The Speaker: So ordered. Do you wish to speak to it? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I must advise members of this honourable House that under the National Drug Council Law, 1997, Section 24(1), the Council "shall within six months after the end of each financial year, forward to the Minister responsible for Health, a report on the operations of the Council during that financial year along with a copy of the audited finan-

cial statements as at the close of the previous financial year."

The Minister is also required under Section 24(3) of the National Drug Council Law, "to cause copies of the Annual Report, the Financial Statements and the report of the Auditor General to be laid on the Table of the Legislative Assembly not later than 30 June following the end of the financial year to which they relate and to be Gazetted."

The National Drug Council (NDC) was officially launched in January 1998 by the Minister of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation and a staff office for administrative support was at the same time formally handed over to the NDC. The fixed assets contained in the office premises were also transferred.

The NDC is governed by the National Drug Council Law passed by the Legislative Assembly in September 1997. The NDC was given the responsibility by the Minister of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation for co-ordinating, implementation of the Cayman Island's National Strategic Plan for Drug Abuse Prevention and Rehabilitation.

In order to do this the NDC established a sub-committee structure as follows:

- NDC Prevention and Education Committee chaired by Mrs. Tessa Bodden, National Drug Council, Chairman.
- NDC Treatment and Rehabilitation Committee, chaired by Dr. Steven Pickering, National Drug Council, Vice-Chairman.
- NDC Law Enforcement and Legislation Committee chaired by the Chief Justice, the Honourable Anthony Smellie.
- NDC Finance and Statistics Committee chaired by Mr. Carlyle McLaughlin.

In addition, an administrative committee chaired by the NDC Chairman, Mrs. Tessa Bodden, was set up to oversee the operation of the National Drug Council Office on behalf of the Council.

Co-ordination of the National Strategic Plan began immediately under the direction of the NDC and its committees. The National Drug Council also began implementation of its specific obligations set out with the National Drug Council Law, and those action plans assigned to it under the strategic plan for drug abuse prevention and rehabilitation.

Additionally, the NDC began co-ordination of anti-drug efforts by government ministries and departments, private sector agencies and individuals through the extended NDC committee structure. Emphasis was given to drug education and prevention measures pertaining to

young people. Immediate efforts were also directed to drug importation control measures and to drug rehabilitation policies. Broad based governmental and private sector involvement supports the NDC at every level and this has proved invaluable in the successful functioning of the NDC so far.

Mr. Speaker, this first annual report of the NDC, in fact, represents only the first six months of its operation ending the 30 June 1998. Through this medium, I extend congratulations on an excellent beginning to the Chairman, Mrs. Tessa Bodden, and all other members of the NDC and its sub-committees as well as those persons in organisations who have given freely of their time and support of the efforts of the NDC.

As required by the National Drug Council Law, 1997, Section 24(3), I shall arrange for the Annual Report and Audited Financial Statements to be gazetted. I look forward to the second annual report of the NDC, which will reflect its many achievements during the second year of operation, which just ended on 30 June this year. Thank you.

The Speaker: Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, you also wish to lay on the Table the National Drug Council Financial Statements.

Hon. Anthony S. Eden: Mr. Speaker, I gave in both of them. Thank you.

The Speaker: So ordered.

Moving on to item number 4 on today's Order Paper. Questions to Honourable Members and Ministers. Question number 81 standing in the name of the Third Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 81

No. 81: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Environment, Communications and Natural Resources what steps are being taken by Departments concerned to eliminate or control the discharge of effluent from "live aboards" in the areas of the Yacht Club, the Marina Club and Rackley Canal.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: Sewage pollution in the marine environment is an issue of concern and has been a topic of collaborative investigation by several government agencies in recent years. As the number of commercial and recreational vessels increase and the arrival of visiting yachts grow, the problem becomes increasingly critical.

The problem is unfortunately more complex than posed in the question. Effluent discharge from live aboard vessels in the areas named does need regulation. The solution to the problem, however, includes regulation of all marine effluent discharge including commercial charter vessels and recreational vessels and in all near-shore areas such as Stingray City and George Town Harbour. A study conducted by the Department of Environmental Health and the Water Authority identified North Sound tourist charter vessels as one of the leading contributors of sewage pollution.

Given the complexity of the problem, the solution cannot be the immediate enforcement of a zero discharge policy for all vessels operating in Cayman waters; consider the repercussions to the tourism industry if that course of action is taken. A comprehensive investigation has begun involving several government agencies including the Department of Environmental Health, the Department of Environment, the Shipping Registry, the Water Authority, and the Port Authority. Consultation will be sought from the private sector including watersports' operators, marina owners, and other interested parties.

The solution will neither be immediate or inexpensive. It will involve: extensive collaboration between various agencies, revisions to several laws and new regulations, installation and maintenance of numerous shore reception facilities, retrofitting of marine sanitation devices on many local vessels and public education programmes. Although the task is difficult, we are dedicated to the preservation of the marine environment and the protection of human health. The solution to the problem of marine sewage pollution will be implemented as expeditiously as possible.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can state the nature of the negotiation with such statutory authorities as the Port Authority with regard to their role in controlling this very difficult problem?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that all parties concerned, those that I have mentioned here, have been supportive and fully participating in trying to curtail the problems. So included in that is the Port Authority who has been working quite closely along with the other departments.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of the importance of this issue, I wonder if the Honourable Minister can say what kind of timeframe we are going to be working with because as he is aware our tourist industry depends a

whole lot on the existence of a clean marine environment?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I am not going to say as quickly as possible, but what I would say is that we are going to press forward to try to have something done, at least in the coming year.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say if there are any interim measures that can be introduced at this stage until the whole situation can be looked at, to at least reduce the problem at the present time?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that the departments mentioned here have been working quite closely with the operators in the waters and encouraging them, for example instead of dumping this effluent in the water to do so when they come ashore and I think some of them have been co-operating with it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Given the answer that the Minister has read, no real reference has been made with regards to having dumping stations provided for these vessels. Mention was made about retrofitting some of the vehicles but that still doesn't alter the fact that there will need to be dumping stations. So while the answer doesn't address it, I am wondering if the Minister could make any comments in this area as this will be a vital part of the solution.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that this is one of the areas that the different departments have been concentrating on, trying to identify various areas that would be suitable to facilitate the operators of these small boats. The reason I said that some of them will have to be refitted is my understanding that some of them were not constructed to hold that much and that is why I mentioned that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister also state if, bearing this in mind, this might prod the government to move quickly with what it has to do with regard to the private member's motion addressing the public open

space down by the SafeHaven Project? It is my understanding that the Port Authority does intend to provide such a facility there once the land is vested with it.

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I believe that what the Member has said is correct. I think that the government will do whatever is necessary to assist the parties concerned so that we can have facilities in areas such as he has mentioned.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state what action has been taken thus far since the government accepted that private member's motion regarding vesting the property with the Port Authority?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that some agreements have been met between the Port Authority and the Government with regard to the vesting of it, so it is in train.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the developments mentioned in the question, that is the SafeHaven, Rackley Canal . . . I wonder if Honourable Minister can say whether or not he is aware since they are marinas that one of the planning requirements for approval would have been that they would have to have a sewage hook-up or like the First Elected Member from George Town mentioned, a dumping station?

The Speaker: Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that this is the situation but we have to realise that at least two of marinas are somewhat old and I don't think that these regulations were in place at time. But these are matters which will have to be brought in by the group that is actually looking at it now and it is very good and very important question.

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

Moving on to item number 5 on today's Order Paper, Other Business, Private Members' Motions. Continuation of debate on Private Member's Motion No. 16/99, Caribbean Utilities Co. Ltd. Rate Increase. The Fourth Elected Member for George Town continues his debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/99

CARIBBEAN UTILITIES CO. LTD. RATE INCREASE

(Continuation of debate thereon)

Dr. Frank McField: Thank you, Mr. Speaker. It becomes clearer and clearer to me each day that the government must develop policies that are precise and consistent, and that are published so that the general population for whom these policies are made have an idea of what the position of their government is.

I feel that with regard to the private member's motion, which deals with the CUC rate increase, that the government in accepting the motion has only confused the general population. The government knows that its position cannot clearly be that of the mover and seconder of this motion and the others who will be supporting this motion. Because of the existing contractual agreement with CUC, they have to have a different position.

The resolve part of the motion says, "**BE IT THEREFORE RESOLVED THAT Government take steps to appoint a specialist in the utilities field to assist in negotiating with CUC to determine...**" The government is saying that it will accept a specialist to assist them with negotiating with CUC, to determine if the proposed rate of increase can be deferred or withdrawn. The rate has already started 1st August. Now, probably they will be looking towards withdrawing it. I don't think that we will see the Government wanting to withdraw and I don't think that the last part of this resolve (which means that the government negotiates to change the guaranteed rate of return) will be negotiated.

I made the point yesterday that the government has a vested interest in the profitability of CUC—not just as a supplier of electricity but as a supplier of revenue to the government. The government derives its revenue from CUC and thereby uses CUC as it uses Cable & Wireless as a form of indirect taxation on the people.

Now, Mr. Speaker, the CUC has put out a brochure in its Annual Report 1998 and it says, "**Where your dollar went—fuel and oil. Our generators consume an average of 52,000 gallons of fuel and 460 gallons of lube oil each day to meet electrical demand. We spent 20 cents of the dollar on that.**"

"**Duty to Government on the fuel and materials in 1998 amounted to over US\$12 million, that is, 15 cents out of their dollar.**"

"**Labour and materials, our dedicated staff and well-maintained equipment provide a safe and reliable electricity service—that cost them 22 cents.**"

"**Loans and loan interest. During the year 1998, \$8.4M was paid in interest and principal payments on the loans and preference shares—10 cents of the dollar.**"

"**Capital expenditure in order to meet the new demands, \$19.9M was spent on the plant expansion, upgrading the transmission and distribution system and connecting 871 new customers—24 cents was spent on this.**"

"**Dividends. Approximately 60 percent of our shareholders are residents in the Cayman Islands. They receive quarterly dividends on their investments—9 cents was spent.**"

Out of each dollar that CUC spent in 1998, the government got 15 cents. So let us be realistic, let us not mislead the public. Let us take up the position that we must take up, explain the position. If the government feels that this is a viable, more desirable way of taxing its citizens then it should explain the position to the general population rather than trying to merge their policies with the politics of the Backbench for the sake of expediency.

We see this happening over and over again. In Question Time we just had the First Elected Member from George Town ask what happened to the private member's motion with regard to the SafeHaven property. I have asked what happened to the private member's motion regarding the health insurance scheme for government. What happened to the private member's motion with regard to the Road Fund? What happened to all of these private members' motions?

Government has developed a new politics—which is politricks—because it says that since the basic population has been saying that the government will not accept the good ideas of the backbench, the government seems now to be accepting all the ideas of the backbench in order to merge everything. But that's confusion. Politics has to have a division line. We have to take sides in order to expound and in order to reveal the substance and the contents of the issues at hand.

We are not just a people who take opinions from the public or consensus from the public. We also help to form consensus by our deliberations with regard to issues that the country is facing.

So the issue here to me is, yes, CUC is a monopoly. Yes, Cable & Wireless is a monopoly that is charging now for megabytes to unload from websites that they have to pay nothing for. People are complaining about that because they believe that is heightening the prices in a very unethical manner. But the government is going to get a part of the profits of Cable & Wireless at the end of the day. So if Cable & Wireless is really over-charging the people, the government has a conflict of interests.

On the one hand, they say that they are a regulatory body and they are the group of people, the institution that is interested in good infrastructure. On the other hand, they are the group of people who want to have a taxation system—without saying that that taxation system exists. So they want to have a taxation system and policy that is totally mystifying but a taxation system that hurts the poorer people. In all cases, it burdens those persons who have children, who have families who are at the lower income bracket of our society. We have at the end of the day, a taxation system in this country regardless of whether or not we want to accept it.

When CUC is putting up the prices, it's the taxes going up. A lot of times we understand that when government puts up its duties, its fees, other companies do the same thing. We can see a direct correlation between government revenue and the price the consumer pays in this country.

It is my contention that [with] the acceptance of this motion government needs to get up and explain what they mean when they say they accept this motion. When they say it is a valid motion and it deserves consideration by them, they need to get up and make this a little bit clearer to us. They need to get up and tell us, if they made US \$12M from CUC last year, how much did CUC make? With the guaranteed 30 percent did they make \$24M and the government \$12M? And if so, what's the direct relationship? Why would government be able to go to CUC and negotiate if it stands to benefit almost equally as do the shareholders of CUC? This is where the government is finding itself all the time—a conflict of interests.

Mr. Speaker, I would like to just correct that. It's the guarantee for the 15 percent on their investment. So it would look like the government and CUC are tied in terms of who makes what profit. So, who are victims? Not the government. Not the bureaucracy. Because if the bureaucracy had to find other sources of money rather than taxing the consumers or taxing by way of consumption, the bureaucracy would have some problems re-adjusting itself. It prefers to continue to tax, tax, tax by way of consumption.

So the consumption tax, which is what CUC does . . . it levies that 15 percent for government on us the consumers. When CUC is saying at the end of the day that they need more money because there is more demand, they had 871 new customers in 1998 alone . . . It goes to show the great boom in this country and the expansion is on the back of the poorer classes of people because that is where it really is—they are paying for it. CUC is saying, *'We need to take more money from you in order to fuel this expansion'* . . . who did they take it from? They took it from the poorer classes of people in the country!

The Speaker: May I interrupt you for a moment? I understand very clearly the point you are making but my notes tell me that you have repeated this seven times. Please move on with another issue.

Dr. Frank McField: Mr. Speaker, I think it's time that I move on to another issue. I am sorry if you seem to be bored by that point. I know we have to get our business finished but I think it is a very important point to labour.

The Speaker: But you have repeated it seven times.

Dr. Frank McField: So, I don't really have much more to say because I had the opportunity of speaking yesterday and I just wanted to bring that point back to the public's attention. I know it's a hard point especially for the emergent classes in this country but I continue to say that it is time that the government of this country pay more atten-

tion to the kinds of affect that their policies are having on the poorer classes of people in this country.

Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, as seconder of the motion, I of course support it. Having been one of government's three representatives on the CUC Board, I do know some of what they do. I cannot say I know all of it because I was not privileged to too much, and certainly I do know about their training policy and we all know about the good service they give. As government's representative there (you are not CUC's representative) . . . I better say, I am no longer on that board since I resigned from Executive Council.

The current CUC licence was agreed with government over a period of time stemming from 1977 to 1986. The first revision occurred in 1977 and involved a new fuel price adjustment clause. The fuel clause is standard and provides for the automatic passing on of fuel price increases and decreases to the consumer. This represented the first amendment to the original licence signed in 1966 between the Cayman Islands Government and a Kentucky group of investors who purchased the company and its licence to operate the utility.

Another group of investors purchased the company in 1976, correctly 96% of the ordinary shares. At this point, the company was in sad shape with over one island wide power outage per month and 35% of their installed generating capacity was off-line due to lack of spares. The plant and line crews were excellent. The staff was excellent but they lacked the tools to apply their trade. Nevertheless new money was injected and the electric utility service improved correspondingly over the following years.

I don't think anybody can quarrel that we don't have a good service, albeit there are certain things that happen at times that we have a lot of complaints about.

After the fuel adjustment clause was implemented, a return on asset formula was agreed by government. This formula was the product of discussions and negotiations [among] Executive Council with Captain Charles Kirkconnell, who had the responsibility for Public Works and Utilities, CUC, and a United Nations Utility Consultant, Mr. Bradberry.

The company was allowed to earn a 15 percent return on average assets for the year. More specifically, the asset base included all plant and equipment on a depreciated basis, a working capital allowance, and an allowance for fuel inventory not to be more than six weeks.

The numerator of the equation is represented by net profit after all expenses, including depreciation, but before interest expense. This agreement seemed to work reasonable well for many years and in 1996, Caribbean Utilities Company's licence was extended under the same return formula, the fuel adjustment factor for another 25 years.

Mr. Speaker, lets say back in the early 60s and 70s, it was necessary for the country to get that kind of

agreement. It was necessary because we were just getting off the ground in our development. So concessions probably were necessary to attract reliable companies. But as I said back in 1986, I was only two years then a member of the House, I didn't feel that they needed to give 25 years. Anyway, the business climate is as such today that we should be able to pick, choose, and refuse to get the best for the country.

Mr. Speaker, the introduction of a fuel factor in the late 1970's when the price of diesel went from US \$.53 per imperial gallon to US \$1.30 did not include any duty at the time. However, government (as we have heard) currently charges \$0.50 per gallon of diesel fuel purchased. The fuel clause does not attract a profit and simply passes on increases and decreases to the public. This basic 15 percent return formula seemed reasonable, as I said, when it was introduced especially in view of the prevailing interest rates at the time.

Certificates of deposits at the time, for instance, were earning over 18 percent and short-to-medium term bank loans were, of course, higher than this.

The situation, today, Mr. Speaker, is very much different as Caribbean Utilities Company can borrow longer term money at 8 percent to 8.5 percent to purchase equipment and on which a 15 percent return is allowed plus a 5 percent depreciation allowance for fixed plant and hire for vehicles.

On the positive side, this has permitted CUC to raise reasonably priced equity and debt capital. On the negative side, our people, the consumers, all of us have been subsidising a 6 - 7 percent spread. That is the difference between the company's cost of borrowing and other cost of capital, and the allowable return.

For instance Mr. Speaker, a normal North American electric utility adjusts the allowable return in relation to the annual average weighted cost of money to the utility and the permitted return is determined by a public board based on a very detailed and costly rate case submission made by the company.

Mr. Speaker, although CUC's return formula operated reasonably well and has provided probably the best and most reliable service in the Caribbean basin area, it could be subject to abuse. My reason for making this statement is that the large spread between the company's allowable return and the cost of financing would encourage additional investment in new equipment to replace older but still reliable equipment, which is carried on the company's books at a value net of depreciation. That was some of the problem I had while I was on the board and passed on these to government as I know the other two members did, Mr. Walton and Mr. Phillip Barnes.

In other words, Mr. Speaker, a 15 percent return plus a 5 percent depreciation allowance on a new, say, \$5M generator creates more earning for the company than would a 15 percent return on an older equivalent unit, which has been depreciated down, to say, \$1M. The formula that the Executive Council at the time agreed on encourages the company to constantly invest in new generators, lines, vehicles, buildings and so on, and to correspondingly dispose of older units. This should pro-

vide a higher level of service and dependability—and it has, as all of us have said. But it certainly comes at what I think is a high additional cost to our people, even after taking into account the additional maintenance expense associated with the older units. This is the problem that I have with those things plus the 25-year period.

Mr. Speaker, we hear that they have a watertight agreement. While we say that, the cost of living is already too high and everybody is feeling the pinch. Electrical bills, while CUC says they are not the highest in the region, they are very high for this country and for some people. Government ought to move on this aspect of it.

Now, I am not going to get into any argument about why government charges CUC a fee. I will say, Mr. Speaker, that I think government should get something out of the monopolies, but they should ensure that what they get is not taken out of the poor people. Mr. Speaker, the cost of living is not going down in this country; wages in certain sectors while they have been risen in this House have not risen correspondingly in the private sector and, in particular in what I call the casual labour force.

Tourism is down, that means that those poor people are already having it hard in the hotels and condo industry with small salaries and less gratuities. Those in the restaurants, for instance, will make less salary, and with the increase, no merchant is going to accept more cost and not pass it on and here again the people will pay more. It is all a trickle down effect. While it is 1 percent on your direct bill, it goes on to a company that pays \$25,000 - \$30,000 a month or, let's say more than that per month. You can see that that company would have a big increase and, therefore, in such things as retail stores it is going to added on and our people bear the brunt of it.

The poor people feel the pinch because the economy is down in their sectors, the hotel and tourism sector, so their take-home pay is less. Gratuities are down and we hear that some of them are still not paying all that they should be paying because they are paying whom they shouldn't be paying. I don't know what is being done about that. So the poor man's pay is less. He is hit from anywhere because when he goes into the stores he has got to pay more there. Hit from all sides!

Mr. Speaker, this specialist that we are asking for, should be in all utilities. Not just CUC [but] should be in all utilities to look at what is happening in terms of essential services provided to the country in order to ensure that we are getting the most efficient service for the most reasonable price. As a good example of why there should be re-negotiation is the Water Authority and I speak also because I was Chairman of the Board and Minister responsible, and have some knowledge about the running of the Water Authority.

The Water Authority for some time realised the need to upgrade the existing sewage facility and we know that that is an essential service in certain aspects of the country. But due to financial considerations, the upgrade has not yet been fully implemented due to the fact that the Water Authority has to find the most cost effective manner to do this upgrade, which is necessary to main-

tain an infrastructure equivalent to the needs of our development.

I am sure if the Water Authority had been guaranteed a 15 percent return by way of a rate increase that system would have been completed a long time ago. I am only using that as an example.

Mr. Speaker, in light of the vast technological advances that have been gained in our world, a thought should be given to the possibility that a monopoly existence is not necessarily in the best interest of our country in terms of utility companies and the service they provide.

The conference [24th Conference of the Caribbean, the Americas and the Atlantic Region of the Commonwealth Parliamentary Association] had some discussion on this. But when you read and when you listen to the news and you hear what is happening in the region, even when you look to England and see what the British telecommunications are doing, we have to sit up and take notice. The government would be foolish not to because (And I am not going to be long on this, Mr. Speaker) . . .

What is happening from what I can gather is that all of those countries are saying that it is better for us to have some sort of back-up service. For instance, if Cable & Wireless went down completely, then who would provide service? We know what [would] happen and whether we can say that we only have room for one electrical company, I don't know if we can say that about the other large utility company, Cable & Wireless. I don't want anybody to get the impression that Cable & Wireless has not provided a good service or that it did not do training because for a time in this country they were the only ones that expended vast sums of money to do so. But what I am saying, Mr. Speaker, is that the time has come for the country to take note of the vast increase in technology.

We have all sorts these different companies today—MCI, ITT . . . and you go right down the line. All sorts of technological advances that can assist the country and while we love Cable & Wireless we have to think about the country first.

So, Mr. Speaker, Caribbean Utilities Company negotiated an agreement in the best interest of the people they answer to—that is, their shareholders. The question must be whether the government negotiated the best deal possible for their shareholders—that being the people of these islands. And so, it is timely that we look at this.

As you have been here some 20 years yourself, Mr. Speaker, you know that this discussion is not new. We have spoken about this over and over and especially it comes to light whenever there is a rate increase on the one hand for CUC. But now Cable & Wireless is constantly in the news about what's happening, and so we no longer can say it only comes once a year or once every five years. These problems face us every day now and I would hope that government would use this opportunity to get a specialist that is going to deal all around and look at the whole situation.

As to why we bring a private member's motion, well, we will see what they do now. They accept the motion

and I heard what member said that the government is accepting motions because that is the "politricks" of the day. Well, we shall have to do what we can as representatives to keep them in line to make them do their job. But we brought a motion because we saw a need. That's why motions are brought, and every member in the House brings motions at time. It is not to talk frivolously or to attack government; it is to discuss a matter such as this.

And so I don't think any member should cry foul because there is a private member's motion that someone else brings. I think it is a good motion, it is certainly a good opportunity for government to get the ball rolling now to do something. They have to act and they have to act fairly and squarely, and they should not mislead the House about any of the matters. They should not duck the questions. They should answer these things with the purpose and intent necessary to get the job done for our people. Thank you, Mr. Speaker.

The Speaker: The floor is opened to debate. Does any other member wish to speak? (Pause) Time is an important commodity here. (Pause) I cannot wait too much longer.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. This motion has been the subject of quite a bit of debate but I would like to deal (without getting into the politics of it) with some of the facts of the situation. The first one is that CUC operates under franchise which I understand was given back during the 1984 - 1988 . . . I think. It was given, I believe, for 25 years. I have not been able to get a copy of this, unfortunately. But there is a franchise that was granted by an earlier government and it was not a government that I was in so I don't know a lot of the details.

But the first fact is that there is a contract. That contract is a franchise which gives CUC the exclusive right to generate electricity subject to the law, and I believe there are certain exemptions either maybe in the franchise or the law where you can't permit, say, a private house or a private development or some type of development to do their own electricity. That has, I think, rarely been used, if at all. But what it does not do is to give a second utility company a right to set up in competition the CUC so that is the first problem with this type of franchise.

The second one is—and I think there was confusion on this with the Fourth Elected Member for George Town but, at least, someone who mentioned that government gets 15 percent of the profits of CUC . . . that's not correct. The 15 percent, which is on a formula based, I understand (because like I said we were not in the government when this was done) on the Federal Power Commission of the United States. It allows to the investors, the shareholders, a fixed rate of income of 15 percent per annum based on that formula. Now, that doesn't necessarily mean 15 percent of the net or gross income

because it is a formula that is used in the United States for controlling the price of utility companies.

So the government, as I understand it, does not get 15 percent of the profit at all. In fact, government, I think gets practically nothing. I think they only get a franchise fee—I don't know if this is annual or whether it was original or not but definitely they do not get a percentage of the profit. So there is no incentive for government, as was alleged, not to strive to keep rates low.

The only area that the government would receive anything would be from, I guess, whatever was imported such as fuel. But I believe that some of the machinery, at least in the early stages, was also allowed to come in duty free. So it is wrong to say that government would be influenced by some large fee that it is getting—that is not correct. The 15 percent on the Federal Power Commission formula goes to the shareholders, of which some are Caymanians—a small amount of shares. And, the others are held by non-Caymanians I would think.

The rate of return . . . and we have to understand this. The motion quite correctly refers to negotiating with CUC to determine if the rate increase can be deferred, withdrawn, or an attempt to negotiate a change in the guaranteed rate of return. They do have now, as I said, a franchise, a fixed contract. If that is to be altered, sir, then it has to be altered through negotiations with their consent. If we as a government do anything that is in breach of that franchise, we are liable to be sued and to have to pay damages for it—that's the first thing I want to point out.

So it is not a matter of this government or any government in the future going to CUC and just unilaterally of our own accord saying, '*Change the rate of increase or don't take the rate of increase*'. CUC has to agree to anything which they change within the written franchise agreement. If they don't agree, sir, then if we are going to honour that contract, there is nothing that we can do. We can talk to them and we have talked to them, we continue to talk to them and I know the Minister has set up . . . and there has been correspondence and everything on this.

Also, the government has had a right under the old franchise, I believe they have same right here, to putting in 1 - 3 directors or something. I know the First Elected Member for West Bay was a director for four years as government's representative on it. This is another way that CUC can be influenced.

POINT OF CLARIFICATION

Mr. D. Kurt Tibbetts: Mr. Speaker. If the Minister would allow . . . Two other persons for government and I—Mr. Walton (the Deputy Financial Secretary) and Mr. Phillip Barnes, an accountant.

Hon. Truman M. Bodden: Yes. So we have a right to three. I thank the Member for stating that. So that is another way in which some influence can be brought on CUC.

Mr. Speaker, I guess the reason behind doing the franchise, when it was down 12 - 14 years ago, was to

have in mind that also imposed under that franchise, sir, is that a certain level of quality of electricity has to be kept. And in fairness to CUC, they have provided a good electrical supply. I don't think any of us who have been into other countries, especially in the Caribbean with the many outages, we do have a good electricity supply but we are paying a high price for it. So with the guarantee of the quality of service, in it the franchise as also guaranteed the rate of return.

But it restricts the return to that 15 percent on that formula so that they are not permitted to just increase that to 25 percent, that would need government's approval. Same as if that was to be reduced to 10 percent, it would need CUC's approval. I guess what I am trying to get through here, sir, is that there is a legally binding contract made by a previous government which this government has to honour. Within that contract, we can endeavour to negotiate and induce or get CUC, either through the ministry or also the influence that our three directors would have on that Board . . . Even though I should point out, sir, that as a fact they are a minority on the Board, they are obviously not a majority.

So I think, sir, that the motion is good. I think the motion has set out the way this has to be dealt with, which is what was dealt with in the past, which is to negotiate with CUC. Now, when that franchise comes to an end, it is very important that the government that is then in power—it is at that stage that a total revision of the franchise can be done because obviously it is at an end and there will be negotiation before it ends to renew it. Whether there have an option to renew or not, I don't know about that. If there is an option to renew then probably may not be any extend of negotiations depending on what the renewal carries with it. But it is at a time when the franchise is at a end, the government then, as the government back in the mid 1980's or whenever this was signed would have done, they then have a right to re-negotiate the new terms of it.

So, I agree that it is obviously affecting the cost of living. Government would rather not see a rate increase. Government would also continue to negotiate in many areas that we feel we may be able to get CUC to agree to changes. What obviously the government cannot do or should not do is, is to just go in and break the contract—that would be bad, I think, speaking personally. If that was done, I think it would have to be done through legislation in this full House.

Internationally to break major contracts is something that doesn't go down well anyhow and nobody is proposing that. But what I am saying is that while the franchise stands, the government and CUC are bound to live within it and if our directors on the board, as well as ourselves whatever we can do to keep the rate as low a rate as possible and to ensure, which is also our duty that there is strict compliance with the franchise then we will continue to do that. But until the franchise is up and a new one has to be negotiated.

I believe that getting changes in major terms in it will be difficult to do because obviously it is not something that CUC will agree to easily. But once, again, we will talk and negotiated with them and also, I think, the time

has come because the last specialist we appointed was several years ago to look at this. We will get that again as the motion has called for and based on that, we will look at the recommendations...

[Inaudible interjection]

Hon. Truman M. Bodden: That person came from the United States, as I remember it, where he had experience in auditing power companies. Because in the franchise I specifically remember . . . you know it has areas relating to like inventory, to the reserve power, the extra amount of producing capacity that they have to keep, which guarantees a continuous supply because the peak hour...

Also, he did a complete look at the company at that stage and gave us advice and I would have thought before the franchise was signed this last time that the government then probably did the same thing. But I should say that annually an auditor does certify that the rate of increase is justified under the franchise—I need to make that clear so that expert is always in place. The formula comes from the auditors or a firm of accountants, rather, who will say that the rate of increase is justified or not justified under the franchise. If it is justified then obviously they have the right to do so.

So I believe that the motion is good and I am sure that it will be carried out, an expert specialist in that area will be brought in and we can then look at what the review brings about. Government can do really nothing more than that at this stage. Thank you.

The Speaker: Does any other member wish to speak? (Pause) The floor is opened to debate. The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I just rise to say that I give this motion my full support because I feel that it is a good motion and something needs to be done. I hope that government will see to it and get whatever can be got at the best for the country. Thank you.

The Speaker: Does any other member wish to speak? (Pause) The floor is opened to debate. (Pause) This is the last call. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, in all fairness to all concerned I think that it is only right and proper for all members of this honourable House to support the motion regarding the CUC rate increase. Perhaps I will be dealing with it from end to beginning rather than beginning to end, but, first of all, I want to make a few comments on what the last speaker from the government mentioned so that he doesn't start thinking right away . . . He doesn't have to worry, I am not necessarily going to disagree with comments that he made.

The first thing that I want to talk about is where the motion calls for government to take steps to appoint a specialist in the utilities field to assist in negotiating with CUC, to determine if the proposed rate of increase can

be deferred or withdrawn and to attempt to negotiate a change in the guaranteed rate of return.

Mr. Speaker, acting on behalf of the people of this country, I would certainly say that if any positive results can come from such action it would be an ideal situation. If the government has the will to deal with this, then perhaps the government should take a serious look at what type of expertise it wishes to draw on bearing in mind the results that it wishes to achieve.

Now, if I played devil's advocate and said that I am CUC, there is not much at this point in time (and the minister has said this) that I would be willing to give with regard to the guaranteed rate of return. While I am no expert in this area, because of the phenomenal rate of growth that the country has enjoyed (although that too is not showing its prices) it means naturally that the demand for the provision of electricity has also proportionately increased for the supplier. As a result of that obviously the rate of capital investment in the equipment to provide this amount of electricity has also increased.

If we want to try to be fair, we can understand that certain things have been happening out of the norm. But you see, Mr. Speaker, in the line of arguments that have come forward, I think one of the big questions with the formula that has been talked about is exactly how is this rate of return calculated. And I am not going to get into that because at this point in time, I don't believe that I have the knowledge to go through a debate in that area to bring about a conclusion in my mind, I just don't have that knowledge at this point in time. But I believe that that would be the crux of the matter. And, I believe that determining exactly what that position is will decide whether or not there is any room for negotiations.

Now, needless to say, the points that have been brought out by other members are things that are noteworthy. One of the things that government must always be conscious of... And here we go again. I am going to do the best I can not to be repetitious but I going to probably need to draw on some things that may have been said before to try to make certain points. When I say that the government always needs to be conscious of certain things, the point that the First Elected Member from West Bay brought out is certainly a valid one.

Because of our system which does not call for direct taxation, the government finds itself in a position where it naturally leans toward duties on imported products and, again, we all know it is in that area that the majority of recurrent revenue is gained by the government.

Now, having established that, the downside of that is while government collects a direct revenue from the time the goods are imported into the country, by the time those goods are distributed by the importer and they reach the consumer, the amount of duty that the government collects is multiplied hundred fold in some instances, I would say. And the consumer actually pays (to talk the old time language) umpteen times more than what actually government gets. So in effect, for instance with CUC, if the government charges 50 cents a gallon duty on diesel, CUC has a fuel factor which is put into the Bill to the consumer.

Now, that is your first lick as a result of government needing money to operate. To provide the services for the people of the country the Government charges this duty. Then when that happens, CUC naturally in working their formula has to lay off those charges to their customer. If it ended there, it wouldn't be so bad but CUC customers are everyone—the grocery store, the dry cleaners, everybody. So the person at the end of the chain, the last link in the chain—which is the consumer—gets the multiplier effect and by the time the consumer pays the final price, you would almost wonder if it wasn't better for the government to work out how many people there are in the country and whatever the total is they get from CUC, they just divide it amongst the people and say, *'Here, pay this for us one time,'* and then they don't have to worry about it.

I know it doesn't work like that—I know that. I am just trying to show the realities of what our system makes us have to live with and no one can tell me that it works exactly in the proportions that it should—it can't. If you have a supermarket that is selling 4,000 different types of goods on the shelves for instance, their increase in electricity—how can they work it out that it be exact amongst those goods? It is not going to happen. It doesn't happen! And you know they are not going to work it out to be any less. So I am not blaming anyone, I am just simply saying that this is the way the circumstances work out.

Now, having established all of that, the onus is on government at all times to create the balance with being able to provide the services that are demanded by the public, [and also] to provide and at the same time balancing the methodology used to create the revenue that they must provide the services for. A lot of people don't really take the time out to fully understand the full circle that the whole thing goes.

When the country demands the services from the government, the government has to sit and try to determine how it is going to get revenue to provide those services for the country. But at the end of the day, the country and the people who demand those services have to pay right back for the services that the government provides. Of course, by the time it is all over, they pay several times over the value of the services provided. It is a fact.

Now, while this may not seem totally relevant to the issue at hand, the point that I wish to make about that is while government has to balance this act, the truth of the matter is government has to be looking in the wider perspective now for down the line as to how they are going to deal with these issues because that franchise will come to a conclusion.

I wasn't going to speak and I will come to real reason why I want to speak. What kind of got me off a little while ago, Mr. Speaker, is when the Minister said, "We cannot basically do anything now until that contract is up and then we re-negotiate." Now, I am not going to stand here to try to tell the Minister what to do, but for government to take that position, in my view, is a seriously retarded thought process. And as I am reminded, if that is the view they are taking then what is the sense in ac-

cepting the motion. But it is not about getting into CUC being the bad guys, that is not the whole point.

The fact of the matter is, the genesis of the motion, as I understand it, came from a desire to give some relief to the consumer because the cost of living is high. And at the end of the day any help that can be given with regards to lightening the load for the consumer is a responsibility that we all share.

Mr. Speaker, so that I don't have to go around in circles, let me tell you what I really believe—I am going to tell you how it really is. Time and time again, over and over, private member's motions have come from this side of the House and have been accepted by the government and you don't hear or see tidily-squat as a result.

It is easy for the government to accept and the word that the First Elected Member for West Bay used 'and pontificate' on motions by wanting to act in concert with concerns of the backbench. But, by the time it finishes doing all of that, it is almost as if the file is closed, the drawer is locked and that is the end of the story.

Now, perhaps, it may seem to be unfair of me to stand from this side of the fence and (as the Minister for Education would term it) cast aspersions and make accusations. But, Mr. Speaker, why I say that is purely on experience. And you have been here longer than I have. And I won't ask you to nod or deny but I know you know what I am saying is true. I know that but anyway having said that the real point is when motions like these are accepted, I would like to believe that at the end of the day no matter what the result is that the government is prepared as a matter of simple courtesy—which is something it has not done in the past—to come back to us and say, *'Well, ladies and gentlemen, this is what transpired. This is the gist of what occurred and basically this is the result.'*

You know, I remember one of my first encounters in this honourable House with Mr. Haig Bodden, God rest his soul. He said, "If you want something to die, put it to a select committee." And I am sure he was talking about his own experiences with select committees. But perhaps that thought needs to be extended. If you really want something to go nowhere, get government to accept a private member's motion!

[Laughter]

Mr. D. Kurt Tibbetts: Sometimes I may seem a bit harsh, but it is not with disrespect. Sometimes I feel the need to deal with it like that because that might shake them up enough so that we might start to see some results. And, I am not changing the thought about what I might not know goes on because I don't deal with it day to day. If they don't come back and tell us, we cannot know and that is what they have not been doing. So, we have to work on the premise that nothing is done. If they want us to change our minds about that, then deal with us and let us know what happens whenever something happens or when it doesn't happen and why it didn't happen.

You know, Mr. Speaker, you hear us talking about transparency and accountability, I really pray to God that that message can be absorbed like how a sponge takes in water. Whenever we get to the point where that is the way the government functions, there would be no need for all of this back and forth arguing.

I was to pass a little joke about a file that was just handed to me. But I am not going to bother with that because it was done in the right spirit and I don't want to make that seem the wrong thing. That was really just a joke.

But the point I wish to make (and it is nothing to do with individuals) is that I honestly believe that some people . . . you know, like you walk into a bedroom and the bed is in a certain position and you almost believe that is the only way you can lie down; that you cannot move the bed if the breeze is coming from a window that is in a different position. The way we do things is not because how we found it means that it must stay like that.

[Inaudible Interjection]

Mr. D. Kurt Tibbetts: Anyway, so as not to prolong the issue Mr. Speaker, let me just say that I support this motion. And let me seriously hope that the government is prepared to act on the motion having accepted it and within a reasonable amount of time come back to this Legislative Assembly, for the benefit of members and for the benefit of the wider public, so that the public will understand if anything happens, what has happened and what didn't happen and why it didn't happen. Let us see if by chance we can get a different way of them doing business. Thank you.

The Speaker: Does any other member wish to speak? (Pause) If no other member wishes to speak, does the mover wish to exercise his right of reply? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, let me start by saying thanks to all honourable members who spoke on this motion for their valuable contributions. I think the message that came through loud and clear from all was that there is a general concern among all members with regard to the cost of living, the cost of utilities and a need for some type of control as far as these franchises or monopolies are concerned.

Mr. Speaker, I did ask the honourable minister to maybe provide some general information with regard to the franchise agreement. He was unable to do that because he did not have access to it at the time. I think his Permanent Secretary is away and has that information. But for the general public, I think it is important for us to kind of let them know as much as possible what is contained in the franchise agreement.

The franchise agreement, according to information I have, started in 1966 and has been renewed and revised since that. The latest one was licence issued on January 17, 1996 amended by the supplementary license executed on October 16, 1989 and further supplementary license executed in 1994 for 25 years. So according to

my calculation, the present franchise agreement will be up in the year 2014. Not a whole lot of time left, Mr. Speaker.

Like I said, I appreciate all the contributions that have been made. But I would just like to basically maybe speak to some of the comments made by the Fourth Elected Member for George Town.

The mover (which is me) and the seconder (the First Elected Member for West Bay) both recognise that at the present time government is bound under a franchise agreement. This government is no different from any other government before them in honouring whatever commitments are in place with regard to such contracts. What this particular motion calls for is for the possibility of government and CUC sitting down in good faith on a voluntary basis in a spirit of co-operation, in a spirit of determining whether or not before the year 2014 when this franchise agreement comes up for renewal, there is any possibility of any concession as far as the consumer is concerned.

When I was in the civil service back in 1977 - 1978—and I think the Unity Team Government was in power—I recall (and I mentioned it in my opening remarks) that there was a call for a review of CUC's franchise agreement. The economist of the day, Mr Jimmy Hunter, was commissioned to carry out this exercise.

It is also my information that, that that particular government also brought in a United Nations expert in power utilities recruited to study the situation. His name was Mr. J. J. Bradberry, an Englishman. What his review determined is that returns or profits of CUC over the previous ten years, in some instances had amounted to as high as 27.5 percent. It was all done based on the correct formula.

As a result of that exercise, there were certain changes that were made to the licence. Unfortunately, it also, I guess as a concession, brought about the 15 percent guaranteed rate of return on assets. Mr. Speaker, what was interesting was that... I am reminded that was 21 years ago that this particular investigation was carried out.

What was also one of the recommendations of this particular expert, Mr. Bradberry, was that there should be created a Utilities Commission which would be government's watchdog and regulator of both CUC and Cable & Wireless—the two monopolists that operate in this country.

Mr. Speaker, like I said before, that was 21 years ago that the need was recognised for such a body or such expertise. My motion is calling for government to once again make available to themselves not on an interim basis but on a permanent basis as part of their establishment, a person or persons with the expertise to be in a position to advise government properly when they are dealing with these two monopolists, that is, Cable & Wireless and CUC.

Mr. Speaker, when this motion was tabled (which was back in May, I guess) CUC had just announced its proposed increase that was supposed to take effect from the 1st August 1999. We are now dealing with the motion on the 5th August—I don't know if they put the increase in

place. But, you know, from a public relations standpoint, it would be good if they had done it for CUC to consider making the decision to say, *'Okay, we need the 1 percent increase but because of the cost of living in the country and the concerns that have been expressed not only by legislators but by members of the general public, we have decided that we are going to defer this, at least for another six months or a year.'* It would be good, Mr. Speaker.

We are always advised and made aware of increases but I, for one have heard very little from companies who are prepared to give the people of this country a break by saying, *'Okay, we are reducing the cost of our goods to the general public'*. So, Mr. Speaker, if they have put into effect the increase, I am calling on CUC to consider doing exactly what I have said.

It is also based on unaudited accounts, which means that their auditors have not audited the accounts and we all know that there is possibility of adjustments as a result of any audit because there is always a possibility of error. Like I said, from CUC's standpoint it would be a good public relations gesture at this stage where people are complaining about the high cost of living in this country.

You know, Mr. Speaker, I faithfully attend my office in West Bay on Tuesdays and Wednesday, from 5:00 - 8:00 p.m. and I am amazed at the people who come to see me. The majority of the complaints that I deal with is trying to get assistance for persons who have problems making ends meet financially. If it is not requesting waiver of school fees, it is a request to the Social Services Department for the little monthly subsidy in order to help those families survive and continue to enjoy some decent level or standard of living.

I believe it would be very wise for government to make the comment to say, *'Okay, we need an expert in this area. Let's put it in the budget. Let's go out and find somebody who is capable of filling this position and let's bring him on board.'* What was interesting, Mr. Speaker, as a result of my research was that the area of utilities control and regulation is an area that most places right now are dealing with, including the United States. Where they have brought about deregulation, where consumers have the option of choosing their supplier as far as electricity or even telephone services. That is good because what happens with that element of competition, the providers of those services have to be very careful and very conscious of the fact that they have to compete.

You and I both watch US television and when it comes to utility rates with respect to telephone charges, I mean, it has become so competitive. I am talking about now 5 cents a minute in the evenings. I look forward to the day in this country when we have those kind of rates even on a local basis, Mr. Speaker, between here and West Bay, or here and East End, it is much higher than that. But it is all because of the competition that exists in that country.

Now, I don't know if there is room for another utilities company in this country. I don't think there is. Is there room for another telephone company in this country? Maybe there is but under the present agreements

that we have in place it is not possible, not at the present time. Maybe when these franchises come up for renewal, we can look at all of our options. So in the meantime, we need to do whatever we can do in order to control the cost of these services.

The other thing to keep in mind is that there is a tendency if no one is aware of it for someone to take advantage of the situation. I was made aware recently—I will give an example of what I am talking about—that we have brought in the Health Insurance Law and we have brought in the National Pensions Law, and there are some people who are still not totally familiar as to what is required under those laws. Some employers are telling employees, for example, that they are not responsible for providing that service or they have to pay for that service for themselves. Or the attitude is: If they don't ask, let's not tell them.

The Speaker: May I interrupt you for just a minute? Is it the wish of members that we just continue on rather than take a break?

Mr. John D. Jefferson, Jr.: I think so.

The Speaker: Please continue.

Mr. John D. Jefferson, Jr.: So like I said, if they don't ask, let's not let them know what they are entitled to. The same can be true of the utilities that we have in this country. I personally believe that if were not aware of the rates that exist elsewhere, that we would not have seen the kind of concessions we have seen recently, even by Cable & Wireless. If nobody is complaining about it, why should they make any adjustments? Do you think it is because of public conscience? Mr. Speaker, companies today don't have any conscience. The business is making money and the more the merrier.

So we have the responsibility as members to use whatever influence we can in order to ensure that our people have a fair chance of surviving in this country financially and otherwise. Mr. Speaker, I am not expecting Government to say, yes, to this motion and then 6 - 9 months later, when I come back with a question, which says, *'give me an update,'* they tell me, no, nothing has been done. I think this issue is so important that if I were government and the minister responsible, I would push for it as far as the appointment of an expert in the utilities area to help deal with controlling and monitoring the activities of these two utilities that we have in this country, that is, Cable & Wireless and CUC.

You know, Mr. Speaker, what is unfortunate for us, is that when they come to sit down with us—and I have not had the opportunity of being in any negotiations—do you know what happens, Mr. Speaker? They employ the very best personnel available to conduct those negotiations on their behalf. The franchise agreement is so complex that you would have to employ what those people term a Philadelphia lawyer to interpret it, it is not simply and that is by design. So if you on the other side don't have that kind of expertise available to you, to

know what your obligations are under those particular agreements then you are at a tremendous disadvantage.

Yesterday I mentioned the increase in the cost of living and the cost of rental in this country, and I mentioned that until I moved into my own home, I was paying \$135 per month. I also recall in those days, my utilities bill being about \$35 per month—that was a long time ago. My most recent one—I would not tell you how much that was. But I am not a squander, I try to be careful, I try to instil in my kids the importance of limiting the use of their air-conditioning and cutting off lights in order to conserve. But, Mr. Speaker, it is still very, very expensive. I believe that the people of this country will appreciate the effort that was made here in the last two days and the contributions that have been made by all members. I believe that the people are excited about some possibilities and I would just urge government to get on with the job of putting in place some of the requirements or request that have been brought forward in this particular motion.

Mr. Speaker, if it is too late for us to have the rate increase deferred or refunded then, at least, let's put the expert in place so the next time CUC comes up for such a request, we can pass it on to that particular body and say, *'Okay, well, have a look at this. See whether or not it is justified and advise us accordingly.'*

Mr. Speaker, I thank you for your patience and I thank all honourable members who have spoken for their valuable contributions, and I look forward to this very important issue being addressed. Thank you, sir.

The Speaker: I shall now put the question on Private Member's Motion No. 16/99. All those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 16/99 PASSED.

The Speaker: Moving on to Private Member's Motion 20/99 to be moved by the Fourth Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 20/99

DEVELOPMENT OF A STRATEGIC APPROACH TO CRIME AND RECIDIVISM

Dr. Frank McField: Mr. Speaker, I have Private Member's Motion No. 20/99, the Development of a Strategic approach to crime and recidivism. I will read it.

"WHEREAS crime, deviant and anti-social behaviour has been on the increase in these islands for many years;

"AND WHEREAS Government has not yet presented to this Honourable House a strategic approach for the reduction of crime and recidivism in

spite of the fact that a study on crime was commissioned and completed;

"BE IT THEREFORE THAT the Government make available plans for addressing the matter of crime in the society and be it further resolved that any such plan evolved out of dialogue with elected members of the Legislative Assembly."

Mr. Speaker, I am not sure that I have a seconder for this particular motion. There seems to be some concern that the motion is a good motion but it is a repetition so I don't know what the members' position will be with regard to this motion. When it was first presented to you of course, it had a seconder. But at this particular time, the seconder has withdrawn so I am not sure that I do have a seconder for this motion.

The Speaker: Do we have a seconder? Is there a seconder for Private Member's Motion No. 20/99?

Mr. D. Kurt Tibbetts: Mr. Speaker, can you just give us a second? Let's see if the person is in the Chamber or not.

The Speaker: Thank you. I will.

[Pause]

The Speaker: This is my final call, do we have a seconder?

Mr. Roy Bodden: Mr. Speaker, I respectfully like to second the motion, sir.

The Speaker: The Fourth Elected Member for George Town, do you wish to speak to it?

Dr. Frank McField: Mr. Speaker, I guess it would be appropriate at this particular time for me to thank the Third Elected Member from Bodden Town for being such a gentleman and seconding this motion. I believe that this motion—although similar motions have come before this House and have been debated—is a very important motion.

I need to take this opportunity to advise my constituents that I am finding myself in a more difficult position in the Legislative Assembly with regard to my ability to get their business done. I believe that this might also cause me to have to take very drastic alternatives in terms of my position and the allegiances in here since it is impossible for me obviously to exist as an individual, especially when the good government that had given me the indication that they would second this motion was not willing to get up to do so at this time.

Mr. W. McKeeva Bush: I told you for a long time that you are welcome on our side!

Dr. Frank McField: I find these types of situations a learning process for me. But I guess that the government position has much to do with what I said in Finance Committee yesterday with regard to the importation of

aggregate. I don't see what the importation of aggregate and communism has to do with this particular issue but somehow I suspect that the apprehension at this particular time to support this very important motion has something to do with it.

The whole question in this country that we cannot discuss crime because it will affect tourism is nonsense. From 1977, when I came back to this country and began to work as social development officer, when we were aware of the fact that juvenile, anti-social behaviour, criminal behaviour was on the increase, what we had people saying was, *'Don't let us talk about it because it is going to affect investment, it is going to run away the tourists.'* There has always been this kind of secrecy type of mentality—lets keep everything a secret from everybody including ourselves—to a point where we begin to have chaos with regard to the breakdown of the social institutions in our country and we have an inability to really be able to deal effectively with them.

What other proof of the existence of the breakdown of the social control mechanisms in this country [do we need] than the *Caymanian Compass* editorial that dealt with the number of persons that are being held in our prisons today? Any tourist, any intelligent person, be he in Berlin, London, New York, has access to this information. Obviously, if we have people in prison, it means that we have crime. So what is the problem with discussing crime if we are discussing the fact that we have overcrowding in the prison and we need money to finance the building of more cellblocks? What is the problem here? Are we saying that we have exhausted the debate with regards to causes and possible solutions for crime and recidivism in our society? Have we exhausted the debate?

No, we have not. Have we actually really commissioned and had a study done with regard to the social and economic causes of crime? No, we have not.

This motion, Mr. Speaker, is not repetitious. It is a fresh look at a condition that exists in our country that begs for examination.

Mr. Speaker, what is crime? because we might even differ in terms of our definition of crime. What is legally defined as a crime and what is morally defined as a crime could be at variance. It could be at this particular time that in our attempt to discuss crime, we need to discuss morality, we need to discuss the norms of society, we need to discuss the changes in the norm and the role which criminal behaviour actually plays as a signal of the change in the norms of the society.

I believe that crime in our society, anti-social behaviour in our society, juvenile delinquency in our society is but one manifestation of the rapid changes in our society with regard to the physical and economic growth without a parallel change in the management of the moral life of the nation. Tradition tells us what is right and what is wrong. And the law as an institution, the courts as an institution uphold by way of legal codes, the customs, the traditions, the norms of the society to the extent in which they are capable of doing so.

But maybe we have so much crime in our society because of the fact that we define crime and criminal

behaviour in such a way that we have more crime in the society than we would have had if we had a different definition of crime. Crime has to do with punishment; it is the punishment that defines the act as being criminal. Without penalties, acts would not be criminal. So the mere fact that we have criminal penalties for acts in our society that might not attract penalties in other societies could be one reason why we have the amount of people in the prisons that we have today. That is a consideration!

I have not seen any report suggesting this particular point of view, therefore I do not see why the debate on crime and recidivism in our society is exhausted.

One of the reasons why people might be returning to prison is because the particular offences which they are committing are offences that have more to do with the offence of morality of the society rather than the offences that will endanger the society from a physical point of view. In other words, the person who might be taking drugs might not necessarily be an actual physical threat to the society. It might be more of an affront against a moral position of the society. This is the reason why punishment is not important so much here as rehabilitation.

Mr. Roy Bodden: True!

Dr. Frank McField: These things have not been put forward, at least I have not heard of them. Therefore, I do not understand how the debate on this question has been exhausted.

I brought this motion because I thought what the government has in its possession, with regard to a study that was commissioned, is a victimisation study. It is a criminal victimisation study on a Caribbean island and this is what I consider to be a crime study. There is a difference between a crime study and a victimisation study because victimisation deals with the result of action by criminals or people with a social or anti-social behaviour. A crime study deals with the social causes, the economic causes, plausible causes of the behaviour which results in the victimisation of property of persons. There is a clear sociological distinction to be made here.

Now, in the introduction to Kate A. Painter and David Farrington's, Institute of Criminology Report, it is said that the island's government funded the present criminalisation survey in order to establish a base-line measure of crime, fear of crime, and public perception of crime and the police. There is no way in this report that it says that this report deals with the causes of crime. Now, if we go back to what was called for with regards the motion dealing with this . . . and again, Mr. Speaker, I am not trying to cast aspersions at this particular time because I don't think it is necessary. But we have to understand what it is that all honourable members at the particular time wanted, including the minister responsible for this at this particular time.

In the words of the person that brought motions at that particular time, they wanted to be able to understand the social, economic, physiological causes of the growth in criminal activities and juvenile delinquencies in the

Cayman Islands. We have no study that has produced these answers as yet. Therefore, it is consistent to say at this particular point, with our very recent concern with what's happening at Northward Prison that we begin to look again about fulfilling this particular need.

Now, as I said, the reason why I brought this motion is because I believe that the victimisation survey is not a crime study. And it is not a crime study for the reasons that the author of the survey says. It is not a crime study; it is a victimisation study. It attempts to measure crime, the fear of crime and public perception of crime and the police. We need to get together in this honourable House and we need to consider seriously what we are going to do with regards developing a strategic approach to crime and recidivism.

The large numbers that we have in Northward is 1) because of the criminal behaviour; and 2) because that criminal behaviour is not rehabilitated, is not changed into socially acceptable behaviour.

Now, if we had at Northward persons that were real hardened criminals, it would be a totally different kind of consideration that we would even be making. On one hand we are morally . . . Caymanian people would say, *'This is our position morally—that's wrong, that's wrong and that's wrong'*. Maybe we do exhibit a degree of inflexibility with regards our moral position and maybe the exposure of Caymanian people to different types of influences cause a certain percentage of our population not to be able to adhere as strictly to the fundamental principles of our moral society and, therefore, we find a certain number straying from the fundamental attitudes of the Caymanian social conscience or moral conscience.

These people find themselves before judges being convicted. These people find themselves in jail. These people find that they don't want to change their way of life because to them they are members of a particular sub-culture. They begin to feed themselves and support themselves in a particular consciousness that exists in society as a result of it.

Now, when we watch the police deal with certain types of drugs—marijuana in particular—in the society, we see that there are groups of people that have formed themselves into little pockets of sub-cultures, little communities based around basically those particular drugs, basic attitudes, music, different styles related to that which comes in conflict with the general moral position of the established society. This is classified as criminal; classified as a threat to the moral order of the society. It is sent to the courts and they go to prison and it continues to be this way.

Now, government, in terms of looking at a strategic approach, can take up the position that is taken up with regards to the National Strategic Study and sort of say, *'You want to have zero tolerance? You want to have this? You want to have that?'* But how realistic is a lot of these so-called strategic assertions? because all you are asserting is what your ideal is. You are not really doing any kind of service or examination to see what in social reality is possible. There are definitely cultural conflicts in our society. There are definite persons that have decided to live different than we live—and they do live different

than we live and they do go to prison and they are prepared to go prison as a result of the fact that they are living different.

The question is: Can we afford to keep them in prison all their lives? The question is: Must there be a change just on their part or must there also be a change in how we perceive what is dangerous, what is destructive to the social and moral order and the general good?

I believe that in most societies that have gone through periods of change, what we have seen is an adaptation of that particular view the State has on what has to be maintained. Because even when we look at crime and punishment, and we go back into the days when one individual committed a crime, we didn't just punish the individual, we punished his whole family—we stoned them. Now, today it is not an emotional reaction anymore. It is a calculated reaction in order to maintain the general good by a calculated system of social control.

Therefore, we cannot just say, *'Well, because he does that I want him punished in this particular way'* because the judicial system does not work that way anymore. It has to be rational. It has to be reasonable. It has to be calculated. The penalties have to somehow relate—or should relate—to the society's fear of itself being destroyed by the particular act. So, somehow we have to begin to judge people (or the acts that people commit that are criminal) in relationship to whether or not we think that threatens in the immediate sense the maintenance of the moral order.

There are certain things that are going on in our society and we need to understand what causes them. From 1977/1978, when I came here, we were dealing with problems with alcoholism in our society, with drugs in our society. Everyone knows it started with smoking marijuana and people go maybe to harder drugs and so forth and so on, the pattern. But the question is: What causes people in the first place to get involved with marijuana? What causes people in the first place to get involved with alcohol? Not that you get involved with alcohol but you take alcohol as your saviour. What is the specific social and physiological reason and process? If we can figure this out, we can rehabilitate.

One of the reasons why we want to know what causes crime, asocial behaviour and juvenile delinquency is because we believe it is caused by identifiable social, physiological or economic causes. And if we remove those causes, we can remove crime, asocial behaviour, and juvenile delinquency. So, the reason why we are looking for the causes is because we are at the same time looking for the solutions. That is the reason why.

Now, when we admit, therefore, that we are social beings and that we are influenced by values and ideas, and that we can go down the bad path and that we can re-construct the personality, that we can rehabilitate the personality, then we are basically saying that we accept part of the problem for what's gone wrong with our society. We are accepting part of the problem for the people that are in Northward and we are just saying, *'Well, you see they are bad people. They are in Northward because*

they are bad people and we, as decent people in society, have no blame—the society has no blame.'

Society, in trying to find social causes, understands that this is not a moral accusation in saying that the society is wrong or that the so-called prisoner or criminals are wrong. What we are saying is that things can go wrong in the social order but that things can be fixed in the social order just like things can be fixed in the natural order. So if a person happens to have a disease, we will find that the small disease is caused by small things, and the small disease bears a bigger disease... So there is an elevation of the sickness, the illness within the natural order within the body. The same way is there the beginning of the disease and the social, physiological order and the elevation of the problem as we go on.

Now, the State can play a role in trying to fix it or the State can play a role in perpetuating it, actually giving it a home to live in. Prison is a home for social disease to live in, it perpetuates it—it doesn't actually cure it. Nobody has ever testified to the fact that prison has solved the problem of crime in any society. No society has solved the problem of crime. Crime is equal across the board. Every society is affected by crime. In every society, crime is natural. So why are we going to try to hide it from other people when every society over the ages has had to deal with this? Why did Moses make the Ten Commandments if there were not problems back then in terms of behaviour that was considered to be a threat to the order of society? Why did they do it back then?

We are not to be afraid of crime by saying that we don't want to deal it, no more than we are afraid of AIDS and saying that we don't want to deal with that. We are discussing AIDS in our society that is an illness. We are discussing cancer; we are discussing other kinds of diseases. Crime is a social disease that we must come to discuss and manage just like we discuss and manage the physical illnesses in society. This is why I don't believe that the topic on crime and recidivism is exhausted.

Mr. Speaker, I am not the only person in this Legislative Assembly that has a social conscience. I am not the only person that has thought about the problems of the common people. I am not the first and I hope to God, I won't be the last. I believe though that sometimes not only just my personal experience but also my professional experience gives me an insight into some of these problems that some other members might not necessarily have. I am not just talking as an academic; I am talking as a person who has been able to participate and observe behaviour that is considered to be asocial.

I believe that we cannot afford to criminalise as the Third Elected Member from Bodden Town always says, too large a number of our population. One reason is [that] we are a country that operates with a tremendous labour and skill shortage so we cannot afford the luxury of disposing of labour, we need to recycle it. We need to try to always re-integrate those persons that we lose by way of social illnesses. We need to continue to do this in order to secure and protect the State because the State will find that its greatest threat will come to it not from people challenging the moral order but from people challenging the State's monopoly on violence.

Which means that the State as it is constituted has the ability to bear arms and to protect the people and the citizens by use of these arms as necessary. But when you have other persons in your society who are taking this very supreme prerogative by organising themselves, by arming themselves because they are at variance with the State then this will create a greater threat than the threat to the moral consciousness or the offence to the moral consciousness.

The State has to make a very calculated decision. If we are always offended by the affront to our morality and if we lock people up as a result of that without even understanding the causes of why they are doing what they are doing, will have more and more people in prisons.

When I came back here in 1977 . . . and the good Minister of Education was talking about being one of the first people involved in the building of the new prison. It is true because I was actually recruited in 1977 to come back here to be the Director of Social Services, and part of the brief was to be involved with the establishment of a new penal system here. Of course, it never materialised. It materialised perhaps with my frustration and my being ousted from the service, but at that particular time I was also against the building of that prison because I was saying that if we saw this as the security then we would not see other rehabilitation possibilities as our means of securing the continual existence of the State.

You had to make a choice—you made a choice to build the building to incarcerate people in order to secure the State rather than to spend money on rehabilitating people in order to secure the State.

At that particular time, we were talking about no playgrounds, no facilities for children . . . and this is one of the things, of course, that the First Elected Member for West Bay had an opportunity to do when he came into the government in 1992, to bring a lot of these programmes there had been a lack of (in the old days) simply because we believed that security did not cost. And, if it does cost that the cost should be related to the physical incarceration of prisoners.

I have always stressed that prison in the Cayman Islands because of the type of prisoners that we have, should be a place where people are forced to learn. It is the greatest punishment for a lot of them that don't want to learn and didn't learn in the first place. If they had to go from 9:00 am to 3:00 p.m. to school, can you imagine if they had to sit there and concentrate for longer than five minutes without talking unruly and bringing back their whole social cultural dynamics into play? Imagine if at the end of the punishment they were able to be rewarded and would be able to see that punishment as a reward? Imagine if we could turn punishment into reward and that we would still have our pound of flesh by incarcerating them but at the same time we would not have them turn against us when they came out because we would have given them the equipment to be able to understand why we insist that (a) the moral order be preserved, and (b) we would have given them the possibility to support themselves with good self-esteem.

I believe that one of the reasons why we have a social behaviour and juvenile delinquency and eventually

crime because it graduates, it starts with the child and he [goes] to different stages and he becomes a criminal. A criminal doesn't happen like that overnight, a criminal is produced. He is socialised into becoming a criminal. It's a process and to get it stopped, you have to reverse the process.

I have called for the establishment of schools within the prison, in particular when we are dealing with our Caymanian people. Now I am not saying necessarily that you shouldn't give people dry bread and treat them a little rough so that they might not want to come back to prison, but I don't believe that people love going to prison anyway. Maybe they love the crimes they do . . . let's not call it crime. Maybe they love the behaviour that we commit them for more than they fear the prison. So they make a choice, like all men make choices.

Adam and Eve made a choice too. But we are told that when Jesus came to save us that he gave us the possibility to reverse that choice so that we were not stuck with that choice forever and ever. We can give the people who end up in Northward, the possibility to reverse the choice, Mr. Speaker. That is what I am saying. I am saying when we are spending money to build the prison in Northward we could also be spending money to put teachers in Northward.

Why is it that we are willing to invest money in the concrete? Why is it that we are interested in investing money only in putting prison officers there and not teachers to a certain extent? Prisoners could be occupied also studying. That is a social control type of situation rather than sitting idle in the yard talking, creating and perpetuating that same kind of social, cultural dynamic that has caused them to get into trouble in the first place. We could be creative about our solutions. Why is it that we cannot in the Cayman Islands find indigenous solutions to recidivism? Why is it that we are looking at America? They have boot camps in America. They are working for America, a very hardened type of situation. It works for America. It might not necessarily work for Cayman.

All you have to do is to go up by the prison and see how many families and girlfriends are up there visiting them, giving them the feeling that they are not totally cut off from society. So we might not be able to remove ourselves as far from our prisoners as people in other countries, therefore we might not be able to be as severe with the punishment as people in other countries. But that does not necessarily mean that punishment equates to rehabilitation. Punishment is not rehabilitation and this is what people need to learn.

You can punish people and feel good about it, but the next day the people come back and do the same thing again and you have to punish them. In other words, you have to punish yourself in order to punish other people. This is what I said in *Time Longer Dan Rope*. I said it doesn't make sense to punish yourself in order to punish somebody else. No! We need to become a little bit clearer about the differences between rehabilitation and punishment.

At the moment, government has programmes to punish. It does not have programmes to rehabilitate. The

problem with punishment is that once the crime is caused by social malfunctions with regards the person's internalisation of the norms of the society that punishment will only aggrieve that, will only make that worse. Rehabilitation will locate the problem and will correct the mechanism. And, I am saying that we need to look at this with our experiences in the physical sciences, medicine and how doctors work—it is the same with the society. Government, therefore, needs to get together to look at this.

And the Minister of Education said yesterday that this was a good motion. He said so in Finance Committee, so I don't understand why the government didn't come forward today and second this motion. I mean they shouldn't do this to me, you know, because the budget will soon be here and they know...

[Laughter and inaudible interjections]

Dr. Frank McField: No sir! I am putting them on notice now that this kind of behaviour doesn't set right for me. They know that I stand on issues. They know I stood on the issues of the importation of aggregate because of my position with regards to that, and for them to try to get back at me with that cheap shot goes to show that they don't believe I stand on issues at all.

Mr. W. McKeeva Bush: I told you that you don't belong over there.

Dr. Frank McField: So, the Minister for Education said that the motion did not have a seconder, but it was a good motion in Finance Committee and the people will hear that broadcast tonight. The question is: Why didn't somebody from government come forward to accept this motion? Or do they intend to reject it?

I can tell you Mr. Speaker, I have not said all yet. I am going to leave it for the last because this is my field now and I am going to have my heyday.

The Speaker: Does any member wish to speak? The floor is opened to debate. (Pause)

Mr. D. Kurt Tibbetts: Mr. Speaker, surely the government needs to reply to the motion so that we can have an indication whether it is going to be accepted or not, sir.

The Speaker: The floor is opened to debate, does any other member wish to speak? (Pause)

Serjeant, would you call the other members into the Chamber please?

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I trust that you will not misunderstand my intention sir, but perhaps given the quandary that the government might find itself in and allowing

some chance to gather their wits, maybe this is an appropriate time sir, because of the activities this afternoon, for us to break so that we can do what we have to do, and perhaps they will be refreshed and with sound mind tomorrow morning to reply to the motion.

The Speaker: I am in the hands of the House.

Mr. W. McKeeva Bush: Mr. Speaker, we gave ourselves until tomorrow. We know that we have other matters to deal with. Some members are leaving the country and we specifically gave ourselves until tomorrow to complete business. And I think we have to utilise every bit of time that we have. If the government chooses not to speak, I mean, then we pass the motion those of us that are in support of it.

The Speaker: I am totally in the hands of the House, the floor is opened to debate. The motion has been moved. Does any other member wish to speak?

STANDING ORDER 38 - CLOSURE OF DEBATE

Mr. Roy Boddin: Mr. Speaker, under Standing Order 38, I move that the question be now put.

The Speaker: Do you have a seconder?

Mr. W. McKeeva Bush: Seconded.

The Speaker: I put the question. Those in favour of Private Member's Motion No. 20/99, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 20/99 PASSED.

SUSPENSION OF STANDING ORDER 26

The Speaker: The Honourable Minister for Education, Aviation and Planning, will you suspend Standing Order, 46.

Hon. Truman M. Boddin: Mr. Speaker, I move the suspension of Standing Order 46 to allow the Bills to be taken, sir.

The Speaker: Thank you. I put the question that Standing Order 46 be suspended. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 45 SUSPENDED.

The Speaker: Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES) BILL, 1999

The Clerk: The Liquor Licensing (Amendment) (New Licences), Bill, 1999.

The Speaker: The Bill has accordingly been given a first reading and is set down for a second reading.
Bills, Second Reading.

SECOND READING

THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES) BILL, 1999

The Clerk: The Liquor Licensing (Amendment) (New Licences), Bill, 1999.

The Speaker: The Bill has accordingly been given a second reading. The Honourable Acting First Official Member.

Hon. Donovan Ebanks: Thank you, Mr. Speaker. I seem to have inherited the fate that every time I come here, either on the last day—and in this case, perhaps the penultimate day—I end up with a Bill related to this piece of legislation.

[Inaudible Interjection]

Hon. Donovan Ebanks: I guess if I keep this up...

Sir, the Bill currently before the House seeks to provide or to make provision for the moratorium imposed back in October of last year to be given more flexibility and for hotels to be (as a category of licences) exempted.

The law which was passed in October and in effect placed the moratorium on the grant of all liquor licences with the exception of occasional licences provided that moratorium would remain until such date as may be determined by the Governor, who would cause notice of the date to be published in the gazette. So, in effect, we disconnected the power to issue liquor licences under all but one category.

True to my pattern, I would propose to move a slight amendment during the Committee Stage, which will have the overall effect of . . . I guess to use the electrical analogy that I started off on, to have the effect of putting in a switch in respect of the other categories. In other words, providing not just the power as the law currently does for

the moratorium to be lifted, but for it having been lifted to be re-instituted and in turn lifted again.

In fairness, sir, the hotel category should have been excluded with the occasional licences. It certainly was never perceived by the government that the hotel category was an area of real problem. It wasn't the area of acute propagation. In fact, a liquor licence in respect of a hotel is obviously only an accessory, but in today's world an essential accessory that the hotel needs to have. Unlike other categories where the principal purpose of having the licence is often times to simply dispense of alcohol, that is not the case in the hotel licence. And, so these minor amendments seek to do those two things: 1) To exempt the hotel category; and 2) to provide this more flexible switching facility that will in due course allow the moratorium to be lifted in other categories but also allow it to be re-imposed.

So, with those few words, I commend the Bill.

The Speaker: The question is that a Bill entitled, The Liquor Licensing (Amendment) (New Licences) Bill, 1999 be given a second reading. The motion is opened to debate.

Does any member wish to speak? If no member wishes to speak...The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I will be very brief. I moved a motion, I think it must have been in February of this year, which asked government to put a moratorium on the district of West Bay getting any more licences.

Mr. Speaker, we never had any thought about hotels and the motion at that time did not ask government to institute a general moratorium countrywide. However, Government amended the motion at that time to say that it should go countrywide.

Well, that was again a time that government for whatever reason was jumping on the bandwagon to knock out what I was attempting to do—perhaps any credit that would have been coming my way. Nevertheless, Mr. Speaker, what they did was to cause this dance of the confused.

I don't know whether this is being done for the hotel opposite the public beach. The question I had is whether that hotel should be built anyway next to the public beach—the major public beach in the country. And, whether, in fact, this liquor licence will go on the little piece of beach that they would use.

I would have loved to hear more about it. Nevertheless, I am not going to offer too strenuous an objection. I just want to say to government that they should be careful about amending private member's motions and they should give it much more thought when they do so because it seems that the thought arises once the private member's motion comes here just to see how they can divert attention from what backbenchers are trying to do.

The Speaker: Does any other member wish to speak? If no other member wishes to speak, does the honourable mover wish to exercise his right of reply? No?

The question is that a Bill entitled, The Liquor Licensing (Amendment) (New Licences), Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES), BILL, 1999 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled The Liquor Licensing (Amendment) (New Licences), Bill, 1999.

HOUSE IN COMMITTEE—12.38 PM

COMMITTEE ON BILL

The Chairman: The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such like in this Bill?

Would the Clerk state the Bill and read the clauses?

THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES), BILL, 1999

The Clerk: The Liquor Licensing (Amendment) (New Licences), Bill, 1999.

Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 1 do stand part of the Bill.

AGREED: CLAUSE 1 PASSED.

The Clerk: Clause 2. Amendment of Section 9 of the Liquor Licensing Law, 1995 (Revision).

The Chairman: The Honourable Acting First Official Member, you have an amendment?

Hon. Donovan Ebanks: In accordance with Standing Order 52 (1) and (2), I beg to move an amendment to Clause 2(a) by adding the words, "*...or from such date or dates as may be appointed by order of the Governor and published in the Gazette*" after 1998. And, Mr. Chairman, by adding, "*our dates*" between the words "*date*" and "*as*".

Thank you.

The Chairman: The amendment to Clause 2 has been moved. Does any member wish to speak to it? No one wish to speak to it, I shall put the question.

The question is that the amendment to Clause 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 2 is amended.

AGREED: CLAUSE 2 AMENDED.

The Chairman: I shall now put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it—

Dr. Frank McField: ...Mr. Chairman, I am a little uncertain that we have a quorum.

The Chairman: We don't. Serjeant, would you call the members into the Chamber please?

Thank you, Fourth Elected Member of George Town.

In view of not having a quorum in the House at the last call I shall repeat that the amendment to clause 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 2 is amended.

AGREED: CLAUSE 2 AMENDED.

The Chairman: I will now put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2 AS AMENDED PASSED.

The Clerk: A Bill for a law to amend the Liquor Licensing Law, 1996 (Revision).

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: This concludes proceedings in Committee on a Bill entitled, The Liquor Licensing (Amendment) (New Licences) Bill, 1999. The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED AT 12:44

The Speaker: Please be seated. Proceedings are resumed. Reports. The Acting Temporary Honourable First Official Member.

REPORT ON BILL

THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES), BILL, 1999

Hon. Donovan Ebanks: I beg to report that a Bill entitled, The Liquor Licensing (Amendment) (New Licences), Bill, 1999 was considered by a committee of the House and passed with two amendments.

The Speaker: The Bill has accordingly been set down for Third Reading.

This concludes the business on the Order Paper for today. I will entertain a motion of the adjournment of this Honourable House. It is my understanding that the wish of the House is that we adjourn at this time. Is that not correct?

ADJOURNMENT

Hon. Thomas C. Jefferson: Mr. Speaker, I move the adjournment of this Honourable House until 9:00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House do now adjourn until 9:00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 12.45 PM THE HOUSE STOOD ADJOURNED UNTIL 9.00 AM FRIDAY, 6 AUGUST 1999.

**EDITED
FRIDAY
6 AUGUST 1999
10.19 AM**

[Prayers read by the Honourable Temporary Acting First Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable First and Second Official Members who are on leave. The Acting Third Official Member will be arriving a later this morning.

I have apologies from the Third Elected Member for George Town who is absent due to a death in his family, and the Elected Member for North Side, the Deputy Speaker, is off the island.

Item 3 on today's Order Paper, Presentation of Papers and Reports, Public Assistance Programme. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**PRESENTATION OF
PAPERS AND REPORTS**

**PUBLIC ASSISTANCE PROGRAMME
AUDIT REPORT**

Hon. Anthony S. Eden: Mr. Speaker, I beg to table the Internal Audit report on financial assistance programme.

The Speaker: So ordered. Do you wish to speak to it?

Hon. Anthony S. Eden: When my ministry took over the responsibility for the subject of social welfare in November 1997, it assumed responsibility also for the Financial Assistance Programme. At that time, I requested my Permanent Secretary to arrange for an audit of the programme as I felt it made good sense to understand the status of the subject. I envisaged that any recommendations coming from this report would assist my ministry in the future administration of this programme. In fact, this was one of the results of the audit.

The internal auditor who was assigned to this case worked many hours to understand how the programme operated. The objectives of the audit were as follows:

- To determine whether the guidelines criteria that were established by the former Ministry of Community Development helped in achieving the intended goals of the public assistance programme.

- To ensure that all existing recipients of public assistance have all qualified to be in this programme by meeting the established guidelines and criteria.
- To ensure that there is proper documentation and files to support each application of the existing recipients of public assistance.
- To determine whether all approved applications for public assistance has been reviewed or re-assessed on a routine basis.
- To establish the basis for the amount of money that is presently been paid to recipients of the public assistance programme.
- To verify that the bank accounts given to the former Minister of Community Development are, in fact, the bank accounts of the recipients.
- To verify that only approved persons are receiving public assistance.
- To verify that only designated persons are collecting public assistance cheques on behalf of those recipients who are unable to do.
- To determine whether recipients of public assistance are eligible to collect more than one government subsidy.
- To verify that the payment and receipt of public assistance cheques are done in accordance with Financial and Stores Regulations (FSR).

The auditor, in order to verify his findings consulted with the Minister of Community Affairs, Sports, Women, Youth and Culture, which had previously been charged with responsibility for the programme, the Department of Social Services and various banks. All of these findings are elaborated on in the actual report.

Emanating from this report are seven recommendations, which the ministry has agreed to implement. These are:

- 1) Revised criteria should be developed which clearly state the requirements applicants have to meet in order to qualify for the government's Financial Assistance Programme. These criteria should address, particularly, the issues of need and disability.
- 2) Revised guidelines should be developed for the assessment of applicants. Mr. Speaker, this will involve certain cosmetic changes and other relevant changes to the application form.
- 3) A timetable should be agreed by the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation and the Department of Social Services for the re-assessment of approved recipients on a routine basis.

In addition, all current recipients of government financial assistance should be reassessed. This has been something that has been advocated over the past years.

- 4) Files containing all materials related to each applicant should be kept on a confidential individual basis.
- 5) The Ministry of Social Welfare and the Department of Social Services should review the option of going to a system of graded payments rather than paying a fixed amount each month.
- 6) During re-assessment of approved clients, the names of the banks as well as the bank account numbers should be verified. Any changes should be recorded and the Treasury Department should be advised to enable the revision of existing computerised data.
- 7) The decision taken on each application by the members of the Financial Assistance Committee should be recorded on that application form and members should sign in the designated area of the form. Family members should be discouraged from signing as referees for applicants in order to reduce the possibility of any charge of publicity.

Presently, my ministry is working in conjunction with the Department of Social Services to implement these recommendations. Since 20 April this year, the operation of the programme has been transferred to the department of Social Services, as the social workers and community development officers are the individuals who are equipped to perform the financial assessment of the applicants.

The infrastructure of the department is also more conducive for the administration of such a programme.

Criteria for the assessment of applicants to this programme have been revised based on the recommendations contained in the audit report. The issue of need of the applicant has been a particular point of focus has this assistance has come to be seen more as a right to everyone over 60, rather than its original intention, which was to assist older citizens and the disabled were genuinely in need.

Mr. Speaker, my Ministry, as well as the department of Social Services are aware of the responsibilities associated with regards to the utilisation of public funds. Currently, each applicant is assessed on the revised criteria to determine if he or she falls into the category of individuals who qualify for assistance through this programme. The revised criteria is as follows:

- All persons seeking financial assistance from the Department of Social Services must be assessed to determine the level of need. It must be ascertain that the person or persons cannot meet their basic need.
- All support from family and friends must be identified.
- Adult children are responsible for maintaining their elderly or disabled parents and grandparents under the Maintenance Law, 1996 (Revision), section 5. As such, contact will be made with all adult children and adult grandchildren to ascertain what assistance, if any, they can provide to their parents or grandparents.
- In accordance with the Poor Person's Relief Law, 1997 (Revision), section 4, any person receiving Government financial aid who has or comes into any property shall be vested into crown.

- All information that is shared must be confirmed with the relevant persons, employer, and agencies prior to assistance being granted. The following information must be provided, such as:
- Medical certificate, in cases, where the person is seeking help due to ill health or disability.
- Place of employment and length of time at this job.
- A copy of salary slips must be provided, if applicable.
- Name of the employer. Information provided must be checked for accuracy and confirmation of salary, if applicable.
- Bank accounts and bank statements. This information will be checked for accuracy.
- Copies of utility bills must be provided.
- Other sources of income. This include: income from rental properties, family contributions, other pensions, social security, regular contribution from churches or service clubs.
- In cases, where the applicant is a young person seeking help on grounds of disability, the department will need to ascertain whether they are receiving support via maintenance payments for any child he or she may have. If the applicant is separated or divorce from the other parent of the child.
- Land title, a certified copy must be provided.

Mr. Speaker, the provision of financial assistance by any government is by its very nature, a very sensitive one, in addition, to being very difficult to address. My ministry and the Department of Social Services intend to use the recommendations contained in this report to deal with the administration of government's financial assistance to those of our citizens who are genuinely in need.

Mr. Speaker, in closing I would just like to say that in talking with the past Minister (that is, the First Elected Member for West Bay) he commented on a number of things and I would take this opportunity to share that. In that four-year period when he was responsible, there were three different Permanent Secretaries and one Acting Permanent Secretary. None of the matters mentioned were brought to his attention at that time. There were several other staff changes in Assistant Secretary in a four-year period.

We know that when this originated and when we came into government in 1992, the people were only getting \$50 a month, and through a lot of assistance from that minister at the time, it was brought to \$200. This year, we brought it to \$250 and next year, God willing, we will have that amount up to \$400. Thank you.

The Speaker: Presentation of Reports.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wonder if the Chair would allow me to ask the Honourable Minister a brief question or two regarding the report he just tabled and read, sir?

The Speaker: Yes, I will. Make them brief, please. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I would just like to ask the Minister if during the course of the investigation and the compilation of that audit if the previous Minister was asked to provide any information or were his services solicited in any way in the compilation of the report?

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

Hon. Anthony S. Eden: Mr. Speaker, my understanding is not indirectly, just probably the officers in the ministry.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wonder if the Minister is in a position to say why this was not so since the report clearly deals to a large extent with policy matters? And if the Minister wasn't asked for an explanation or a reason then I would think that it has to be seen somewhat as a reflection on the report that the Minister was left out when he was the sole person responsible for policy.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, do you wish to answer that?

Hon. Anthony S. Eden: Mr. Speaker, the main idea was to look at the current state, to find out why... On background stuff, I would probably have to talk with someone in Internal Audit and share that with the House.

Mr. W. McKeever Bush: Oh death where is thy sting? Oh grave where is thy victory?

The Speaker: Moving on to number two, Central Planning Authority and Development Control Board, Annual Report. The Honourable Minister for Education, Aviation and Planning.

CAYMAN ISLANDS CENTRAL PLANNING AUTHORITY AND DEVELOPMENT CONTROL BOARD ANNUAL REPORT

Hon. Truman M. Bodden: Mr. Speaker, I beg to lay on the Table of this Honourable House, the Cayman Islands Government Central Planning Authority and Development Control Board Annual Report 1998.

The Speaker: So ordered. Do you wish to speak to it Honourable Minister for Education, Aviation and Planning?

Hon. Truman M. Bodden: Yes, sir. Thank you, Mr. Speaker. I will first read from the Executive Summary and then I will make some short comments in other areas.

"In 1998, almost \$263.8 million worth of development was approved by the Central Planning Authority (CPA). The 1095 developments approved, represented a 28.8% increase from 849 in 1997; however, the value was down 12% compared to 1997's value of \$290.9 million. The Development Control Board (DCB) also had a busy year (that Board serves for Cayman Brac and Little Cayman) with 155 approvals valued at 428.8 million in 27 meetings. This represents a decrease of 4.9% in number of approvals, and an increase of 233% in value.

"There has been little change in the distribution in terms of numbers by sector. The four (4) sectors that continually receive the majority of applications are Houses, Apartments/Condominiums, Commercial and Other. The distribution of applications according to districts have also been constant with George Town, West Bay and Bodden Town having the most development activity.

"The district of George Town has historically had the majority of approvals and 1998 was no exception. The 502 approvals valued at \$147 million accounted for 46% and 56% of the totals respectively. The second place position was again shared between West Bay and Bodden Town. Bodden Town had more approvals but the values were considerably less than that for West Bay. The positioning in North Side and East End remained the same as in 1997, when East End had less applications and a smaller value. In 1998, North Side's approvals doubled and the value increased by 79.3%. East End's number of approvals only increased by 2 but its values increased by approximately 273%.

"The number of approvals in each sector did not change significantly with the exception of houses. In Grand Cayman, the order of each sector was Houses, Other, Apartments/Condos, Commercial, Industrial, Government and Hotels. However, unlike 1997, all sectors but Government and Industrial had a slight increase. Houses had the largest change with a 41% increase in the number of approvals. In the Sister Islands, the distribution between sectors made rather noticeable changes with a 300% increase in Industrial, an 80% increase in Government and a 28.6% increase in Apartments/Condos.

"The CPA was able to process 916 agenda items. (That is a very heavy load but I must say that the Authority runs very efficiently and the secretariat is very efficient.) This represented an average of 23 applications (excluding Final Certificates, Enforcements, Matters from the Director, etc.) per meeting, approximately the same as the average processed in 1997. The actual number of applications on the agenda were down as smaller applications were processed administratively beginning in the second quarter. Administrative approvals have led to an improved level of service to the public and a slightly smaller workload for the Central Planning Authority."

At present sir, we have delegated from the CPA, either to the Director of Planning or in some instances the Director of Planning and the Chairman of the CPA,

the power to deal with houses, matters such as signs and other smaller matters. If it is controversial then it goes on to the full Central Planning Authority.

"Of the 916 applications for new developments that went to the CPA, 795 (86.7%) were approved (which is quite a high number)."

The other area I would like to make reference to sir, relates to areas that are found at page 33, Review of the Development Plan 1997. Mr. Speaker, I am sure members will remember after twenty years of one development plan—which finally in 1997 a new development plan came in—Executive Council gave a directive that committed the CPA to complete the review within 15 months and also along with this sir, "The Long Range Planning Section, in conjunction with the DCB has been able to complete a first draft of the development plans for the Sister Islands." These plans should be available in the not too distant future.

This, I know, is a very controversial area but I think this government succeeded in what previous governments that I was also in failed to do and that is: To actually get a development plan put in place which is now providing for the orderly development of the Cayman Islands. It was overdue. It should have been revised every five years. I know government was able to deal with it until recently.

Maybe I have become too brave with this, sir, to try to review it. I can within 15 months [*Laughter*] but some things have to go about politics and it is good for the country that this be done and it will come back to this Legislature obviously for final approval. It will be out shortly, hopefully, not just for the amendments for Grand Cayman but also the new plans for Cayman Brac and Little Cayman.

I am very happy to say that appeals, which were backed up I would say for 8 or 9 months, are not as nearly as bad as appeals in the Labour [Office]. They have now been reduced—they are current. In fact, there were only 19 appeals against the decision of the CPA during 1998. Of those, eight were heard, seven were pending when the report was made—some of those have been dealt with. And of the eight appeals heard, four were allowed and four were dismissed. So it goes to show that the appellate system is working well.

I would also like to point that a lot of the time of the DCB and the CPA is taken on actually hearing people. They do have hearings where people go in and appear before them and this takes time but it is good. This is a democracy and transparency has to be there also the public can decisions of the Board if they wish.

Mr. Speaker, I would like to thank the Chairman of the DCB and her deputy, and also the Chairman of the CPA and his deputy. I would also like to thank all members of that Authority and Board for the dedicated work that they have put in because whether we appreciate it or not, the future development of this country rests clearly in the hands of those people—how the country is going to go physically. What is going to be brought as a balance between development and preservation of as much as we possibly can for the country stays in their hands.

I would also like to thank the Director of Planning and all of his staff. We have some very good dedicated staff there and they have done tremendous work. Mr. Speaker, this was also brought out in the fact that the department received the Governor John Owen Award for merit in systems that they had introduced. In fact, applications which two years ago were taking about 90 - 100 days (of which, 4 - 4 1/2 weeks by statute has to remain because notices have to be given) those had been reduced to about half the time. Now, it has reached 40 - 45 days, of which about 30 days are statutory.

Also, sir, the simple applications like for houses are actually now dealt with within 24 hours in many instances because this is administrative. And I consistently say to them and the other departments that I have is that you must facilitate the public, you must try to find solutions when the public asks for them and you must smile with the public and treat them as you would any other customer or client and you must give service. I should say, with all the feedback that I have had, there have been improvements in the front-line staff at the Planning Departments, both here and in Cayman Brac. I am very grateful for this because our duty—not just theirs but also mine—is towards giving service to the public. So I would like to commend the staff and commend the CPA and the DCB, and the staff in Cayman Brac as well for a job well done.

Our aim for this coming year is to work on this and increase it because we should never be complacent with the levels that we have reached.

Lastly, I would like to say that the appointment of the Building Code Committee is now taking place and as soon as we can get the development plan out of the way, we will be looking at revisions to the building code. So I would ask members to accept the report and to assist in any way possible especially when the budget comes up with whatever is necessary for the planning. Thank you.

The Speaker: Item number 4 on today's Order Paper. Questions to Honourable Members/Ministers. Question number 82 standing in the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 82

No. 82: Mr. Roy Bodden asked the Honourable Minister with responsibility for Tourism, Commerce, Transport and Works to provide a list of the major promotions undertaken by the Tourism Department since June 1997 until June 1999, giving a breakdown of the costs.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The attached list (*see Appendix*) provides details of all major promotions undertaken by the Tourism Department.

ment between June 1997 and June 1999. This list is really too long for me to try to read it but it breaks down the promotions done in London or by the London Regional Office as well as the promotions done in United States. If anyone has any questions, I will try my best to answer it.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Minister say if the department undertakes any assessment of the effectiveness of the promotional campaigns? And if so, would the Minister tell the House what form such assessment takes?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the Department of Tourism and the assessment of conducting a promotion in a particular area can be tied to the zip codes of persons coming from that particular area simply because the persons upon reaching immigration have to fill out an immigration entry card, which gives their address and their zip code. So there is a way of making some assessment on the promotion and how much it has produced.

Realising, of course, that the promotion that is done...and we need to refine this a lot more and work is progressing on this as I speak. You could do a promotion today and the person takes the decision to travel in January or February 2000 so we have some additional work to be done but certainly we can relate to a promotion done in a particular area with the zip codes of people who are coming to the Cayman Islands.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House how these areas are arrived at for targeting promotions?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the targeting of persons that we wish to attract to the Cayman Islands are persons whose household income is about \$75,000 (and we sometimes say \$100,000), but we have to bear in mind that the income of a household in the northern portion of United States is slightly different from the income of a household on an average in the southern portion of United States. So we say \$75,000 or more.

Utilising all the tools that are available to us, we can pinpoint throughout the United States what city they are from, what street they live on and what house number it is, and that is our methodology for deciding who to invite to promotions when we do them.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. The material given us here shows that there have been quite a bit of promotions done for and within British Airways. Can the Minister say how this is paying off, if they are reaching their \$75,000 visitor through this particular item? And, how much is done with Cayman Islands?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to that question is that the traffic coming to the Cayman Islands from Europe and from UK would be divided between direct flights out of Gatwick (which is done by British Airways) and other flights which link London or Gatwick to Miami and then pass on to, in some cases the Cayman Airways, and then maybe to other airlines as well. But we do know from the statistics of air arrivals that the UK market is doing very well indeed in terms of the numbers of people who are coming to us.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: The material given us shows British Airways Holiday—Sponsorship, British Airways Holidays—Joint Advertising, British Airways Tickets—BSAC Film Crew, British Airways Tickets—Press Trip, British Airways Tickets—Film Crews, British Airways Holidays Joint Mailing, British Airways—Cayman/Bahamas Promotion, British Airways Flights—Blind Date Film Crew. . . . Mr. Speaker to name a few. How has this affected the \$75,000 income target and how much as been down with Cayman Islands?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The methodology we use in terms of deciding whether a person is coming from the income group that we speak of, which is \$75,000, is by the Airport Exit Survey. The Airport Exit Survey does indicate that a significant number of individuals who come to us (and I don't have the number available to me) is in that group. I am not going to say that everybody is in that group because that would not be truthful.

But we do know that British Airways Holidays is a major tour operator in United Kingdom and they book people who wished to travel to the Cayman Islands, whether they want to come directly on the British Airways flight from Gatwick to Grand Cayman, or whether they wish to travel by British Airways to Miami and then transfer over to Cayman Airways. We do know that Cayman Airways provides the handling service for British Airways in the Cayman Islands. So there is a good amount of income being earned from that process as well as other areas.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, this is the third time I will be asking this question. How much has been done with Cayman Airways?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Are you saying Cayman Airways or British Airways?

Hon. Thomas C. Jefferson: Mr. Speaker, the answer that is being provided is for traffic coming to Cayman from the United Kingdom and from Europe. Cayman Airways office in London did do some bookings in this particular period of time but we do not have a Cayman Airways Holidays operating out of London. I am told that the Cayman Airways Operation in London was recently closed as well.

We could find the data but we are not providing data here about British Airways, in particular. We do know that the statistics indicate...and when we look at those statistics that come out on air arrivals it is broken down by airlines. And we do know that British Airways that is coming to the Cayman Islands would be coming direct from London so there is a direct link.

The number of people who are coming to the Cayman Islands on Cayman Airways shows in the statistics but it doesn't [show] whether they are coming from London or United States or other parts of the world.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The substantive question asked to provide a list of the major promotions undertaken by the Tourism Department since June 1997 until 1999, giving a breakdown of the costs. That is the original question.

My question is—and a lot of it seems to have been done in the United Kingdom—how much has been done for or with Cayman Airways in that time period?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, now the question is clear to me. Cayman Airways and all our representatives whether it's in Europe, Canada, United States or London, are promoting every occasion that they do promotions, they are also promoting persons travelling on Cayman Airways. So any activity that they are doing, in terms of promotion and trying to attract people to the Cayman Islands is two-fold to attract people to the Cayman Islands and in that attraction to the Cayman Islands, they are recommending that they travel Cayman Airways.

So there is a partnership and there is activity whether it is in the Los Angeles region, or the Chicago region, or the Miami region, or the Houston region, or the New York region, or in London—the London Regional Office—or in Europe.

The Speaker: The Third Elected Member for Bodden Town.

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

Mr. Roy Bodden: Mr. Speaker, I beg to move the suspension of Standing Order 23(7) and (8) so that questions may be taken beyond the hour of 11.00 a.m.

The Speaker: Do we have a seconder? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I second.

The Speaker: The motion has been moved and seconded that Standing Order 23(7) and (8) be suspended. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wish to ask the Honourable Minister whether the Cayman Islands Department of Tourism operates a web-site whereby persons can access vacation packages directly through the Department of Tourism?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Cayman Islands Department of Tourism does have a web-site, which provides the relevant information to a consumer who search that web-site for information on the Cayman Islands, whether we are talking about diving or accommodation or where their church service would be held when they are in the Cayman Islands. They also have a listing that indicates you can call a particular 1-800 number into the Cayman Islands reservations service in Miami.

We are not as yet at that second developmental stage, which would allow consumer bookings of air travel. We have not reached that stage yet simply because we have a number of travel agents who have been good to us over the years and we know that they are at the moment quite nervous about many airlines, including American Airlines, who have cut their commission rates in terms of their sales of tickets on American Airlines among others, and there is a nervous state of affairs by travel agents of these bookings situations directly on a web-site.

It is something in the information technology that is going to happen and I think travel agents are trying to prepare themselves for that day and be as competitive

as they possibly can be. But we have not moved to that stage yet because we do not want to offend the people who have worked so well with us. The movement to do direct bookings on the site is under consideration but we have not taken the step yet.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy that the Minister has thrown that light on the matter because I was going to ask the Minister in light of the fact that we are always seeking to get the best value for money spent, how is the Department for Tourism then preparing to change their advertising policy so as to take into consideration the fact that more and more people will be going on-line and using the World Wide Web to connect directly rather than going through a second or third party? And, when might we expect that this development would be taken into full consideration by the Department of Tourism.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: One of the things that we are working on, as far as the web-site is concerned (and I think the Member who is asking the question is all too familiar with the information technology world and the many different web-sites that are out there) is the linkage between our web-site and those search vehicles such as Yahoo among others to make sure that there is a link and there is easy access to our web-site so that we get what we call more "hits" per month, meaning more consumers are actually searching our web-sites. That is one of the areas that we are working on at the moment.

I am unable to say to the honourable Member exactly when we are going to move to this second stage, that is, direct bookings. But we do utilise the web-site for advertising purposes in order to spread the word as widely as we possibly can around the globe about the facilities that are available in the Cayman Islands, and we hope to move to that next stage when we believe it is advisable to do so.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I guess I am taking a risk here, but I have gone through this document and there is a tremendous amount of expenditure here. Cayman Airways is not in here and I am going to ask that the Minister turns his attention (when promoting this country) to Cayman Airways. I think that is fair to this country, I think that is fair to Cayman Airways.

Mr. Speaker, the question that I would like to ask is contained in here is Aviation Week 1997, \$114,695.22; Aviation Week 1998, \$151,671.32; Aviation Week 1999, \$73,827.03. Quite a difference in the three or, at least, in 1999 that is compared to 1998 and 1997. Can the Minister say what is the difference? And can the Minister say how this is affecting our tourism in a time that it is supposed to be a weak tourism product?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just to perhaps start at the beginning. Cayman Airways does not have an advertising programme in any part of the world that I know anything about. The only way Cayman Airways get exposure in Canada and United States and other areas of the world is by the Department of Tourism. That is just a fact.

[Inaudible Interjection]

Hon. Thomas C. Jefferson: Mr. Speaker, we are talking here about promotions that are being done with other individuals. We know that the advertising programme in the United States cost somewhere in the area of \$8m. When we do promotions or advertising in glossy magazines such as *Conde nast Travel*, just to name a one, there appears the Cayman Islands and also Cayman Airways. So we are doing as much as we can in that particular area. I am quite pleased with the way in which that is moving forward.

There is always the possibility of doing more and we are looking to see how we can do more. The second part of the question regarding aviation . . . we know that for Aviation Week we bring a number of our people down to the Cayman Islands from different regions whether it is the New York region, or Chicago, or Los Angeles, or Miami, or Houston and we do know too that there is some cost involved with such a major promotion to the Cayman Islands.

We have been working diligently to try to get more sponsorship for this particular Aviation Week. To date, we seem to be gaining some ground, although I point out to the Member that the \$73,827 is a figure to date, there may be more items to come. I do know that we are gaining and getting more sponsors for the event, therefore it will end up being less spent by the government or by Department of Tourism.

The Speaker: If there are no further supplementaries we will move on to Question No. 83 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 83

No. 83: Mr. Roy Bodden asked the Honourable Minister for Tourism, Commerce, Transport and Works to provide a breakdown of materials purchased locally for road works since January of 1997, giving the type of material, quantity, cost and name of the supplier.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The attached list (See Appendix II) provides a breakdown of amounts paid by government for locally purchased road works' materials for the stated period (actually it dates back to 1993). The suppliers are as follows:

Aggregate and Marl:

Paul Bodden
Caymarl
Crighton Properties
Midland Acres
Quarry Products

Bitumen:

Mariani Asphalt
Asphalt Emulsions

Hot Mixed Asphalt:

Island Paving
Caribbean Paving

Signs, Paints and Signals:

Vulcan Signs
Stimsonite
Control Specialists
Cayman Coating
Eagle Traffic
Forrest City
Tropical Imports
Peter Wight Holdings
Naztech
A L Thompson
Testron International
Safety Zone Specialists

Drains and Wells:

Watler & Hislop
Industrial Services

This list reads from 1993 through to April 1999 and is broken down in terms of the dollar value of aggregate and marl (one category); bitumen (another category); hot mixed asphalt (another category); signs, paints (lines), and lights (signals) (another category); and the drains and wells are broken into two categories, maintenance and capital.

For the year January 1997 (although we have information for 1993 - 1996) per aggregate and marl, the Government spent \$5,134,377.67. In 1998, the figure was \$1,311,180.92. In 1999, \$3,392,032.

For bitumen, in 1997, \$80,837.27; in 1998, \$49,774.01; and 1999, \$64,611.51.

Hot mixed asphalt, [in 1997], \$278,190.31. In 1998, \$673,727.53. In 1999, \$134,386.96.

Signs, paints (lines), and lights (signals), in 1997, the total spent was \$104,461.47. In 1998, \$74,188.83 and in 1999, \$80,194.05.

Drains and Wells, maintenance in 1997 was \$196.00. In 1998, it was \$9,600.15. In 1999, so far, through April 4th, we have not spent any money on maintenance or drains.

Drains and wells, capital in 1997, \$222.50. In 1998, \$416.75. We have not spent any money on drains and well in terms of capital during the first three months of 1999.

When we look at these totals and these would include from 1993 coming forward to April 1994, for aggregate and material, the Government spent \$12,615,723.96. For bitumen, we spent \$538,328.35. For hot mixed asphalts, \$2,082,338.40. For signs, paints (lines), and lights (signals), \$556,629.22. For drains and wells, maintenance, the total spent for maintenance is \$33,897.12. For drains and wells, the capital amount spent in terms of drilling and setting up drains and wells, \$34,265.03.

The total for the three years for all of these items, 1993 - April 4th, 1999 is \$15,861,182.08.

SUPPLEMENTARIES

The Speaker: Supplementaries. The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I noticed that the amount spent for aggregate is substantial. Could the Minister say to what extent this indicates government's need for this material? Can this need could be substituted by other types of fill with regard to the building of roads? For instance, while building the Harquail Bypass you could use the marl in that area to build this or do you need the aggregate to build these roads?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to all the Member's questions is that if you are travelling through swampy area you have to use aggregate, you have to use the short rock, the huge boulders, among other different sizes of rock.

My understanding is that as you reach above the level of the water in the swamp, you come then to an area where marl could be used. But, in addition, while we are going through the swampy areas, we have to dig and make sure that we are building roads on a solid surface. So if you have a deep mud hole of 10 feet or 3 feet or what have you, that too has to be filled with rock to make sure you have a solid base. Otherwise, when you have these heavy trucks travelling over it, that is why you find in different parts in Cayman . . . I guess, in years gone by, you find a particular area sinking because of the weight. The fact that the base of the road was not built on solid ground as the Good Word says.

Obviously when you are in an area where you are not building in water then, I think, it's possible that marl can be used.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Would the Minister say at what point, what year, with regard to what particular project did the government become conscious of the need for aggregate to construct roads in swampy areas? When did they change their engineering strategy with regards

the construction of roads? Would he say at what time this took place?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, that is really a good question because when we travelled around Cayman in the days of early life, we found that marl was always used for building roads. I believe it is only in recent years that we have really come to the full conclusion... And, then again, Mr. Speaker, when we recall (and this does take a bit of recollection) that they were quarrying areas along Spotts . . . there is a quarry area almost directly across from the Spotts Landing which is now all grown up. But if you get through that bush, you will find that there is a quarry area.

To the best to my recollection, some of that was used for the building of the airport runway. And really, sometimes we took decisions to avoid going through the swampy areas because of the absence of substantial amounts of aggregate to deal with it.

I believe that if we look at the statistics (and this is how I am interpreting it, it is subject to correction), for example the huge jump between 1996, where we had \$930,000 purchase of aggregate and marl, and then in 1997, we had \$5.1M . . . I think that can be related to the Harquail and the fact that it was a substantial piece of road, approximately a mile or so long that was basically built through swampland and obviously we need the aggregate to carry out that exercise properly.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Would the Minister say if once the government became aware that rock mining was necessary or should be encouraged in order to create the base for the roads in the swamps, whether the government, in terms of creating the demand, in terms of planning the road strategy, gave any kind of consideration for where the source of that rock would come from? In other words, in being directly now responsible for creating a demand, not just the private sector is creating the demand, but the government now participating by a desire to build more roads and better roads, did the government give any consideration where that would come from? And if so, what was the result of that consideration?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I believe the supply of material for roads has always been in private hands, if I remember it correctly, even in the days when I laid on the floor of my mother's house and looked out of the door and saw Mr. John Smith and others building roads in West Bay, the marl was not coming from a government source, it was coming from a private sector source.

Many people do mining in the swamps. People do dredging. Government has not conducted any of those sorts of exercises.

I recall some years ago, maybe in the last five years or so when I think there was some scientific work done and testing and that sort of thing in terms of what materials should be used to build roads through the swamp. I think the decision at that stage was that you do need aggregate but beyond that, I am unable to say.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I thank the Minister for the answers he has given me because I guess he knows already where I am leading. Does the Government in terms of its development strategy have an integrated approach to development? We understand that we need roads because if we don't have roads, we have congestion. If we have congestion, we realise that tourists won't come here and if we have a decline in tourism, we know that we have a decline in the circulation of the dollar.

So in terms of wanting to build roads, obviously, the Government is not just building roads, it's preserving the economic prosperity of the country as a whole. So because mining has an impact on the physical environment, I wonder whether or not in trying to work out this integrated approach, how much attention Government gave to where this rock was coming from that is being supplied to them? Not just that it is being supplied by private companies but does the Government have anything to do with this supply base?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: When I earlier referred to quarrying being done years ago adjacent to the present Spotts Landing (as well as other areas in Spotts), it was done in cliff. It was done in areas that the private sector decided was a good area to get rock or to dig into the swamp and get marl. My understanding is that many people who own land in cliff areas then wanted to supply materials to the Government or to other people—not just the Government.

I can only say that the Government in all that it does tries to create the environment for business to do more business and not to get involved with competing with the private sector in terms of what they are supplying. So I am trying my best to give the honourable Member a decent answer but I don't believe that the Government other than the Department of Environment and Planning setting down approvals for quarrying or dredging really gets involved much more than that on this issue.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Just one more supplementary and then I am finished. When the Government sets out to build roads... I mean, if I was building a house I would

certainly check to see that I had enough supplies to build the house. Whether or not that supply is being supplied by a private company or not, I would check with the company to make sure that they have enough lumber for me to build the house so that I don't run out of the lumber. So, I wonder whether or not, when the Government proposed to build the Crew Road Bypass [and] the extension of the Harquail Bypass - the roundabout which looks like it is going to be in a little bit of a swampy area, the Government did any investigation or any inquiries to find out whether or not the suppliers would be able to supply them with the amount of aggregate needed to complete these projects?

Did the Government just blindly enter into this programme without knowing whether or not the supply would run out? And, is the Government at this particular point aware of whether or not they will be able to complete these projects by way of having the supply needed in existence here on the island at the moment?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, when we were dealing with aggregate and marl, we quoted a number of suppliers; Paul Bodden, Caymarl, Crighton Properties, Midland Acres and Quarry Products. I believe, quite frankly, the Government has relied on these private sector individuals to meet the requirements. If the cement boat doesn't come to the Cayman Islands, I mean, where would you get cement? You know, when people are building their houses today do they really go and make sure that A.L. Thompson and others have the lumber there? I think they take the decision and go to the bank and they take the mortgage and they get on with it.

What I am saying, Mr. Speaker, is that, the Government really doesn't try to assess who is supplying what. I think we try to create an environment where everybody can make a little bit of business.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House what is the procurement system with respect to aggregate and marl? Whether the Government operates through either a tending process or has contracts with the various suppliers named?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In accordance with the power that we have under the Financial and Stores Regulation, bids are supposed to be received before anything is awarded.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House what is the procedure when materials are needed on relatively short notice, when going through the bidding process would not only be inconvenient but it would be time consuming?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Other than repeating what I said earlier, I wanted to have with me this morning a representative from Public Works. Unfortunately, he didn't have a jacket with him so we couldn't bring him into the Chamber. I would undertake to provide the information in writing, if I could because I don't want to give the House information that I have doubts about. I would rather spell it out in detail and circulate it to all members if they wish.

POINT OF PROCEDURE

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: On a point of procedure, if the Minister has brought a staff Member down and that Member doesn't have a jacket, I am sure that none of us here will note that, and I am sure the Speaker will allow it. If he is still here, I think we should bring him in so that we can get information. I don't see the House objecting to that—now if he was naked . . . that would be a different story!

Hon. Thomas C. Jefferson: Mr. Speaker, as I suspected, he has since left the building.

The Speaker: So you will answer in writing?

Mr. W. McKeeva Bush: Mr. Speaker, why I interjected is because I just came in and he was there. So he just left.

The Speaker: Are there any further supplementaries?
The Fourth Elected Member for George Town.

Dr. Frank McField: I am just going to take a chance and say that when we work in Finance Committee with the appropriation of funds for Government for capital projects, the way the whole system of capital projects finances is working at the moment—

The Speaker: You will turn this into a question before you are finished.

Dr. Frank McField: I certainly will, Mr. Speaker. The way it works, can the Minister say that it would be consistent with the way in which the capital projects expenditure and appropriation works at the moment that the Government or the Public Works Department has to be conscious of what is in place in order to be able to com-

plete a project? In other words, if they are starting the construction of roads, they have to have taken note of their supply, where it is coming from, what price it is being supplied at, whether or not the supplier is reliable or unreliable. All of these things would have to be taken into consideration. Whether or not that is the point, that they do take these things into consideration? And if they do, have they done that with regard to the building of roads?

The Speaker: Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I thank the Member for the question but the procedure as regards capital expenditure and the budgeting function of it, I think everybody assumes that whatever is needed will be there. I mean, even new suppliers are available if there isn't. At the moment, we know that when things get short, there are other people who jump into the fray.

The Speaker: Two additional supplementaries.
The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am not sure whether or not you are going to say that this is an opinion but I would like you to make a ruling on this. Would be reasonable that the general public would assume that the Minister is avoiding this question and that he is partly avoiding it because he is getting legal advice from his colleagues?

Would the Minister say whether or not he as the Minister responsible for roads is not in a position to say what type of aspects are taken into consideration by the Chief Engineer at Public Works? If the Minister is not in a position to tell this House then let the Minister say he is not in a position to tell this House what is taken into consideration by Public Works engineers when they are going along with a capital project and with expending public money with regards a capital project.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think I indicated earlier that I didn't want to give any answer in this House that I have some doubts about and I undertook to provide information in writing to be sure that I have the correct detail.

I am not going to say what Public Works does. Most of us when dealing with the budget assume all the information or material that is going to be needed will be available either by local source or overseas because the item that is in the budget that we may be dealing with is deemed by all of us to be urgent to supply the needs of the public of this country.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say (since he is not aware of what Public Works does) as Minister re-

sponsible for roads, if he took any steps to see whether or not the supply of aggregate with regards the construction of roads was sufficient in order to complete the Harquail Bypass and the Crewe Road Bypass?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I believe that my responsibility as a Minister is to decide on a policy that the roads need to be constructed in order to relieve the traffic flow in this country, whether it is the Crewe Road Bypass or the Harquail Bypass or any other road that is needed to expedite the smooth flow of traffic in this country. I believe that is my responsibility. The detailed technical work is not mine. That is passed on to the civil service.

The Speaker: Moving on to question number 84, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 84

No. 84: Mr. Roy Bodden asked the Honourable Minister for Tourism, Commerce, Transport and Works to provide the accounts for the overseas' offices of the Department of Tourism, including any travel expenses from January 1998 to May 1999.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The attached list (See Appendix III) provides the accounts for the overseas' offices of the Department of Tourism from January 1998 to May 1999.

Mr. Speaker, I am not about to read every item on this list because it looks like a dozen and a half items, moving from the top of the page down to the bottom and spreading across, it also looks like, at least, a dozen columns. But just to indicate that the category that we are talking about and the information is broken down between the Miami Administration, the Miami Regional Office, the Chicago, Los Angeles, Houston, New York Regional Offices. The Dallas District Sales Manager, the Tampa District Sales Manager, the Atlanta District Sales Manager, the Maryland District Sales Manager and the Boston District Sales Manager.

It varies between advertising to banking charges, to employee benefits, to direct mail, to telephone costs, to training, to marketing meetings, to postage, to travel, to promotions, to the leasing of the building, water, the salaries of the individuals and the total is approximately \$8.4M for all of those activities.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Minister tell the House what is the relationship with these various offices as regards the Department of Tourism in respect of any expenses occurred? That is, whether these various entities make decisions on their own or whether any of these transactions or there is any ceiling on any transaction which would necessitate approval coming from the Department of Tourism before such expenditure is entered into? And if so, what is that threshold?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Firstly, it may be beneficial to the listening public to clearly understand when I say the New York Region, exactly what area that we are talking about because we are not just talking about the regional office, which is situated in Manhattan. While the office is situated there, the office is responsible for doing promotions in Connecticut, in Delaware, in the district of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

When we talk about the Chicago region, given that the regional office is in the city of Chicago, it is also responsible for the State of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

And when we deal with the Miami Regional Office, which is in Miami, it is also responsible for doing promotions in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

The Houston Regional Office is located in Houston. It is responsible for doing promotions in Arkansas, Colorado, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

In Los Angeles, where the regional office is situated, it is responsible for Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah and Washington.

Each one of these offices is headed by a regional sales/marketing person and they have specific power and authority to carry out promotions and to manage their team. Whenever in doubt, they have a responsibility on any item to ring for direction from the Director of Sales/Marketing of United States, who is based in the Miami Administration in Miami. If he then is in doubt about his authority to deal with or authorise that particular item, they then have to revert to the Director of Tourism, who is located in Cricket Square, George Town.

We know that the advertising programme and public relation programme is approved prior to entering a particular year. So that programme is agreed with the regional sales managers and the director of sales and marketing in United States. I am just focusing on United States because that seems to be what we are headed at but I want to point out that the programme is agreed with

other countries as well such as Canada and the UK and Europe.

The Public Relations Programme, for example, in the year 2000 and the advertising programme in the year 2000, would be agreed prior to entering that year—the Regional Sales Managers, the Director of Sales/Marketing in the United States, the Director of Tourism and the Ministry of Tourism. So that is the approval system that is required.

And then we leave the people who are in the field who are most familiar with their particular area to direct the promotions in their respective areas. If there is a change that they want to it, having worked it for a bit then they need to come back for proper approval to Cricket Square.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say what the advances, I guess that means, were for the \$176,630.77 under the Miami Administration? Is that advances, the abbreviation, ADV? Can the Minister say what that is? Can the Minister say what amounts out of this have been paid for their local travel throughout United States? Theirs meaning anyone in Cayman, including that of the Minister.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: This information, which we have is really sort of hot off the press this morning and I know that the system that they operate is that they do get advances on occasions to do promotions because the petty cash that they operate from is not sufficient to do particular promotions. Once the promotion is done and all of the bills are in hand, they then forward their claim and come back to the Treasury and clear the advance. I am not aware of any item in here for the ministry or for Cricket Square.

The Speaker: The Third Elected Member for Bodden Town. Do you have a follow-up? Excuse me. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I don't know if the Minister answered what amount out of this was paid for their travel throughout United States. I am sorry he said he answered. I am sorry, I didn't get it.

The Speaker: The Third Elected Member for Bodden Town gave way to the First Elected Member for West Bay so Third Elected Member for Bodden Town, go ahead.

Mr. Roy Bodden: Can the Honourable Minister tell the House what arrangements are in place by the Department of Tourism to ascertain that the best value has been received for many spent by these various entities? And what is the ultimate obligation of these various enti-

ties to the Department of Tourism for monies used by them for these various services?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I hope I can answer the different areas of this question because I think it might have more than two parts. But I think the bottom line is that we look to ensure that the Government is getting the best possible value for the money spent.

Now, in this area of tourism, an assessment of what he does or she does—there isn't any concrete line over which you cross. Or put another way, it is difficult to say precisely, exactly what happened or what you got but when we look at the total value of money contributed to the economy of the Cayman Islands over the last seven years, in particular, let's use that or five years, whatever we want to use. We definitely can see without any hesitation that the value that we are receiving, something in the range of \$500,000,000M - \$600,000,000M from tourism spending in this country, I believe, that is value for money. Not to go on to say, Mr. Speaker, that more work cannot be done and more refining cannot be done because that is exactly where we are headed with this entire exercise.

The Speaker: The Third Elected Member for West Bay caught my eye before.

Mr. W. McKeeva Bush: Is that right?

[Laughter]

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Honourable Minister can say whether or not the Department of Tourism and the ministry have a policy with regard to travel. That is, I am talking about airline travel. Is it a policy that all staff fly first class, club, economy? What is the policy?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I am going to dance on this one. I basically say that you know when we travel to different parts of the world, let's say from here to Malaysia, or from here to Singapore, or from here to Sri Lanka, what is it that we want for ourselves? The best possible period of travel! Simply because when we get off the plane, we have to go to work.

Now, if you are going to put everybody in economy class and he/she is worn out when he or she gets there, you then have to put him or her up for a night in a hotel. So you have to really try to weigh one cost against the other but I am not trying to avoid the question from the honourable Member. I don't want to give too many details here, Mr. Speaker, because I don't think it is to our advantage to do that. But realising, of course, that the persons who work for the Department of Tourism also work for Cayman Airways so that their travel, if we are

speaking about the US sales team, their travel is a decision made by the airline that they are travelling on, as to where they sit.

When we are travelling as a ministry or as the Department of Tourism from here to some other part of the world, it would depend on the length of the journey. If we are going to London, we are governed by our decision which we took, I think back in 1993—although we are eligible (under government regulations) for first class, we travel club.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say what sort of policy they have in regard to automobile ownership, automobile rental?

The Speaker: I think we are actually straying far from the substantive answer but if you wish to answer it, you may.

Mr. W. McKeeva Bush: No, Mr. Speaker. If I may. . . the Minister has given us a list of expenditures which totals \$8.4M and in this there is an item for automobile. So I do not think I am outside the question.

The Speaker: The Honourable Minister of Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We know that (as I mentioned earlier) when we are dealing with the regional offices around United States, they are responsible for different areas other than their home base. They may be living in Manhattan but they have to do promotion in Pennsylvania or some other place that is quite far away, so they elect to fly over there rather than doing any other source, and as a result, they rent cars to carry out their work. So there is some automobile cost on a rental basis. I am not sure what is meant by ownership.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Well, Mr. Speaker, I saw the item in this list for \$96,361.84 and I wanted to find out whether we own cars or whether they were renting. For instance, if they brought in people here to do promotions, whether they rented individual cars or they got on a bus or what is the situation. This is \$96,361.84 but I heard what the Minister said.

The Speaker: The Honourable Minister of Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, generally, we do a combination. We travel by bus on occasions and we travel by rental car on occasions. It depends more or less on the event and how many people are actually attending the particular event. If there are a lot of people sometimes we do the business. When there are one or two people, we do a car.

The Speaker: Two additional supplementaries.
The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: This is a follow-up to my question on the travel policy. Let's say, for example, the Minister, the Director and other members of staff are flying to London for a promotion, do all fly club or does the Minister and Director fly and everybody else flies economy. What is the policy?

The Speaker: The Honourable Minister of Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: If we are travelling on a promotion to London and the Minister and a Member or two from the ministry, the Director of Tourism is travelling, the present policy is that those can be allowed to fly club class. Ordinary members of the staff, Mr. Speaker, not to leave an inference, would not fly club class.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: I see some funds here expended for training. Can the Minister say what kind of training would have been done in the Miami administration? And if we are spending \$8.4M and we are getting \$500M, how much have we gotten in this last year and a half?

The Speaker: The Honourable Minister of Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: On training, we carry out a number of different training exercises for staff to improve their skills in a variety. It might be information and technology, being able to do their work on computers because all of the offices around the world have their own computers and they are tied into Cricket Square so that they have access to information in Cricket Square. It may be air arrivals and what is the position with air arrivals at the end of May or April, or any other time plus other information. So we do a number of training exercises including training exercises for persons who are in charge of the Cayman Islands reservations services. There about nine individuals who are in that area and obviously we needed to do training when we establish the website, in order to do bookings because they are dealing directly with travel agents now that's connected with the web-site activities.

So there are a number of training exercises that go on in that sense.

Mr. Speaker, I think the First Elected Member from West Bay raised the question in relation to \$8.4M being spent between the period of January 1998 and May 1999. I believe, Mr. Speaker, although the statistics are not yet available for 1999, and if they are not available for the 1998, it is a sure bet that they are not available for 1999.

So, I am sure that when we total up all the contributions made by tourism to the Cayman Islands, some of it we can measure and some of it we cannot, simply be-

cause when have an opportunity to go by Foster's, or Hurley's. But more particular, Foster's because they are on Seven Mile Beach and we see the number of people who are actually shopping in those stores, and they are not counted as part of tourism analysis—they are counted as a wholesale or retail operations of business. But, I know, without fear of conviction that the contribution would be slightly increase about the \$500M.

The Speaker: Moving on to question number 85, standing in the name of the Third Elected Member for West Bay.

QUESTION 85

No. 85: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications and Natural Resources what is being done to monitor or control the impact or stress of dives on dive sites or reefs?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the current efforts to control the recreational impacts to reefs include the Department of Environment's extensive media campaigns that include leaflets specifically intended for divers on how to avoid impacting the reef. The Department also works with schools and other learning organisations to promote environmentally responsible behaviour in and around the marine environment. In addition, the Department of Environment has, on a number of occasions, met with the two watersports' associations in Cayman to highlight its concerns regarding the overuse of the marine environment. Snorkel and dive boat operators are encouraged to brief their guests on the protection of underwater features prior to each dive.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the Minister say whether there is any policy coming out of the discussions with the water sports associations in regards to the stress created on dive sites or reefs?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Definitely, there will be a policy taken with regard to what has been mentioned. However, the department working along with the dive operators are still working towards something that will be beneficial to all concerned and as soon as that is completed and recommendations made to me, we will definitely have to take a policy.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can say what mechanisms are in place, should I say monitor damage by divers, etcetera, with respect to maybe enforcing the law?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The Department of Environment and the Marine Department of the Police are constantly monitoring these sites and working quite closely together to make sure or as sure as possible that no abuse is being carried on in these areas.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I am aware that especially the Marine Conservation Patrol basically has boats. I am not sure if they are glass bottom boats or whatever it is, but how do they determine whether or not there has been any damage to our reef, for example. Do they have also divers or do they go in and inspect these sites to make sure that such abuse is not taking place?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Since 1996, the department has in place a monitoring programme. This includes not only patrolling on the surface of the water in boats and just visiting the sites but it also includes dives to each site to make sure that nothing is happening there that should not be happening.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer the Honourable Minister mentions that there have been discussions with the water sports associations. I wonder if he can say whether or not the issue of numbers, that is, the number of visitors that may visit dive sites on a daily basis have been discussed because I am aware or I am told that because of the numbers that we have, as far as visitors are concerned, that is, where the numbers creates tremendous stress on our reefs?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the question posed by the Member is a very good one. This is really one of the major concerns of the department responsible and I can only say that while it is a concern, they are working quite closely with the dive operators to try to make sure that overcrowding does not occur in these areas.

The Speaker: Are there any further supplementaries? There are no further supplementaries. That concludes Question Time for this morning. As we are so near to

lunchtime, is it the wish of the House that we continue or take a break? Continue?

The House will now go into Committee to consider a Bill entitled, The Companies Management Bill, 1999.

HOUSE IN COMMITTEE—12.13PM

COMMITTEE ON BILL

The Chairman: The House is now in Committee. With the leave of the House, may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such like in this bill?

Will the Clerk, please read the clauses and state the Bill?

THE COMPANIES MANAGEMENT BILL, 1999

The Clerk: The Companies Management Bill, 1999.

Clause 1: Short title.

Clause 2: Interpretation.

Clause 3: Definition of business of company management.

Clause 4: Definition of group of companies.

Clause 5: Application to be made to Governor in Council.

Clause 6: Fees and returns.

Clause 7: Shares not to be issued or transferred without approval of the authority.

Clause 8: Net worth requirements.

The Chairman: The question is that clauses 1 through 8 do stand part of the Bill. It is opened to debate. No debate? I will put the question that clauses 1 through 8 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 8 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 8 PASSED.

The Clerk: Clause 9: Use of words connoting business of company management.

Clause 10: Segregation of property.

Clause 11: Accounts and audit.

Clause 12: Certain prohibitions of licensee.

Clause 13: Number and approval of directors.

Clause 14: Powers and duties of the authority.

The Chairman: The question is that clauses 9 through 14 do stand part of the Bill. It is opened to debate. No debate, I will put the question that clause 9 through 14 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 9 through 14 do stand part of the Bill.

AGREED: CLAUSES 9 THROUGH 14 PASSED.

The Clerk: Clause 15: Licensees to ensure.
 Clause 16: Powers of Governor in Council.
 Clause 17: Power of search.
 Clause 18: Winding up.

The Chairman: The question is that clauses 15 through 18 do stand part of the Bill. It is opened to debate. No debate, I will put the question that [clauses] 15 through 18 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 15 through 18 do stand part of the Bill.

AGREED: CLAUSES 15 THROUGH 18 PASSED.

The Clerk: Clause 19: Appeals.
 Clause 20: Offences by corporations.
 Clause 21: Regulations.
 Clause 22: Repeal and saving.

The Chairman: The question is that clauses 19 through 22 do stand part of the Bill. It is opened to debate. No debate, I will put the question that clauses 19 through 22 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 19 through 22 do stand part of the Bill.

The Clerk: A Bill for a law to repeal and replace the Companies Management Law, 1998 (Revision) to make provision for the licensing and control of the business of company management, and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: That concludes proceeding in Committee on a Bill entitled, The Companies Management Bill, 1999. The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.**HOUSE RESUMED AT 12:17 PM**

The Speaker: Please be seated. Proceedings are resumed. Reports. The Acting Third Official Member.

REPORT ON BILL**THE COMPANIES MANAGEMENT BILL, 1999**

Hon. Joel A. Walton: Thank you Mr. Speaker. I am pleased to report that a Bill called The Companies Management Bill, 1999 went through Committee Stage without amendment.

The Speaker: The Bill has accordingly been set down for third meeting.
 Bills, Third Reading.

THIRD READING**THE COMPANIES MANAGEMENT BILL, 1999**

The Clerk: The Companies Management Bill, 1999.

The Speaker: The Acting Third Official Member.

Hon. Joel A. Walton: Thank you, Mr. Speaker. I beg to move that the Companies Management Bill, 1999 be given its third reading and passed.

The Speaker: The question is that a Bill entitled, The Companies Management Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE COMPANIES MANAGEMENT BILL, 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: Bills, Third Reading.

**THE LIQUOR LICENSING (AMENDMENT)
(NEW LICENCES) BILL, 1999**

The Clerk: The Liquor Licensing (Amendment) (New Licences) Bill, 1999.

The Speaker: The Honourable Acting First Official.

Hon. Donovan Ebanks: Mr. Speaker, I beg that a Bill entitled, The Liquor Licensing (Amendment) (New Licences) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Liquor Licensing (Amendment) (New Licences) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE LIQUOR LICENSING (AMENDMENT) (NEW LICENCES) BILL, 1999 GIVEN A THIRD READING AND PASSED.

POINT OF PROCEDURE

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Before we move the adjournment, I crave the indulgence of the Chair to record my displeasure with the way the business of the House is being conducted. And, Mr. Speaker, that in no way is any reflection on the Chair since you are not responsible for setting the agenda. But, Mr. Speaker, I regard this week as a colossal waste of time because if today is an example, we have come here and basically all we did was answer a few questions and ratify some committee work.

Originally, when the Order Paper for today was passed out, it contained several private members' motions and while I regard the fact that today was not private members' motion day, the government when it suited them was always willing to waive the suspension of Standing Orders to get the business done.

I bring to the attention of the honourable House the fact that some of the business—namely the Referendum Law—has been around . . . September coming will have been a year and this business has not been dispensed with yet. You know that we will be going into elections next year so it is limited what can be done.

I regard the procrastination as a serious trespass on this business of democracy. And I noted a few days ago, the Honourable Leader of Government Business was quick to get up and say that we should always conduct ourselves in a way where we set the best example to school children and others listening—an obvious reference to the fact that there was some laughter and an air of jocularly amongst some members of the honourable House at that time.

Well, Mr. Speaker, conduct is not only reflected in jocularly and laughter but is also reflected in the way we handle the items on the Business Paper. And, certainly, the Honourable Leader cannot say that he has not been procrastinating, or that handling the business of the House—and by inference the country—in such a way is

not displaying a lack of maturity, if not downright contempt for what should be happening.

Now, I am particularly concerned because I have a large number of questions on the Order Paper, which have been begging answers for some time. I know that some honourable members of government treat questions with a cavalier disregard. In case they don't understand the logic, I use questions to effect positions that I take in motions and debate. And I repeat, most often the questions are not my personal questions but they emanate from concerns of my constituents or the wider public. So I place a significant amount of credence on the questions and when I don't get the questions answered, Mr. Speaker, I can only say it is a poor reflection on the way the business of the House is administered.

Now, I would like to express my strong objection because I consider these past few days a monumental and colossal waste of honourable members' time and I would hope, Mr. Speaker, that in the new millennium, the government takes a more serious attitude towards the business of the House than how it is presently handled.

I don't find this as a joke, Mr. Speaker, believe you me. I am fighting to contain and control myself from getting overemotional because I believe that we are too well paid to indulge in this waste of time. And I end again on this note: Irresponsibility and poor behaviour do not only mean mud-slinging one another and laughing but it also has a reflection on the way we make up the Order Paper, the way we handle the business of the country and the respect we pay to private members' motions and honourable members' questions.

Thank you, sir.

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

Hon. Truman M. Bodden: Mr. Speaker, my reply to that will be brief and in two parts. Firstly, to say that the public surely appreciates that we are getting near to elections so this politics will go on.

Second thing, sir, is that the Business Committee is run democratically, it sits, it takes its decisions (as does this House) by a majority of members and there are going to be minority members at times who may not want something to go one way. We get that in the House here—democratically run.

At present, Mr. Speaker, I think there may be four motions. There are practically no questions left, I know I only have two and several of the members have very few.

ADJOURNMENT

Hon. Truman M. Bodden: What I would like to do is to move the adjournment of this Honourable House until Wednesday, 8 September at 10.00 a.m. and also to move that all of the remaining business sir, questions, motions whatever be put into the next session.

Mr. W. McKeever Bush: Do you think it will be answered then?

The Speaker: Before putting the question on the adjournment, I would like to thank members for the courtesy and tolerance to the Chair and to thank the Clerk, the Deputy Clerk, the Office staff, the Hansard Officers, and the Serjeant of Arms for their efficient service. In particular, I want to single out Miss Anita for her service to all of us and the good food that she has provided to us. And, to wish all Honourable Members, as they have a short period off, I hope you will get some vacation time.

Hon. Anthony S. Eden: Mr. Speaker?

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

Hon. Anthony S. Eden: Before we stop I just wanted to remind members of the meeting I set at 2.00 p.m. I will endeavour to get the people that would be providing the information here earlier if members would be acceptable to holding on for awhile. Thank you.

The Speaker: I shall now put the question that this honourable House do adjourn until 8 September. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. This House do stand adjourned until September 8 at 10.00 a.m.

AT 12.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 8 SEPTEMBER 1999, AND THAT ALL OF THE REMAINING BUSINESS BE CARRIED OVER TO THE NEXT MEETING.

**EDITED
WEDNESDAY
8 SEPTEMBER 1999
10.12 AM**

[Prayers read by the Elected Member for North Side]

The Speaker: Please be seated. The Legislative Assembly is in session. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation who is absent due to the passing of his brother, Mr. Charles Eden.

I would like at this time to give condolences to him.

OBITUARY

Mr. Charles Eden

The Speaker: I rise this morning on behalf of all honourable members with saddened heart as we pay condolences to the family of the late Charles Eden, the brother of our Honourable Minister for Health. He was a prominent businessman in Grand Cayman and known to all. We will all miss him and we wish to express our deepest sympathy to all his family and friends. May his soul rest in peace.

Item number 3 on today's order paper, Questions to Honourable Members/Ministers. Question number 86 stands in the name of the Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. This question is somewhat late in coming and I would have asked that it be removed from the paper but nonetheless the answer may be readily available.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 86

No. 86: Mr. Linford A. Pierson asked the Third Official Member responsible for Finance and Economic Development. To state: (1) The amount of the 1998 Capital Expenditure to date and whether it is estimated that the remaining approved balances will be expended by 31st December 1998; (2) How much of the capital expenditure which is financed from recurrent revenue (but unex-

pected) forms a part of the current surplus/deficit account.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Before I give the answer, I would just like to comment on the observation made by the Honourable Third Elected Member for George Town.

First, I would like to thank the honourable members of this House for their indulgence because there are quite a lot of parliamentary questions that have been outstanding with the Portfolio of Finance and Economic Development for quite some time. But honourable members are aware of the activities in which the senior staff in the Portfolio, such as the Deputy Financial Secretary, the Assistant Financial Secretary, and I are engaged. I do not think it is necessary to go into details on these because members are very much aware of this.

Mr. Speaker, so many things are happening. I am just asking for your indulgence on this. I am planning to talk to you later on today and hopefully I would share with honourable members that there is a need for me to be absent from the House next week. Not that I would be leaving the island but I will be applying for leave because we have the Commonwealth Finance Minister's Meeting that will be starting on the 21st.

Mr. Speaker, we have over 240 delegates that have been booked so far to come into the Cayman Islands. We have got quite a number of Prime Ministers, Finance Ministers and others, and it is very important that this event be organised properly. The staff that is presently working on this event are very committed to it. But I think it is necessary for me to be there to make sure that the presentations that I will have to make are prepared and also that the organisation and arrangements are in order.

So, once more, let me thank honourable members. The Deputy Financial Secretary and I will try to do our best to answer as many of the questions as possible. Once more, let me thank honourable members for their indulgence.

The answer: (1) The unaudited Capital Expenditure for the period January – December 1998 was \$31.2 million. The approved estimates for 1998 was \$41.7 million, therefore, the unexpected amount for 1998 was \$10.5 million. (2) \$3.17 million was transformed from the surplus/deficit to the Capital Development Fund, as budgeted.

SUPPLEMENTARIES

The Speaker: Supplementaries, the Third Elected Member for George Town.

Mr. Linford A. Pierson: I noticed in the (2) section of the answer, the \$3.17 million was transferred from the surplus deficit to the Capital Development Fund, as budgeted. I wonder if the Honourable Member is in a position to state the balance on the Capital Development Fund or from the latest accounts available.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The balance on the Capital Development Fund as at 31st December 1998 was \$4.1 million.

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

Mr. Linford A. Pierson: I wonder if the same Honourable Member is in a position to state whether those funds are earmarked or just kept for general expenditure?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Honourable Members will recall that in order to ensure that the amounts that were transferred out of General Revenue into Capital Expenditure remained in that account and not returned to General Revenue as a part of the Surplus and Deficit Account, a decision was taken to set up the Capital Development Fund Account, which means that whatever monies are to be received in that account during the course of a given year by way of transfers from General Revenue will go into that account. And, whatever is not spent at the end of the year will form part of the balance remaining against that account to be carried into subsequent years.

So the unexpended balance from 1998 has been brought into 1999 as a part of the Capital Development Fund Account.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member state then if it is correct to assume that the \$10.5 million that was unexpended as of December 31st 1998 should have been put into this Capital Development Fund?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Honourable Member is correct. The unexpended balance as at the 31st December 1998 will go into the Capital Development Fund Account. There are two components to that, Mr. Speaker.

Firstly, the Honourable Member is aware that in 1998 there was a loan...

Mr. Speaker, I will have to correct the information that I gave to the Honourable Member. When I said that the balance of \$10.5 million remained, that was against the budgeted account. The budget will not be transferred because there are two components to the funding of the Capital Development Fund Account. There is the reve-

nue transfer or transfers from General Revenue and the draw-down against loan financing.

Mr. Speaker, firstly, every attempt is made to use up the amount that has been transferred into the account from General Revenue and whatever is to be expended in addition will normally be drawn down from the loans that have been approved. At the end of year, the budgeted approvals lapse and it is only monies remaining that have gone into the account itself, whether drawn down by way of excess loans or excess amounts over and above what would be required to defray the expenses in the account and the money is transferred from General Revenue. Whatever unexpended balance remains in that account, this is what is transferred into the subsequent year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, is it fair to assume then that if \$10.5 million was not spent by December 31st 1998 on capital projects and even though that amount would not go directly into the Capital Development Fund when preparing the 1999 budget, it would have been a fairly close estimate as regards to how much would have been spent and that amount was then added into the 1999 budget to ensure the continuity of the projects. Thus meaning that the funds that were not used up in 1998 would simply be there to form part and parcel of the 1999 budget.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker. But to be very clear . . . although the sum budgeted in 1998 was \$41.7 million, the amount expended was \$31.2 million, which means that by way of draw down against the loan accounts plus the transfer from General Revenue . . . when we add \$31.2 million and we take the \$4.1 million that has been transferred into the account from the General Revenue or the balance remaining at the end of the year, it means that approximately \$35.3 million worth of funds would have gone into the account as such.

So at the end of the year, the unexpended balance of \$44.1 million would have been carried over into 1999. Where the \$41.7 million takes on specific relevance, this was the level of authorisation, which means that if expenditure were incurred up to that limit the \$41.7 million could have been utilised in full.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. In (2) of the answer, the Member mentioned that \$3.17 million was transferred from the Surplus Deficit Account to the Capital Development Fund. I wonder if the Honourable Member can say what was the balance in the Surplus Deficit Account as at 31 December 1998?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, that answer is to be provided in a subsequent question but it is approximately \$9.1 million.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I was wondering whether we could get an assurance from the Honourable Member that in view of the statement he made earlier regarding his very busy schedule, that in future any member sitting in for him as Acting Financial Secretary would provide the answers to questions that are put forward.

I recognise his busy schedule, Mr. Speaker, there is no question about that. But there is always somebody that acts in his place and these answers could be provided by that individual.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am in agreement with the Honourable Member. The Deputy Financial Secretary will be acting next week and we have agreed that we are going to try to answer as many as the questions.

I must say that while I have been tied up on other issues, the Deputy Financial Secretary has been tied up as well because not only is he involved—although it may not be quite evident to the core group as such that is working on the OECD initiatives in terms of other aspects of this work itself—but he is heading the Financial Reform Initiative. At this point in time, he has to prepare for the budget in the year 2000 and in effect, he is spearheading that because this matter was discussed with His Excellency the Governor and also members of Executive Council, and it may have been mentioned to Members of the Legislative Assembly just to make sure that all of urgent matters to be addressed are being dealt with on all fronts.

We realise that it is very important for this Honourable House to be provided with the information that is being sought through Parliamentary Questions. So we take on board the suggestion by the Third Elected Member for George Town and we will try to get out as many of the Parliamentary Questions and provide responses to them as possible.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, just so that it will be very clear . . . I think in quick discussions with the Third Elected Member that suggestion was not necessarily meant for the questions that are on hand at present but in the future. It was just a general comment.

Could the Member state in light of the various supplementary answers that he has given whether or not the entire amount of funds that were authorised to be borrowed in 1998 by the Government were drawn down?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The amount authorised to be drawn down in 1998 was \$19.5 million. But based on the projected expenditure indicated by the Public Works Department through the end of the year, it suggested that the full amount of money could have been spent or near to that amount. So to ensure that funds were on hand to defray expenses as they were incurred, the money was drawn down. The full amount of funds was not used and the Accountant General took the decision to put the unspent balance on a fixed deposit account optimising the interest that could be realised through the period.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I will try to paint a quick little picture for the Member and maybe he can correct any assumptions that I make that are incorrect in my question.

The Honourable Third Official Member has on more than one occasion (including this morning) stated that the principle applied by Government is to use whatever funds are available from the recurrent revenue with regards to capital projects before drawing down on any loan available.

Now, he has just said that in order to meet anticipated expenditure, which was suggested by the Public Works Department, the loans were drawn down in total. Is there not some type of contradiction there? If the loans are authorised and negotiated, one does not need an extremely long period of time to be able to draw these loans down.

So, my question is: Would it have been found to be necessary to draw these loans down prior to finding out for sure whether it was going to be needed?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I can assure the First Elected Member from George Town that there is no contradiction. Not only would this \$3.17 million be used up first before any monies are drawn down from loan balances, we also spend against whatever free balance we have from General Revenue. The point at which we will stop to use the balances from General Revenue is where it can be seen that it will put the Government's account into an overdraft and we know that overdraft interest is normally an interest penalty position.

Mr. Speaker, when it comes around to the end of the year (and the draw down is not normally even throughout the year) the Honourable Member would have heard the information from prior answers. The draw down is normally left until the very last minute. However, Mr. Speaker, when it comes around to the month of December—especially when the Treasury is going to close off (that Honourable Member and also there have been occasions in the past where even the Auditor General has commented on this)—the Government has taken the position that we should not have any bills incurred

within a given year that are carried over into a subsequent year. Over estimation occurs sometimes, and this is unfortunate but we are guided by the projection that is given in terms of all of the expenses to be met in terms of what is likely to be spent.

Although the Treasury cut-off will be set, for example, the 15th December, if there are any substantial expenditure that we know about that will have to be met before the 31st of the year, we will have to budget and provide for that.

So, this is a case, Mr. Speaker, and what would have been lost here would have been the differential between the interest that would have been paid had the money not been drawn down, or the interest which would have been safe because we know that there is a gap between what we realise from fixed deposits and what is paid by way of loans. Unfortunately, Mr. Speaker, that window from the point of the draw down of the full balance of the excess of the \$4.1 million that was put on deposit. This is where the expense or a component of an unnecessary expenditure would have occurred.

On the other hand, I think we have to look in terms of what renders the financial statements accurate at the end of the year. That honourable Member and quite a number of others have always been concerned in terms of expenditures incurred that are not treated as accounts payable but yet they are defrayed in the subsequent year. So, when we balance all of these factors, I think we can justify what has occurred.

The Speaker: The First Elected Member for George Town, two additional supplementaries.

Mr. D. Kurt Tibbetts: Thank you very much, Mr. Speaker. I just want to make it clear, I am not questioning the justification of what happened, I am simply testing the system to find out if there is any other better method.

Having found out what was spent and what wasn't spent, and having drawn down funds that were unnecessarily drawn down (even though it was not known until after the fact), it is fair thought then to wonder why not take the money and put it back on the loan?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, that would be a very useful concept if we could establish with the banks what is called a rolling loan balance. But this in itself creates a bit of a problem in terms of having to refund it to the bank and then subsequently ask for that money to be released to us. It is a concept that we can explore, but it is one that will have to be thought through very carefully because there could be penalties that would compensate for the interest that would otherwise be lost.

The Speaker: The First Elected Member for George Town, final supplementary.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, I heard you the time before. Perhaps, then I need to be listened to very

carefully because it is my last one. First of all, I am assuming that what the Member is saying is that there is not a position by the Government with the local banking institutions whereby they can pay on a loan whatever they find themselves with the ability to pay. Assuming that that is correct, the reason why I ask what I asked about putting the money back in . . . in proper prospective does that not create some type of difficulty with the concept of the budgeting process with regard to actually having monies on hand to carry forward into the next year that are actually borrowed funds?

In other words, if you tell me that at the end of the year when everything is added up and all of accounts payable are taken into consideration that there is a surplus of [approximately] \$9 million and that includes funds that have been drawn down on loans that have not been used up. . . Well, if that is not the case then that needs to be clarified. But that is the way I am hearing the picture. And if that's what I am hearing then we are carrying forward funds showing a surplus into the following year when that surplus is decided upon by how much money was borrowed even if the money that was borrowed for capital projects was not spent on those capital projects. But that is the picture I am getting.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the Member has raised two points and I will concede that, firstly, the unexpended balance that would have been drawn down would have gone forward into the subsequent year as a part of the surplus. But that does not necessarily mean that the surplus would be fully made up of the unexpended balance that would have been drawn down against the loan.

Secondly, all loan arrangements with the various banks allow for early repayment without penalties. What I attempted to explain to the Member earlier, Mr. Speaker, is that if the money is put back into the account (assuming that it will not be needed in 1998 and then having to be taken out again in 1999 because in 1999 there is a certain amount that has been budgeted to be transferred from General Revenue. That would have been used up and whatever money is remaining in the Capital Account would have been used up. We would then look at whatever free balance would be existing in the surplus and deficit account, what we can use at Barclays Bank, then we will use that and then we will resort to draw down against the loans.

Until the Government's balance becomes threatened, Mr. Speaker, every method is used to ensure that savings are realised and whatever free monies can be made available are used up.

What is very important, Mr. Speaker, and I think the value that can be challenged here in terms of what could be conceded, let's say the unnecessary component of expenditure are the funds that have been drawn down in terms of the interest of that and we will have to deduct from that the savings that would have been realised in terms of these monies placed on fixed deposit. But the honourable Member is very much aware of the system

and what we have in place is that whatever monies have not been spent against a loan that has been raised in a previous year is normally used up in the subsequent year unless a conscious decision has been taken or where it can be foreseen that, that money will not be needed then we allow the undrawn balance to lapse. That has occurred on many occasions where loans have been raised for X but the amounts drawn down have been Y. So it is less than the balance or the overall limit that was approved.

Mr. D. Kurt Tibbetts: Mr. Speaker, I know what you said, sir, and I appreciate what the Honourable Third Official Member has explained. I am just craving your indulgence to clear the issue once and for all with one final supplementary, sir, if that is possible?

The Speaker: The First Elected Member for George-Town.

Mr. D. Kurt Tibbetts: Thank you very much, sir. I quite appreciate exactly what the Third Official Member has explained with regards the system and I also quite appreciate the way the system works but all that I have been driving at through my questioning comes to this point: Is it not a more clear method if you find out that you don't need to draw down on certain amounts of funds at the end of the year—and I appreciate the timing involved in it and I appreciate when you are doing the budget for the next year that there is an overlap, I quite understand that. But would it not create a more clear picture, a truer picture if those funds that were not needed for that given year were not taken but placed into the borrowings for the following year since it was the following year that you are going to use them?

That is where my own line of questioning is coming from. Perhaps the overlap doesn't allow for that—I don't know. I am simply trying to be black and white about the situation. If you don't need it now and you are going to need it next year then it must reflect in the borrowings for next year—that is what I am asking.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the honourable Member is right and that is the principle that is normally observed because I have mentioned earlier that where loans have been approved and the full amounts have not been drawn down, the undrawn balance is normally made available to be drawn down in a subsequent year. Unless when the overall financial position is assessed it can then be determined that that unspent balance will not be needed.

But, Mr. Speaker, just to clarify a point and I think that this is something that may have been of concern to the honourable Member. When I said earlier that there was a balance of \$9.1 million on the General Surplus and Deficit Account—this \$4.1 million on the Capital Development Fund Account that is a separate \$4.1 million, it is not inclusive in the \$9.1 million.

For general information: On the Environmental Protection Fund, there was a balance of \$100,000 separate, not included in the \$9.1 million. Under Housing Reserve Fund, a balance of \$700,000. On the Infrastructure Development Fund, a balance of \$3.9 million. Overall balances when taking into account the General Reserve of \$10.5 million amounted to \$28.4 million so the balances are segregated.

I concede the principle in terms of the \$4.1 million being drawn down but the practise that will be observed and continue to be observed in 1999 and beyond—having established the Capital Development Fund if there is a case where the amount that is drawn down exceeds the amount that is required to defray expenditure, this money will not be used up, it will be available in subsequent years.

For example, in the year 1999, where approximately \$26 million has been programmed by way of loan funds, if it can be established when it comes around to the end of the year that only X million dollars out of that will be needed then X million out of that will be drawn down. First of all, the Members of the Legislative Assembly will have to give approval on the budget for the year 2000 for that un-drawn balance to be spent together with other needs that will be established as a part of the Capital Development activities for the year 2000.

The Speaker: Moving on to question number 87, standing in the name of the First Elected Member for George Town.

QUESTION 87 (Deferred)

No. 87: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what is the total public debt to date.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, in order to ensure that we had information to provide an answer on today's date, we had to take the balance of public debt as at the 31st March of this year. So, if the First Elected Member from George Town will not object to that, I will give that information. If not, I can ask for this question to be deferred and we can update it to the most recent information that will be available, which will be the end of June.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The Honourable Third Official Member could easily fill my shoes but I could never fill his. The question being answered up to March 31st, I would be quite happy if the Honourable Third Official Member were to delay the question and get the answer up to a more recent date and we can get that answer when that information is available. I am happy with that.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, in accordance with Standing Order 23(5), I will ask that the response to this question be deferred until it can be completed providing the information up to the end of June. Thank you.

The Speaker: I will put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The question is deferred to a later sitting.

AGREED: QUESTION 87 DEFERRED UNTIL A LATER SITTING.

The Speaker: Moving on to question number 88 standing in the name of the First Elected Member for George Town.

QUESTION 88

No. 88: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what is the surplus/deficit position of the Cayman Islands Government for year end 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the unaudited surplus balance as at December 31st, 1998 was \$9.11 million.

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. To clear the air following up on previous supplementaries to another question, does this \$9.11 million include any funds drawn down from loans?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the expenditure that we are dealing with here that is normally funded from General Revenue, this normally comprises of recurrent expenditure, statutory expenditure, contribution to other funds and contribution to capital development.

Mr. Speaker, none of these expenditures allow for any loan funds to be co-mingled as a part of the on-going balance. So, all of the items that I have mentioned would have been funded from the General Revenue raised for 1998, which amounts to \$248.3 million. So, the \$9.11 million remaining at the end of the year would be after meeting all expenditures and transfers.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on the projected estimates for the 1998 budget, is the Honourable Third Official Member in a position to give us some type of indication (even if it is not an elaborate answer) as to where savings might have been realised or where revenue might have been increased to create this surplus, which is certainly over and above what was projected in the 1998 estimates.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Firstly, the savings would be realised from two components. We would have the performance of revenue over and above that budgeted and we would have savings on recurrent and the other categories of expenditure excluding capital development.

Mr. Speaker, the budgeted recurrent revenue for 1998 was \$248.1 million. The actual collection was \$248.3 million so we had approximately \$148,000 in excess of budget. However, Mr. Speaker, on recurrent expenditure, the original estimate was \$206.9 or \$206.87 million but the actual recurrent expenditure through the end of the year was approximately \$198.7 million. So, when we take the differential between these two, we are looking at approximately \$8 million.

The other \$1 million would be a mismatch of items, making up the \$1 million. I can provide the specific details on this to the honourable Member so he can see how the \$9 million has arisen.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The \$1 million, the little mish-mash business is not a problem. It is obvious from the answer that the Member has given that the surplus is derived in the vast majority by way of savings not increased revenue. Could the Member pinpoint in some detail where those savings were realised, or is that a figure that was realised throughout many, many departments? I mean, was there any significant area where a savings was realised? That's what I am trying to determine.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it was realised across all departments of Government. I can undertake to give the honourable Member a breakdown of this information.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, several years ago (I think it was as far back as 1995) the Auditor General expressed his concern in his report regarding the financial treatment of advance accounts. He felt that certain

advance accounts were being wrongly treated and that they should be written off against the surplus and deficit account thus inflating the surplus by the absence of those write-offs—the surplus and deficit accounts were inflated. I speak specifically about the overseas medical advances.

I wonder if the honourable member could state, if these advances were written off, whether there would still be a surplus or whether the accounts of Government would rightly and properly be placed in a deficit?

Hon. George A. McCarthy: The honourable member is correct. The Auditor General for quite some time has expressed a concern. Honourable members of this House has expressed the concern and we are all concerned about the state of the advance accounts as they apply to overseas medical. As at 31 December 1998, I think that balance was in the region of approximately \$15 million or \$16.6 million.

If this was written off, it would create a deficit in excess of \$5 million. But I would advise this honourable House . . . and the Third Elected Member for George Town will recall that during the Budget Session part of the surplus that had been identified for 1998 had been earmarked in order to write-off a portion of the overseas medical advances account that can be deemed to be uncollectible.

Mr. Speaker, Internal Audit has done an exercise on it and I must say that they have submitted the report to me and it is on my desk. I am aware of the fact that the Auditor General is presently doing an exercise on this and we are hoping to have a position arrived at in order to apprise members as to the state of affairs on those advance accounts before the end of the year. However, I would caution against the writing off of those accounts. I am very much aware that there are certain procedures that have been adopted by the Honourable Minister of Health whereby persons that are owing money are being encouraged to come in and make full settlement, with discounts being given for bills outstanding over a given period.

Mr. Speaker, if this is brought to Finance Committee and a decision is taken to write-off those loans without a proper analysis done to determine, for example, what is uncollectible. . . I have looked at the list and I have seen the names of persons on there that I know have got the capacity to pay, in terms of their lifestyle and their places of employment, the positions that they hold.

Mr. Speaker, members will be surprised when they see the make-up of that list and also to hear the difficulty that the hospital is experiencing in terms of collecting those funds. So, I would suggest that while the monies can be transferred out of the advance account into the loan account, we need to identify, for example, what is collectible in the short term. The Minister as I mentioned has undertaken an exercise that seems to be bearing fruit up to this point in time. That needs to be looked at very carefully, the decision to write-off given sums of money. I know that all members of this honourable House are very prudent and practical persons but I do not think that

write-offs should be arrived at quite easily without a thorough analysis of the balances.

The Speaker: Before asking a next supplementary, I will ask if you will move a motion for the suspension of Standing Order 23 (7) and (8) in order that question time can continue.

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

Mr. Linford A. Pierson: Mr. Speaker, I beg to move that the relevant Standing Order be suspended so that Question Time can continue.

The Speaker: Do we have a seconder?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second that, sir.

The Speaker: The motion has been made and seconded that we suspend Standing Order 23 (7) and (8). Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question time continues.

AGREED: STANDING ORDER (7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I would like to clarify that I was not suggesting that the Treasury Department should write off advance accounts without giving due attention and scrutiny to those accounts. The point that I was making is that the present structure of the accounts (and I will turn this into a question) is somewhat misleading because advance accounts . . . as we know, "advance" is due, is an asset, and it is inflating the asset position of Government and at the same time inflating the surplus position of Government thus producing incorrect accounts. That write-off could be done by transferring those accounts to loan accounts, properly done, so that we do not have this inflation position.

Mr. Speaker, this is not only my position but it is indeed the position of the Auditor General. Would the honourable Member undertake to have these adjustments done so that we can go into the New Year with these accounts cleared up and properly stated?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the concern that the honourable Member has just raised is not only his concern or the concern of the Auditor General, it is the concern of the entire Government. Also I am deeply concerned about it.

The assets of Government are only being overstated by the component of the advance account that can be deemed uncollectible because once a thorough analysis is done to identify what portion of that is collectible, that will constitute realisable income over a discreet or defined period of time. It does inflate the surplus and deficit account given the present system that is used because we try to defray...we recognise money spent as expenditure in any given year regardless of the flow of funds that will be realised from those expenditures in subsequent years.

So on this basis, it does overstate the surplus and deficit account, and we are all aware of this. As I indicated earlier, before that decision is taken this analysis should be done because it is much better to carry what I would refer to as a known disparity in the accounts to make sure that the decision supporting changes in those balances correctly reflects the decision that the Government would want to take that is expedient for the Government and country rather than to rush ahead and just make the adjustment.

I do understand the concerns expressed by the honourable Member. These are the same concerns by the Government. But as I said earlier, the Honourable Minister with responsibility is looking seriously at this and there are certain measure that are on the way. In fact, there is a submission that he is getting ready to put to Executive Council with certain recommendations. But every effort will be made in order to try and sort out this balance. I realise that it cannot be something that is allowed to become protracted. It has long been outstanding and it needs to be dealt with but at the same time whatever can be returned to Government needs to be looked at very carefully.

The Chairman: Are there any further supplementaries? No further supplementaries, moving on to question number 89 standing in the name of the First Elected Member for George Town.

QUESTION 89

No. 89: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources if Executive Council has met and decided on any minor dredging applications in recent times.

The Chairman: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. Executive Council has granted approval for works in relation to two projects, namely Heron Harbour at Red Bay and Limestone Investments, south of Britannia, which are projects involving inland residential canal systems. Both projects involve some dredging in order to provide water access into the North Sound.

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if there are any other applications similar in nature to these two, which have been dealt with which are pending?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is my understanding that there is at least one outstanding.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if there is any intention to deal with the matter regardless of whatever the decision is?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The answer is yes, it will definitely be dealt with. However, these things do take quite a bit of investigation before a decision can be taken.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House of those two projects that have been approved, how long have those applications been in, and those which remain outstanding to be dealt with, when were they received?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: In the case of Heron Harbour, this is something that has been around from 1992 and the other has been a couple of years. However, I would also point out that since these two projects were approved, approval was also given for the one that I mentioned that was pending.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House what is the reason why it takes so long to arrive at these decisions for what seems to be a relatively straight forward venture?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it seems like a long time but it was held up because of a very important matter. The extension of the Airport had to be taken into

consideration when dealing with Heron Harbour and trying to work around that to satisfy both areas did take some time. I know that the parties for Heron Harbour met with Government on different occasions, as a matter of fact, I was a party to it on one occasion and we tried our best to work out things and finally we came to a decision.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if any of the hold-up in dealing with these applications regardless of what the decisions were was due to a belief that perhaps these applications may have had to come to the Legislative Assembly since there was a private member's motion regarding dredging approved a while back?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The original application as I understand it would have had to come to the Legislative Assembly and perhaps it did in a way help with the hold-up but it was not really the full reason why it was held up.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, just to be very clear to the Honourable Minister, my question wasn't relating to any one specific application. My question was relating to all of these applications. In light of that, perhaps the Minister would like to answer the question again because I was not asking about any specific one.

I am asking if the length of time that it has taken to deal with applications of this nature is partly due to this private member's motion that was approved and that there was a thought that these applications should come to the Legislative Assembly?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Initially, that was the situation but as members are aware, I think the Governor met with them on one occasion on dredging matters and thereafter a different decision was taken.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, the Minister just mentioned a meeting with some of the members of the backbench. My next supplementary is asking for a precise and clear answer. My question is: Can the Minister now state then if the legal advice, which he has said in the past was being sought regarding the position of Executive Council being able to make decisions on certain matters which involved certain types of dredging . . . is that matter cleared up? And, does Executive Council

now have a direct position, which they are taking on the matter?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I would say yes, to the answer because legal advice was given to Executive Council with regard to the matter and I should hope that with this advice, we will be able to more speedily deal with matters before us.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, with that in mind, sir, could the Member then tell us exactly what Council's position is now, having received that legal advice?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: As I said before, any such matter will be dealt with more speedily than before.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I asked the Member for a clear and specific answer. The Honourable Minister has not answered the question. I am asking the Minister to give me Executive Council's position. I am not asking how fast the matter is going to be dealt with.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, until Executive Council makes a complete ruling on this, I can say no more to the Member than what I have said. I know the legal advice I have been given and I feel certain that matters coming before Executive Council will now be dealt with more speedily.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, in truth and in fact what the Minister should have said was that while legal advice has been given, Executive Council does not have a position yet.

The Speaker: Are you finished with your question?

Mr. D. Kurt Tibbetts: I wanted to make sure that it was a question, Mr. Speaker, I am asking him if what I just said is correct—is that correct or not correct? And, if it is not correct then let us know exactly what the position is, please.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I can say no more than what I have said. No decision has been made by Executive Council and I cannot tell the Member any more.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, the supplementary that I would like to address to the Honourable Minister is that if the Executive Council has not made a decision with regards their policy on dredging, how were they able to arrive at a decision to allow these projects to dredge—how was that decision based?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the projects which have been mentioned in the question were dealt with as individual projects outside Government making an overall decision with regard to dredging.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I don't suppose it would be (and I will turn this into a question) a bad idea for the Legislative Assembly to know what the Government's position is, how the Government arrived at a decision to allow these particular entities to dredge when certain persons that have applications before the Government, we are told we don't whether or not they must be brought to the Legislative Assembly.

For the general knowledge of the public, I think it would be in the interest of good government for the Minister to say what is the criteria at this particular moment with regards to making decision, i.e, dredging. If he could tell us this.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, a motion was brought before the House dealing with major dredging permits. Prior to that, we are aware that in the Governor's Throne Speech it was said that there would be no more dredging in the North Sound. However, the projects that we were talking about were minor dredging applications and these were not affected by the motion, which has actually held up major projects.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I noticed that the Member has used the word "major." I would like to know what is the

amount of dredging that is being done or has been requested to be done by these projects.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it is my understanding that in the case of Limestone Development, it was something like 20,000 cubic yards and in the case of Heron Harbour, which was a much bigger development, it was about 160,000 cubic yards.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say what is being done with this fill that is being dredged? Does he have any idea if it is being sold or what is being done with it?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Presently, the technical staff is working along with the developers in question and a decision will be taken as to whether this material will be utilised and paid for or if it will be referred to Government.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to apologise to you and the Minister for not having paid sufficient attention to his answer because I didn't expect that answer. Is he saying that no decision . . . that is, the Government's position has been made as to what will be done with the marl or the fill that is dredged?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it is normal that the technical staff work along with the developers when it comes down to the amount of material that is removed. If it is the situation where the developer needs some of the material, it is my understanding that the Government will be paid for the material and in the event that Government needs the material, the material will be moved to Government premises.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say if the understanding or the agreement which the Government has with the developer at the moment is an agreement or understanding in relationship to the ministry or in relationship to the Government?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I will have to say, Mr. Speaker, if the ministry is involved, the Government is definitely involved and vice versa.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say if it is the Government's policy to require a royalty and what is the exact methodology employed here—do you arrive and decide at a royalty when you are making the decision to give the permit to dredge? Or do they dredge and then you decide on a royalty afterwards? Do you collect the royalty before or do you allow the dredging and then collect a royalty afterwards? What is the specific Government's methodology and whether or not that is being followed at this time?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, the department would be working along with the developers and then a recommendation would have to be made to the ministry and then in turn passed on to Executive Council for a decision before the licence would be issued stating the amount of royalties that are recommended.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: So do I understand the Minister correctly in saying that the only decision that has been made so far has been the decision to allow the entities referred to here in his written answer, to dredge?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Yes, Mr. Speaker. It is just as stated in the answer to the question and before anything can be done, a licence has to be issued.

The Speaker: The Fourth Elected Member for George Town, two supplementaries.

Dr. Frank McField: Could the Minister say what other permits or requirements would the entities have to meet in order to be able to dredge? Do they need Water Authority permits? Do they need an environmental impact study? What do they specifically need or it is just the approval in itself, sufficient permission for them to begin some kind of activity?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: This would come as a recommendation from the DOE once the project has been checked out properly and along with that the developers

would definitely have to submit to Government a full schedule of the development.

The Speaker: Do you have a follow-up? The Fourth Elected Member for George Town.

I will allow the Elected Member from North Side after. Go ahead, if you have a follow-up.

Dr. Frank McField: I just wanted to find out if the Minister at this particular time is aware of whether or not any of the entities have started any time of dredging or excavation of material.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: To the best of my knowledge and the advice that I am receiving, nobody has started as yet.

The Speaker: The Elected Member from North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. Would the Honourable Minister tell the House the application that came to Executive Council from Heron Harbour and Limestone Investments for what type of licence was this application—was it a coastal works application? Was it a dredging permit? And what are the terms of the coastal works licence once issued by Executive Council?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Both applications in question here had planning approvals for canals to be cut inland. The coastal works licence, which was granted by Council, was in relation to tying the project with the North Sound. So, it was just a canal that they actually had involved within the coastal works licence.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: If I understand the Minister correctly Executive Council did grant a coastal works licence—is that correct?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: What was granted by Council was for the approval for works. Nothing was carried out until the licence was entered into with both parties.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Would the Honourable Minister say who grants that licence when the work is ready to commence?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: The licence will be drawn up by the Legal Department and signed by the Governor.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: The licence will be drawn up on behalf of the Ministry for Agriculture, communications and Natural Resources? The Legal Department will draw this up on behalf of the ministry—am I correct in understanding that? Not just the Government, it is on behalf of the ministry who deals with coastal works licence?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, it would be on behalf of the ministry but it would go back to Executive Council to be ratified.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the Honourable Minister would say if a letter from a Government Minute was sent to Heron Harbour and Limestone Investments giving approval in principle and what were the terms that had to be met by these two companies before a lease or a licence could be drawn up on behalf of the Government?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources. I can only allow two more supplementaries and then we have to go on.

Hon. John B. McLean: Mr. Speaker, a letter was sent to both parties advising them of the approval from Executive Council and that they would have to meet with DOE to finalise what would actually be in the licence.

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

Mr. Roy Bodden: Mr. Speaker, I would like to ask the Minister regarding the other applications that are outstanding if he is in a position to tell the Honourable House when those applications will be dealt with because it is my understanding that there are developers who are put off by the inability to have their request granted.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I wonder if the Member is speaking of major dredging applications?

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: No, Mr. Speaker, I can assure the Honourable Minister that what I am talking about is mi-

nor. There is one development in the vicinity of Heron Harbour, a little to what I would call to the south or east of Heron Harbour, there is one such application that I am referring to. The gentleman is a constituent of mine who has come to me on numerous occasions expressing his disappointment and how he is being financially affected.

I am aware, Mr. Speaker, of the motion limiting the business of major dredging that has to have the approval of the Legislative Assembly, what I am talking about is minor work.

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I thank the Member for that. Now, I think I understand which project he is speaking of. Just to say, at first this was very minor, it was just the removal of plugs and then the developer found that he needed to do a little more so this is how something can be held up. However, the approval has been given and he too has been sitting with DOE working out and fine-tuning what will go into the licence.

SUSPENSION OF STANDING ORDER 23 (6)

The Speaker: Moving on to question number 90 standing in the name of the First Elected Member for George Town but prior to putting that I need a suspension of Standing Order 23 (6) in accordance with Standing Order 86 that Standing Order 23 (6) says not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member on the same date and any question in excess of that number shall not be called by the Presiding Officer.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I beg to move the suspension of Standing Order 23 (6) in conjunction with Standing Order 86 to allow more than three questions to be asked by one honourable Member.

The Speaker: Do we have a seconder?
The Third Elected Member for George Town

Mr. Linford A. Pierson: Mr. Speaker, I second that motion.

The Speaker: The motion has been made and seconded.

Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(6) SUSPENDED TO ALLOW FOUR QUESTIONS UPON THE ORDER PAPER STANDING IN THE NAME OF THE FIRST ELECTED MEMBER FOR GEORGE TOWN.

The Speaker: Question number 90 standing in the name of the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and I am absolutely certain that the Chairman of the Business Committee knows better than this but he wants to prove that he has no problems with us asking questions, and I really appreciate. But I am sure there could have been no mistake on his part by allowing more than three questions to come on the Order Paper.

QUESTION 90

No. 90: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning is any policy regarding pension benefits for long serving employees of Cayman Airways Limited?

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

Hon. Truman M. Bodden: Mr. Speaker, the answer: There has not been a pension policy in place at Cayman Airways Ltd prior to the current requirements under the Pension Law. Currently, all employees are covered under the Pension Plan that is administered by the Chamber of Commerce. Under this plan, the current level of employee contribution is 2-5 per cent of the employee's monthly salary and Cayman Airways Ltd matches this amount.

Employees who are currently under the age of 41 years will be required by the year 2002 to contribute the maximum of 5 per cent. Employees who are between 41 and 46 years will be required, by the year 2000, to contribute the maximum of 5 per cent. For those employees who are 46 years and older, the mandatory contribution is currently at 5 per cent.

A retirement policy was introduced in April 1999 that allowed employees 65 years and older to voluntarily retire before September 1999 and receive a severance payment of one week's salary for every year worked up to a maximum of 12 weeks, plus travel and cargo benefits on Cayman Airways Ltd. Only a few employees have expressed an interest or have accepted this offer.

Cayman Airways Ltd is continuing to develop a retirement policy that falls within the Cayman Islands' Labour Law and also ensures that a balance is achieved between company requirements and social obligations.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, first of all, let me just let it be made very clear to the Minister that I appreciate Cayman Airways' position at present. I am fully aware—well, when I say fully aware, I am fairly fully aware of the circumstances under which Cayman Airways and its Management and its Board has to operate with regards to policy because cash flow is tight and the company is

running on a lean line, so to speak and we all understand that.

My questioning with regards this matter is not with expectations that are onerous and cannot be dealt with. I am just looking at it from the very last sentence in the answer, which the Minister reads, "**Cayman Airways Ltd is continuing to develop a retirement policy that falls within the Cayman Islands' Labour Law and also ensures that a balance is achieved between company requirements and social obligations.**"

Given the fact that there are not necessarily a very large number of employees who remain there, who have over ten years of service, has Cayman Airways and/or the Board ever tried to consider looking at those longer term employees with regards to trying to achieve some type of circumstance, which would allow for them spending the rest of their normal productive working years at Cayman Airways but at the end of the day still being able to look forward to some type of pension which would allow them the normal circumstance understanding that the pension plan that Cayman Airways has engaged in, does not begin until next year.

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

Hon. Truman M. Bodden: The only previous pension was many years ago and I understand that that was run for a short period and it was cancelled. Beyond that Cayman Airways basically now complies with the law and that basically is where we are at present.

The Speaker: The First Elected Member for George Town, supplementary.

Mr. D. Kurt Tibbetts: I took time out to clear the air from the very beginning so that this one ends up right. So, the Minister has said that basically there is nothing more than what have been given in the answer at present. I understand that.

I want to bring to the Minister's attention and I will turn this into a question but so that he can fully appreciate the reasoning behind the substantive question. While Cayman Airways is a limited company and it is not necessarily thought of either as one of the Government authorities or as an arm of Government or as Government itself and for various reasons, we don't want it to be like that. At the same time, many of the staff at Cayman Airways consider their tenure there and their contribution as parallel to people in the civil service, to people with the authorities—with the Port Authority or with the other authorities, who all have at some point in time been able to provide some type of pension benefits.

Again, I grant the circumstances that Cayman Airways faces and I grant that it is not easily for either Management and/or the Board of Directors of Cayman Airways to simply look at the company's financial position and say, '*This is what we are going to do to keep a bunch of Caymanian employees happy*'.

My question is this: Would the Minister consider having some type of position looked at with a view to

possibly bringing it to this Legislative Assembly? Not for a minute am I trying to suggest that the employees themselves must not shoulder a certain amount of responsibility if they are seeking when they get to that age to start reaping the benefits of a pension—not to make their own contributions parallel to whatever can be done but I am asking the Minister to consider getting all of the facts together, understanding the length of tenure for the employees. Understanding that what is happening now with the newer employees is not something that is not workable but there are several employees (although it is not a huge amount) who have been there for ten years and over—some fifteen, some twenty. But if there could be some type of proposal whereby if Cayman Airways is not even in a position to fund this circumstance on its own, for us to be able to know what we are up against, to try to get the situation in line because once it is in line then continuity is no problem.

The problem we face is what went on before, to the time the pension started and perhaps if there is some method by which it could be looked at with a view to bringing forward something that could bring this in line to allow those people to look forward to a decent pension—considering their earning power at the time and over the various years, and what it would have been and what they would have contributed. Even if it is a circumstance that Cayman Airways itself cannot deal with, as a one time shot—understand this clearly, I am not suggesting for Government to be looking towards a continuing burden or anything like that—to try to bring the circumstances up to where it is acceptable and palatable to these employees. Would the Minister consider getting something like that together, bringing it back to us so that we can have a look at it to see if it is something that we might wish to look at? In order, to at some point in time view them with pension benefits in line with everyone else that is involved in the government services.

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

Hon. Truman M. Bodden: Mr. Speaker, by all means I will ask the Board and the Management to look at this and get the information on this. As the honourable Member knows until four years ago, the Government's pensions were not funded and still heavily under funded. We move now from \$6 million pension funds of Government to, I think, it is \$50 million or \$60 million. So we put about \$10 million - \$12 million every year into that. So it is a policy of this Government to assist in bringing the pension fund, in fact, we are the only government that has ever made any effort to bring the pension fund that is under-funded as far up to date as possible.

In line with that policy by all means, we can ask for this to be looked at and for it to be brought back here for this House to have a look at it and make a decision on.

Thank you.

The Speaker: Are there any further supplementaries? No further supplementaries, we will move on to Question

No. 91, standing in the name of the Third Elected Member for Bodden Town.

WITHDRAWAL OF QUESTION NO. 91

Mr. Roy Bodden: Mr. Speaker, I would have to be grossly inconsiderate to ask this question after the inquisition that we submitted the Honourable Minister to. Believe you me, he is not such a good friend of mine but he is not my worst enemy and I would have to spare him another inquisition, sir. So I respectfully beg to withdraw the question.

The Speaker: I shall put the question then that this question be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question number 91 has been withdrawn.

AGREED: QUESTION NO. 91 WITHDRAWN.

The Speaker: That concludes Question Time for this morning. Is it the wish of the House that we take the morning break at this time or we continue with Private Member's Motion?

We shall suspend for fifteen minutes and may I ask members to let's try to return [within] fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.49 AM

PROCEEDINGS RESUMED AT 12.19 PM

The Speaker: Proceedings are resumed. Item number 4, Other Business, Private Members' Motions. Private Member's Motion No. 26/99, Request for Government to consider the purchase of properties, to be moved by the First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 26/99

REQUEST FOR GOVERNMENT TO CONSIDER THE PURCHASE OF PROPERTIES

Mr. W. McKeeva Bush: Mr. Speaker, I am wondering whether I have to read the old motion or read the motion as...

The Speaker: I would suggest reading the old motion first and have that properly seconded.

Mr. W. McKeeva Bush: Thank you, sir. Mr. Speaker, I beg to move Private Member's Motion No. 26 standing in my name, which reads as follows:

"WHEREAS there is an obvious need for the Government to be able to service the needs of the community and country;

"AND WHEREAS it is obvious that in the near future there will have to be some expansion of the Legislative Assembly precincts;

"AND WHEREAS the West Bay Cemetery is nearing capacity and in need of property to expand upon;

"BE IT THEREFORE RESOLVED THAT the Government consider the purchase of the properties namely: George Town Block OPY, Parcel 24, adjacent to the Legislative Assembly Building; and West Bay South Block 5C, Parcel 123, adjacent to the current West Bay Cemetery;

"AND BE IT FURTHER RESOLVED THAT such consideration be done so that arrangements for the purchase be done at an early convenience so that funds may be available in next year's budget;

"AND BE IT FINALLY RESOLVED THAT such negotiations be done directly with the requisite property owners so that commissions can be eliminated."

The Speaker: The seconder. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I beg to second the motion.

The Speaker: Private Member's Motion No. 26/99 has been duly moved and seconded. Does the mover wish to speak to it? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Before I move directly into the motion, I am wondering whether at this point I could deal with the amendment.

The Speaker: Certainly! Please proceed.

AMENDMENT TO PRIVATE MEMBER'S MOTION 26/99

Mr. W. McKeeva Bush: Mr. Speaker, I thank you for allowing the amendment and it reads as follows: In accordance with the provisions of Standing Order 52 (1) and (2), I, the First Elected Member for West Bay seek to move the following amendment to Private Member's Motion no. 26: In the third "WHEREAS" by inserting "*and Boatswain Bay cemeteries are*" and deleting "is"; by inserting the following new second resolve: "*BE IT FURTHER RESOLVED THAT Government also consider purchasing the property known as West Bay North West (WBNW) Block 4b, parcel 28, which adjoins the Boatswain Bay cemetery to the east.*"

Mr. Roy Bodden: Mr. Speaker, I beg to second the amendment, sir.

The Speaker: The amendment has been duly moved and seconded. Does the mover wish to speak to the amendment?

What I was going to say to you, maybe you may wish to read your amended motion and speak to that in its entirety, which would cover the amendment, if that is the wish of the House.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. The amended motion then reads:

"WHEREAS there is an obvious need for the Government to be able to service the needs of the community and country;

"AND WHEREAS it is obvious that in the near future there will have to be some expansion of the Legislative Assembly precincts;

"AND WHEREAS the West Bay and Boatswain Bay cemeteries are nearing capacity and in need of property to expand upon;

"BE IT THEREFORE RESOLVED THAT the Government consider the purchase of the properties namely: George Town Block OPY, Parcel 24, adjacent to the Legislative Assembly Building; and West Bay South Block 5C Parcel 123, adjacent to the current West Bay Cemetery;

"AND BE IT FURTHER RESOLVED THAT Government also consider purchasing the property known as WBNW block 4B, parcel 28, which adjoins the Boatswain Bay cemetery to the east.

"AND BE IT FURTHER RESOLVED THAT such consideration be done so that arrangements for the purchase be done at an early convenience so that funds may be available in next year's budget;

"AND BE IT FINALLY RESOLVED THAT such negotiations be done directly with the requisite property owners so that commissions can be eliminated."

The Speaker: Before you go any further, the amendment has been duly moved and seconded. The question is that Private Member's Motion 26/99 as amended in a notice provided to members (and I would add the amended motion has been read for clarity) that is open to debate. Does any Member wish to debate or would they prefer to just take the vote on that and debate the entire motion as amended?

I will put the question to the amendment. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The amendment is carried.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION 26/99 PASSED.

The Speaker: I will now ask that the honourable Member speak to the motion as amended.

Mr. W. McKeever Bush: Mr. Speaker, I believe this motion is one that is not controversial. We all know that there needs to be cemetery expansion in most, if not all districts in these islands. Also, Mr. Speaker, those of us that work and have to be around this building most of the year, realise that we have run out of space here and there needs to be serious expansion of this Legislative Assembly—talk which has been ongoing for some time.

I would like to thank the seconder who really brought it to my attention—about the expansion needed here at the Assembly and the identification of the adjacent property. I will leave him to deal with that and I will deal with the matters affecting the district of West Bay.

Mr. Speaker, the need in my district is very obvious. Back in the years, 1989 - 1992, the Third Elected Member of West Bay and I got agreement from the current Third Elected Member of George Town for some general expansion and clean-up of the cemeteries, which he at that time was responsible for. We did a general clean-up of the North West Point Cemetery and we also put in retaining walls and got government to build vaults for the first time in that cemetery.

This, Mr. Speaker, put that cemetery in good standing. Mr. Bodden, the elderly gentleman that we put in as caretaker between the years, 1992 - 1996, when the present Minister had responsibility for it, is doing a good job of keeping the cemetery in good shape. I would like to thank him for the excellent job he has done.

Also, between the years 1989 - 1992, again, the Third Elected Member for West Bay and I got government to do some work in the Boatswain Bay Cemetery. Some vaults were also put in for the first time and retaining walls were made. The lady that cleans that cemetery has for many years done an excellent job and we have no complaints about the Boatswain Bay or the North West Point Cemeteries.

However, the Boatswain Bay Cemetery is in need of expansion. The property known as WBNW Block 4B, Parcel 28 (which is adjacent to the cemetery) butting and binding the cemetery on the east side is available to government. In fact, Mr. Speaker, the owner of that property has been approached many times over the years to sell that land but he always recognised that government would need it at some time or another and so he always refused to sell it. The property is over some one-and-one-half acres and it available—he will sell it to government.

Mr. Speaker, the West Bay Cemetery (that is, the one on the main road) is the cemetery in the worst condition. We have virtually run out of space with the exception of a few vaults. The last vaults built there were built on a space that I thought was sort of left as a walkway or a roadway through the cemetery, although it was a sizeable roadway. But they had to put in the vaults. The space that exists on the side adjacent to the main road on the north side of the cemetery is very small, with one or two coconut trees in it. We have said that that could be used for parking.

Mr. Speaker, the property known as West Bay South 5C, Parcel 123 has been in some controversy. When I say that, at one point the owners were claiming

that some graves had encroached upon their property and they were negotiating with government to build a wall, albeit not troubling the graves but getting compensation for their property on the beach side. I believe and I understand that government might have agreed to even build a fence—I don't know. But I believe after a meeting called by the Third Elected Member for West Bay and I, with some of the families concerned, the property owners have agreed to build their fence so that the graves will not be disturbed.

I feel, sir, that because of the obvious need that exists for burial ground that government should now negotiate with the owners to purchase that property, which is also known as the Fletchers' Property. I would hope, sir, this could be done quickly. When government purchases the land—whenever that is—there needs to be proper development so that, for instance when you have to take a casket into the cemetery, the walkway as it now is . . . so that you cannot walk side by side holding the casket properly, you have to negotiate your way into it. So, it is with some difficulty that that has taken place.

I also believe that government should buy it and that a properly defined roadway to the beach be made. There is a public beach well used by residents and tourists because of a popular reef in the back of the cemetery. Many persons are complaining about what the users of the beach are doing the cemetery—they bring bottles of water and wash their feet off on the walls. Those sorts of things are happening. And we all know how we try, most Caymanian families, to look after gravesites and respect our deceased families.

So, a properly defined roadway to the beach and proper signage needs to be in place. I don't think that I need to say anymore there, Mr. Speaker, than that property can be used and needs to be used.

Mr. Speaker, I have had some discussions with the Second Elected Member for Cayman Brac also about the Creek Cemetery, which is adjacent to the Police Station. That also needs expanding and as I understand it, the owner of the property where the expansion can take place is willing—and, in fact, need the funds. So that should also be looked into along with these other matters.

Mr. Speaker, I would guess government is now in the process of budget preparation and we suggest, sir, that these requests be put into the budget for next year, God willing. Property will not come cheap now and will only be much more costly in the future. Government, however, can negotiate purchase contracts for over a period of years with some of these owners; but in some cases, if they are not willing—and I believe you are going to find people willing—as I said, for instance, the one in Boatswain Bay has kept his property specifically because he knew government would need it. But if there are any problems with the others, government can move to acquire.

You know, Mr. Speaker, government does not acquire anybody's land without trying to pay them the proper market value and I suggest that's what should happen.

Mr. Speaker, I don't know what the census will reveal but I don't believe that the population of West Bay is decreasing. I believe it is increasing. I don't believe the mortality rate is decreasing. So, as I said, there is obvious need and I would hope, sir, that government would move quickly into this matter and, as I said, negotiate purchase contracts with the individuals.

Mr. Speaker, the matter pertaining to the Legislature will be dealt with by the seconder of the motion, the Third Elected Member for Bodden Town.

I thank you.

The Speaker: The floor is opened to debate, does any other Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, you will be well aware, sir—as your record here spans many years—that the legislature has grown to the point now where for some years we have been thinking about ways that we may reconfigure the existing precincts so that it can more easily accommodate what appears to be a growing parliament.

Mr. Speaker, we have been talking about expansion of the precincts in one form or another for many years—ever since I have been in this Parliament (and compared to your tenure, I am a relative new comer. I believe, Mr. Speaker, that the time has come for us now to go beyond talking and to seek some action.

I am reminded of the census coming up October 10. I believe, Mr. Speaker, that when the results of that census are known, that we can look forward to a population somewhere in the vicinity of about 40,000 according to informed and educated persons and indicators. That being the case, we certainly would have to think of those constituencies that have significant increases of population somewhere down the line increasing their representation in terms of the number of members who sit in the Assembly. Certainly, George Town and West Bay immediately come to mind and not far behind will probably be Bodden Town, if current trends continue.

What we are going to be faced with is an increase in membership. Already, Mr. Speaker, our parking lot is congested. When all the members are in attendance and the staff, one has to negotiate a parking area with the greatest of caution. Certainly, there is little or no room for manoeuvrability. That is compounded by the fact that those persons from the Press who cover the proceedings of the Legislature have no assigned parking spaces within the Legislative Assembly precincts. And, the staff from the ministries who often have to come to the Legislature to be in contact with their ministers or honourable members as well as those who have to serve as witnesses to various committees and who have to be on hand for questioning and technical support to the ministers find it inconvenient.

Indeed there is absolutely no parking pre-assigned or available for these persons. Some of them have to walk from the Government Administration Building. And, Mr. Speaker, believe you me there is nothing wrong with the walk except sometimes it is inconvenient when the

weather is inclement or if they have to take a load of material—which is not infrequent (technical material, books, hand-outs or what have you). It makes it rather difficult to walk from the precincts down to the Legislative Assembly.

Sometimes when it is raining, Mr. Speaker, I feel sorry for these people. You know, a short while ago, one of the persons who covers the meetings of the Legislative Assembly came in and I had remarked to that person about the walk in the rain. So there is a need for us to address the problem of parking and also there is a need for us to address the problem of providing more physical space for the people who work in the Assembly to be able to manoeuvre, to store things and to have office space.

Mr. Speaker, I am reminded that as Members of the Legislative Assembly not even the ministers have any office space assigned to them in this building. We have but the barest of conveniences, that is, little lockers akin to what you would find in any high school. There is no cubicle where a member can sit at a little desk or take a phone call in some privacy. We have what I would call a modest library or research area . . . and that is good, but it needs to be expanded. I can make the comment that perhaps before we talk about serious expansion of that, members might like to consider utilising it more frequently.

So, Mr. Speaker, we are in quandary. There is a piece of property adjoining the Legislative Assembly, the piece of property identified in the motion. I believe it would be timely and sensible for us to explore the possibility of acquiring that. For, Mr. Speaker, even if we exercise the option to go upstairs to add another story on to this building, we still are faced with the problem of parking. So, I am saying that while we have the option of expanding the physical building by going upstairs, we still will be faced with the problem of inadequate parking space.

Now, I believe for the sake of efficiency, security and for a general improvement in our working surroundings and working atmosphere that the parking space of the Legislative Assembly should be so constructed that it can accommodate all of the persons who regularly work at and visit these precincts and still allow enough space for the casual visitor or the customer who may come to access laws from the Legislative Assembly. So the government cannot really be wrong in acquiring additional property.

I must admit, however, Mr. Speaker, I don't know any intricate details as to whether the owners of the property mentioned would be interested in selling or not. We merely threw this out for the government to explore the possibilities. We well understand the fact that we cannot impose any expenditure on the government, hence we are asking the government to consider this.

Mr. Speaker, this is not a controversial motion. There is no need for any acrimony. It is a straightforward business proposition. I hope that the government will see fit not only to entertain the notion of acquiring the property to expand the Legislative Assembly but also (as my colleague, the mover, the First Elected Member for West

Bay, proposed) that they could also seek additional properties to expand the cemeteries in his constituency. Indeed, while at that, give a general look towards the cemeteries in the other constituencies.

I know that the Minister had made some statement sometime ago in a debate about the government and their commitment to find additional space. So, I leave this, Mr. Speaker, with the government and I am reminding the Minister that I am calling in my favour now for not subjecting him to that inquisition earlier this morning. He is not going scot-free. I expect that he is going to accommodate my request at this time. Thank you, sir.

The Speaker: This is the time that we normally take for lunch, if you wish. We shall suspend until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.49 PM

PROCEEDINGS RESUMED AT 4.07 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 26/99. Does any other Member wish to speak? (Pause) The floor is opened to debate. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, my contribution to this motion will be short, but I will concentrate more on the issue of the purchase of the property adjacent to these premises, and I just want to air my views on it.

First of all, if we look at exactly how we are situated, sir (and I am not quite sure of directions so I won't attempt that) I am little bit befuddled here. But directly from where I stand to my left is the George Town Town Hall. Directly behind us is the Tower Building, both being owned by the Crown.

We have this problem that was raised by the Third Elected Member for Bodden Town with regard to parking, and he also raised several valid points proving the need in the very near future to expand the size the structure. The motion is asking for the acquisition of the vacant property between the AALL Building, and the Wholesome Bakery property, the back of it butting and binding the Legislative Assembly property and also the Tower Building property.

Looking at the big picture (and it is the way I am trying to put it forward for future use even if in years to come the government develops some type of master plan for housing) the various agencies which operate central government, whether we are including the judicial branch or the legislative branch, acquisition of that property in my mind can in no way cause anything but sensible cohesion at the end of the day. So if the train of thought in the future were that you were not going to continue to occupy the Tower Building with government departments or you were mindful to relocate the Legislative Assembly—I am not saying this is going to be the case but even if you were coming to that view what the government would probably have, even though there are

four different parcels of land involved, is combine the largest single parcel in OPY.

So the investment in the property in my view simply gives the government the latitude to be able to think both medium and long-term with regard to whatever its plans are. So over and above all of the other reasoning that has been put forward, I am trying to say that the land will not spoil and I believe that it makes all the sense in the world because what we might end up with is a situation where we have no choice—but no land. That is very possible.

While some of us may not be here when anything is done (for more reasons than one) about this building, we still have to be looking down the line as to what is happening. So, from that perspective and over and above looking if the size of the building is going to be increased, the requirements for parking and all of that, I think when we put all of the government properties which adjoin this building into perspective, it would behove the government to be looking towards purchasing that vacant property.

The other sensible thing about it is that it is vacant property. You could not be forced into a circumstance of buying an already constructed building, whose configuration may not suit the desired use as has happened in the past where what you had to do to renovate or fix is just as bad as if you had started from scratch.

I am only just making those few points along those lines to say that I believe the government should certainly consider accepting the motion. Although, I spent the past few minutes just dealing with the property adjacent to these precincts, I will also just take a minute to touch on the other aspects of the motion which entail space for a cemetery. Again, while the motion limits itself with regards to whatever space we are talking about for cemeteries, I do believe that there is a need for government to be looking at all of the properties with regard to space for cemeteries to ensure that, again, they don't get caught with their pants down, so to speak; so that you don't find yourself in a position where you have to purchase something and the price you have to pay is because you have no choice. Mr. Speaker, so many times we find that all we are doing is outing fires rather than looking forward and planning properly and being able to be more cost effective.

So, I just want to say that I support the motion and I trust that the government will see the logic of the motion and find it within them to accept it. Thank you.

The Speaker: The floor is opened to debate, does any other Member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. The government is pleased to accept the motion presently before us. We are very well aware of the problem as outlined in the motion and I am pleased to say that we have already in place and in our hands, a report from a committee that was set up sometime ago to look after the

needs for cemeteries throughout the islands. This I hope to lay on the Table of the House at a later date.

Mr. Speaker, the property which has been mentioned in the district of West Bay adjoining the Boatswain Bay Cemetery and the main cemetery, it is a fact that both areas are now stricken for space and we must take the necessary action to make sure that we have secured adequate space for future years.

The committee met on several occasions. As a matter of fact, certain areas were visited and the suggestions were actually placed in the report. Also, there was a suggestion from the committee that instead of us continuing to utilise beach land (as it has been for many years now and, of course, we are aware that there is a shortage of this expensive land) that we should turn our thoughts to other areas seeing that nowadays we are in a position to use equipment to create burial grounds on less favourable properties.

We are pleased to know that members who have spoken from the backbench are in support of government making this move and we also support the idea that we should try our best to have something placed in the budget which will soon be discussed among us. We will have to take into consideration that this will have to be added to the list of priorities, which we will have to sit down and prioritise to make sure that we can tackle this problem before it is out of hand.

So, Mr. Speaker, with those few words, I am pleased on behalf of the government to say that we accept this motion and we will try our best with the help of the backbench to do whatever possible to facilitate this great need.

The Speaker: The floor is opened to debate. Does any other Member wish to speak? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I rise to offer my support to this private member's motion. I think the merits of it are very good and essential, and it is something that makes sense. It falls in line with our philosophy of forward planning.

With respect to the additional space for the Legislative Assembly, I support that 100 percent. I think, even though it might be a little bit expense—that is a reality here in Cayman at the present time as far as land is concerned—it is not going to get any cheaper. One of the quandaries that government finds itself in right now is that it needs to expand but it doesn't have any land on which to expand. So they are out there, all over the place spending hundreds of thousands of dollars a year in rent when they could be...

If twenty years ago, the politicians had the foresight to buy up some property, we could have built our own building, financed it because of our good credit and it probably would have been years up the road as far as the financial position is concerned.

With respect to the properties to be acquired for the two cemeteries in West Bay, it is a fact that we are running out of space especially in the central cemetery. I believe it would make sense for us to approach the ad-

joining landowners with a view of acquiring the property for possible expansion. Not only for the cemetery, Mr. Speaker, because you are talking about not only a valuable and costly piece of property but also a sizeable piece of property and you could possibly have space for something else that the district might need by way of service.

The Boatswain Bay Cemetery is in the same position. It is filling up very quickly. And as the First Elected Member for West Bay mentioned, the property owner is interested in government having it. He has seen over the years that government would be in need of the property and I think it just makes sense for us, Mr. Speaker, to start negotiations and try to acquire it as soon as possible so that government will be in a position as the demand requires it to contain and provide the services that we need.

Believe you me, a cemetery is a very essential service in this country. Here we have a great deal of respect for a loved one that is deceased and we want to make sure that they are put away in the most decent fashion. Mr. Speaker, we have always taken pride in doing that and maintaining those burial grounds. I think the whole issue of this motion makes sense and I do give it my 100 percent support. Thank you, sir.

The Speaker: The floor is opened to debate, does any other Member wish to speak? The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. I rise to offer my support to Private Member's Motion No. 26/99 as amended. The motion asks the government to consider purchasing certain properties, namely, the property in George Town adjacent to the Legislative Assembly Building and two properties in West Bay for cemeteries.

Mr. Speaker, I am going to confine my comments to the purchase of property for the Legislative Assembly Building, although I do support the other two proposed purchases. A number of members have spoken on that and I need not comment further.

As you know, I am the Member responsible for the Legislative Department. For some time, I have been concerned about the fact that we have outgrown this building in many respects. This building has served very well but with the passage of time and with additional members added when we increased the number of elected representatives from 12 to 15, we began to run out of space. I believe it is pretty evident that both the Committee Room and the Common Room with the added numbers can be referred to as the proverbial sardine can, where we are squeezed in.

It is only appropriate that we consider an expansion to this building to cope with today's needs. But before that can be done, it is necessary to purchase land, and there is very little land around this building. We certainly need to get a bit more. And, I am certainly pleased to see from those who have spoken already that there is a will to go again with this. I hope that we can as a government purchase the additional land, and then I hope

we can move on to expanding this building to continue to serve the needs of this country.

So, without further ado, I offer my support to this motion. I thank you, Mr. Speaker.

The Speaker: We have approximately four minutes before the normal hour of adjournment if any other Member wishes to speak. The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I guess that we will probably think that by the time it comes to our death that we wouldn't need property any more, but there seems to still be a time when we need to consider a place in the ground. It just goes to show how very important land really is at the end of the day as we need it when we are born into this world and we need it when we are going out of this world.

It would be a good idea at this particular point to do the necessary expansions I believe for cemeteries not just in this particular area. I think it would be wise for the government at this particular time to consider overall what type of needs we will have in this country over the next 20 - 30 years with regards to burial places.

I know also that the Prospect Cemetery is itself getting used up and I feel that maybe we need to have government do research as to what will be the requirements of the country.

With regards to the Legislative Assembly, I certainly hope that the government can purchase the property at this particular time. I also was very interested when you were looking at McDonald Square and I thought that would have also been a very good and reasonable addition to the Legislative Assembly because it is built already. So, perhaps [it is something] that the Chief Secretary can take into consideration. I know that the place has been up for sale and I also know that the Chamber of Commerce has moved in there so it might cause a little bit of complication. But, basically, as I was aware of the selling price at that particular time I thought it would be an ideal place, at least in order to be able to house your additional auxiliary services.

So I hope that the government takes those basic two points—the one with regard to the McDonald Square Building in relationship to the Legislative Assembly's need for additional space; and also, with regard to cemeteries they could get the Minister who is responsible for this particular portfolio to perhaps do an assessment of what the needs will be in this country over the next 20 - 30 years.

Thank you.

The Speaker: I will entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: I move the adjournment of this Honourable House until tomorrow morning at 10.00 a.m.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 9 SEPTEMBER 1999.

**EDITED
THURSDAY
9 SEPTEMBER 1999
10.22 AM**

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

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies for absence from the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation due to a death in the family, and for late attendance from the Third Elected Member for George Town.

Item 3 on today's Order Paper, Questions to Honourable/Official Members. Question number 92 is standing in the name of the Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 92

No. 92: Mr. Linford A. Pierson asked the Honourable Third Official Member responsible for Finance and Economic Development to state the latest available figures on the following government accounts: (a) surplus/deficit account; (b) all advance accounts; (c) public debt account; (d) general reserve account; (e) the reconciled cash at bank balances; and (f) contingency warrants pending approval by Finance Committee.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Thank you, Mr. Speaker. The balances on the various accounts as listed will be given as at 31 July 1999 with the exception of (e), which deals with the reconciled cashbook at bank balances. The Treasury's reconciliation is up to 31 March. However, we have the cashbook balances as at 31 July.

a)	Surplus/Deficit Account	\$18 million
b)	All Advance Accounts	23.3 million
c)	Public Debt Account	86.1 million
	▪ Public debt (central Government)	69.2 million
	▪ Self-financing loans	16.9 million
d)	General Reserve Account	10.9 million
e)	Reconciled cash at bank balances	2.5 million cr (at 31 March 1999)
f)	Contingency Warrants	0.41 million (of which \$.38 million is covered by blocking)

The unreconciled balance as per the cashbook as at 31 July (and this will be more relevant) is \$1.7 million.

This is showing an overdraft balance in the cashbook. But this does not take into account debits and credits on the bank statements not reflected in the cashbook balance. These items are outstanding.

Most deposits that would have gone into the general accounts with the banks would have been reflected in the cashbook.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: To preface my supplementary, I would just like to thank the honourable member, and to congratulate his department for having the figures up to 31 July. I think this is a major improvement in the financial records of government. I know that I sometimes might be critical, and I hope it is constructive criticism. But in this case I want to congratulate the honourable member.

I wonder if the honourable member is in a position to give a breakdown of the advance accounts.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: First let me thank the honourable Third Elected Member for George Town for his compliments. But I will have to share those with the staff within the Treasury Department, the Deputy Financial Secretary, and everyone working together as a team.

The information the honourable member is asking for will be available during the course of the morning as these answers were finalised less than fifteen minutes ago. The Accountant General came down and left her files. She has just stepped out of the Chamber to ask that such be brought down to her. When she gets back into the Chamber that information will be available.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: My compliments were intended for his staff and his department. The general reserve account at \$10.9 million, I wonder if the honourable member can state if the proposed \$2 million transfer is included in that figure?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The \$2 million that was approved when the budget was being considered in January of that year where a decision was taken to transfer the \$2 million from the surplus and deficit account for

the year ending 1998, that is not a part of the \$10 million as yet. That will be transferred later on in the year.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the honourable member can state 1) whether that is intended to be transferred from the surplus account as it is now, or is he waiting to have a bigger surplus account; and 2) with the \$2.5 million credit in the bank account, have all outstanding bills been paid?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: All bills are paid on a current basis. We do not hold back bills in order to try and effect improvements in the cash balance.

As the honourable Third Elected Member for George Town is aware, there is an approval in place that has been granted by the Finance Committee, hence the Legislative Assembly, for \$4 million. This is the authorised limit. If by chance that balance is to be exceeded, it will mean having to come back to Finance Committee to explain the financial circumstances of the Government. But what I have also asked the Accountant General to do is to get a list of fixed deposits we have placed with the various banks to show what the net effect will be once those are offset against the overdraft position.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: It seems that my good friend is a little touchy this morning. I wasn't suggesting that his department holds back bills. I wonder if he could say with the general reserves at \$10.9 million, how far away this is from the three-month reserve level that was recommended by the Public Accounts Committee?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I would like to assure the honourable Third Elected Member for George Town that I am not touchy this morning. I am just being candid. But I think it is necessary to explain because one method of attempting to keep the overdraft limit in line would be to delay the payment of bills. But I just had to point—

[Inaudible comment]

Hon. George A. McCarthy: Mr. Speaker, it would not be appropriate for me to comment on that observation.

I just thought it necessary to point this out because the question was raised as to whether bills were being paid on a current basis. I thought it was necessary to offer that clarification.

The general reserve balance of \$10.9 million is very far away from the three-month provision. It was

agreed, as discussed on several occasions in this House, that a general reserve balance should be fixed at the equivalent of three months of recurrent expenditure. It will take us some time to get to this limit, but we have indicated that as part of the financial reform review process the government is taking a very concerted decision. Whenever surplus funds become available, a part of that surplus is put into the general reserve account.

Also, once the financial reform initiatives are finalised, it is hoped that a structure will emerge where a determination will be made as to what portion of recurrent revenue will be applied to defray recurrent and statutory expenditure; what percentage will be allocated to the capital development fund and other funds. A specific percentage will be set in order to be put into the general reserve account.

Once the general reserve account balance is reached, what amounts to the equivalent of three months of recurrent expenditure for a given year, then a decision will be taken at that time as to how to effect certain adjustments whereby if recurrent expenditure is seen to increase over and above what it was in a previous year, then it may not necessarily mean having to put in 2 per cent, for example, of recurrent revenue. It could require a sum less than that.

Whenever recurrent expenditure falls below (we have not seen that happen as yet) . . . with the process now in train it is likely that we could see recurrent expenditure remaining constant or possibly seeing some reduction because as soon as we have transparency, effective costing of all government's expenditure where it will be known by members of the Legislative Assembly, the public at large, the government, then that is possible. So, when we get to that point a decision will be taken in terms of how the percentage that is to be allocated from recurrent revenue will be adjusted on an annual basis.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: The honourable member stated that the reconciled cash at bank balances at 31 March 1999 was in a credit of \$2.5 million, that's an overdraft I imagine. I wonder if the honourable member could say what the actual current bank account is at present.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: When we say the balance as at 31 July, it should be reflected as a debit balance. That is a good balance. The one at the 31 March of \$2.5 million is not an overdraft. The balance as at 31 July, \$1.7 million, that is an overdraft balance. That would be in terms of how the cashbook structure is set up.

According to the Accountant General, it has just been explained. So we have a debit balance as at 31 March of \$2.5 million, which would be a favourable balance, and the balance as at 31 July would be a credit balance of \$1.7 million overdraft. Offsetting that as at 31 July was a short-term fixed deposit to a value of

\$7,067,006.85. So the net effect of that is in excess of \$5 million.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: For the interest of the listening public, a debit balance in a cashbook is a good balance, and a credit balance—contrary to public opinion—is a bad balance. It is an overdraft in a cashbook. So the \$2.5 million debit makes a major and a substantial difference from the answer given in the paper.

I know the honourable member stated that he would give a detailed account of advance accounts. I wonder if he is in a position to give a ballpark figure, if no more, of the percentage of the amount that may be written off of the total advance account.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: First let me respond to the honourable member by saying I agree with his position in terms of a debit balance in the cashbook being a favourable balance. This is the way the answer has been developed. I corrected this at a subsequent point in the response that I gave in saying that the \$2.5 million that is shown as a credit should in effect be a debit balance, which is a favourable balance.

The one at 31 July of \$1.7 million is a credit balance. That is an unfavourable balance, but that is the balance that is offset by short-term fixed deposits of \$7,067,006.85.

The breakdown on the advance accounts, that information is on its way from the Treasury. It's in transit and we are hoping that it will arrive here soon. But when we look at the write-off, it's likely to occur in the area of the overseas medical advance account.

Before I give a guesstimate as to what proportion of that is likely to be written off, what percentage of that . . . it could be as much as a third. I would not want to run the risk and say that at this point in time. But I think a proper analysis as is now being done will need to be established and this information shared with members of the Legislative Assembly so that a conscious decision can be taken as to what criteria will be used to govern the write-off process.

As I said at an earlier point in time, we have many persons who are in a position to pay, but the loans that are standing in their names are not secured. But this does not mean that we should not seek to effect recovery. We have some loans that are secured but based on the income of the individuals in question it will be somewhat difficult for them to make repayment of the full loan balances that are there. However, some of these loans will be secured. A question will have to be determined as to whether the security should be held in place until they were become deceased, if government should seek to realise the properties by converting such properties to cash or, in effect, selling such properties.

We have to look in terms of the entire structure of the advances, how they are set up at this point in time and to make a determination where it can be established beyond any doubt that the loans are definitely not recoverable and such loans are not secured. The appropriate decision will be for such amounts to be written off. But that information will have to be provided and such analysis is underway at this time.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In section (f) of the answer dealing with contingency warrants, it is noted that \$.38 million is covered by blocking which leaves \$.3 [million] that would not be blocked. I wonder if the honourable member could give an indication as to the current policy of government regarding contingency warrants?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: First, as the honourable member will note, there are attempts being made that during the course of the meeting of the House to try and have an agenda for Finance Committee and for meetings to be held on a more regular basis. An indication of this is that the contingency warrants . . . while I said that all balances were as at 31 July, the contingency warrants with a value of \$410,000 that was at yesterday, which would be 8 September. That suggests that there is a reluctance to use contingency warrants as was done in the past.

The honourable member will observe that given the detailed scrutiny that was paid to the budget for the year 1999, which in effect we know that all known expenditures were provided for during the course of the year, this not only covered recurrent, but capital expenditure.

However, with the best budgeting practices in the world, one cannot envision unforeseen expenditure. There are cases. For example, we had the case of refugees who arrived in Cayman. Although we thought that would have been a phenomenon that we would not have seen for quite some time, this required having to spend approximately \$25,000 to defray the cost. So this had to be approved.

But, as the honourable member will note, of the \$410,000 that will be appearing on the next agenda of Finance Committee, \$380,000 of that sum will be offset by savings that have been identified in existing votes. So, in effect, the net amount is negligible. Every effort is being made to minimise the use of contingency warrants.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I want to thank the honourable member for that detailed explanation. I am happy to see that contingency warrants are not now being used as supplementary expenditure. I wonder if the honourable member could give the assurance that this is not now happening as we had suspected was being done in the

past where contingency warrants were being used when, in fact, supplementary expenditure should have been approved by the Finance Committee.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The answer I gave previously would in effect be confirming that government is taking the time to ensure that the budget presented to the House on an annual basis covers all known expenditure. That in itself, endorses a policy whereby every effort is being made to minimise not only the use of contingency warrants but the need for supplementary expenditure.

The Speaker: Before asking for another supplementary, could the honourable Third Official Member say how much longer it will be before the information arrives? We have gone on with an enormous number of supplementaries on this particular question.

Hon. George A. McCarthy: It could probably be another fifteen or twenty minutes or half an hour. If the honourable member is agreeable, I could provide that information to him in writing.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I will not continue with too many more supplementaries, just to get a clarification from the honourable member—

The Speaker: You will accept the answer in writing, as he said?

Mr. Linford A. Pierson: I will, Mr. Speaker.

This is on the public debt. I notice that we have a public debt of \$69.2 million with self-financing loans of \$16.9 [million] giving a total of approximately \$86 million. I wonder if the honourable member is in a position to say if this is in keeping within the ceiling of 10% established by Finance Committee, and exactly what the percentage is at present.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The portion of recurrent revenue that is being used up to meet loan financing is in the region of about 6.8% at this time. Therefore, this is definitely less than the 10% ceiling that has been set.

The Speaker: Are there any further supplementaries? If not, the next question is number 93, standing in the name of the Third Elected Member for Bodden Town.

No. 93: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's disposition regarding the implementation of Private Member's Motion No. 8/94.

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

Hon. James M. Ryan: Private Member's Motion No. 8/94 called for the introduction of compulsory photo identification cards in the Cayman Islands. The motion was accepted by Government, however its implementation was delayed pending completion of the house numbering and street naming system.

When Motion 8/94 was presented there was no voter registration card system in the Cayman Islands as the motion indicated. At the last Meeting of the Legislative Assembly, the Elections Law was amended to introduce voter registration cards and this amendment will be implemented as soon as possible.

Following the census next month, we will have specific details of the population in the Cayman Islands, and on completion of the issue of voter registration cards it is expected that we will be able to determine fairly accurately the number of persons resident in the Cayman Islands who will not have identification cards. It is anticipated that identification cards for these people will then be issued if necessary.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable member say whether government is prepared to give any consideration to a card being so comprehensive that it could also serve as a driver's licence identification card to prevent persons from carrying a plethora of cards bearing the same basic information?

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

Hon. James M. Ryan: Yes, this has been discussed. I believe the member was present when we were in select committee discussing the voter registration card. He will recall that the question came up about one multipurpose card. But the method of producing the voter registration card is going to be somewhat different from the Cayman Islands Driver's Licence, for instance. It may be difficult, if not impossible, to have one multipurpose card, although I know that would be the wish of the population in Cayman. We will look into that.

The voter registration card has not yet been issued. We are looking into the equipment for the issuing of those and this will be borne in mind.

The Speaker: The Elected Member for North Side.

QUESTION 93

Mrs. Edna M. Moyle: Before I get to my question, if my memory serves me correctly, Private Member's Motion No. 8/94 was intended to assist with identification cards for underage persons entering places such as barrooms where they are not supposed to be and to assist the bartenders in keeping them out.

The last sentence in the answer says "**It is anticipated that identification cards for these people who will not be covered** [I assume by the voter's registration cards] **will then be issued if necessary.**" Can the honourable member explain what he means when he says "if necessary" if we are not going to cover persons under age 18 with an identification card?

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

Hon. James M. Ryan: As the member will know, there are driver's licences issued in the Cayman Islands now that have a photo on them. In fact, there are some 23,475 driver's licences now in effect in the Cayman Islands. If you look at the number of registered voters as of the last election, that number was 10,450. While we know there is a lot of overlap, there will be some persons who will have a driver's licence who won't have a voter's registration card, and perhaps the other way around as well. So we will have to look at the total number of people who have either a driver's licence or a voter's registration card and if there are those who have neither who are 18 years old or there about, we will have to look at the issue of a photo ID for those people.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable member say whether the government has given any consideration to the status of this compulsory ID card when implemented? That is, whether it is going to be mandatory for persons to have it on their person at all times, or will it be entirely up to the discretion of the person? Perhaps a little elaboration will help the honourable member to understand what I am talking about.

In many circumstances when the police come upon people and ask them for their names, I read sometimes where the police have problems because people give them false names and false addresses. In such a system where it is compulsory to have your identification, that would significantly ease the police work, particularly in places where there are significant numbers of the population who may not all be familiar to the police.

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

Hon. James M. Ryan: That aspect has not yet been considered. It is something that may need to be legislated for and I think that can certainly be looked at. Perhaps I can elaborate a little more and say that what I am hoping is that the equipment that is purchased for photo registration cards that we can piggyback on that equip-

ment for the issue of photo ID's for person who are not registered voters. But I think the honourable member's suggestion of making it mandatory is something that is very worthwhile and certainly will be most useful for police work, and something that we can seriously consider. I thank him for that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have one other request that I would like the honourable member to consider. When we come to the issuing of these identification cards, I would like the honourable member to consider that persons being issued with a card should pay the cost of the card. In some jurisdictions I have read where when that practice is followed people take greater care of the cards than when the cards are just issued by the government. They lose them, then go and get an automatic replacement at no cost to themselves.

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

Hon. James M. Ryan: I thank the honourable member for that suggestion. I think it is a very worthwhile one and it certainly makes a great deal of sense. As I said, it may be necessary to legislate to deal with it. But I think those photo ID's should be paid for and then people will value them and take care of them.

The Speaker: Are there any further supplementaries? If not, we move on to question number 94, standing in the name of the Third Elected Member for Bodden Town. Before that, I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

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

Mr. Roy Bodden: I respectfully move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I second that motion.

The Speaker: The motion has been made and seconded that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11.00 AM.

The Speaker: The Third Elected Member for Bodden Town.

QUESTION 94

No. 94: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development to provide a breakdown, by amount, of the public debt, loans and guarantees for which the Cayman Islands Government and its Statutory Authorities are obligated.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: A breakdown, by amount, of the public debt, loans and guarantees for which the Government and its Statutory Authorities are obligated as at 31 December 1998 follows:

Public Debt	\$ 76,236,638
Self-financing loans	17,536,462
Contingent Liabilities	149,947,691
Statutory Authorities	11,358,430

The figure for the Statutory Authorities is broken down as follows:

Port Authority	\$9,941,766
Water Authority	1,416,664
Civil Aviation Authority	0.00

I should mention that the figures for the public debt self-financing loan and contingent liabilities could have been available as at 31 July 1999, but the Accountant General, in talking with the Statutory Authorities [found that] it would have caused a delay to wait on the figures to be prepared by the Authorities as at 31 July. So to maintain consistency, the information is given as at 31 December 1998.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I note that in the answer to a previous question the honourable member stated that the public debt as at 31 July 1999 was \$69.2 million, with self-financing loans at \$16.9 million. I am wondering if he can clarify whether the public debt of \$76 million at the end of December 1998 and the amount of \$17.5 million at that same date would be referring to the same account as was presented for 31 July, and whether there had been an increase, if it is in those figures, and what has caused that increase?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, if you will just bear with me for a second, I am lining up the information. [pause] In the earlier answer that I gave, I gave the breakdown of the public debt as at 31 July as being . . . [pause]

Mr. Speaker, the information that I gave, as referred to by the honourable member, states that the balance as at 31 July was \$69.2 million. We are showing as at 31 December 1998 the balance being \$76.2 million. So, in effect, there is a reduction of \$7 million between the end of the year and 31 July, and I have been assured by the Treasury that this is as a result of repayments that would have taken place during the course of the year.

It must be borne in mind, and we have shown from schedules that the majority of loans that are owing by government are short term. So as a result, the principal repayments are quite high. It is not unusual to have had this substantial reduction. But we have to bear in mind that this does not take into account . . . We had no draw-downs against the loan of \$26 million that was approved for the year 1999 up to that point.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I note that the honourable Third Official Member mentioned that there seemed to be a policy of government to be involved in short-term loans. I wonder if the honourable member can state if that is considered the best policy for government to follow in view of the very high interest rates that have to be paid on these loans and in view of the fact that most of these loans are supporting long-term capital projects.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: As explained on previous occasions, the government would very much like to seek long-term financing. First of all, at a given point in time we used to be able to access not only long term financing, but to do so at concessionary interest rates. For example, with the Caribbean Development Bank there are two categories of loans or financing. We have the ordinary resources fund and we have the special development or resources fund.

The special fund is normally for major projects and will allow for interest rates to be provided at a subsidised level. When we compare what it will cost us in the market from such institutions to provide long-term financing, and we compare the interest rate that we will have to borrow at from Caribbean Development Bank, and compare that with our local financial institutions, there is not much of a significant difference.

Although there is not much of a significant difference, we do find that Caribbean Development Bank will only provide loan financing for certain special projects.

There are certain projects that fall outside of their lending policy. As a result we have been seeking financing from the local banks. Ideally we should be seeking long term financing because we know it allows for a better management in terms of repayments, and it also reduces the amount of money that will be taken from general revenue on an ongoing basis.

One way of doing this is to look at the possibility of bonds or to look at other means in terms of debt securities by the government. But this is something that will have to be considered very, very carefully because once we enter into financing through bonds, the discipline will have to be inculcated whereby the sinking funds will have to be set up to ensure that what would ordinarily not be paid out on an annual basis if such were being financed through regular loans would go straight into such a sinking fund. So at the maturity of the loan the balance in the fund would be sufficient to defray the loan balance.

As a part of the financial reform initiative that is underway all of these aspects will have to be considered. We know that we are trying to streamline the entire financial operation of government. We will have to look at how to minimise costs. But a difficulty we have—and this is one that we are seeking to address—is because of our very high per capita income we are being penalised by most lending institutions such as Caribbean Development Bank and others. We will have difficulty in accessing certain funds because of the success we have had in the Cayman Islands with our standard of living.

These are areas that we need to look at. We have been having talks with Caribbean Development Bank to suggest to them that what we need to do in terms of the ordinary approach taken in arriving at per capita income is to break that down where we take out the component of how we arrive at what is called an indigenous per capita income rather than just taking the global figures which is the GDP divided by the general population base.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I note that the honourable member mentioned an issue that I have been speaking of for some time, and that is the possibility of government borrowing through bonds or similar vehicles. I wonder if he could say whether any thought has been given to this type of borrowing rather than having to do short-term borrowing? And whether the Treasury is operating a sinking fund to provide for the repayment of the principal of loans?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: If I deal with the latter part first, we know that there is a statutory provision in the budget that on an annual basis provisions are made for the repayment of loans on an ongoing basis. Therefore, the loan repayments are being met as they arise. We

will not have a situation where we are just loaded with the interest up front and the principal maturing at a given point in the future. Both principal and interest are being paid off at the same time.

A concerted effort has not been made to seek the raising of financing through bonds, other than several approaches that have been made to government that would suggest that most of the institutions that would attempt to raise financing on behalf of government through bonds . . . I can recall two or three approaches having been made. The last one was in the region of about \$100 million.

This is to make it viable for the agents as such. They will have to take into account how much they will realise in terms of assisting the government. When we looked at the public debt position of the government during the debate on the 1999 account, when the discussion took place we saw that by the year 2012 most of the loans outstanding would have been paid off.

As we go forward into the future we have to look in terms of how we can refine the raising of financing. But there is a discipline that comes by raising monies through bond financing in that the structure will have to be put in place that makes it mandatory, even if it becomes more viable for a lending institution that will be proposing, or an agent that will be acting on behalf of the government to raise loan financing, even if monies are raised over and above what is required to defray capital expenditure, that that money not be used unless the projects proposed are exhaustively scrutinised as is now being done and arrangements put in place to meet the repayments as and when they fall due.

This is something that we have to look at, but the mechanisms to support that, as the member has alluded to, will have to be in place.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I hate to be taking away this question, but I would just like to ask the honourable member if he is in a position to state . . . he gave in his answer that the government guarantees for Statutory Authorities was something like \$11.4 million at the end of December 1998. The exact amount was \$11,358,430. I wonder if he is in a position to state what this amount is to date, and how much of the guarantees are collateralised against a particular Authority?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I should point out that there are two aspects to the monies that are owing by Statutory Authorities. Those loans that have been guaranteed by the government on behalf of the Statutory Authorities, for example the Water Authority, if we were to look at the schedule that is attached, it can be seen where for the year ending 31 December 1998 . . . I will just get the information in a minute, Mr. Speaker. I will have to show the difference on this. [pause]

Forming part of their contingency balance, for example, is the amount guaranteed by the government and for which an amount of \$13,806,903 was owing as at 31 December 1998. That is included as a part of the contingent liabilities.

The \$11,358,430 represents amounts that are owing by the Statutory Authorities that they have raised on their own without guarantees from the government.

The Speaker: I think I am going to have limit you to two additional supplementaries.

Mr. Roy Bodden: Mr. Speaker, are you saying the Third Elected Member for George town has two more, but mine are separate?

The Speaker: We are now at 11.20. So let us say three additional supplementaries then. Share it up. The Third Elected Member for George Town.

Mr. Linford A. Pierson: The honourable member mentioned that some \$13 million is included in the contingent liabilities. I wonder if he is in a position to give a breakdown of the contingent liabilities, which I note is in the amount of \$149,947,691.

The Speaker: I note that that is in substantive question number 95 to follow.

Mr. Roy Bodden: Mr. Speaker, in light of the concern you just raised, I was prepared to withdraw that question, sir. Maybe if you let the supplementary question go ahead I would withdraw this number 95.

The Speaker: Thank you. I think this has a substantial amount of information that would be good for the members.

Mr. Roy Bodden: Mr. Speaker, are you going to allow me my two questions then, the final two?

The Speaker: Certainly. But I am saying that I think question 95 should go forward because—

Mr. Roy Bodden: Yes, sir, 95 will go forward.

The Speaker: —it has a lot of information in the answer. The Third Elected Member for Bodden Town, your supplementary please.

Mr. Roy Bodden: Thank you. I have two supplementaries. I want to ask the honourable Third Official Member if government has considered widening the sources to which they access loans to include sources where we could get long-term monies at reasonable interest rates given our good credit rating and our success as an international financial centre. And is this in any way hampered by our relationship with the metropolitan country?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The honourable member has raised a very good question, one that we have been exploring. We know that we cannot access funds through the World Bank because we are an Overseas Territory. As a result we do not have access to funding by the World Bank. The European Investment Bank will only make monies available for private sector entrepreneurial initiatives. And there is no willingness to assist as has taken place in the past.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: My final supplementary has to do with the information regarding the Port Authority loan. I wonder if the honourable member could tell us how this loan of \$9,941,766 collateralised? I have a concern with that and the proposal by the same Authority to borrow \$14 million.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I do not have the details as to how the various loans to a value of \$9,756,696.73 are collateralised. But the assumption can be that these loans will be collateralised against the assets of the Port Authority. I could ask for the specific details to be made available and for such to be provided to the honourable member.

The Speaker: We will move on to question 95, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 95

No. 95: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development what are the contingent liabilities of the Government from December 1995 to date.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Contingent liabilities of the Government from December 1995 to date are as follows. They are given on an annualised basis with the supporting schedules attached.

1995	1996	1997	1998
\$101.8m	\$171.6m	\$157.5m	\$149.9m

Attached for Members' information is a breakdown of the above amounts for the years 1995 to 1998 (see Appendix).

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the honourable member could explain exactly what are our contingent liabilities. Does government just have a contingent interest or could it actually be called upon to make repayment of any of the liabilities in the event the holders of the loans should fall down in their payments.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The honourable member has just explained what the contingent liabilities are in that the government can be held contingent liable. There is a probable risk associated with these loans that in the event that the institutions or organisations that government has issued guarantees on behalf of . . . to be more specific, if the Statutory Authorities are not able to meet the obligations against these loans government could be held liable for the repayment of the loans. But it should be borne in mind that it is very unlikely that such would be the case.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I want to assure the honourable member that I am always willing to assist, and if I have helped him with an answer I am very happy about that. But the purpose for asking the question (there's always a 'but') is that I would like to know whether in the case of companies like Cayman Airways and others that may be having a bit of a problem, whether this would be regarded. I don't want to carry that point any further, but whether this would be regarded as actual liability or a contingent liability. And in answering, could the honourable member explain to the listening public how it is envisaged that Cayman Airways, for example, will be able to pay off these contingent liabilities.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The financial records of Cayman Airways would suggest that the amounts that are shown on the statement presented to this honourable House, that the necessary repayments on these obligations are taking place on an annual basis.

I would not want to get into the details of the financial operations of Cayman Airways at this point in time, but I would think that the amounts that are owing as set out in the schedule will be carrying a minimum risk to the government.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: That was the answer that I wanted from the honourable Third Official Member because I am looking forward to not having to approve any sort of additional financing to government for any of

these contingent liabilities based on the answer I just received.

I wonder if the member can confirm that that is what he meant.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: As at this immediate point in time I will agree with the honourable member. But as the member can appreciate, it would be difficult for me to attempt to give a reading of the future. One can attempt to be as optimistic as possible. We are hoping that the government will not have to find itself assuming an obligation for any of these amounts that are owing by Cayman Airways. We just can hope that such will never occur. But from all indications at this point in time the management of the airline, there is nothing at all to indicate that the risk is more than probable.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: So that we get the figure of \$149 million in the proper perspective, I should mention that of that amount, \$117 million is in respect to a public service pension fund. I wonder if the honourable member would comment on the progress being made in the developing of this fund?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I should mention that the government is fully committed to minimising this liability over the shortest period of time. For example, the fund got started in 1992. As at 31 December 1998 the balance in the fund was \$39.9 million. As members will observe from the Estimates for 1999, it will show that government has committed to transfer into the fund an amount of \$9.71 million, approximately \$10 million.

That is not only to fund the current cost, but the past service cost which can be seen to be quite a substantial amount in terms of \$3.2 million to fund past service cost liabilities. So when we look at this, if government continues at this rate this gives a very good indication that every effort is being made to minimise this past service liability within the shortest period of time.

We know that the pension cost is a burden at this time on general revenue. The government continues, not only to make the annualised pension payments from general revenue but, in addition to that, sets aside a sum of money in order to be applied against the past service cost or the outstanding amount owed. So government is tackling this from all angles.

The Speaker: Are there any further supplementaries? If not, we move on to question 96, standing in the name of the Elected Member for North Side.

QUESTION 96

No. 96: Mrs. Edna M. Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture if it is the Government's intention to complete the park in Hutland, North Side, during 1999, seeing that it has now been cleared and filled.

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

Hon. Julianna O'Connor-Connolly: It is the Government's intention to include in the budget for 2000 a provision to deal with the creation of a park in the Hutland in North Side. Government looks forward to the support of all honourable members in order to provide this much needed facility for the people of North Side.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Seeing that there were no funds in the 1999 Budget for this project can the honourable minister say where the funds will come from? And what was the total cost for the land to be developed as a park?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that the work was done by a vote under the maintenance vote in Public Works. I am not privy at this time as to the quantity, but I can undertake to supply it in writing as soon as it is in my possession.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the honourable minister can say which maintenance vote was used to do this work at the Hutland?

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

Hon. Julianna O'Connor-Connolly: Again, I would have to beg the member's indulgence to get that information from the relevant persons at the Public Works Department.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say what they are doing with the plans for the rest of the parks in the country?

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

Hon. Julianna O'Connor-Connolly: As the honourable members will recall, in the last Budget Finance Committee approved for the further development of the park at the Frank Sound in the district of North Side, and also the Airport Park in George Town, following the plans that had been put in place for some years now.

We were not able to move forward with the other plans due to budget restrictions. In the draft estimates which we are in the process of preparing now, we have submitted a similar fund for the continuation of two more parks following the plans that have been put in place.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether any provision is being made for a park to be located in the Bodden Town district, that is including Savannah? And can the minister say what has happened to the proposal to establish a little community park in the Cumber Avenue area that some efforts were expended on in 1996 prior to the election?

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

Hon. Julianna O'Connor-Connolly: As previously indicated, all plans are still in place at the ministry. They undergo current review. We bring them forward and in accordance with the funds supplied, we are expeditiously moving forward with Public Works to get the plans put in place. I can also say that in the very preliminary draft estimates that the ministry has put forward to the budget unit, I don't recall the exact sum, but I know that the representation did come in to ask for the Savannah/Newlands park as well as to have a look again at the one on Cumber Avenue, the park in East End and the Park in West Bay were the ones being put forward for the draft estimates for this coming budget.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say what the urgency was to clear the property in the Hut? Not that I don't appreciate it, but when I asked the ministry was not aware that a piece of land had been purchased in the Hut for a park. Can she tell the House what the urgency was to have the property cleared seeing there were no funds in the 1999 Budget to do any work on the park?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that a request came in from a very prominent and caring North Side citizen who was an adjacent property owner. He indicated to various members of the government that it was a government owned property, which was confirmed, which was purchased back some time in 1997, and that it had become a nuisance in that there

were rodents. He suspected that there was also some drug activity there. Government took it upon itself to clear it from that perspective. It was not at that time, nor is it now, cleared or developed for the sake of a park. The ministry's intention, as I said previously, is to include it into a park development programme in the year 2000.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Seeing that this piece of land is overgrown again with bush, can the honourable minister say if it is the government's intention to keep the property cleared seeing that this gentleman had a pest problem until it is developed into a park?

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

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

Hon. Julianna O'Connor-Connolly: With the original request brought to the ministry's attention, as well as other ministry's, it did not come in as a park request, but for the clearing of the property. If such a request is made, as is now being brought to my attention, it can be passed on to the relevant ministry. I am sure as they do with all government properties; it is the exercise of diligence and prudence to keep them as clear and clean as possible within the constraints of the budget.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say (a) what park in West Bay are they planning to continue with or build in the year 2000? And (b) will this project started in North Side for the cleaning of properties to ensure that it is not used by people who use drugs, and so that rodents don't become everyday pests could be extended to other districts?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that that has always been the practice of government once the request comes in. If a request comes in, whether to my attention or to the relevant ministry, I can undertake to do whatever in my responsibilities and powers to see that it is cleared up, again within the budgetary constraints we have to operate under.

As to the other part of the question, each district had plans prepared from the time the past minister was in there. So whatever plans were in place, the ministry staff, together with the budget unit and myself have looked to continue that process. We have made no changes. Unless changes have been forthcoming from members for a particular matter it remains the same to be developed over the next few years.

The Speaker: The Elected Member for North Side

Mrs. Edna M. Moyle: Although we have gone off into other parks rather than the one referred to in the question, the honourable minister said that funds would be provided in the upcoming budget for other parks. I wonder if the funds that were provided in 1999 will complete the Frank Sound Park. Or will there be monies in the budget for the year 2000 to complete that project because it's been on the books since 1995. I think it's about time we got it completed. There's been no work going on and it is now September 1999.

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

Hon. Julianna O'Connor-Connolly: I can speak in relation to the Frank Sound Park since funds were approved last year in the budget. My briefing from the ministry and public works was that as instructed priority was given to the Frank Sound Park. They expect that it should be completed, save the usual exceptional circumstances that they have no control over. Unfortunately they were not able to work concurrently with the one at the Airport so the one at the Airport will also come. I have also asked staff to look at various projects to see what will not be completed so that we can make provision for a re-vote, but only as an exceptional circumstance. Public Works has been directed to complete the projects for this year, as far as it lies within their power.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Is the honourable minister in a position to say how much work has been done on the Frank Sound park since the budget was approved?

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

Hon. Julianna O'Connor-Connolly: I am not in a position to say because I did not see it as a part of the supplementary question. Having said that, I am more than willing to get that information, or any other similar information related to the parks in the various districts.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say whether any work was done on it?

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

Hon. Julianna O'Connor-Connolly: In response to a question I posed during my briefing, I was assured that work had been done at the Frank Sound Park and that none had yet commenced at the Airport Park for the reasons I have set out hitherto.

The Speaker: The First Elected Member for West Bay, two additional supplementaries.

Mr. W. McKeeva Bush: Can the honourable minister say whether this work was to the extent of a filling phase or what.

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

Hon. Julianna O'Connor-Connolly: I don't have the details of the extent of the work, and that's partly because I was briefed and we have the intention to go around to the various projects. I have started doing some of the project visits, but I have not yet commenced the park visits in Grand Cayman.

The Speaker: Are there any further supplementaries? If not, we move on to question number 97, but before doing that, like yesterday, I would like the suspension of Standing Order 23(6) in order to take the fourth question standing in the name of the Third Elected Member for Bodden Town.

SUSPENSION OF STANDING ORDER 23 (6)

Mr. Roy Bodden: I beg to move the suspension of Standing Order 23(6) in order to accommodate four questions which stand in my name.

The Speaker: Seconder?

Hon. Truman M. Bodden: I second the motion, sir.

The Speaker: The motion has been moved and seconded in accordance with Standing Order 86. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(6) SUSPENDED TO ALLOW FOUR QUESTIONS UPON THE ORDER PAPER STANDING IN THE NAME OF THE THIRD ELECTED MEMBER FOR BODDEN TOWN.

The Speaker: Question 97, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 97

No. 97: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what percentage of the telephone system in the Cayman Islands has been digitalized by Cable & Wireless.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: One hundred percent in all three Islands. Cable & Wireless decommissioned the last mechanical telephone exchange in 1991. This significant event was well publicised in the local media as it was also the 25th anniversary of Cable & Wireless operating in the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether to accommodate this digitalisation Cable & Wireless has ensured that all of its technical staff has achieved the appropriate level of training to deal with all the service calls necessary in keeping up with this digitalisation?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: That is my understanding, that there is adequate staff and trained staff to deal with it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister give the undertaking to look into this matter as I have been assured that such is not the case and indeed, in some cases, to service some equipment staff is brought in from overseas and there may be a fear that some of the Caymanian staff will eventually be displaced if not properly trained.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I thank the member for the information he just passed on, and I will definitely give the undertaking that I will have it checked into. I also wish to say that we are aware that Cable & Wireless has done their share of training of staff and I am sure that if something has fallen down in that area that they will do whatever they can to bring it back up.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I realise that this supplementary falls slightly outside the ambit of the substantive question, but perhaps the honourable minister has this information. I wonder if he can say if there are any restrictions under the Cable & Wireless franchise in regard to the granting of permission for local people to get involved in the e-commerce now being talked about.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: I do not have the franchise with me and I would not like to comment on it. But I will definitely check that for the member and pass the information to him.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would like to ask the honourable minister if he is in a position to say if this digitalisation is completely Y2K compliant or whether Cable & Wireless will have to do any further work in order to make the digitalisation Y2K compliant.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: It is my understanding that they are prepared for Y2K. Everything is in order, as far as I know.

The Speaker: Are there any further supplementaries? If not that concludes Question Time for this morning. We will now suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.54 AM

PROCEEDINGS RESUMED AT 12.25 PM

The Speaker: Please be seated. Proceedings are resumed. Item 4 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 29/99, Request for Government to consider the purchase of properties, as amended. Does any other member wish to speak?

The Honourable Minister responsible for Education, Aviation, and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 26/99

REQUEST FOR GOVERNMENT TO CONSIDER THE PURCHASE OF PROPERTIES

(Continuation of debate thereon)

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

I support this motion on the basis that the honourable minister for Agriculture supports it, namely, that it is subject to prioritisation and subject to funds when the budget is looked at.

I can well see that there is need for extra property at the respective cemeteries. Actually, there are other cemeteries that also need to be looked at for the purchase of land and other things. Dealing first with the cemetery in George Town, I think the time has come when we need to look at doing a seawall, as a considerable amount of graves are getting nearer and nearer to the sea. It could well be that the hurricane ridge of rocks there could be affected in a heavy hurricane. I don't think it should cost a lot and it is something that I have asked the minister to look at. Also, that cemetery has basically just about run out of space for any new plots.

I know that the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources has had a study done. Whether or not it is fully done, [I don't know], but a study was carried out in relation to cemeteries. What was found is that in several of the districts there are shortages. Specifically in George Town generally there is a feeling that there are perhaps only 260 spaces left which is basically about a two and one half year life span for that property. So George Town itself needs further property in Prospect. It also appears in the Bodden Town area, and I think that was mentioned earlier, there would be need.

I understand that at the Creek Cemetery in the Brac, land is needed there. So maybe the Honourable Minister for Agriculture, who is responsible for the cemeteries, once he gets a total report on what is needed, will need to look at this in this budget.

The study was done by a committee, or is being done through a committee. So I can see where it is important to have the cemetery land extended and also the upkeep on those has improved in the last few years. But I would urge that that be looked at because I know with the two cemeteries near my parents' families (and they are in two separate cemeteries), my predecessors, from time to time I think that we could always do more to improve them.

Now, having said that, the other part of this motion is a different matter. The government accepts this motion on the basis of prioritising and obviously looking at cost. I believe that the property that is put forward to purchase next to this Legislative Assembly is going to be very costly. I think it will be several million dollars. It's prime property. When I look around at this Chamber, we have the best Chamber, the best Parliament, best Legislature in the Caribbean. There's a lot of space here. It's a nice gallery. It is a lovely Chamber. There are no two ways about that.

I appreciate that we need more space in the areas for staff, the expansion of staff over the years. And also perhaps in some other areas, a few more meeting rooms. But I would ask that the Public Works, or whoever will be dealing with this has a look at the present building, also the amount of land that is around the building, also the fact that this was built as I understand it strong enough to take a second storey. To have to purchase land for several million dollars, \$2 million whatever it is, even if it's \$1 million, that's a lot of money, and then to put a building on it, seems to me that it would be far better to deal with extending here.

When it comes to parking, we also have a lot of property across the street. While we will look at it in a budget, I think it is important that we get our priorities right. Much has been said here about saving small amounts—\$15,000, \$20,000, whatever—because it was being spent on MLAs or cutting corners here and there to save money. And here we have a vast amount of money that is getting ready to be spent for the benefit of MLAs. And this is no small amount of money.

I think we have to get our priorities right. I have heard it preached so often—

Mr. Roy Bodden: Mr. Speaker, on a point of order, sir.

POINT OF ORDER

(Misleading)

The Speaker: May I hear your point of order?

Mr. Roy Bodden: Yes, sir. The honourable minister is misleading the House. This is not proposed to be spent for the benefit of MLAs. And the honourable minister, with his tenure here, should not say something like that. He is being mischievous. This proposal is for the benefit of the country, sir. Members of the Legislative Assembly come and go.

The Speaker: I understand what you are saying, and I would prefer if you don't particularly specify MLAs, but for the benefit of the Parliament as a whole.

Hon. Truman M. Bodden: Thank you, sir.

Obviously, it was not my intention to mislead. What I am really saying is for the benefit of the public or the Parliament . . . well, it will benefit the Parliament, let's face it. Then this is quite a sizeable investment.

It has to be looked at in conjunction with the need for schools, for example. More schoolrooms are needed and other areas have to be balanced, whether it is more facilities for the youth, parks, whatever. Really, at the end of the day it is better for us to look and spend money, I think, on the public generally, especially the youth of the country, rather than on the Parliament or something that would assist the Parliament.

So, what I am saying is that the two pieces, or three pieces, four pieces now I understand, of land are in different brackets. What is out there for the cemeteries I can understand. That is basically a necessity. I ask the question, really, and we look at this in the priority when it comes up, is this a necessity at this time because it is a substantial amount that is going to be spent.

If perhaps the real problem is parking, then the alternative may well be on other land that is available. I know that parking is a problem in town. I guess we must share our burden along with the public. It's tight here too, but everyone has problems parking in any city or any town. I don't think the Parliament should be any exception to that.

So I am happy to support the motion, but I needed to make clear that when the question of priorities is looked at that I would be looking at seeing what would be

more of a priority, what would benefit the public more, in the spending of several million dollars at this time. So, it would be different if all of the needs of the island were already met and we had the luxury of several million dollars that we could spend as the Parliament wished.

So, I support the motion, subject to the priorities and subject to the budget process which is coming up shortly. Thank you.

The Speaker: The floor is open to debate, does any other member wish to speak? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I rise to give this motion my support. I know these properties are needed very much, especially in West Bay in the cemeteries. So I will say that the quicker we can get on to it, the better. So far as the Legislative Assembly, we do need parking here too. We might need the building right now, but we need parking. So that's my verdict on that.

The Speaker: Does any other member wish to speak? The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you.

The private member's motion currently before us seeks to cause government to consider, I take it in the year 2000 budget, to purchase two properties in West Bay adjacent to the cemetery at the entrance of West Bay, and the other at Boatswain Bay. Just this morning having taken another closer look at the Boatswain Bay Cemetery and also at the West Bay Cemetery, there isn't any doubt that there is need. Therefore, I give my support to those proposals.

I am aware, of course, that government sometime ago accepted a report on this very subject of cemeteries and the needs throughout the six districts. As I understand it, a committee has been established to deal with the recommendations of that report. Therefore, having accepted the report which speaks to this same issue, perhaps in a much more global way, I certainly can offer my support to the request as presented in the motion on these two properties in particular.

I believe there is nothing wrong with considering the additional space required by the Legislative Assembly, particularly for parking. I think it will come down to whether or not there is sufficient money to do it all. I have no difficulty with considering, which is what the request has asked for. Thank you.

The Speaker: Does any other member wish to speak? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you. I rise to give my support to Private Member's Motion No. 26/99, subject to a few observations.

As previous members of this honourable House have indicated, there is a dire need for similar consideration to be given to all of the six electoral districts. As the

First Elected Member for West Bay has so ably put forward the request for his district, I would implore that when consideration is being given by Executive Council, and on through Finance Committee, that time be taken to review the detailed cemetery report and our survey so that we would be in a better position to make an objective prioritisation of the various needs in the districts and act accordingly.

Speaking specifically for my own district, I know that although much has been done over the years, in particular with the support of the Second Elected Member for Cayman Brac and Little Cayman and I, property has been secured for the Spot Bay Cemetery, which is pretty much up to speed except for necessary parking requirements. There is also a need in the Creek area. So I can appreciate members coming forward with these requests because we can all take judicial notice that property will only appreciate and never become any cheaper, and do the necessary acquisitions of these various properties that would enable us to extend the cemeteries.

We know that various other methods have been used by other countries, but I feel that I can confidently say that some of those methods will never be accepted here in the Cayman Islands due to various beliefs that we have. So we have to continue on while doing an analysis of how we can better utilise the space that we have afforded onto us. But, having said that, I think we must give due consideration to the respect that has been paid to our burial grounds and our cemeteries over the years and with the plan also look to see how we can actually plan the cemeteries to give it the due respect needed.

If I can now briefly turn to the request for the expansion and/or extension of the Legislative Assembly. I concur that there is need for extra parking space. We do have almost the bare necessities now, but even with that, I am sure that members will appreciate the various restrictions due to the limited space and the attempt that was made to accommodate the numbers in the House. But it severely limits the needs for the press, the extended staff that we have here, and even other members of the community who may have need to park near the building for various capacities they may have.

I am fully cognisant of the fact that it would be quite a bit of money and I can appreciate the thought that it has to be looked at in a more global prioritisation but that is not said to diminish the necessity and the urgency to look at the two requests at this time and if at all possible give due consideration to include it in the upcoming 2000 budget.

Perhaps what we could also agree to do is when giving consideration to give some time to sit down and hear the various needs for the districts. For example, I know that whenever I attend a funeral at the Prospect Cemetery, not to mention the one in central George Town, there is an extreme need for a cemetery extension. I know, having been on the Planning Board, that there is a private endeavour in this regard. But in no way do I think that that should be the only way because we will always have the poor with us, as we are told in the Good Book, and government having the social con-

science must make various and appropriate accommodation to bury our dead.

So I believe the time has come to complete, if it has not already been completed, a detailed survey for that procedure to be followed, and then we take necessary steps as prudent representatives of the people to put those facilities in place as soon as possible.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I rise to offer my contribution to Private Member's Motion No. 26/99 for government to consider the purchase of properties, brought by the First Elected Member for West Bay.

I think I am safe in saying that in my opinion the need for additional land for cemeteries is something that is much needed throughout the islands. Every time I attend a funeral, if there is no problem with burial space, there is certainly a problem with parking.

I will draw reference to a past discussion in this honourable House regarding the purchase of additional burial ground property for the district of Bodden Town. I am pleased to hear from the honourable minister in regard to his ministry, that a study is being carried out and a committee is now in place reviewing this very urgent matter.

I am also in agreement that government consider the purchase of additional space for the Legislative Assembly. Members who have spoken before me have aired their concern regarding the reason for this additional land. When in session, not having additional parking certainly creates a problem for the press, the staff of honourable ministers, the staff of this parliament and whoever has to attend parliamentary proceedings. Presently, not only is there a lack of parking space, but the allotted spaces are too narrow and lead to unnecessary congestion.

I would also like to take this opportunity to re-emphasise the commitment of this government to provision of facilities to cater to the needs of the handicapped and special needs, for instance handicapped parking, with the appropriate signs and handicapped ramps. I will not go into any lengthy explanation as to why this is necessary as honourable members will recall my motion dealing with this special issue just a few weeks ago which was supported by all honourable members of this House.

At this time I would like to give this motion my full support. Thank you.

The Speaker: Does any other member wish to speak? If not, does the mover wish to exercise his right of reply?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you.

When I opened the motion I said it was not controversial. Well, I should have known better. After listening to the Leader of Government Business, and his attempts to say things that were not mentioned, and after listening to his colleagues, the Minister of Tourism also, I don't

know . . . I think they have shattered my hopes for getting the things gone. That is probably what they wanted to do. But, nevertheless, they say they recognise the need.

I would like to thank all members for their contributions. As I said in my introduction, the need is obvious throughout the country. However, there are needs more urgent in some districts than others. The Minister of Education said that there were some 261 spaces in George Town. I know he won't find that in West Bay. We are at the end, I believe. And I believe the minister responsible recognises that also and I appreciate how he dealt with it.

They used big words and a lot of play was made on "subject to funds" and "prioritisation." But I had hoped that the need for burial ground was a priority. The Minister of Education tried to pose the need of property for Parliament against schools, and why we don't need it for Parliament. Well, it's obvious why we need it for parliament. I am sure that the builders and framers of this building did not envisage the kind of growth that has taken place in this country. It is obvious that we have a grand building that will stand the test of time. But we do not have the space. And for anyone to say that this is properly laid out doesn't know what a properly laid out building is—certainly not for our needs now.

Anyone who cares about conditions about how people work only needs to look and see the crowded conditions of staff members here. They only have to go through and see the amount of paper that is around the working areas of the staff here in this Legislative Assembly. They would then understand that there is need and now is the time to do it. The land next to us here may cost a lot now, but think of what it is going to cost later on. Think of how the cost of property has increased around George Town. And the Minister for Education knows that.

He was facetious enough to say that we have space across from here. What space do we have across from here?

[Inaudible interjections]

Mr. W. McKeever Bush: That parking lot out there is partly taken up with the Minister's bus people, plus other parking people, plus other needs. So how do you tell people to go across there and use it?

With all of the property and the needs that have been mentioned, one thing government can do is enter into an agreement for payments to be spread over a period of time. I am sure that the people he has to deal with will be reasonable.

[inaudible interjection]

Mr. W. McKeever Bush: I don't know if the minister knows what the reason is.

There is not a lot of space in this Chamber. And I think somebody mentioned that this is not being bought for members. I don't see how he could pose the purchase of that land against what he said was \$15,000 for

Members of the Legislative Assembly. I don't know where that figure came from either. I really don't know where that figure came from. And I really wish that the minister had not debated, really. Because this . . . I took the motion dealing mostly with cemeteries, just one piece of property there. Why should we have controversy over where we are going to bury our dead?

Nobody is asking that we build a building on the property across there. But if you don't buy that now—

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER (Misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: The honourable member is misleading the House. I supported fully the cemeteries. I said nothing of building a building on the cemetery land, I fully supported that. I queried the others.

The Speaker: He is right on that. He did support the purchase of the land for cemeteries.

Mr. W. McKeever Bush: Mr. Speaker, tongue say anything after he learn talk. I have to wait and see after what I heard from those two ministers.

The Speaker: But we are talking about what was actually said in this Chamber at this particular moment. He did support the cemetery purchase.

Mr. W. McKeever Bush: Mr. Speaker, so he did say that he supported it but we must keep in mind the priority. Now, what does "subject to funds" mean? What does that mean? Where is the commitment?

Do you know something? We do need schools, and he has been told that for years. He should have moved in due time. He should not have been caught the way he has been caught. And if he really wants to talk about money well spent, . . . I don't know why in the world we have to spend \$12 million or \$14 million to get a primary school. Now they must really go down there and look at those figures and look at how the money is being spent. How much do you have to pay for quantity surveyors? Millions of dollars?

Really, Mr. Speaker, it is time if they want to really talk about value for money that they sat down and looked at their big projects—\$14 million for Port, \$12 million for schools, \$100 million for this and the next thing. Do you want to prioritise? Prioritise those things! That's what you should be doing.

As far as this Legislative Assembly goes, there is a lack of space. This Legislative Assembly needs a library in the worst kind of way. You are talking about the best parliament in the region? It is the only parliament in the region where we don't have a proper library. And this is one of the most successful—so they say—countries in the region.

We are today dealing with complex issues. This is not back in the 1960s. The country is facing all sorts of serious issues. We need to have computers, access to the Internet. We must have an improved library facility for research and other things.

Mr. Speaker, when you come in here, when we come here every time we come whether it's for sittings of Parliament or committees we have constituents who come here to see us. We have nowhere to see them. We have to use the space in the ladies bathroom sometimes to see people. Doesn't the Minister for Education know this? Or is he satisfied and content with the fact that they have office space in town and they have a big office there.

When the people want something done, they are not going to wait until you get to your office in the constituency. There are times when matters are urgent and they have to come here. You have nowhere to meet them. We stand outside in the corridor and talk with them where everybody hears their business. People are cognisant . . . and it is the people he's serving!

Mr. Roy Bodden: True!

Mr. W. McKeever Bush: Or he's supposed to serve.

So I don't think that the request is out of place when we consider that they have no property. What property do we have around here? What property do we have left here? With the increase in staff there is no space, you are jumbled up.

I don't know if anybody mentioned when we have the press here. These people serve this parliament. Where do you have it? One piece of land is left here. That's the next piece of land. And I think it makes common sense for government to negotiate a contract with payment over a period of time for this property that is available and that is needed now.

I don't think I need to say anything more about the West Bay cemeteries because the minister knows that it is an obvious . . . like I said, they are building out by what is supposed to be the driveway in the cemetery. They are building vaults there.

So, I hope that when government sits down to do the budget, and I know they are in the process now and that's why we took the time to bring it at this time, that they will see the need, that they will make an attempt to negotiate in such a way that they can get the property, get use of the property, yet pay over a period of time.

I don't know anything about a committee. I don't know anything about a report. If they have a report they should have tabled it in this House. I certainly did not see any report. I know nothing of it.

The Minister for Tourism who got up and spoke, of course because it's dealing with West Bay, said that we must bear in mind that we are asking them to *consider*. We are asking them to consider, but we are expecting action because they know there is a need. If there was a way that we could have put otherwise, I would not have used the word "consider" but that's the word we had to use because of the Standing Orders. Otherwise we could not bring the motion. But they know when we say that we

mean they should go do it. And this is not a frivolous attempt. So when they stress *consider*, don't think that this is something frivolous.

I would hope that when they prioritise that politics will not get in the way of what is most urgent.

The Speaker: I shall now put the question on Private Member's Motion No. 26/99. All those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 26/99, AS AMENDED, PASSED.

The Speaker: Moving on to Private Member's Motion No. 11/99, Referendum Law, to be moved by the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: It is getting close to that time, but perhaps we could just move the motion and get it seconded and perhaps you will allow for the luncheon break then, sir. If that's okay with you.

The Speaker: If you want to take the luncheon break before you move it, that's fine with me.

Mr. D. Kurt Tibbetts: It's your choice, sir.

The Speaker: Please move it.

PRIVATE MEMBER'S MOTION NO. 11/99

REFERENDUM LAW

Mr. D. Kurt Tibbetts: I beg to move Private Member's Motion No. 11/99, entitled, Referendum Law, which reads:

"WHEREAS there is growing compatibility of the referendum with the parliamentary representative system of government and it is also recognised that the referendum is wholly consistent with parliamentary sovereignty;

"AND WHEREAS an increasing number of matters of national importance demand widespread public participation in the decision making progress;

"AND WHEREAS it is rare for a general election to be fought on a single main issue and the result of an election indicates, at most, an undifferentiated approval of a whole range of policies;

"AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance;

"BE IT NOW THEREFORE RESOLVED THAT the Government takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993, to be amended to allow the electorate to initiate a referendum;

“AND BE IT NOW THEREFORE RESOLVED THAT once this amendment is achieved, the Government takes immediate steps to bring to the Legislative Assembly a Referendum Bill setting out the terms and conditions under which referendums may be conducted.”

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 11/99 being duly moved and seconded is now open for debate. At this time we shall suspend proceedings for lunch until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.09 PM

PROCEEDINGS RESUMED AT 2.42 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Private Member's Motion No. 11/99. The First Elected Member for George Town.

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

This motion is not brand new to this Legislative Assembly. Really all that has happened since September of last year is that we have made some cosmetic changes to accommodate the fact that the government's view that the way it was worded was ultra vires the Constitution.

Before I start to build my case, so to speak, let me just lay the groundwork so that my train of thought and line of argument will become clearer as I go along.

When we look into the Constitution as it now reads, Part IV, section 29 (which deals with Power and Procedures in the Legislative Assembly) section 29(1) reads: **“Subject to the provisions of this Constitution, the Governor with the advice and consent of the Legislative Assembly may make laws for the peace, order and good government of the islands.”**

Subsection (2) of section 29 reads: **“Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the elected members of the Assembly, to be a matter of national importance and specified in such Law.”**

In order for everyone to understand clearly, what this is basically saying (in my own words) is that if there is a matter of national importance and any elected member of this Legislative Assembly wishes to bring a resolution to this Legislative Assembly regarding this matter, once there is a majority then once that resolution is passed by that majority it can trigger such referendum to take place and the next step would then be for a bill to be brought to the House regarding the specific matter and then to be approved and become a referendum law. So, any referendum law referred to as the Constitution in its working state would now have to be a specific matter

and would have to be brought via a resolution through the Legislative Assembly by one of its elected members. That is my understanding of it.

As I said in my opening remarks, when the motion was originally brought the government's argument was that it was ultra vires the Constitution. What we have done is reword and restructure our Resolve sections so that the motion itself is not ultra vires the Constitution and basically the Legislative Assembly now has a decision to make whether it accepts the intent of the motion or not.

In my view, when it first came, in order to bypass the intent of the motion and not address that, the arguments were channeled in the other direction so that the intent of the motion was not addressed. Now, in order to deal with this motion we hold the view that government must either agree with the intent of the motion, or disagree with it. I hope that we will be able to put forward a reasonable enough case that government and other members will find that they can support it.

As my good friend the Leader of Government Business would say, I want to deal with referendums, “speaking generally” about it. With your permission, I would like to read a few short excerpts to build my case. These excerpts come from a book entitled *Referendums Around the World*, edited by David Butler and Austin Ranny [?].

When it comes to the practice of referendums, this book in its opening remarks reads: **“In any referendum a mass electorate votes on some public issue. A referendum can be initiated in many ways and take many forms. But most democracies have at some time held referendums. In a few countries these have been institutionalized into a regular part of government. In most, they have been ad hoc affairs designed to solve a specific problem.”**

As they go on dealing with referendums, under the subheading of “Forms and Functions” they say **“The subject matter of referendums falls into four main categories: Constitutional issues; territorial issues; moral issues; and other issues.”** I am not going to go into long detail on all of these, but I will read some short excerpts under the fourth heading of “Other Issues.”

Under “Other Issues,” Mr. Butler and Mr. Ranny say, “In some countries citizens have the power to insist that certain matters be put to popular vote.” They go on to say **“In most countries the decision to hold a referendum has laid with the party or parties in office and they have called referendums to suit their own political convenience.”** Needless to say, Mr. Speaker, I think that statement is a fact— **“In most countries the decision to hold a referendum has laid with the party or parties in office and they have called referendums to suit their own political convenience.”**

I grant that we do not at present have organised political parties. But we do have this Legislative Assembly consisting of the three Official Members and the 15 Elected Members who represent the voters in this country. The way the Constitution works now, regardless of what motivates the members, the fact is that the only method by which a referendum can take place in these islands is, as I have said before, after a resolution is

passed by a majority in this House which triggers the need for a bill to be brought and made into a law dealing with a specific issue.

So, we go on and we examine some of the arguments that people have brought forth as to why they don't think it is sensible or wise to allow the electors—that is the voters in a country—to have a vehicle by which they can trigger a referenda. Some people hold the view that referendums are habit forming. And these people who argue against holding a referendum on a particular issue often use what this book refers to as “the thin edge of the wedge” argument.

It says, **“Although there are some people who want to bring this argument forth, history has proven that in western democracies there is no sign of an addictive tendency.”** Simply meaning that history has proven that there is no sign that people will just loosely use that vehicle for their own whims and fancies. **“Although most countries have employed referendums once or twice to deal with particular problems the floodgates have certainly not opened.”**

This book was written after much research. And if anyone refutes the arguments I am bringing forward they can use their own facts to disprove what I am saying.

It goes on to say that there are also some people who hold the view that referendums are instruments for radical change. The truth of the matter is, if we check history, the verdicts of referendums have tended to be conservative. I won't go into all of the details to prove that at this point in time, but I can prove it. And if someone does not accept this to be a fact, let them disprove it.

This book also addresses the United Kingdom and referendums. It says, **“The United Kingdom is the only democracy in Western Europe without a codified Constitution. The British Constitution, it has been said, can be summed up in eight words ‘Whatever the Queen in Parliament enacts in Law.’”** Those are the eight words, “Whatever the Queen in Parliament enacts in Law.”

“Thus Parliament could, if it wished, submit any item of legislation to referendum. In the absence of a codified Constitution, however, the referendum cannot ever be required as an instrument to ratify legislation.”

I am going to repeat that, Mr. Speaker, because if you're not careful you will really miss the point—not meaning you, sir, just speaking generally there, sorry. **“In the absence of a codified Constitution, however, the referendum cannot ever be required as an instrument to ratify legislation.”**

“Moreover, there is no reason why any British government which normally commands a majority in the House of Commons and therefore controls Parliament should wish to call a referendum. Why should it seek to put at risk its own legislation by calling for the verdict of the people upon it?”

“Until the 1970s the referendum was thought of as contrary to the British Constitution. The Constitution, it was said, knows nothing of the people. The central principle of the British Constitution—perhaps its only principle—was that of the sovereignty of Par-

liament, a principle which was developed during the 17th Century, well before the coming of universal suffrage. From this point of view the referendum could be seen as a threat to the sovereignty of Parliament as a means of constraining members of Parliament in a direction they might not wish to take.”

So this whole line of argument about referendums, when this book addresses the way the British Parliament works, what it has said is that the way the Westminster system works, it really doesn't suit parliamentarians to expose themselves to referendums if indeed they run the risk of finding a different decision from the decisions they have made. If the thought is completely different nowadays and we are into transparency, and if we are into accountability, then I hold the view that we should not be thinking along those same lines. That way of thinking must also change if that is what we wish to do.

In dealing with this point and summarising it, I am saying that if we as representatives of the people have no fear of communicating with the people and allowing them a method by which we can be guaranteed that we hear what they think, we hear what they wish to see happen, then we should have no fear of allowing them a vehicle by which they do not have to depend upon us as parliamentarians to bring about a referendum which would give an indication as to what the majority of electors wish to see happen with a particular issue.

I want to use a document, which I was going to save until later but I am simply going to take a bit of time to make my points as to why I think this should happen. Then I guess we will hear from the government as to whether or not it concurs, and why not, and we will take it from there.

It was not many months ago (a very short time actually) when the Leader of Government Business—the Minister for the subject of Planning, under which the Vision 2008 National Strategic Plan was developed—brought the document and tabled it. We all debated the document and in a motion that he brought the document itself and its intentions were accepted unanimously in this Legislative Assembly.

When we all talked our wonderful talk regarding the Vision document . . . I don't know how many of us really went through the document. I am going to refer to the document and its attachments so that we will know what the people of this country expect to have happen in regard to referendum because it was said by many of us how many hundreds of people representing the very diverse population that we have spent many hours developing the document, developing what they thought they would like for the Cayman Islands to be like by the year 2008, and much hard work and many opinions were sought to collate those thoughts to produce this document. We praised these individuals for their hard work, their conscientiousness, and we agreed with what they brought forth.

One of the documents (which is an attachment to the main document) is called “The Key to the Future.” This document has several sections regarding very specific issues. On page 41 (which is Appendix 3), “Legislation recommended in the Action Plans” (of the Vision

2008), under Strategy 8, which has as its subheading "Open and Accountable Government," there is a list of plans such as to **"enact fiscal responsibility law; enact legislation to enshrine freedom of speech; pass freedom of information law and amend existing law to comply with its terms."**

God knows, Mr. Speaker, that it makes me proud to know that the people of this country listen.

Plan 6 was to **"pass legislation re: ethical standards for public officials; amend campaign funding law."** Plan 8 **"enact legislation to provide for an ombudsman"** or a complaints commissioner. And, by the way, we brought that motion but the government saw fit not to accept it.

The second to the last plan reads **"Amend Referendum legislation. Ensure by legislation that public funds are not used to influence the outcome of any referendum."** It says **"Amend Referendum legislation."** But there are those who might ask what that means. In the main book itself, "The National Strategic Plan," which gives a much broader perspective and more in depth delivery of these plans, for this same strategy 8, which is **"we will promote open and accountable government"** it says this, **"Enact legislation which will facilitate greater citizen participation in governance."**

When the summary document refers to "amend referendum legislation" the main document explains all of that because it says **"Enact legislation which will facilitate greater citizen participation in governance."** And this document was prepared with full knowledge of what exists in the Constitution today. That means that if the people of this country were happy with the way the Constitution reads and allows for a referendum to take place in today's world they would not recommend any amendment would they. But they have! I trust that we all take note of that.

I was saving that for last. But I have decided against it because this is so important that we are not going to play any games here. We are going to be right up front. There was a thought that some had not really taken note of this, and maybe might find themselves falling a bit short in their reply to the motion. But we are being fair, open and everything else.

I want to go back to the Minutes of Meetings of the Select Committee of Elected Members to Review the Cayman Islands (Constitution) Order 1972. This was during the 1991 Session of the Legislative Assembly. While they were doing their reviews of the Constitution they talked about a Judicial Service Commission, they talked about an Ombudsman, and they talked about Voter's Referendum.

The first line in these minutes under Voter's Referendum says, **"The Committee noted that the CBA draft [I am assuming that to mean the Caymanian Bar Association] suggests that the power of ballot remain."** Specifically, the minutes say this, sir: **"Mr. Truman Bodden supported a provision of a referendum and suggested that the government had a fear of its introduction."**

Mr. Roy Bodden: Ha, ha, ha, ha! Read on!

Mr. D. Kurt Tibbetts: I will read it again, sir, just to remind some of us. . . and I did not create these minutes. I was simply assisted by staff photocopying what was existing. It says: **"Mr. Truman Bodden supported a provision of a referendum, and suggested that the Government had a fear of its introduction."**

It goes on to say: **"A proposal to hold a referendum should be determined by a majority vote of the Elected Members of the Legislature, or by a petition of a reasonable number of electors, Mr. Truman Bodden advocated."**

Mr. Roy Bodden: Read that again brother!

Mr. D. Kurt Tibbetts: So you see, Mr. Speaker, in 1991 Mr. Truman Bodden found himself in the exact same position that those of us who are advocating a referendum by the people find ourselves nowadays.

Mr. Roy Bodden: Hear, hear!

Mr. D. Kurt Tibbetts: He was on the backbench when he was advocating that. He has had an opportunity since then to press for that, but he chose not to because by then he was on the government bench.

What we are saying now is that we do not wish to wait until we get on the government bench!

Mr. Roy Bodden: Consistency!

Mr. D. Kurt Tibbetts: We want it done now, so that when we get on the government bench, it will have already been dealt with, sir.

What changes an individual's mind after being on the backbench and sitting on the government bench with regard to which line he or she takes on an issue? For the love of me I don't know. Maybe someone can explain it.

So what Mr. Truman was saying in 1991 basically was that as the Constitution now reads he agrees with it, but he also said that he wished, and he had a great desire to see the additional method of employing a referendum to be there which would be by a petition of a reasonable number of electors.

POINT OF ORDER

(Misleading)

Hon. Truman M. Bodden: Mr. Speaker, I was wondering if the honourable member could let me have a copy of the minutes because the word "or" is in there. On a point of order I think there may be, subject to my looking at what was said, some misleading of the House. Obviously he hasn't said where he got this from, but he is reading from a document. If I could have a copy . . . because I think there were alternatives to what was said. But I don't have a copy and that's been a long time ago.

The Speaker: Could you provide him with a copy?

Mr. D. Kurt Tibbetts: Mr. Speaker, I said what this document was sir. It is Minutes of Meetings of the Select Committee of Elected Members To Review the Cayman Islands (Constitution) Order 1972. **“These minutes formed part of the Report of the Select Committee. It was in the 1991 Session of the Legislative Assembly tabled in the Legislative Assembly of the Cayman Islands this 28th day of October 1991.”** This document is right in the back there. The minister can ask for a copy and he will have no problem getting it. This is the one copy that I have sir.

But in case the minister doubts for a second that I may read or try to mislead—like I have seen him do . . . and he can come or go whatever he pleases, it doesn't matter to me. I am going to read it one more time.

Mr. Roy Bodden: Read it brother!

Mr. D. Kurt Tibbetts: It reads, and I quote: **“A proposal to hold a referendum should be determined by a majority vote of the elected members of the Legislature, [comma] or by a petition of a reasonable number of electors, [comma] Mr. Truman Bodden advocated [full stop].”** That's what it says.

[The Honourable Minister for Education, Aviation and Planning rose]

Mr. D. Kurt Tibbetts: Mr. Speaker, I have read what it says, sir, and unless it is a point of order I ask—

Hon. Truman M. Bodden: It's a point of order, Mr. Speaker.

POINT OF ORDER
(Misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: The point of order is this: What that said was a majority or members or a petition. So he cannot let that be interpreted as an “and.”

The Speaker: He read “or.”

Hon. Truman M. Bodden: Yes sir, “or.” But he is then saying that instead of an alternative both were being promoted at the time. That says “or” not “and” if you follow what I mean. It's an alternative—either by the House or by a petition. It's not by the House and also by a petition. That is the point of order I am making, sir.

The Speaker: I fully understood that it was “or.” I think he emphasised “or.” So I cannot accept that as a point of order. But please read it one more time.

Mr. D. Kurt Tibbetts: Mr. Speaker, I can read it one more time, sir. But I tell you what, if you give me permission to read what else I have the minister will leave the Chamber because it will make it crystal clear then.

Mr. Roy Bodden: Read it!

Mr. D. Kurt Tibbetts: But I will ask what you asked me one more time.

Mr. Roy Bodden: Read whatever else you have!

Mr. D. Kurt Tibbetts: In fact, so that the Clerks and nobody else has any trouble, I will ask the Serjeant-at-Arms to photocopy that. But I will read it one more time.

The Speaker: Thank you.

Mr. Roy Bodden: He has some more for you too!

Mr. D. Kurt Tibbetts: And as soon as I read it I will hand it to the Serjeant-at-Arms and he can get it photocopied and return my copy to me afterwards.

The Speaker: Thank you for your cooperation.

Mr. Roy Bodden: Lay it on the Table.

Mr. D. Kurt Tibbetts: In fact, I will ask him to make two copies so that the minister can have one and I can lay one on the Table.

Mr. Roy Bodden: Good. I want to see him get out of this.

Mr. D. Kurt Tibbetts: With your permission, sir. It says **“A proposal to hold a referendum should be determined by a majority vote of the Elected Members of the Legislature, or by a petition of a reasonable number of electors, Mr. Truman Bodden advocated.”**

The Speaker: One or the other.

Mr. D. Kurt Tibbetts: That is exactly what I read all the time, sir. Okay?

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: I wasn't arguing that.

But Mr. Speaker, trust me, sir, you have known me long enough, and he will not find me hanging on the limb.

Mr. Speaker, I will give it to the Serjeant-at-Arms now. Thank you.

Mr. Roy Bodden: Read the other one you said you have. Read, brother, read! Read, like you said, my friend.

Mr. D. Kurt Tibbetts: Mr. Speaker, with your permission sir, I have copies of *Hansards* of certain dates—

The Speaker: Quote the dates, please.

Mr. D. Kurt Tibbetts: I will as I go along. They are perfectly relevant, I believe, to my line of argument.

Thursday 30 May, 1989, 10.05 AM. Private Member's Motion No. 11/89—what a coincidence!—and here we are Private Member's Motion No. 11/99! Lord, what ten years can do to a man!

Mr. Roy Bodden: Make him forget it, Lord!

Mr. D. Kurt Tibbetts: The debate on this Referendum Law which was the motion, sir, continues.

Mr. Truman M. Bodden says **“Thank you, Mr. President. Yesterday when we adjourned I had started setting out the reasons for having a referendum law.”** By the way, he's the mover of the motion.

Mr. Roy Bodden: Who was the seconder?

Mr. D. Kurt Tibbetts: He then was in the same shoes that I am in today. If there are no further similarities between us, at least we have one now sir!

I read again, **“Yesterday when we adjourned, I had started setting out the reasons for having a Referendum Law. I was developing the argument at the time that basically the people, having put us in the Legislative Assembly, have a right at times to give us directions on how we should deal with major national issues.”** [1989 Official Hansard Report, Vol. 1, page 581]

Mr. Roy Bodden: Mr. Speaker, can he read that again? Did he really say that?

Mr. D. Kurt Tibbetts: I am quoting Mr. Truman Bodden, sir. And I am not calling his name; I am doing as you have asked me to do.

He went on with several different areas, and I won't get into all that, using examples of other territories and such the like. He went on to say **“They went somewhat further to entrench beyond the change of the Constitution certain things relating to the Election law so there could not be alterations of boundaries. I think the classic statement of referendums is set out in Roberts-Wray, Commonwealth and Colonial Law. That has a very short, but very effective paragraph. It says, ‘Submission to popular vote prevents hasty action.’”**

“Submission to popular vote prevents hasty action.” [1989 Official Hansard Report, Vol. 1 page 582]

Mr. Roy Bodden: What?

Mr. D. Kurt Tibbetts: **“That is the theme of what I would like the Members of this House to look at: submission to popular vote prevents hasty action. I know that this has been looked at before. I want to draw the distinction between what I am trying to achieve and what came before this Honourable House on 6th March, 1986. It was a Motion that set out in considerable detail the rights of the people to call a referendum in instances where there was a petition by the majority of registered voters, or by a motion in the Legislative Assembly. The machinery**

itself was not limited to major national issues. This is the main distinction that I find. I tried to set out the procedure being a period of 90 days to bring it in.”

He goes on and he talks, and he talks, and he talks some more. Then he gets down to this little section and he said **“They may well find that it should only be triggered by a resolution of this Honourable House. In that simpler form I would find it very difficult to understand why the people of this country are not regarded as sufficiently important so that they should be given the right.”** [Ibid. page 583]

Mr. Speaker, I am going to read it again, and I want him to get up and try and tell me that what he wanted to achieve in his 1989 motion is not crystal clear. He said **“They may well find that it should only be triggered by a resolution of this Honourable House.”** And I stop right there for a second. That's the way it works now. At that time it was not in the Constitution. But since then that's the way it has been in the Constitution. Our line of argument is exactly what he says next. Here's what he says next: **“In that simpler form I would find it very difficult to understand why the people of this country are not regarded as sufficiently important so that they should be given the right.”**

I am going to say it finally **“. . . so that they** [meaning the people] **should be given the right.”** He is making a very crystal clear distinction between the way it is enshrined in the Constitution today and the way we are asking for it to be done. And he is saying that he will find it very, very difficult to understand why the people of this country are not regarded as sufficiently important so that they should be given that right.

I pause for a second here. The Serjeant has completed the photocopying and I would like to lay that document on the Table.

The Speaker: So ordered.

Mr. D. Kurt Tibbetts: And, of course, with kind courtesy he is also going to give the minister a copy so that he can do what he wishes with it.

I think the point is made. But he was not quite finished, as is usual when he's on a role he repeats himself, and repeats himself, and he repeats himself again. You see, he has this inimitable style when he wants to convince the people of this country about something, whatever that something is . . . he will repeat it enough times because he has learned that if he says something often enough—whether or not it is true—the people will believe him.

He goes on to say, **“Are we in here to take the advice from members of the public voters in the electoral districts on major issues? Or do we believe that once we have come in here, we are so big that we can never humble ourselves to ask for guidance.”**

Mr. Speaker, I say again what a difference ten years can make!

“In life generally . . .” and oh, Mr. Speaker, when you hear the word “generally” you know it's him talking! He says **“In life generally we must listen to people; we must learn to take advice before we can give or-**

ders. Without that, many times we could make decisions that could hurt the country.”

After he talks a little bit more of course, sir, he says **“Lastly, it will ensure that submission to the people will prevent any hasty action on a major national issue. Thank you.”** [*Ibid.* page 583] And then he sat down.

So you see, Mr. Speaker, it is obvious to me that when the minister (who was then a member of the backbench) brought this motion, he found himself in the very same position I find myself today—fighting for what he believed was right for the people of this country and going down making sure he gave it a good fight.

But because the government of that day did not see fit to accept his motion, and because there were not enough members to support his motion so that it would see safe passage through this Legislative Assembly, surely it doesn't mean that he should find it in himself today to say *‘It's my turn now, so I am going to do you the same.’* I know that that minister does not think like that. I know that.

And I would like to believe that that minister and his good government will find it in their hearts to support this motion. I could never burn the oil that late on countless nights to put together a better argument than he put forth in his [Private Member's] Motion No. 11/89. I also believe that he still believes what he said—if he does, then certainly he will prove it.

He was the mover of the motion. So after everyone spoke, he still had to wind up. He got up a second time, and he had made notes of all the other people's deliveries. When the President asked if any other member wished to speak, and no one got up, he said, **“In that case, would the mover wish to exercise his right of reply.”** So he got up.

This little sentence is not really relevant, but with your permission I would like to read it. As he started he said, **“There seems to be a lot of confusion. Sometimes that confusion can be self-determined and be brought on to one's self for a purpose. When you do not have anything constructive to say, you create confusion. One of the things a referendum can avoid is confusion, there is no doubt what the people have said.”** [*Ibid.* page 590]

He went on to say **“But what worries me is that one good morning the people of this country are going to wake up and find that a major national issue has moved through this House with very little public debate. They could well be stuck with something which, if they had a right to give their opinion on, and if there had been the time to air it publicly and take their views the damage would not be done. Once the damage is done there is no way of reversing that type of damage. You can try it, but it only worsens it.”** That was a very profound statement. Very, very profound!

He continued to address other issues that members had spoken on. Then he went on to say **“While I am in this House as a conservative, I am going to look very carefully at any major national issue that comes here. But I know there are going to be times under**

this democratic process in this House, when I will be in a minority. There are times when the slowing down process to expose issues to the people is going to become crucial. I am not afraid of that process.”

He also went on to say **“I think when the member for Bodden Town gave the examples of Jamaica and Latin American countries doing a referendum (which came out against the people who put it) is really the reason for it. That points out very clearly that those in power, or anyone on the Backbench, may not necessarily know the views of the majority of the electorate.”** [*Ibid.* page 591]

That's what he said in 1989. And by inference, what he means is that if we had this vehicle and people knew that they had the right to petition a referendum on their own volition then that would have been a safety net to ensure that government and/or backbench would always on matters of national importance hear the views of the electorate.

There are more areas that I will address, if necessary. There are more interesting excerpts, if necessary. I am sure there are others who want to talk about the motion. And as the mover I will have the right to wind up when everyone has spoken. So I am not going to go into any more detail at this time. I am sure the seconder and others will bring points across. I will listen very carefully to arguments that may come against the motion. I only trust that those arguments are legitimate and salient. I will just sit patiently now and wait to hear what everyone has to say.

As I am closing, let me make it very clear that there are those of us who believe that any form of open democratic government should never fear giving the public such a vehicle. Remember what the motion says in its last Resolve section **“AND BE IT NOW THEREFORE RESOLVED THAT once this amendment is achieved, the Government takes immediate steps to bring to the Legislative Assembly a Referendum Bill [and here's what's important about it] setting out the terms and conditions under which referendums may be conducted.”**

Setting out the terms and conditions under which referendums may be conducted. That means that if there are any immediate fears about the process, these fears can easily be addressed to ensure that everyone is quite satisfied with how this can be done.

So, to support the motion is not blindly walking into anything. If we agree to give the people of this country that vehicle, all we have to do is sit down and reasonably create a framework which will trigger that vehicle which is a framework that is an acceptable and palatably one. So let not any arguments come forth about the fearing of this or the fearing of that. We have the ability to create a framework to take away all of those fears.

What this is going to come down to is either a belief or a disbelief in a concept of a type of governance. We are saying that extended beyond the style and policies of governance that we have now, we wish also out of an abundance of caution and out of a desire for transparency and accountability to give the people of this country

the vehicle of referendum simply to ensure that when we ask them for us to be their representatives that there is no fear on their part that they have to wait for four years to have a check and balance. Let them have that check and balance as we do our work between those four years. Thank you.

The Speaker: Yesterday afternoon it was discussed about adjourning earlier. Honourable Third Official Member, do you have a time?

Hon. George A. McCarthy: Yesterday when the briefing took place with the members of the Legislative Assembly about the visit that was made to Paris to meet with the OECD forum, it was pointed out that there was going to be a meeting this afternoon with the Government Sector Consultative Committee in order to give them an update as well. This meeting is due to commence at 4.00 PM. As a result, it was being asked that an early adjournment of the House be allowed.

The Speaker: If it is the wish of the House, I think this would be an appropriate time then for us to adjourn, rather than stop a speaker in the middle of his debate. I would entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 3.46 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 10 SEPTEMBER 1999.

**EDITED
FRIDAY
10 SEPTEMBER 1999
11.01 AM**

[Prayers read by the Second Elected Member for Bodden Town]

The Speaker: Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, who is absent due to a death in the family.

I would like to apologise for the late start but we had procedural matters that had to be taken care of.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers . . . but before doing so, I would like to ask the Honourable Minister for Education if he would move a motion to suspend Standing Order 23 (7) and (8) in order that we can take questions beyond 11.00 a.m.

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

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 23 (7) and (8) so that questions can be taken beyond the hour of 11.00 a.m.

The Speaker: Let's put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. [Standing Order 23 (7) and (8) has been suspended].

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.

The Speaker: I will move on to item number 3 on today's Order Paper, Questions to Honourable Members and Ministers. Question no. 98 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 98

No. 98: Mr. Roy Bodden asked the Honourable Third Official Member with responsibility for Finance and Economic Development to define the terms of reference under which the Medium Term Financial Plan is being developed.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Medium Term Financial Plan or Strategy (MTFS) will form an integral part of public sector fiscal reforms and bring a medium term dimension to government financial planning. Its broad objective is to provide a guide to the prudent management of our public finances over a three-year period. The terms of reference of the MTFS are:

- To review the recent economic performance of the Cayman Islands and provide an in-depth analysis of Government finances;
- To identify the major issues that will require attention over the ensuing three year period;
- To formulate a strategy for achieving a clearly defined set of fiscal objectives which are in line with broad economic goals and priorities. This strategy will be guided by an appropriate set of policies on revenue, expenditure, public debt management and general reserves.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Member tell the House when this strategy comes into effect how is it going to be different from the way which we currently operate our finances?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it will be useful for me to give a timeline as to when this will come into effect. As the Third Elected Member for Bodden Town will appreciate, we are now in the process of formulating the financial reform initiatives. We are hoping that by the year 2001, we will be underway with the full implementation of the MTFS [and] the Public Sector Investment Programme (PSIP) on the basis as outlined in the answer.

But it will work on the following basis in the month of June in the year 2001: It is anticipated (based on the progress that is envisaged over the time for developing the reform initiatives) that the MTFS and the PSIP will be presented to this Honourable House in the year 2001, in the month of June. The MTFS will cover the total public sector inclusive of central government, statutory authorities and government owned corporations. It will present the proposed financial activities of all three bodies in one document on a consolidated basis over a rolling three-year period.

The PSIP will set out the associated capital development projects over a rolling three-year period on a consolidated basis as well. In September of the year 2001, the pre-budget strategic policy statement will be presented to the Legislative Assembly and the pre-budget strategic policy statement will focus on central government initiatives primarily. However, it will also capture those financing activities of the statutory bodies and government owned corporations that impact central government's financial position.

In November of the year 2001, when the budget is presented, this will be the nuts and bolts document that will focus on the one-year time slice of the MTFS PSIP that relates to central government. It is planned that budget 2002 will be the first year that the government will present the budget document on a full output basis and accounted for on an accrual basis. So in effect, what we have here that is envisioned in June of the year 2001, the MTFS PSIP (I know I am repeating, Mr. Speaker, but if you will allow this for emphasis) will be presented to the Legislative Assembly. This will sweep up all of the capital projects at that time that are envisioned by the government.

It will also look at what is being proposed within the statutory authorities and Crown corporations. The reason for this as pointed out for example, the Water Authority may set out in its annual plan capital works that will require laying a certain amount of pipe in order to supply water to the given districts within the Cayman Island, Cayman Brac and Little Cayman. It is necessary for this to be dovetailed with the capital works of central government. For example, if central government is planning road works, we would not want the road works to be done by central government and then we have the situation where the Water Authority comes along and digs up the road.

It is not a question that this will be purposefully done but where we haven't got linkage this is likely to occur. And where, for example, a road surface has been interfered with, we know that the strength or integrity is not normally there as if it was allowed to remain intact. So, all of these things are being done, Mr. Speaker, in order to create linkage across the entire structure of government, not only central government but also the statutory authorities as well.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House if within this three-year period we will be operating under a full accrual system, or is it anticipated that we may need a slightly longer time before we reach the level of a full accrual system of accounting?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: As I indicated earlier to the Third Elected Member for Bodden Town, we are anticipating that in the year 2002 we will be moving into a full accrual accounting system. The reason being for the

year 2000, the budget will be presented on an input/output basis because some departments have progressed in terms of the financial reform initiatives as such pertain to their departments at a much faster rate than others. So, we will be looking at what the budget will be in terms of the budget presented on an output basis.

Then in the year 2001, we will have a repeat of the same activity but by that time, it is hoped that all departments of government will be able to present their budget on an output basis, as well as showing the input linkage. This also will create a transition for members of the Legislative Assembly to observe the changes that are being made in terms of where we are and where we plan to go.

By the year 2002, the evaluation of all assets within government departments . . . or let's say that all assets at the disposal of given departments of government valuations would have been developed because the budget in terms of moving into an accrual basis will have to take into account depreciation and all of these factors that are presently left out of the cash accounting system. So at the end of the day in order to get a full picture in terms of the overall cost of providing services to government or arriving at the cost of output, for example being provided by the Police Department [and] the Education Department, it is not only the cost as presently stated in the estimates for recurrent expenditure or capital expenditure, it will take into account the depreciation component as well.

The Speaker: Are there any further supplementaries?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In previous times, whenever mentioning the MTFS, there has been an accompanying title, which is referred to as the PSIP. While I believe that part of the substantive answer overlaps into this PSIP (as it is commonly termed) could the Honourable Third Official Member explain the relationship between the two? Perhaps, we can get a fuller picture if that is done.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the PSIP looks at the list of capital projects to be undertaken by the government and the MTFS looks at the financing of those projects over a medium-term period, and it also looks as well at the financing of the government's entire operation. So, this creates the linkage between the two aspects, the PSIP with the MTFS setting out how the financing of governmental activities will take place over discreet periods of time.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Member say what will be the direct ramifications of government operating within these new parameters when one begins to look at government's broad policy?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Firstly, Mr. Speaker, Honourable Members will recall that during the earlier part of this year, the Honourable Minister for Education tabled the Vision 2008 document in the Legislative Assembly. This document sets out the high level priorities of government.

Now, it is around those priorities that a decision will be taken in terms of what segment or component of those high level initiatives or priorities that are determined as essential for the benefit of the country will be pursued in a given period. From these priorities, then, the policies of government will emanate. For example, if it is to foster better protection within the community, this could mean having to look at the policing system. If there is a need in terms of having to, let's say, expand the operations of the Police Department, what types of mechanisms need to be in place? Because when we talk in term of broad outcomes and so on, it becomes somewhat esoteric. But in order to achieve this we will have to become very specific in terms of what are the components or elements of activity that will need to be in place in order to achieve the desired result.

The same will be in terms of education and looking across all sectors. So, when the government establishes a policy, then what the budget will do, or the financing activities, or the progression of all of these activities will create linkages and steps in terms of achieving the overall objective that is being sought.

The Speaker: If there are no further supplementaries, we will move on to Question No. 99 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 99

No. 99: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning what are the major implications of the National Curriculum for Government schools in the Cayman Islands?

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

Hon. Truman M. Bodden: The major implications of the National Curriculum for Government schools in the Cayman Islands are envisaged as follows:

1) Changes in the approach of teaching styles, methods and testing procedures.

2) The standardisation of learning outcomes for all students across the system.

3) The standardisation of textbook material which will enable students moving from one Government school to another to have access to the same texts.

4) There will be more empowerment of teachers in the area of methodology in order for them to meet various learning styles in the classroom.

5) There will be an increase in the number of workshops held to ensure the successful implementation of the National Curriculum.

6) An increase in the literacy standards of students and better prepared students at the secondary level for the world of work.

7) The raising of overall students' performance in all subject areas.

8) A greater level of accountability on the part of teachers, students, parents and the Education Department personnel.

9) A new and more meaningful approach for student assessment.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Minister tell the House which entity will be responsible for drawing up the performance criterion which measures mastery in the curriculum subjects? And also, whether such criterion will be administered on an individual school basis or whether it will follow the curriculum and be administered among national lines?

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

Hon. Truman M. Bodden: The answer to the first supplementary is that it will be the curriculum of staff at the schools. The answer to the second is that it would be on a national basis.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House whether these performance criteria will be drawn up simultaneously as the National Curriculum or whether they will follow at a later stage?

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

Hon. Truman M. Bodden: The answer is yes.

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

Mr. Roy Bodden: Mr. Speaker, yes, meaning that they will be drawn up simultaneously with the National Curriculum. Or, yes, it will follow at a later stage?

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

Hon. Truman M. Bodden: Yes, simultaneously, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Minister explain to the House what constitutes the area of staff, which is dealing with the National Curriculum within the Education Department? Since it seems like the question is not very clear, exactly what sections make up the group that is dealing with developing this National Curriculum?

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

Hon. Truman M. Bodden: There are eight teams and they comprised both the private sector—members of the public—and also the Education Department officials.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister tell the House if, when these teams were being put together, there was any type of specific training identified for the individuals involved that would ensure that they were properly equipped to be part and parcel of creating this new National Curriculum?

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

Hon. Truman M. Bodden: Mr. Speaker, most of them are trained teachers and curriculum advisors in the section.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister give the House an update on the stage reached in the development of this curriculum to-date? And, specifically could he say whether the core curriculum subjects have been completed as yet?

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

Hon. Truman M. Bodden: Mr. Speaker, mathematics has two key stages completed. Science has the draft for key stages 2 and 3 completed. Social Studies - key stage 1 has been completed, work on key stage 2 should be completed in December 1999. Language Arts - key stage 1 has been completed and key stage 2, draft curriculum has been completed. The sessions with teachers of key stage 3 were conducted.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House, compared to the objective set out in his National Strategic Plan in Education, 1995 - 1999, how far has this preparation of the National Curriculum reached and how many of those objectives have been achieved to this stage?

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

Hon. Truman M. Bodden: The timing (which I think is what the Member is referring to) is online with mathematics, science and social studies and it is hoped that the fourth stage will be finished within about another year.

I would like to point out that this is a very major task when you undertake to redevelop and redo the full curriculum within the schools, and it has to be done right because this is something for many years has not been attempted. Even though a certain amount of pressure can be put to get this within a certain time, there has to be some tolerance in relation to ensuring that it is done right. It is critical that it's done right because it affects the youth of this country, the school children. It is the largest single task set out in the strategic planning, and it is the most important.

Mr. Speaker, I can assure members that the level of importance that it demands is given to it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I can assure the Honourable Minister that members of the House are well aware of the size of the undertaking and appreciate its importance. But, by the same token, I would like the Member to try to give the House an idea of the timeline in which this project will be completed, especially bearing in mind that there are constant changes in both methodology and some of the subject areas. Also, would he give the House an indication of what work is being done on the language arts curriculum?

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

Hon. Truman M. Bodden: Mr. Speaker, I already mentioned the position on the Language Arts but if I have to go back to that, I will.

- In Mathematics (as I mentioned) key stage 4, which is completion, will be completed in the year 2000.
- In Science, key stage 3 is to be completed this year and key stage 4 in the year 2000.
- Language Arts, key stage 3, this year. Key stage 4, year 2000.
- Social Studies, key stage 2 in this year. Key stages 3 and 4 in the year 2000.
- History, key stages 3 and 4 - the year 2000.
- Geography, key stage 3, this year. Key stage 4, the year 2000.

These are the target dates.

- Information technology, key stage 3, this year. Key stage 4, year 2000.

The balance of these are to be completed in the year 2000: Religious Education, Music Education, Physical Education, Foreign Language, Art and Design.

I think the second supplementary was on Language Arts. Key stage 1 of Language Arts, draft curriculum was completed and approved by the National Curriculum Advisory Committee. Key stage 2 of the draft curriculum has been completed and is to be presented for review on feedback in October. Sessions with teachers of key stage 3 were conducted and the goals and learning outcomes were completed and incorporated into their present curriculum and one workshop was held with teachers of key stage 4 to appraise them of developments at the other levels.

The Speaker: The First Elected Member for George Town, we are going to have to limit it to two more supplementaries.

Mr. D. Kurt Tibbetts: Mr. Speaker, I was about to tell you that I have a couple more supplementaries but I just wanted to get back to one answer that the Minister gave.

When the question was asked of the Minister regarding the qualifications and training of the people involved in the preparation of this National Curriculum, I think, his answer was that they were trained teachers and curriculum advisors. Is that correct? That was what—

Hon. Truman M. Bodden: *[Inaudible comment]*

Mr. D. Kurt Tibbetts: No, just nod your head. I was just asking if that was the answer so that I didn't have to go over it at the beginning.

That was the answer. Anyway, getting back to that, can the Minister state if it is recognised in broad circles that the preparation of such a thing as a National Curriculum requires certain specific type of training for the individuals who are involved in that process?

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

Hon. Truman M. Bodden: Mr. Speaker, within the team are specialised people. Where there may be gaps, people are brought externally to supplement specific areas.

The Speaker: The First Elected Member for George Town, a final supplementary.

Mr. D. Kurt Tibbetts: In the area of Social Studies can the Minister state, whoever is in charge of creating the curriculum for that subject, if there is any specific training that has been allowed that individual? Or, has anyone been brought in to supplement that need in that specific area?

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

Hon. Truman M. Bodden: The answer, sir, is no.

The Speaker: Moving on to Question 100, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 100

No. 100: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what is the status of the Government Guaranteed Housing Programme for middle-income earners?

Hon. John. B. McLean: Renewal agreements for the Government Guaranteed Home Mortgage Scheme have been sent to CIBC Bank & Trust, the Bank of Butterfield International, and British American Bank.

Once the banks have advised the Ministry of their approval of the agreements, arrangements will be made for the respective bank presidents and His Excellency the Governor to sign the agreements. Thereafter, the banks and government will be in a position to begin processing applications again.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Minister give the House an indication of when these agreements may be ratified?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, it is my understanding that one will be signed today, hopefully—the one with British American Bank. Hopefully next week, we will have another [signed] by CIBC.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister give an indication to the House of what is the reason why the renewing of these agreements has taken so long?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, I would have to say that I apologise for this, but it has just been one thing after another. The matter was brought first to Finance Committee, then it has been to and fro between the banks and the government. But, thank God, we have reached a position now where we should be off to a good start in a very short time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Will the Honourable Minister give the House an undertaking that when all the agreements have been ratified that he will ensure that proper notices are placed in the public through the media, so that inter-

ested persons may know that they can again access these, seeing that the members of the Legislative Assembly have been bombarded in the recent past by persons who are both interested and anxious to access the source of this money so that they may put their mortgages into effect?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Definitely, I give that undertaking, sir. We will do whatever we can to promote it.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say what are the changes in the renewing of these agreements?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, for example, the new ceiling limit has been increased to \$150,000. The scheme was presented to Finance Committee and the same terms and conditions that were adopted there, will be what will be in the scheme.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say if there are any material changes to the schemes that for instance, of common-law couples, parents and children being able to apply together?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, the areas that the Member mentioned were some of the troubled areas that to the best of my knowledge have been corrected so that we can try to assist the various people he has mentioned.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, when the Minister says, "...troubled areas..." can he explain those two points?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, I will withdraw the words that I used and refer to the areas that the Member mentioned. It is my understanding that these were some of the areas that actually held up the scheme, going to and fro, and whatever the problems were . . . these have ironed out.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: What I am trying to ascertain is whether those clauses in the agreement have been removed or not.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: As I was trying to indicate to the Member, I don't have the exact wording of this with me. I undertake to give it to him in writing.

The Speaker: Any further supplementaries? If there are no further supplementaries, we move on to Question 101 but prior to that I would ask for the suspension of Standing Order 23 (6).

The Honourable Minister for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 23 (6)

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 23 (6) to allow for a fourth question to be asked by the Third Elected Member for Bodden Town.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (6) SUSPENDED.

The Speaker: Question No. 101 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 101

No. 101: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what is Government's policy with regard to the "rebalancing" proposals aired by Cable & Wireless (CI) Limited at the 14 May 1999 presentation?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Government's policy with regard to the "rebalancing" proposal aired by Cable & Wireless (CI) Ltd, at their 14 May 1999 presentation was for Cable & Wireless to present the proposal to the public for input. However, ongoing talks are being held between Cable & Wireless and the Ministry, the latest being on 3 August 1999.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would ask the Minister to give the House an undertaking that he follow this matter up with his usual diligence as I have reason to believe that the rebalancing may lead to some Caymanian staff being affected by virtue of the fact that they may not be given sufficient and expected opportunities for re-training.

I am speaking particularly in the area of engineering—the Department of Engineering—those posts described as technicians and senior technicians, and also that there is the possibility where some staff are recruited from overseas to do work which was normally done by some young trained Caymanian technicians.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: I give the Member that undertaking, and I would like again to thank him for passing some information on to me yesterday in the same regard. I definitely have already asked for information on this and I will keep him appraised as soon as I have something on it.

The Speaker: If there are no further supplementaries we will move on to Question No. 102 standing in the name of the First Elected Member for West Bay.

QUESTION 102

No. 102: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works (a) what is the total cost of the Pedro St. James Castle Project to-date; and (b) how much has been drawn-down from the Caribbean Development Bank (CDB) loan to-date.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The total cost of the Pedro St. James Project was estimated by CDB in the 1996 appraisal report to cost Cayman Islands \$8,676,000 upon completion. The project was done through a three-phase project: Research, Planning and feasibility, and restoration and construction. A breakdown of the restoration and construction costs are:

PARTICULARS	CI\$
Pedro Castle Restoration	1,364,000
Visitors' Centre Construction (which includes the multi-media theatre, café, washrooms, gift shops, the resource centre as well as offices)	2,259,306
Furniture, fixtures and multi-media (meaning the equipment)	1,335,000
External works	1,103,000
Architecture and Engineering	723,000
Construction Management	149,000
TOTAL RESTORATION AND CONSTRUCTION COST	\$6,833,306

When we add the financial cost which includes commitment fee of Cayman Islands \$57,246 and loan interest of \$203,437, the two totalling \$260,683, and add the land acquisition including stamp duty of \$852,500, the primary capital costs then amounts to \$7,685,806.

Now, when we add the recurrent part of this, adding the start-up cost and the pre-operating expenses for a period from early 1997 to the end of December 1998, it amounts to \$730,582.

The total cost to government for research, planning and feasibility, restoration and construction, land acquisition, stamp duty, start-up cost and pre-operating expenses was \$8,677,071. When we put this against the estimates, which were done in 1996 of \$8,676,000, we see that those two figures compare very favourably.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I don't know whether they are favourable or not

The Speaker: If I could interpret one moment. I don't think you read the second page.

Hon. Thomas C. Jefferson: Sorry, Mr. Speaker. The amount drawn down on the CDB loan to-date is US \$4,228,412.10. A further claim of US \$1,612,429.04 has been submitted to CDB.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The recurrent expenditure . . . am I understanding the Minister correctly to say that this is only \$730,582, presently? If that is so, what years is he covering?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, in answering the question, we were guided by the estimated cost done by CDB and relating the answer to the construction of the project. We realised, of course, as each year goes on, there is a subsidy to the Pedro St. James Project. The subsidy is included in the start-up cost and the pre-operating expenses totalling \$730,582 for the period 1997 (as I mentioned earlier) until December 1998 because it was in December 1998 when the project was officially opened.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: So can I ask the Minister to say the amount for this year for ongoing expenses?

The Speaker: I don't think that comes out of the substantive answer but if you wish to answer, you may. The

Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, what I would mention is that on Business Paper No. 1, there are two questions dealing with the income and expenditure of Pedro St. James—number 26 and 11. So I propose to answer those next week.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, that question came out of his supplementary answer but can I ask whether it is safe to say (if I am understanding correctly) this year's subsidy—whether the \$600,000 will be added to the \$730,582

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Firstly, we are dealing with the capital cost and the construction of the project and once that phase is over, then we move on to the operational cost of the project, which would naturally include the sum that the First Elected Member from West Bay was talking about. It is allocated in the 1999 budget.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am still not understanding whether this year's subsidy is added to this amount. When I ask what is the total cost to the Pedro St. James Castle Project to-date, I didn't mean that.

The Speaker: I think in his previous answer, he said to 1998. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can give us a breakdown of item 4, external works for \$1,103,000?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Under external works heading, there is actually an array of items that are done, namely, the entrance features to the castle, the landscaping, the signage, the site elements, the services that have to be put in place, the stonewall that goes around the project, the parking areas, the grassy areas, the pathways that lead around the projects is all part of the external works. I don't have that in terms of a dollar figure to each one but that is what it covers.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say in item 4, what amount out of this was for landscaping and whether it also included the wall and how much was for that wall?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, this is the area that I understand the Auditor General is examining and we are awaiting his full report as to the details.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, so, while the Minister said it cost \$1.1 million, he cannot say whether that included the landscaping and how much was paid for the landscaping and the wall that I am talking about.

The Speaker: Would you turn that into a question.

Mr. W. McKeeva Bush: I am asking whether that is so.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I did indicate that the total sum covered an array of items including the landscaping contract and I don't have those details with me at this present time.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker on the second page, (b), the Minister mentioned the amount drawn down from CDB. The loan to-date is US \$4,228,412.10.

I wonder if the Minister can say what was the total commitment from CDB? And the second part of that question is with regard to the claims that have been submitted at one point, \$6 million, whether or not there is any concern with regard to being reimbursed for that amount?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The claim was submitted approximately 3 - 4 weeks ago to CDB and there is a further document that's required by the bank. My understanding is it is being provided and hopefully within a short period of time, we should get a definitive answer.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state exactly how the project was financed to this point, I am assuming it is completed? What I mean by that is the claim that has just been made of US \$1.612 million to CDB been paid out to contractors or otherwise already? How has government paid that money? Also, if memory serves me right, the loan from CDB was suppose to be US \$5.79 million. Can the Minister state if the rest of the funding for this cost that is indicated in the answer came from general revenue or other loans? Or exactly how the was entire project financed?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that the project was financed partly by government and partly by a loan from CDB. I don't want to quote percentages because I might get it wrong off the top of my head.

The funds have been paid out. The funds have been approved through the Finance Committee and through the budgetary process. We are now claiming from CDB those funds that have already been approved. There was some additional documentation required by the bank and as I understand it, there is only one letter missing as far as meeting all the requirements that the bank has required and that should be received shortly to be forwarded on to the bank.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say whether this 1996 appraisal is the first one, the second one, or was this the only one? I do recall a figure of [approximately] \$5 million to do the project.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There were two appraisals that I am aware of. The one we are talking about is the one done by CDB in 1996. There was an earlier estimate carried out or done by Commonwealth Resource Management, which amount to approximately \$5 million.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say whether claims made to CDB have been honoured? This claim that was submitted 3 - 4 weeks ago, which claim is this as we were told in November that they had submitted a claim at that time.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: All claims submitted to CDB with the exception of the one, which was submitted about 3 - 4 weeks ago, have been refunded by the bank.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say which claim is that?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, this is a sort of a clean-up where we categorise all of the items that are left to be claimed, and it amounts to \$1.6 million. There are a variety of items that have been sent down. I

don't have the claim with me. Otherwise, I would spell out in detail.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, government seems not to have a lot of things when they are answering questions. Was this claim the one to do with the external works?

The Speaker: That question was asked before.

Mr. W. McKeeva Bush: Was it? By whom?

The Speaker: Was it the Third Elected Member for West Bay?

[Interjection: No!]

Mr. W. McKeeva Bush: We have asked a lot, you know, but we have not got any answers.

The Speaker: But that particular question has been asked.

Mr. W. McKeeva Bush: No, no! Mr. Speaker, I am asking whether the claim made to the CDB was the external works claim.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand, the claim being made covers a variety of areas of the project. Some of it, I assume would be the landscaping contract, some would be the furnishing contract, some would be the multi-media theatre and its furniture, among other items.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say whether these have been rejected?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The claim has not been rejected.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Could the Minister then say, if it has not been rejected, whether there is a discussion as to the accuracy of the claim and whether there is further discussion then to ascertain the full amount?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, as I said earlier, there was a requirement by the bank to submit documentation which they did not find present at the time of the original submission, which was 3 or 4 weeks ago. My understanding is, as of two days ago, all of the documentation has been received with the exception of one letter, which we hope to receive shortly.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Just for the sake of clarity, when he says "receive" does he mean the ministry is receiving this documentation to send to CDB? And, if they are receiving it, whom are they receiving it from?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The project was supervised by Public Works—in dealing with the visitors' centre, in dealing with the external works, the majority of it if not all of it. So, it is Public Works that is requesting the additional documentation to satisfy the bank. And once they receive it, they then forward it on to CDB, which is the procedure established for a long time.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, is Public Works receiving this from home? That's the question. The contractor? And, if that is so, since there were contracts why did they not have that documentation and why this absence of documentation?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it, the bank is requesting additional information, which I understand as been received from Commonwealth Historic Resource Management to be forwarded on to CDB. One letter from them is what is awaited and as I understand it, it should be arriving at Public Works shortly to be forwarded to CDB.

The Speaker: I am going to have to limit this to two more questions because we will be here all day.

Mr. W. McKeeva Bush: Thank you, sir. We could.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: [What] is Commonwealth Resource Management? Is it a local company? Is it a foreign company? Is it registered locally? Who are its directors? Who are its material owners?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there is a question set down (and I propose to answer that next week) which covers the majority of what the member is now requesting.

The Speaker: The First Elected Member of George Town.

Mr. D. Kurt Tibbetts: Since that question was not dealt with, perhaps there may still be two supplementaries.

I noticed in the substantive answer, the total cost estimated by CDB in 1996 was C1\$8.67 million and I also noticed that in the answer, the total cost to-date compared with that estimate by CDB in 1996 is \$8.67 million—well, call it \$8.68 million so it is just about the same. I had earlier asked about how the project was financed and in the Minister's answer he discussed the various linkages which added up to the total being paid out. Can the Minister state if the estimates over the years for the cost involved as time went on for the project would then come up to the amount of money that is being borrowed from CDB, taken away from this total?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there are some areas of that, which I think need more detail on my part to answer accurately. I don't want to say something that may not turn out to be correct but the principle is that Government pays a portion and the bank pays a portion. If we draw down on all of the loan, which the claim now, I think, would put it close to that amount, if not that exact amount; then the portion that has been arranged initially with the bank and the acceptance of Government of that loan to fund this particular project, I think, the principle would naturally follow that the portion that we were suppose to pay will be paid... And I say, if, because we have not received the claim yet or funding of the claim. If the claim is met, it would, I think, put a total draw down on the US\$5.7 million from CDB.

The Speaker: Final supplementary. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, with the greatest of respect, we are still on that same one because he needed some more detail to make sure that he answered my question. I am going to make it very clear. I am not trying to be rude, sir, but I am still on the same one. I am going to make it very clear just so that we both understand each other.

The answer says that the total cost of the project was \$8,677,071—that's what the answer says. We know what the amount was for the loan. I quote that figure \$5.79 million because that is what we have seen but there is no argument about how much that was, whatever that amount was. That's what I know it to be [and] that's why I am using that figure. I am working on the assumption that this claim of \$1.67 million will be honoured and that there will be a total draw down on what-

ever the loan was given by CDB. But we know that the funds spent into the project, approved by Finance Committee, the funds were not all at one time and it was over a period of years certain amounts were used.

What I am asking the Minister to tell is: Given the total cost that is put on paper here [and] taking away the total draw down from the CDB, whatever that difference is—if the amounts approved by Finance Committee and spent over the years during the projects ongoing construction and everything else until it was completed—if those amounts when all added up will tally with the difference between the total cost of the project and the CDB loan? That's what I am asking.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the answer to that, Mr. Speaker, is yes. I wanted to look at some other data that I had in my office to be absolutely sure but I think the answer is yes.

The Speaker: Are there any further supplementaries?

Going on to question number 103, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 103

No. 103: Miss Heather D. Bodden asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources if there are any plans to construct a civic centre/hurricane shelter in the community of Savannah/Newlands?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John. B. McLean: Whilst budgetary provisions were not made in the 1999 Budget and construction plans not prepared, land was acquired contiguous to the Savannah Primary School to eventually construct not only a civic centre, but a new post office as well.

SUPPLEMENTARIES

The Speaker: Supplementaries, the Second Elected Member for Bodden Town.

Miss Heather D. Bodden: As soon as these plans are in order, could the Honourable Minister make sure that the three representatives from Bodden Town are included so that we can give some input on it?

The Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John. B. McLean: I am very happy that the Second Elected Member for Bodden Town has activated this. Taking into consideration the last hurricane . . . it was seen that it was highly necessary that we look at this area and try to have some constructed where persons

living in that area, especially in the lower areas of Savannah will be able to shelter safely during a hurricane.

So I would like to say that I feel certain that government will take the necessary steps—since she has actually motivated it—to try to include something in the budget, at least for the plans, so that we can get on our way with the facility that is so badly needed.

The Speaker: Any further supplementary?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, with your indulgence, since we are dealing with civic centres, I wonder if the honourable minister could give us an update on our civic centre that has been proposed for West Bay for the last six years?

The Speaker: That is not a supplementary but if the Honourable Minister has the answer [then he can reply].

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John. B. McLean: Mr. Speaker, I think this is outside of the ambit of this question. The most I can say to the Member from West Bay is that, I think as he knows well, some funds were put in for the plans for the West Bay Civic Centre but there has not been anything else on that. And, as far as George Town is concerned, it is my understanding that properties were identified. I think coming up on the budget time we should try to include all of these very important matters for the civic centres

The Speaker: The concludes Question Time.

I have a question. Do you think it is appropriate that we take the luncheon break at this time because it is so near, and say we return at 2.00 p.m? We shall now suspend for lunch until 2.00 p.m.

PROCEEDINGS SUSPENDED AT 12.51 PM

PROCEEDINGS RESUMED AT 2.16 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99. The Honourable Minister for Education, Aviation and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 11/99

REFERENDUM LAW

(Continuation of debate thereon)

Hon. Truman M. Bodden: Thank you, Mr. Speaker. I have circulated an amendment to this motion and I would now like, if I could, to read it and move it.

The Speaker: Go ahead, I waive the two days notice. Please continue.

AMENDMENT TO PRIVATE MEMBER'S MOTION 11/99

Hon. Truman M. Bodden: Thank you, sir. It says amendment to Private Member's Motion No. 11/99. "In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Minister responsible for Education, Aviation and Planning, seek to move: **BE IT RESOLVED** that Private Member's Motion No. 11/99 be amended as follows:-

"**BE IT RESOLVED** that the fourth recital (paragraph) be amended by the addition of the following words at the end thereof *'and that the Constitution of the Cayman Islands only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.'*

"**AND BE IT FURTHER RESOLVED** that the first operative part of the said resolution being the penultimate sentence be amended by the removal of the word 'the Government' and the insertion of the following words: *'subject to and after a referendum under section 29(2) of the Cayman Islands (Constitution) Order 1993 whereby the electorate vote for a referendum to be initiated by the electorate, the Legislative Assembly.'*

"**AND BE IT FURTHER RESOLVED** that the following be added at the end of the Motion: *'AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.'*"

The Speaker: The amendment has been duly moved. Do you wish to speak to it?

Hon. Truman M. Bodden: Thank you, sir. I would wish only on this to speak to the amendment itself, reserving the right after the amendment to speak on the main motion. This is the reason why I put it up front because that will save time.

The Speaker: Understood.

Hon. Truman M. Bodden: This amendment does two things and two things only. The first thing that it does is to the state that before the Constitution of the Cayman Islands can be amended, there should be a referendum whereby the electorate of this country votes for those specific amendments. That section has been amended in the recital part and the recital that was in the main motion has now been added to the operative part.

So what this will do is that before the Constitution of this country can be changed, we say (and so says, I

would assume, the backbench) that there should be a referendum on those specific issues. It states clearly . . . and let me read the actual motion itself as I see there's a bit of concern there. The amending part says, "**AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance;**" We are moving to add to that, *"...and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments."*

I know there can be no doubt in this House that every Member would not wish to—or should not, I hope—change the Constitution of this country without having the people of this country express their clear wishes. In the past that was done in two ways; one was a general election whereby specific sections of the Constitution were made an issue; or the alternative way (as has been put forward in this Motion) is that of a referendum.

The Motion itself specifically says that there is growing compatibility of the referendum with the parliamentary representative system of government. It is also recognised that the referendum is wholly consistent with parliamentary sovereignty. It goes on to talk about the increasing matters of national importance to man wide spread public participation. So what this part of the Motion is saying is that before the Constitution of the Cayman Islands can be changed, there should be a referendum on the specific issues, specific changes that are required to be made.

Any change that is made in the Constitution of a country is a major and serious change. Change in the Constitution of a country (and I will deal with this further on) is the most sacrosanct part of a democratic country and any time the Constitution is changed, the public should have a clear say in those changes. We have to put this in retrospect. This country began its economic progress . . . we began to flourish as a result of changes in the Constitution of the Bahamas. That is where we got our start—it was the flight of business from the Bahamas to Grand Cayman.

There can be no doubt that changing or even talking about changing the Constitution is something that is very serious. We saw it recently. One of our competitors started talking about it. In fact, they did a referendum about advancing and changing their Constitution and there was a flight of business out of the country—we got some of it and luckily the public there spoke loud and clear. In the referendum, the government that put forward the change, the Chief Minister had to resign.

So any move to change the Constitution of this country, the public must have their say on it. They must have a right. So that section strengthens the motion as it now is and merely fleshes out the fourth recital of the actual motion itself.

The second part of the amendment basically says that here the motion is establishing that a referendum should be able to be initiated by the electorate of the country. But the motion itself breaches the very principle

that it is advancing, in that it is seeking to change the Constitution and insert a section in it on referendum without seeking the views of the people under the present system of referendum that exists.

Quite simply, there is now in the Cayman Islands Constitution the right to have a Referendum; a right that can be instituted very simply by a motion being brought to this Honourable House and once adopted, a law then must follow with it.

At present, under Section 29(2) (I would like to read this), **"Without prejudice to the generality of subsection (1) [which is the right to make laws] a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the elected members of the Assembly, to be a matter of national importance and specified in such law."**

So, what the Constitution now says is that the same way that this motion has been brought to change the Constitution and extend—because that's what it would be doing, extending the referendum provisions of the Constitution—no one has gone back and asked the public about this change of Constitution. What we are saying, Mr. Speaker, at present there is a right for a backbencher...and I want to make this abundantly clear, any Member of this House including a backbencher can bring a motion. The motion can say that they wish to have a referendum on a matter of national importance and then a law must be introduced in this House, which will specify the questions and carry out the referendum.

The provision that is in this Constitution is workable by any member of the backbench, simply by bringing a motion to this House and requesting a referendum. So, it is not as if there is now no provision in the Constitution for bringing a referendum—there is! But the motion itself is actually breaking the very principle it is purporting to bring in. In other words, this Motion is asking that a referendum be initiated by the electorate but has not availed itself, taken the opportunity of using the provisions under the Constitution, for a referendum and asking the public, *Do you wish to have the Constitution changed? Do you wish to insert a section, which gives you the right to initiate a referendum?*

So, Mr. Speaker, we support the motion with the amendments because I have . . . and I am quite grateful to the First Elected Member for George Town. How well he propounded what I have said about referendums over the year. Let me say this, sir, I have told the people of this country that my debates are going to be kept high. I am not going to get too far into that other than further down to defend what has been said. But the reason why there is a referendum in the Constitution of this country today and the reason why there is Section 29(2) in this Constitution is because I, Truman Bodden, sir, fought, and fought, and fought, and this was inserted.

I can tell you several other sections that I fought to get into the Constitution. So, I also fully support what is in the Constitution. And, quite frankly, anything the public of this country in a referendum makes a decision, it is a duty of this House to carry out the wish of a majority of

the public of this country. We are here as representatives.

The second part of the amendment is really saying, *look, since everyone agrees that the referendum is how you get the wishes of the people then you should go back and get the wishes of the people on this point.* Because a lot of things have to be looked at as to how specifically this will be done. It has to be looked at, if the public wishes to have this inserted. And by all means if the public of this country wish to have the referendum inserted as initiated by a certain percentage of the electorate, I accept it. This is a democracy.

What I am saying is, do not break the very rule that you are attempting to introduce by bringing an amendment to the Constitution without having gone back to the public and asked for their views in a referendum.

Mr. Speaker, I will go into the merits and the demerits of some of the issues that relate to the main motion further down, but at this stage in the interest of transparency and democracy—we are always talking about transparency in this country—then let us go back to the public and ask them their views on this change of the Constitution to add in the referendum. I think the public would be very suspicious of us, if in an attempt to bring in a rule, we basically broke the rule that we are bringing in.

In other words, we are saying here that there should be a referendum and we are going to change the Constitution to add to the present referendum, yet nobody has gone back to the public with the referendum to ask them what they want. It seems so basic to me sir, that if the backbench believes and they feel that this is important—and I think that it is a very important issue, an extremely important issue, the provision of a referendum—that there is a very clear section in the Constitution that provides a simple procedure. All it takes is a private member's motion or any motion in the House that will call for a referendum and after that a law will be brought in to ask the questions that need to be asked to the electorate.

So, let us be positive and let us do what we say we are doing in this Motion. In fact, as long as this section has been here—and I think it has been in since the amendment was in 1993, five to six years—it has provided a very simple process for calling a referendum. And despite what has been said by backbenchers, no one has ever brought a motion to the House for a resolution to call a referendum. I know and I have certain sections of the motion that I would read. And I know basically who in the past have supported referendum and who have not.

Amazingly, despite all that was said about me in the early stages of this, no one was able to come up here and say anything other than that I was the one who first put a motion to this House, maybe second I don't know. It was back in the 1980s—1989. Apparently there may have been one in 1986 but I put the one in 1989 to bring in the referendum in the country and the Constitution itself has this insertion because I was one of several. Okay? I wasn't the only one who supported the referendum being put in the Constitution.

Mr. Speaker, the amendment itself enshrines the democratic rights of the Cayman Islands to ensure that no one will touch the most important part of this democracy—our Constitution—unless they have gone back to the public and asked the public specifically, *do you want these changes?* Whether they are changes for a Chief Minister, changes for any amendment to any sections of it or any changes. I submit that the most important decision that can be taken is one that affects the most important document in the country.

I have kept this debate high because this is too important an issue to get into politics. I am pleading with members here. We are now looking at changing the Constitution of this country and it should not drop into politics, it should be dealt with on the merits. So the motion to us is acceptable with the amendments which I would just like now in summary to run over.

What the first amendment does is add and make more specific the present motion by adding: ***"...that the Constitution of the Cayman Islands only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments."*** That is the first amendment. So there should be no change to the Constitution unless there is a referendum and the people speak and tell this House what they wish changed, if anything.

The second part which states that...

POINT OF ELUCIDATION

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of elucidation, please.

The Speaker: Will you give way?

Hon. Truman M. Bodden: I will give way, sir, I don't want to have politics here.

The Speaker: The First Elected Member for George Town on a point of elucidation.

Mr. D. Kurt Tibbetts: As I said, it is a point of elucidation and perhaps if the Minister would hear carefully what I am going to say he might make very clear to me what, as of now, I am not quite sure I understand.

If I understand his first proposed amendment correctly, what is now going to happen is that the fourth Whereas section in the motion is going to read: ***"AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance and that the Constitution of the Cayman Islands only be recommended for amendment by this Honourable after a referendum whereby the electorate vote for the specific amendments."***

Unless something is dreadfully wrong between my ears that does not read as a proper sentence...I don't know where I am missing what. Can somebody else read because...

Hon. Truman M. Bodden: I am just wondering if the Member would say if he understands what I am saying.

Mr. D. Kurt Tibbetts: I understand the intent. But I am saying that from where I sit to be asked to vote on it, it cannot be left like this. That is what I am saying—the very first amendment.

Perhaps, if the Minister takes the time and reads it out, the Minister might understand what I am trying to say.

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

Hon. Truman M. Bodden: Mr. Speaker, what I tried to do was rather than changing unnecessarily the motion, I merely added something on to it. I could very well instead of adding on to the fourth Whereas, put this as a fifth Whereas. I have no problem with that. (I am wondering if the member would just follow me.)

What I was saying sir, is that we could have just taken this and put that as a fifth Whereas totally separate rather than running with the sentence. I didn't want to change your sentence because I too had doubts on some things within that section. If that is what would make it acceptable then by all means I could put it as a fifth Whereas.

To be frank, sir, then I could remove the fourth Whereas clause out of the last operative part because that is irrelevant to me.

So, what I could do, is this, if I could just read the motion and I wonder if the First Elected Member for George Town will follow me on this. The motion reads: ***"WHEREAS there is growing compatibility of the referendum with the parliamentary representative system of government and it is also recognised that the referendum is wholly consistent with parliamentary sovereignty;***

"AND WHEREAS an increasing number of matters of national importance demand widespread public participation in the decision making process;

"AND WHEREAS it is rare for a general election to be fought on a single main issue and the result of an election indicates, at most, an undifferentiated approval of a whole range of policies;

"AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance [I could then have just added, sir] and whereas the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments;"

I am happy to change it to that if that makes it acceptable.

Okay, I understand. But I didn't want really to change up the motion unnecessarily but if that will make it acceptable, I am happy to change it. In which case, sir, the last resolve clause would just follow the fifth Whereas clause and it would just say, ***"BE IT THEREFORE FURTHER RESOLVED THAT the Constitution of the***

Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments." I am happy to do that if it makes it acceptable.

All I am trying to get in and I think members understand is that the Constitution should not be changed unless there is a referendum for the specific issues and the public response to those issues.

Mr. D. Kurt Tibbetts: Mr. Speaker, again, just to make the point very clear. The point I was making with the way it reads is that the amendment that is proposed—which is added on to one of the WHEREAS sections of the original motion—to me seems to be a resolve not a whereas—simply because it is suggesting that something should be done.

It is not stating a fact—that's what I am trying to clear up and I am not talking about accepting or rejecting. I am just saying let's get it put the right way that you want it to be put. That is all I am saying.

Hon. Truman M. Bodden: Well, Mr. Speaker, I can really leave out the amendment to the WHEREAS clause because that is not the operative part.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I just wondered because of the problem here, if it wouldn't help if we took a short break so that this matter can be cleared up.

The Speaker: That's exactly what I was about to recommend. Let us suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 2:50 PM

PROCEEDINGS RESUMED AT 3:31 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended. The Honourable Minister of Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. Continuing to really wind-up on the amendment (and I will do this on my reply on the amendment because I am only speaking on the amendment). What I would be seeking to do is leave out or remove the first resolve section of this motion, which really only deals with recitals. It really isn't necessary to the balance of this motion.

So the first part that said, "**BE IT RESOLVED that the fourth recital be amended...**" I have no problem with leaving that recital the way it is. So there are two things and I will just sum up. I would like to explain this again because there seems to be some confusion. I can understand where there can be confusion because the amendment to the Constitution relates to a provision in the Constitution that is in itself a section dealing with the referendum.

But let's take any other section . . . let's say that there was an amendment to the number of seats in the Legislative Assembly. What this motion is saying is that before there is an amendment to the Constitution, there should be a referendum of the people to get them to say what specific amendments they wish to have. In this case, what the motion itself is seeking to do is to amend the Constitution to add a section, so to speak, or add a part to Section 29 (2) of the Constitution, which would allow the electorate to initiate a referendum.

The first part, therefore, was originally the middle part. What that is saying is that in this case before there is an amendment to the Constitution to extend the provisions of the referendum section of the Constitution, there should be a referendum initiated under the present Constitution. The present Constitution provides a process whereby any member of this House—whether government or backbench—can bring a motion as it says to (I would just like to read that again), "**Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum among persons qualified as electors in election to the Assembly on a question declared by resolution** [that is, anybody in the house can bring a motion. And it goes on to say] **adopted by majority of the elected members of the Assembly to be a matter of national importance and specified in such law.**"

So, presently, there is a section in the Constitution that has been there since 1993 that makes provision for a referendum.

Now, the motion that is being brought, instead of bringing a motion under Section 29(2) to ask the people whether they wish to amend the Constitution by having the electorate initiate a referendum . . . in other words, extending Section 29 of the Constitution by amendment. Then instead of doing that a motion was brought. What I am saying, Mr. Speaker, is that this motion—since it is amending a section of the Constitution—should itself go back to the electorate of the country to have their wishes.

I know it is a bit confusing because the amending section relates to the referendum. But in a quick summary sir, what we are saying is, firstly, any amendment to the Constitution . . . there must be a referendum. And secondly, in this case (because the motion itself is amending the Constitution) then there should be a referendum to find out if the public wishes to have that extension or whether they are satisfied with the section that is in there. But I stress, again, Mr. Speaker, there is a clear section and it follows (as I will show when I am dealing with the full motion) the English procedure for holding a referendum.

This is how it is done in the United Kingdom. You have a specific law for each specific referendum and the questions and procedures are set out in there. So, the United Kingdom have put in here the type of referendum that is used in the United Kingdom and that is different from what is used in federal countries, such as the United States or in the Cantons of Switzerland.

So, I repeat again, sir, there is a section in here—and I am happy that I was one of the people who pushed to get this in—that specifically allows a resolution in this

House by anyone and that can trigger a referendum through a specific law.

The second point is that we are saying if the Constitution is to be amended then there should be a referendum. Since the motion is seeking to amend the Constitution in the referendum section then there should be a referendum of the people before that amendment is made and go back and ask the people what they want, that's all I am saying. In fact, the referendum is a way in which the public will have to state what they wish to see done. Its submission to the popular vote prevents hasty action, [so said] Roberts-Wray, something I think the First Elected Member for George Town repeated.

That's all I am saying with this Motion—go back to the people and ask the people what they wish to have done about amending this part of the Constitution. When I reply at the end of this amendment, I would at that stage seek to remove the first resolve section of it.

The Speaker: The amendment to Private Member's Motion No. 11/99 is now opened to debate. Does any Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the Motion put forward by the First Elected Member for George Town is something that I can support. When the motion was put last year...

The Speaker: I must say we are now speaking to the amendment to Private Member's Motion No. 11/99 not the substantive motion.

Mr. W. McKeeva Bush: Well, I might not get that chance, Mr. Speaker, so I better say it now. But, Mr. Speaker, if you will allow me to say, when that first motion was put forward last year I couldn't vote for it as it was. But now the resolve in this motion is different from last year's and I can support, in the substantive motion, that is.

Mr. Speaker, the problem that I find with what the Minister of Education is doing . . . he uses the words, '*go back to the people*' because that would sound good. But looking at the full motion as it would be amended, he is asking the electorate to vote for a referendum to be initiated by the electorate. The Legislative Assembly would take the necessary steps to cause the Constitution to be amended to allow the electorate to initiate a referendum.

Well, I suppose, that's what we have lawyers for—this kind of stuff here. I am taking the chance to say this and I know I am taking the chance to say this, Mr. Speaker, but I am going to say it. This would clutter up democracy. This would clutter up the democratic process.

Why make the process so difficult, Mr. Speaker, that you set up a machinery to get a vote to decide that you must set it up. That's what this amendment is saying. While it is good to say *let the public do it*, the public quite understands. They are not stupid, you know. They understand what this process would do. They want the process from what I am hearing, and we have the way with

the present Constitution to be able to amend the Constitution. We are not taking something that will say, change into full ministerial government, we are not changing the number of seats in the House, we are not changing the Governor's powers, we are not changing the electoral process—none of that. Those are things that I would say we would have great difficulty in.

But how could they concoct this God only knows. It just shows why the country is in a state of flux because of this kind of thwarted thinking. I cannot see why we would need to set up machinery to get a referendum for the people to say, yes or no, for whether we can amend the Constitution to allow or to initiate a referendum.

Mr. Speaker, I thank you for allowing me the time. I don't think that this makes sense. I think this is just political posturing by the government being laid by the Minister of Education—who's a lawyer and can twist words to fool up everybody. And that is what this is—nothing but fooling everybody.

POINT OF ORDER

Hon. Truman M. Boddén: Mr. Speaker, on a point of order, he is saying [I am] twisting words to fool people and in my view that is unparliamentary. I am not twisting anything. I understand what I put forward, if he doesn't, that's his limited problem.

The Speaker: I would ask you to withdraw the *twisting*, please.

Mr. W. McKeeva Bush: Mr. Speaker, I will go back to the word "clutter-up." Mr. Speaker, I would ask you to ask him to stop his insulting when we are dealing with a serious matter.

I will withdraw that if that makes him happy but why does he have to be nasty all the time and talk about people being limited? I am not a lawyer and I have never purported to be one. And, I tell you this: I quite understand what he is doing. And it is because I understand that he gets up there and talk about me being limited. I am not that limited that I don't understand that the process that he is trying to set up is only going to make it more difficult, more expensive and thwart the process of democracy.

The Speaker: Does any other Member wish to speak?
The Fourth Elected Member for George Town

Dr. Frank McField: Thank you, Mr. Speaker. I believe that what we are discussing here with regard to the original motion, the original intention is that the people have strongly suggested that they would like to have the right to initiate referendums as they felt necessary, and that they would not like this process only to be controlled by elected members of this House. It is quite clear that the amendment brought by the Honourable Minister for Education, Aviation and Planning is an amendment that only makes the understanding of the purpose of the original motion more difficult.

It makes it more difficult for the public to understand exactly what our motives and intentions are here and it creates the possibility for the motives and intentions that were formed in genuine concern for the improvement of good governance in this country to be taken out of proportion and be put back into that old cloth of they want to change, they-want-to-destroy-the-country type of mentality that has been used in this country for so long to frighten away progress and constructive changes that are necessary.

Mr. Speaker, to say that it is not understood from the very beginning by the Minister of Education, and by the Government, and by other persons that really all of us know that in the Strategic Development Plan that we adopted here in this House, the people said that they want to be able to have more open and accountable government. And, that the instruments for more open and accountable government has to be in the Constitution. So, the Constitution as we know it is really a series of instruments for good governments to make government possible.

Any of these instruments, from time to time, can be seen by sensible and democratic people to have flaws. Therefore, it is not criminal for the people themselves to have spoken in relationship to the Strategic Development Plan in saying that they have a great desire to be able to participate more in their democracy and not make their democracy simply a system that is controlled completely by elected members. They therefore want the right to be able to initiate the referendum, and not just how the referendum is initiated by the government.

I think it is quite clear that, that is what we are debating. I think it is quite clear that the intention of all members of this Honourable House is to find a reasonable solution to this particular predicament without giving people the idea somehow that we are tampering with the Constitution.

Now, change means change. Alteration means alteration. If I say I am going to change my jacket, Mr. Speaker, it means I am going to take it off and put on a new jacket. If I say I am going to have my jacket altered, it means I might have the arms altered or the pocket altered or something altered but I certainly have not changed my jacket because the jacket remains the same jacket that I had before the alterations. We talk about minor alterations; we talk about major alterations.

So, let us not be using words that are not going to be helpful in allowing the people the possibility to make reasonable decisions with regards what it is that we are discussing, what it is that is needed, what it is that we are trying to accomplish.

We are not trying to suggest any change in the Constitution. We are trying to include an amendment, which the people themselves suggested in the referendum, which was the Strategic Development Plan. This is a form of referendum and as a matter of fact, it might even be considered to be a bit more democratic in the sense in terms of the methodology that was used to arrive at these conclusions. Government spent a tremendous amount of money to be able to Table the Strategic Development Plan for the next ten years and now it is

the first opportunity to be able to implement one of the major principles of this—they are saying that it needs to be more complicated.

So we have to go back to the people again for them to tell us that they want more democracy. In other words, they want to be able to initiate referendums just like elected members can initiate referendums. They want to spend more money in order to be able to come to this conclusion.

Now, I know that it is possible that we can make this issue more complex and more confusing than it should really be. I know that it is possible for us to drag it out into the next election and for there to be the talk about who wants to change the constitution and who doesn't want to change the Constitution. I know this goes all the way back to the first time we ever had a Constitution or instruments for the Government of this country. But that is not the real issue.

The real issue here is that the mover of the original motion has brought a proposition to this Honourable House that has been the desire of the people because he knows that a large majority of people in this country—especially young educated people—feel that their democracy could be improved if there was a Referendum Law. Now, we were told before that there is a Referendum Law in the fact that there is in the constitution the possibility for referendums to be taken but only referendums that are initiated by elected members. That is not what the people are talking about. The people know that their elected members can well initiate the referendum but the people are not interested in that; they are interested in their ability to be able to begin this process.

What happens if you have 15 people in this Legislative Assembly that think all the same—you end up one day, perhaps, with all of us in the same group thinking the same way. Then there is no way that the people can safeguard themselves against the Parliament of the country because when we are talking about parliamentary sovereignty, we are talking about the sovereignty of elected people; we are talking about the sovereignty of the people.

Maybe it is about time we understood that we are not talking about our individual or collective sovereignty in here but we are talking about the sovereignty of the people. If the people have no method, no instrument to challenge the total power of the elected Government then the people have been placed in a very subservient position. The people's democracy is flawed.

If the people's democracy is flawed and if we have heard the people talking about the fact that they want greater representation and we don't believe we are getting representation, and I hear it everyday and everyday. If we have a motion that is brought to improve this representation, especially at the eve of changes that are going to come to this country, anyway. Because when we are talking about the OECD, the White Paper, Britain granting citizenship, human rights issues, environmental issues and when we are talking about constitutional issues, the British White Paper is talking about constitution issues.

Why is it that they can initiate discussions with regards the constitution but if we here in this Honourable House or the people initiate discussion with regards the constitution we are seen like bad servants trying to lead our masters astray, trying to ruin the house, trying to bite the hands that fed us? I believe there comes a time, in terms of the political maturity of a people when they can sit down reasonably and talk about their rights and their responsibilities without being afraid of doing this.

I believe, therefore, that people have a basic right to challenge their Government. Not only just during elections each four years but also more often if that is necessary and if that is found to be convenient. I believe that anyone who tries to postpone that process, to make that process less possible to be understood by people are really beginning to confuse the entire issues here.

Mr. Speaker, with regards to the amendment, the specific object of this amendment is that we are going to have a referendum, to ask people whether or not they would want more rights. You are going to tell me that there are actually people in this world that believe that you have to ask a person if they would like to have their rights—I don't believe that I have to ask anybody if they would like to have their rights. I believe everybody wants to have their rights. So the right to initiate the referendum would be a fundamental right enshrined in the constitution, it is not so now.

The only persons that have that right are people who are elected for four years. And that is a long time when we live in a changing world like this and we want to be able to give the people, especially in a small country like this, more opportunities to question supremacy, or rule, or guidance, or leadership. There is nothing wrong with what was intended in the original motion that we have been battling with in this House for several sittings, for several months.

I supported the original intention and I believe that although I find that one can debate the goodness and the badness of referendums, I believe that the people in all countries like to have the say. [They] like to feel that regardless of whether or not they have governments that they still are the ones that make the government and that they are the ones that can unmake the government, and they don't all the time have to wait four years before they can have any time of input.

So, the fact that this amendment has been brought, the fact that if we do not vote for this amendment, some people would want to say that we are trying to change the constitution rather than telling the people that we are amending the Constitution, we are altering the Constitution in one specific instance and that instance is the instance that they have already instructed us that there is a flaw from their point of view.

They are saying that although we have legislators have the right to call referendums, they as a people are denied that right. And we are saying that we must now spend more money to ask them the same question again when this question was very well researched, very well discussed and very well documented in the Strategic Plan that was laid in this Honourable House by the same Honourable Minister that as now brought this amend-

ment that, I think, takes this issue out of the context of reason and puts it in the context of illusion.

So in this particular sense, I think, that we must pay specific attention to the fact that we are not just going to have people getting away with saying, '*They want to change*' because ultimately here this amendment is asking for the same thing in the final analysis. What the amendment is actually saying is that they would like to go through the process of consulting the people with regards this particular change.

Some of us feel that the people have been consulted, the people have spoken and that the cost of having had this done has been costly.

Now, I would like to really say with regards this particular amendment, again, it might just put us back like how we were when we were dealing with the last one in October 1998. We debated the last referendum, a private member's motion, in October 1998 and now we are in September of 1999—almost a year. And maybe another year will pass before we will get any kind of Referendum Law in this country. In the meantime, it is important that the people be given the vehicle.

Should we do something in this country, for instance, that they don't like specifically with regards to the White Paper and the OECD? We would not want people in this country to think that the reason why we are playing around with a Referendum Law that could be initiated by the people is because we don't want the people to speak on the issue of British citizenship, homosexuality, taxation and others. We would not want this to happen, Mr. Speaker. Thank you.

The Speaker: The floor is opened to debate, does any other Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I want to begin by remarking that it seems to me over the years that certain people have always been predictable. I like to deal with predictable people for those are the easiest people to deal with, for obvious reasons.

Now, I listened carefully, and in popular parlance there is a word that is used frequently "spin-doctor." And, in politics you have spin-doctors too, you know. I noticed that some people like to drag around the frightening notion that those people who when they advocate improvements to the instrument which is used to govern us, the detractors like to say that we are advocating constitutional change and this is a bad thing as if somebody had leprosy or somebody had one of the more contagious diseases that are common now.

Mr. Speaker, far be that from the truth. What was being proposed is far different from anything like that. The amendment that was introduced by the honourable member who introduced the amendment, namely, the Minister for Education, Aviation and Planning, and the Leader of Government Business, only serves to compound an issue which should simply be straightforward, clear and concise.

What we are talking about and what we were seeking is a method by which the people could cause a cer-

tain action to be triggered. And his amendment is doing nothing to make that more available and to make that more easily achieved. Indeed, all his amendment is doing is confusing and confounding the issue as is not unusual.

Mr. Speaker, what we are talking about is, simply put, people power—the ability of the people to have their voice expressed, which is not possible now. We know that a referendum can be triggered by any or all of the members of the Legislative Assembly. But we want to see that expanded so that it can be triggered by members of the public. Now, are we saying that we are so arrogant that we don't want that extended? Are we saying that we are such know-alls and we are the arbiters, ultimately and only, that it should rest and be reserved only amongst ourselves? Or are we saying that we are prepared to offer true democracy?

Mr. Speaker, that brings me to a good point: People talk about transparency and democracy, and I noticed that some people inside here were blowing their own trumpet by saying they were the originators of the business of the referendum. Heaven knows I don't begrudge them any kudos that they might take from that but that record pales along side the record of other people who have been here labouring. Would to God they could take that same position with the regard to the Bill of Rights—which they killed.

Mr. Speaker, the essence of true democracy lies in the people having a direct voice. This amendment, sir, does not do anything to enhance that. This amendment doesn't do anything to enhance the people having a direct say in having their wishes heard. What was proposed, let me say clearly and unequivocally, was not anything about constitutional change.

And I want to say something else: Certain people on the Government side have for years been putting millstones around my neck. They have not succeeded in preventing me from getting elected, for I have here a 1996 Manifesto of the National Team, where it was claimed that I was one of the proponents of constitutional change along with Mr. Linford Pierson—both of us got elected. So I am not scared, Mr. Speaker, of taking a position. But I am not advocating any constitutional change.

What I am advocating is a change that the people can have a say in the truly representative democracy. The essence of democracy as it originated historically in Athens, Mr. Speaker, is far different from what we do now because they held town hall meetings, where the people told their representatives what they wanted done and their representatives did that.

Mr. Speaker, this same document on the last page says, "**We will continue to support letting the people have their say in referenda where necessary on major issues.**" Well, how can the people have their say in referenda on major national issues when you are preventing them from constructing the instrument so that they can trigger the referenda? Mr. Speaker, it is time those people who talk the talk, walked the walk because they have been talking the talk now for ages. So let me

see them walking the walk now that they have been talking.

Simply put, if our positions are so similar—and we are going to put it to the test because I guarantee you, the backbench will not be outsmarted—we still have one more move to make. We are going to see who is who as the expression goes because this whole Assembly, all honourable members will have a chance to put their actions where their words have been.

I want to end this note by repeating the words of Thomas Jefferson—not the Minister of Tourism [*laughter*]*—*that Thomas Jefferson who was one of the founding fathers of the United States. He said, "**I know of no safer depository of the ultimate power of the society but the people themselves. And if we think them not enlightened enough to exercise their discretion, the remedy is not to take it from them but to inform their discretion.**"

Mr. Speaker, what we would like to see is a situation where the people can ultimately exercise their right. And, we can talk about transparency, accountability and all the other buzzwords that some of us have easily adopted now, but all will be to no avail if we deprive the people of this right—a fundamental right it is too—to trigger a referendum on any issue they deem important.

I know the Minister of Education is always honourable and I look forward, Mr. Speaker, when we make our little move, for him to narrow the gap and come and join hands, as has been done in the past on a few occasions. I agree with him that this need not be adversarial and we don't want it to be adversarial, but it is a little political. I disagree with him when he said it shouldn't be political—it has to be political, Mr. Speaker, because what we are talking about is people power. But it doesn't have to be adversarial so I will end on that note, sir, and thank you.

The Speaker: The First Elected Member for George Town. The debate is continuing on the amendment to Private Member's Motion No. 11/99.

Mr. D. Kurt Tibbetts: Thank you. What the Third Elected Member just read and I quote again, "**I know of no safer depository of the ultimate power of the society but the people themselves. If we think them not enlightened enough to exercise their discretion, the remedy is not to take it from them but to inform their discretion.**" That, sir, sums up the whole intent of the exercise that has been going on since yesterday regarding referendum.

Now, Mr. Speaker, if I am understanding correctly what the amendments we are debating right now seek to achieve, it is as follows: It basically is asking that if we are moved by the thought that the people should have the authority and power to initiate a referendum, if that thought should be enshrined in the Constitution, which calls for an amendment to the existing Constitution, then we would like to prove by asking them permission to amend the constitution to allow them to have more people power. That is the first thing that it wants to achieve. That is my way of putting it but I am sure that it is understood.

The second thing that the amendments wish to achieve is this—and this is very important because the Minister for Education, Aviation and Planning is going to be totally shocked when this is all over this evening. I can assure him! What I perceive as the second desire of the amendments is to ensure that anytime any change is desired in the Constitution that it must be done by referendum. That is what I understand to be the second desire and if that is what makes everyone comfortable, I do not have a problem with that.

Now, we could get back to the original or rather the first amendment that I was just talking about and others have spoken about it before. I am going to say right here and now, what happened yesterday (because only one side had been given about the motion) is that the Minister found himself in a box. And I have to give the Minister credit for coming back here this morning, finding a method to get himself out of the box. I do not have a problem with that because I too can change positions and say that had the roles been reversed, I would have attempted to do the same thing. So I don't have a problem with that.

Now, the Minister obviously could not simply lay down play dead and say, 'Yes, my Government supports this motion'. So the Minister had to get into some very intricate details to prove that he also has a thinking Government and one, which can rationalise certain things and perhaps even look into a matter further than it has been looked at thus far. I don't have a problem with that. In fact, that is good sometimes for us to be able to enjoy dialogue like that without being adversarial.

Now, while as the mover of the original motion, I personally do not see why we have to utilise the methods that are being put forward in the amendments, because I too firmly believe that the people have spoken in many different ways to say that they want more participation in the governance of the country and the best way possible is for them to have this power to initiate a referendum rather than depending on their representatives.

So, while these amendments are taking the position that since we want to make sure of this and since it requires an amendment to the constitution, let us make sure that the people want the constitution amended. Different method but same thing achieved as far as I am concerned. So, because others and I—and we will find out today if everyone is of the same mindset—consider this to be of the utmost importance, I believe that it would not serve the people of this country for us to fight over how we achieve the same goal. I want the Minister to understand crystal clear that if I were playing a game this evening, he would have a real fight on his hands because I could do that.

I also want him to understand that I could put up a fight that he would be hard-pressed not to try to find some middle road himself. But you see, right here and now, understanding exactly what has happened, understanding the movements that have been made, I don't consider it to be worth that. I really don't!

Mr. Speaker, we are now debating the amendments put forward by the Leader of Government Business to the original motion. We have to get through that part of it

and we also have to get back to the original motion but as far as I can see [and] as far as I can understand, I believe that the only difference is within the original motion and what is being put forward as amendments are these:

1) The original motion asks for us to do what is necessary to make the amendment to the constitution to allow the people the authority to initiate a referendum. That is the original motion. The amended version that is being sought is saying if we want to achieve that, let us not simply do it and let us ask the people if we can do it. Semantics, as far as I am concerned but not worth fighting over.

2) The second amendment, which is saying that the Constitution being what it is, let us take this opportunity to say that from here on in, from henceforth and forevermore until another group of people want it to be different, let us ensure that any change to the Constitution is done by seeking the advice of the people through referendum.

Mr. Speaker, I am going to ask your help, sir, and I am going to ask the help of everyone in here this evening. I think we all understand where we are at. But, you see, if it is all so important and if our beliefs are genuine and we want to see this thing happen, here is what I would like to see us do, if we are not going to fight over it.

Mr. Speaker, I believe Standing Order 24 (9) allows certain motions to be brought without notice once you are prepared to do the necessary. Now, I want everybody to bear in mind that I am not necessarily the most well versed in this whole idea so I am only going to put forward the idea. And whoever has to put the niceties together, if we are so minded, let them do so because it doesn't matter to me. But if we are serious and since everybody feels now that perhaps we are about even—since it is all said and done, let us say it cannot be too much different. No one wants to concede, but forget about that. Let's just say we are even now.

Then what I am prepared to propose, sir, if it is the will of this Honourable Legislative Assembly, is to ask the Leader of Government Business to seek leave of the Chair to bring a motion right now, to create a resolution to bring about a Referendum Law to go to the people of this country. Ask the people of this country if they wish Section 29 (2) of the Constitution to be amended to allow them to initiate a referendum. If that can be done, sir, I think we can leave this evening, shake hands and know that we have done justice to this country.

Now, if that cannot be done, then, sir, we have a real fight on our hands.

I am going to sit down, now, and seek your guidance, sir, so that we can find out whether it is the wish or not of this Honourable Legislative Assembly to do that.

The Speaker: The first thing I would say is that we have approximately four minutes before the normal time that we are to adjourn and I would recommend that you put this off until Monday.

Mr. D. Kurt Tibbetts: Mr. Speaker, sir, I hear what you are saying. But with respect, if you will bear with me, some people are leaving the island . . . This is fresh, this is good, this ripe and this is ready to go. It will not take long if the people are minded to do so, sir. I would crave your indulgence if this Honourable House is of a mind to do that, to allow that to be done and to be voted upon before we leave here this afternoon, sir.

The Speaker: I have some procedural problems because if you notice Standing Order 24 (8) reads: "**No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.**"

Mr. D. Kurt Tibbetts: Mr. Speaker, I hear you, sir, but please bear with me.

The Speaker: I am only thinking that now—

Mr. D. Kurt Tibbetts: But, sir, the motion that we are talking about is nothing that has been done before—nothing! I am sure the Leader of Government Business will agree with that. This motion is brand new. All other motions have been dealing with the matter of a Constitutional amendment. What this motion is about is to create a referendum law.

The Speaker: Yes, in accordance with the Constitution. Make sure you follow up on that.

Mr. D. Kurt Tibbetts: I am not suggesting that you are not understanding, sir. The only reason why I am saying what I am saying is surely we must be able to find a way to differentiate those two, if we are mindful to do so.

The Speaker: The Honourable Second Official Member do you have any comment you would care to make? Am I putting you on the spot? I honestly do not like to rush into something without proper study.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am very sorry but we can take ten minutes and break and we will come back. I don't have a problem with that, sir.

The Speaker: The Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Speaker. In any event, I think I ought to make some kind of contribution on a Constitutional issue—not from a political standpoint...well, if you are bemused by that I will explain.

Having listened to all of the arguments, the original motion contains a resolution that Government takes the necessary steps for section 29 (2) of the Cayman Islands (Constitution) Order to be amended. That, in turn, has prompted the amendment which seeks to say that before any such amendment is proceeded with, there ought to be a referendum on the matter, and also seeks to establish the general principle that in relation to constitutional change, any such change should be prefaced, presumably from here on in as the First Elected Member for

George Town said . . . should be subject to a referendum.

I felt it might be helpful as a relatively I hope, disinterested but not uninterested participant to just share some brief thoughts. These are that the context of the referendum provision in the Constitution, if you look at section 29 of the 1972 Constitution (I won't detain you unnecessarily) it says, "**Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands.**" That is the basic law-making power that exists and that's primarily why we are here.

If you look at the amendment that was made in 1993, it says that section 29 shall be amended by renumbering the same as subsection (1). So what I just read out is sub-section (1), and adding the following new sub-section, and I will just take a moment to read it out because I think it stands repetition. "**(2) Without prejudice to the generality of subsection (1)** [in other words, just what it says, let sub-section (1) stand] **a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly** [so in other words, the status quo is that there can be a referendum as we all know and the participants in that referendum would be the electorate of this country] **on a question declared by resolution, adopted by a majority of the elected members of the Assembly...**" This as you know can happen now if a motion were brought by anyone here, I think to this House, and it was resolved if a majority of the elected members—not the official members, the elected members—resolved to declare that the question which was part of the motion was a matter of national importance.

The law that would follow that resolution would specify the question. That is my reading of it. And, then in due course the law would cause the referendum to be held. I believe it is that kind of law that you are contemplating now in the latest suggestion.

What I wanted to share really was not so much my own thoughts on the matter but this is a standard text, *Constitutional and Administrative Law* [by] E.C.S. Wade and A. W. Bradley, 11th Edition, which is maybe a little out of date but that is 1993. It talks about Parliament and the electorate. I don't want to detain you at this hour but I think it is perhaps worth hearing this. And I am not advocating the British position but it talks about it.

It says, "**Under the British system, the electorate takes no direct path in legislative decision making save by electing the House of Commons. In some Constitutions, for example the Republic of Ireland and the Commonwealth of Australia, constitutional amendments may take effect only with the consent of the electorate obtained by a referendum.**"

Really what that is saying is that some constitutions take the view that you should only be able to change them if you first have a referendum. So there is some authority for the approach that is being advocated. But this is the part that I wanted to refer to in particular. It says further down the page, page 95 for anyone who wants to look it up, "**While advisory referendums do**

not directly affect the legislative authority of Parliament, if referendums were to be mandatory for certain constitutional reform, this would affect the position of Parliament and it would be essential to define in law the limits of their use."

I believe it is that kind of thought that the architects of the provision in 1993 had in mind. That while creating an additional avenue for the views of the electorate to be brought forward by means of a referendum, I mean you here are the mouthpieces of the electorate, by and large. They bring you in on a platform, they expect you to do certain things. But issues will arise in the course of your tenure, which you may not have consulted them about in the political process. And, while I am not teaching anyone, I hope, to suck eggs, I am trying to share my view of where you are.

In thinking about incorporating the requirement to hold the referendum, you may also want to think about including at some point in time (not necessarily now) asking the electorate whether they feel that the requirement to have a referendum be entrenched in the Constitution also so that you strengthen the Constitution in that way.

In other words, that not just giving the electorate the ability to initiate a referendum, which I assume would still come, even though they initiated it to this House to be debated upon and resolved on and decided on in whatever way you think is appropriate. Just taking a slightly wider view of it. I say this because I have quite strong views on constitutional issues and, in particular, in relation to Overseas Territories.

Constitutions are generally self-given in independent countries, and I am not advocating independence. In an Overseas Territory situation, they are, as it were, devolved if you like by the parent government, therefore there is less scope for a say in some senses as to what they contain, they are modelled on the Westminster Model. I will finish very shortly.

What I want to say is that I believe it is a positive step to subject any proposed change, regardless of who is proposing it, to a referendum if it is a matter that's important. It may also be worth contemplating at some point in the future building into the Constitution such a requirement not just giving the facility for it to the electorate to initiate it but to have a safeguard there to ensure that the Constitution itself cannot be altered other than under certain conditions, which would include the consultation in whatever form you think is appropriate by referendum with the electorate.

I apologise for the length of the intervention. I hope it may be of some use. My understanding is that the implication of what has said, Mr. Speaker, is that the amendment as proposed would be acceptable, both in the specific case of the desire to have the electorate initiate...sorry, I was distracted.

Perhaps, my words are falling on deaf ears in certain quarters. What I want to say is that the specific amendment, I think has been accepted. The general amendment has been accepted and I think it would be for the Leader of Government Business to indicate the acceptability of the last proposal. Technically, I see no objection to it as a matter of procedure.

Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I propose we take a ten minute break and come back.

The Speaker: I want to make this abundantly clear. I have a responsibility to this country and to all honourable members here. I feel if every member has the intent that they want to go along with this, there is no reason why we cannot give a commitment to each other and deal with this appropriately at a time when we have proper time. There is a [sitting] to start again on Monday at 10.00 a.m. All of us have commitments. I have an aeroplane to catch and others have commitments.

This is a very serious issue. I support the issue wholeheartedly, but I do not think it is something that we should rush into. I think we should think it through properly.

Hon. David F. Ballantyne: Mr. Speaker, I didn't intend to rise again, but in view of the old adage that, you know, make laws in haste and repent at leisure, I believe it would be wise to reflect on it too. Not to move away from the position, but to consider it carefully and to formulate the steps from here on it.

I have no difficulty with what's been proposed. I have already said that. I think it would be wise to deal with this—

[Inaudible comment]

Hon. David F. Ballantyne: No, I appreciate that, Mr. Speaker. It has not been a subject of a vote. I don't want to intervene further but I am associating myself with your position on the matter.

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

Hon. Truman M. Boddin: Mr. Speaker, I believe that your words and the words of the Second Official Member are wise.

In principle, I believe, what should happen is that on Monday, the Legislature should sit down informally and try to work out the resolution because it is not something that can just be pushed together quickly. The resolution, itself is going to have to comply with the Constitution. I am always worried about doing things in haste, as you said, sir, and this is a serious matter.

It is a change to the Constitution and I think maybe the way forward is to talk about this on Monday as to how we deal with the motion that will be brought in relation to this part.

I can give the undertaking that on Monday, we will sit down with the full House and look at the way forward on this specific matter.

The Speaker: Does any other Member wish to speak on that? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to make it abundantly clear, the reason why I took the position that I took is because I wanted indication that action would be taken. I do not have a problem with what has been said but I did not want to leave here this afternoon unsure in my mind as to where we were going. How we have to get there and how carefully we have to tread, I can appreciate. I will do it in the same careful manner.

What I am seeking, sir, is an indication that what has been proposed is something that can be looked at and whatever ways and means of achieving that can be ironed out. I am not questioning how we do it. I am questioning the will of this Legislative Assembly to do it and I would like an answer if procedure allows for that, sir.

The Speaker: The floor is opened to debate. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I was just really going to repeat what I said earlier, which is basically that we are prepared on Monday to sit down and work on the resolution, which under this Constitution will bring into effect the resolution for a referendum on this issue but it has to be properly done, sir. It is a serious issue and it is not something to rush into this afternoon especially at the end of a week at 4.35 p.m. or wherever we are now, sir.

The Speaker: I would like to thank members for their tolerance on this. I think this is the proper procedure and I would now entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday morning at 10.00 a.m.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. on Monday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AT 4.45 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 13 SEPTEMBER 1999.

**EDITED
MONDAY
13 SEPTEMBER 1999
10.30 AM**

[Prayers read by the Honourable Minister responsible for Tourism, Commerce, Transport and Works]

The Speaker: Please be seated. Proceedings are resumed.

Item 2, on today's Order Paper, Administration of Oath of Allegiance to Mr. Arthur Joel Walton, JP, to be the Honourable Temporary Acting Third Official Member.

Mr. Walton, please come forward to the Clerk's Table. All Members will please stand.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE (Mr. Arthur Joel Walton, JP)

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

The Speaker: On behalf of Members, I welcome you to this Honourable House during the tenure of your service. Please take your seat as the Honourable Temporary Acting Third Official Member.

Please be seated. Item 3, Raising of Matter of Privilege. The Third Elected Member for West Bay.

RAISING OF MATTER OF PRIVILEGE

GOVERNMENT MINUTE

Mr. John D. Jefferson, Jr.: Mr. Speaker, before we get into Question Time, I have a business matter that I would like to raise as Chairman of the Standing Public Accounts Committee.

In March of this year the Public Accounts Committee tabled its report on the Government's 1997 Accounts. I recommended that the debate on the report be deferred until June which gave government sufficient time to do the Government Minute and be prepared with answers. The item was not dealt with in June. We are now here in September and I still don't see it appearing on the Order Paper.

I would like to enquire as to where the government is in regard to its Minute in response to the Public Accounts Committee Report on the 1997 audited accounts.

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

Hon. Truman M. Boddén: As I understand it, the Minute should be ready for debate in this House, because I

guess we will be going on for several days still. I understand that the member would like to have it debated early. I understand that we should be able to get it and to debate it in this meeting.

The Speaker: Third Elected Member for West Bay, I don't want a projected debate on this, but please let your question be short and we will get short answers.

Mr. John D. Jefferson, Jr.: No, Mr. Speaker, I wasn't going to ask a question. I was just going to make a very short statement. The concern I have as Chairman is that if we don't deal with that Government Minute in this sitting, the Public Accounts Committee is now dealing with a special report on Quarry Products. We still have to deal with the 1998 accounts. So in November we could be dealing with three different items in regard to the Public Accounts Committee. Taking into consideration that November is our Budget Session, it makes it very difficult for us to deal with all of those items.

I appreciate what the Minister of Education has said in that it is the intention of government to deal with that matter in this meeting. Thank you.

The Speaker: Question number 104 is standing in the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 104

No. 104: Mr. Roy Boddén asked the Honourable Minister responsible for Tourism, Commerce and Transport and Works to state the number of permits issued to mini-bus owners or drivers since the Department of Transport and Licensing came on line.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Since the establishment of the Vehicle Licensing Unit, 69 permits have been issued to operators and drivers of minibuses operational in the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the honourable minister say how many of these 69 permits are new permits, and how many were carried over from the former system?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The system that has been utilised is that many of the permits to drive vehicles have been categorised about the time that we took responsibility for the subject. So what has been issued are permits that are in a sense all new, but some of the people who were driving before are now properly categorised on the Omnibus licence.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister give us a breakdown of the 69 permits by district?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The way we have categorised this matter is the number of buses that are licensed to do specific routes. In West Bay there are 34, in George Town (meaning the jitney around the George Town area) there are 5; in Bodden Town there are 6, in North Side there are 3 . . . [pause] Sorry, Mr. Speaker, I was just trying to make sure that I understand the categorisation. Let me start over.

West Bay, 34; George Town, 5; Bodden Town, 6; East End through Bodden Town is 6; East End through North Side, 3; and then direct to North Side is also 3.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say if there are any applications for permits pending? And how are they dealt with, is it on a first-come-first-served basis?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We have about eight applications being considered and they would have to be considered by the Public Transport Board which is established under the Traffic Law and Regulations.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: These drivers have been given designated routes to the districts. I wonder if the honourable minister can say what system is in place to ensure that the drivers are following the designated routes.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: This is an area where we requested two additional Public Transport Inspectors in the upcoming budget. Their employment is being final-

ised. These are the two civil servants that will be responsible for monitoring, in addition to other duties, that these operators on the various routes observe the routes and do not move into other routes for which they are not licensed.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how applications for Public Transport License are dealt with and whether any special consideration is given to applicants applying to service a district route when those applicants are resident in that district?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The routes which I named earlier—the West Bay route, the George Town route, the Bodden Town route, the North Side route, the East End route through North Side and Bodden Town. . . at the moment we have sufficient drivers to deal with all the needs of the public on those specific routes. So there is no vacancy in terms of needing another bus to supply the need the public has. Therefore any application from any one of those districts would be put before the Public Transport Board and considered on its merit when we have a vacancy or a need.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what the policy is for licence holders wishing to increase the category of the vehicle? I know of at least one person who has applied to upgrade from a 15 to a 30 seat capacity, but seems to be having problems with the Department of Licensing. Can the honourable minister say what the policy is toward those kinds of cases?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The policy has been to utilise 15 seat buses, simply because of the number of them who had already been in the business when we took over, to allow everyone to have the opportunity to make a reasonable amount of income on a daily or weekly basis.

In monitoring and looking at these various routes (West Bay, George Town, East End, Bodden Town and North Side) we do realise that in dealing with the East End and North Side routes in particular that a 30 seat bus would probably be the way forward. But we have to bear in mind that there are people on that route at the moment and we have come to the point where we say what's there at the moment is delivering the service required by the public.

If we add additional buses to the route arbitrarily the income earned by those individuals will be less. So we

need to be careful about the over provision of seats when it's not demanded by the public.

However, having said all of that, we are monitoring the situation and when the demand is right we will look at 30 seat buses for East End and North Side in particular and, to some extent, it may have to influence the traffic to Bodden Town because some of it then goes on to East End and North Side.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would ask the minister to tell the House what the ultimate intention of the Department of Transportation is in regard to the establishment of clearly defined and demarcated bus stops because I have been receiving complaints from a number of my constituents that the buses are a traffic hazard in that they sometimes make sudden stops without signalling in traffic.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: **The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me thank the Third Elected Member for Bodden Town for that question. He has touched the top priority of the Vehicle Licensing Unit and that is to have bus stops and the proper signage. The addition of these two public vehicle inspectors will assist us in that whole process in not only designating specific areas as bus stops but also monitoring what goes on in those particular areas.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the honourable minister tell the House how many of the drivers are Caymanian?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me thank the Fourth Elected Member for West Bay for his question. As I mentioned in the answer there are 69 permits. Of those 69, 54 persons are Caymanian and the other 15 are persons connected to a Caymanian, either the spouse of a Caymanian or something along that line.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the past there was a problem deciding if the category of omnibus existed. Can the honourable minister explain whether this is now in legislation, or is it policy? Exactly how has it been developed and how is it separated from the category of taxi?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Traffic Regulations actually envisaged the separation and categorisation of licence, meaning a licence to drive a taxi, a licence to drive an omnibus, a licence to drive a tour bus, a licence to drive a limousine, and in policy we have sought to implement that regulation as mentioned realising that at some stage we are going to have to come with an additional regulation to grant specific authority to those licenses. In other words, the regulations allow the categorisation. But we want to come back with a regulation that specifies exactly what the policy is in relation to that category, or should I say those categories.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister clarify whether these regulations he just talked about were regulations approved by Executive Council, or were they brought to the Legislative Assembly as is sometimes the case, although not necessarily the case.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The regulation referred to earlier (when I spoke about the regulation indicating a need to have a separation and categorisation of licence) that regulation is the Public Passenger Regulation 1995, which was approved by Executive Council, laid on the Table of this Honourable House as required under the Traffic Law and approved fully.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In his answer to these supplementaries the honourable minister alluded to a time when specific legislation, that is via regulations, will be categorising the omnibus section specifically. Can the honourable minister state exactly what time is anticipated for this? And what method is being used to create these regulations to ensure the smooth operation of this category which is always crossing over into the taxi area where there is a friction, to ensure that the situation is clear, straightforward and that this friction does not continue.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The need to have a specific regulation to deal with this categorisation as I mentioned earlier, and the fact that The Public Passenger Regulations 1995, actually indicates that there should be a separation (and we have sought in policy to separate these particular licences for taxi driver, omnibus driver, drivers of limousines, drivers of tour buses, to name

some) . . . the Ministry and the Public Transport Board and the Vehicle Licensing Unit, are examining the Traffic Law and Regulations with a view to upgrading it and making any amendment necessary. At that time we will look at the specific regulation in dealing with the categorisation of the driver's licence, whether it's taxi, omnibus, limousine, or tour bus operator.

The Speaker: Are there any further supplementaries? If not, we move on to question number 105, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 105

No. 105: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide the details of the income and expenditure of Pedro St. James since it has been opened for business.

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

Mr. Roy Bodden: I respectfully move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock.

The Speaker: The Third Elected Member for George Town.

Mr. D. Kurt Tibbetts: I second that motion.

The Speaker: The motion has been made and seconded that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

Mr. Roy Bodden: Out of an abundance of caution, let me ask the question again.

No. 105: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport and Works to provide the details of the income and expenditure of Pedro St. James since it has been opened for business.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The income and expenditures of Pedro St. James for January 1998 to August 1999 is as follows:

Pedro St. James Cumulative Income Statement:

Revenue:	1 Jan to 31 Dec 1998	1 Jan to 31 Aug 1999	Total
Subsidies received	\$730,582	\$ 433,185	\$ 1,163,767
Sales	91,115	182,897	274,012
Total income:	821,697	616,082	1,437,779
COST, EXPENSES AND OTHER:			
Salaries and wages	\$ 545,297	\$ 460,268	\$ 1,005,565
Purchases net of stock	26,165	12,915	39,080
Café Purchases	-	23,093	23,093
Event Purchases	17,353	11,794	29,147
Building, theatre and Great House	35,100	11,042	46,142
Utilities	23,818	22,341	46,159
Security	30,135	19,036	49,171
Advertising	8,401	19,788	28,189
Depreciation	4,953	-	4,953
Administration	73,227	51,240	124,467
Total expenses	\$764,449	\$631,517	\$1,396,966
Gross revenue (including subsidies)	\$57,248	(\$13,435)	\$41,813

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how these actual figures compare with the projected figures set out for the project?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I do know that the revenue forecasted in the budget for 1999 is significantly less than \$182,897. I note too that unfortunately I didn't walk with that budget with me. These are actual expenses we are talking about. The question is, how does this compare to the budget submitted. I am trying to answer that, although I don't have it with me. I do know that a brief review of it over the half hour this morning and the sales through the end of August 1999 is already significantly above the entire projection of revenue for 1999 in the estimates.

I know too that the expenses as forecasted in the budget for 1999 are running a little ahead of those forecasted expenses. What I would undertake to do, since I don't have the document with me, is to prepare that comparison and submit the answer in writing if the member wishes.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the minister for that proposal, and I would certainly appreciate it, as would other members of the House.

Can the honourable minister tell the House what kind of advertising is being done to promote this project? And can he give us some examples of where this advertising is being done and whether there is a firm with a specific contract to promote the project? Or is it done as an adjunct of the Department of Tourism?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There is a specific question set down for whether or not we have a company responsible for marketing. I don't know if the member would like to wait until that question comes forward. That should come forward probably on Wednesday.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The honourable minister said that sales were beyond projection thus far this year, and that the operational costs, the expenses, are also running a bit beyond projection. Can the honourable minister explain what has caused the sales to be beyond projection? And what has caused the expenses to be beyond projection?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Trying to answer that intelligent question without the data in front of me would be running a risk. But I do know that in terms of the revenue we actually were successful in obtaining tour packages to Pedro from the cruise ships in the early part of 1999, as well as we have a package going on today. I believe to some extent that is part of the increased income in terms of admissions.

I also think that the revenue from the hosting of events and the revenue from the gift shop will likely be running a little bit ahead of the projected. But I was just trying to look in the overall figure which, to the best of my recollection, the total projected income was around \$135,000 for 1999. Looking at this over \$182,000, is basically what I am referring to. But I am just throwing these figures up at the moment as a guide as to why I am making this statement.

The expenditure side of it I am unable to answer intelligently simply because I need that document in order to compare. This thing is so itemised. As I said earlier, I undertook to provide this information to members and if the honourable member is in agreement, I would undertake to provide that also in a written form.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether any efforts are currently being undertaken to promote the grounds of Pedro St. James as an ideal haven for weddings, receptions and other events of

this nature, particularly as we will soon be entering the festive season and some income could be derived from these private functions.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Efforts are underway. Actually one of the first requests we received for someone to be married at Pedro St. James was during the time of the restoration of the Great House, which meant that the visitor's centre was not yet built. So we have been receiving requests for people to be married at that site.

In recent times we have been calling around to allow the conference room at Pedro St. James to be utilised for small meetings of 15 or 20 people. We are calling around in the industry to promote that particular aspect of it and we are getting some . . . it's early days, but we are getting some pretty warm reception to it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: It is my understanding that in the recent past there have been some changes in the operation of the Café at Pedro St. James. Can the honourable minister tell the House how these changes have improved the service and enhanced the products offered? And is he in a position to give an indication of what kind of reception and return one might reasonably expect from these changes?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I wish to thank the Third Elected Member for Bodden Town for that supplementary because it is an area that we have been dealing with and we made some changes in that particular area.

When we look at the gross revenue through the period of the first nine months of 1999, realising that the new arrangements would only affect July and August of 1999, the income for January of 1999 was running in the area of \$1,900; February was \$1,800. March was a significant figure, but it was the time when we had the cruise passengers coming to the site, \$5,300. In April it was \$1,288. In May it was roughly \$2,100. In June it was \$2,700. In July it was \$3,810 and in August it was \$4,878.

So there's an increase in July and August. It seems that the new arrangement put in place is attractive to the persons utilising the Café. We have been calling around to respective people who know very well the manager of the Café and her ability to please you with good food, as well as some moderate amount of advertising in the *Caymanian Compass*.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say who is responsible for producing the financial state-

ments that we have before us this morning? And does the Castle have a fulltime person responsible for producing accounts?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I thank the Third Elected Member for West Bay for that supplementary. We have a fulltime financial controller of Pedro St. James. The lady is a chartered accountant of some substantial background and she is the person providing these accounting statements and facts for us.

The Speaker: Are there any further supplementaries? If not, I think we have answered Question 106 [in Question 105]. Third Elected Member for Bodden Town, are you satisfied with the answer to 106? Do you have any supplementaries on that?

**QUESTION 106
WITHDRAWN**

No. 106: To provide a breakdown of the income and expenditure of the Pedro St James Castle enterprise since January 1999.

Mr. Roy Bodden: I had long ago decided that it was superfluous and I crave the leave of the Chair and the House to withdraw the question.

The Speaker: I need a seconder. The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I beg to second the motion sir.

The Speaker: The motion has been made and seconded that question 106 be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. QUESTION 106 WITHDRAWN.

The Speaker: That concludes Question Time for this morning. I think this would be the appropriate time for the morning break. We will suspend proceedings for approximately twenty minutes.

PROCEEDINGS SUSPENDED AT 11.22 AM

PROCEEDINGS RESUMED AT 1.09 PM

The Speaker: Please be seated. Proceedings are resumed. The Honourable Minister responsible for Education, Aviation, and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 1.09 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 15 SEPTEMBER 1999.**

**EDITED
WEDNESDAY
15 SEPTEMBER 1999
10.20 AM**

[Prayers read by the Third Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed.

Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for late attendance from the Honourable Minister responsible for Tourism, Commerce, Transport and Works.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 107 is standing in the name of the Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, the truth of the matter is that I forgot this question existed since it has been such a long time since I registered this question—probably a year already! It is kind of interesting because if you take away this particular question, we will only be left with three questions upon the Order Paper for today. I will ask the question in any case, but I think I am more or less aware that this lease agreement may have been completed.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 107

No 107: Dr. Frank McField asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources at what stage is the proposed government lease extension for Block 12C Parcel 11 and Block 12C Parcel 215 in the West Bay section of Grand Cayman.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: As all Members of the Legislative Assembly know, the application for extension of the head lease for Block 12C Parcel 11 and the lease of Block 12C Parcel 215, was laid on the Table of the Legislative Assembly and subsequently debated. The motion was defeated and the lease extension and lease of the two parcels in question was approved. The payment of US\$4

million was also made to government at this time. All necessary documentation was executed.

The Speaker: Are there any supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: There certainly can't be any supplementaries because the question has been with the minister for too long for there to be any supplementaries. Everything has happened since the question was filed.

The Speaker: Moving on to question 108, standing in the name of the Elected Member for North Side.

QUESTION 108

No. 108: Mrs. Edna M. Moyle asked the Honourable Temporary Acting Third Official Member responsible for Finance and Economic Development how government verifies the need for Caribbean Utilities Co Ltd to increase the cost of electricity in order to meet the guaranteed 15 percent on investment.

The Speaker: The Honourable Temporary Acting Third Official Member responsible for Finance and Economic Development.

**DEFERMENT OF QUESTION 108
Standing Order 23(5)**

Hon. Joel Walton: Mr. Speaker, you may notice some hesitation there, sir, but I was not aware that this particular question was being put to me. I would ask that it be put down for a later date under the relevant Standing Order.

The Speaker: The question is that this question be deferred until a later sitting. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION NO. 108 DEFERRED UNTIL A LATER SITTING.

Mrs. Edna M. Moyle: Mr. Speaker, if I may sir, as the first member of this parliament asking this question I would like to record my disappointment in that the question had been received by the Legislative Department a long time ago and placed upon the Order Paper this morning for answer by the Honourable [Temporary Act-

ing] Third Official Member who had no knowledge of the question.

The Speaker: Moving on to Question 109, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 109

No. 109: Miss Heather D. Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to provide an update on the Bodden Town district library.

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

Hon. Julianna O'Connor-Connolly: To date the following work has been undertaken at the Bodden Town Library:

Roof	Foam insulation has been added to present roof.
Windows	All 12 windows have been installed
Stud-work	50 per cent has been completed
Electrical work	50 per cent has been completed
Fabrication of Counter	Work station (8x6) has been completed but cannot be installed until stud-work and electrical have been completed.
Air-conditioning	Installation completed.

No major delays are being experienced and the expected date of completion is 5 November 1999.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I would just like to thank the honourable minister for this answer, as she is aware that the children of the district of Bodden Town have expressed some interest in this project and it is a much needed facility in the district of Bodden Town. I would just like to thank the honourable minister for at least giving us a date for completion.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what arrangements are being made, or have been made to ensure that the library is stocked with appropriate reading material? And also, can the honourable minister tell the House if there will be any facility in the library so that persons interested can have access to computers possibly with a view to accessing the World Wide Web?

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

Hon. Julianna O'Connor-Connolly: The Chief Librarian as recently as last week was at the Bodden Town

Library to do a full book analysis, as well as a computer analysis for the requirements. In addition to the computer section she wrote to Computer Services on 10 September, the Y2K Office, setting out a good number of items she has requested. In addition to computers (although the member did not ask for this), items like fax machines and other information technology things to bring the district of Bodden Town into the modern technological world as has been done in other aspects. I would be happy if the member has specific requests to make an appointment with him to meet with the senior librarian to make his requests known.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I didn't say that I had any specific arrangements. I will certainly be available to offer any assistance or ideas that would be utilised and appreciated. However, I am more interested in finding out if the minister is able to tell the House what the working budget is for books and other such items, including fax machines and computers as she mentioned.

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

Hon. Julianna O'Connor-Connolly: I am only in a position to partially answer in that I have in my possession the request for the computers which was \$9,090. That was sent in on the 10th. I would have to undertake to get it from the senior staff in the ministry and the senior librarian.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether or not there is going to be any kind of special dispensation which could cater to school age children, particularly those in middle and high school, which would enable them to be supervised as they undertake school assignments and projects?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that it will have a seating capacity of about 31, once completed. And as is done in the George Town Library in particular, although the librarians are not specialised in supervision for this age group, what has been done, and what we intend to continue within the budgetary constraints, is for the children who come after school to be in a quiet and positive environment and they will be able to do their homework.

I was just in the George Town Library last week observing what happens. There are a large number of students who come in and there are three or four staff members there. Whenever questions are asked of them, the endeavour to answer. I would however say that the

member is quite right in that more emphasis should be placed into looking at this. I know that a motion was unanimously passed in this House for an after school programme which would cater to similar things. And the library is perhaps one of the most productive environments for learning. Maybe it could be a joint effort where we could put it together, once there is the sufficient personnel and space at that facility.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the honourable minister for her willingness to explore this area. I seek to extract an undertaking from the honourable minister that she will investigate into the feasibility of this happening as I believe that there are persons in the community who have expressed a willingness to volunteer their services in this regard. I certainly, if requested, could suggest how she may get in contact with such persons.

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

Hon. Julianna O'Connor-Connolly: I would like to thank the member for his interest in this area. I should also like to combine my response in asking the member to supply the names so that my ministry can contact them, and we will be more than happy to take them on board. The interest of the children is of paramount consideration.

Secondly, I am more than delighted to give an undertaking in this regard.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning.

I have received a request to suspend proceedings to enable deliberations on the referendum motion to continue. If that pleases the House we shall now suspend for further deliberations on the referendum motion.

PROCEEDINGS SUSPENDED AT 10.46 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated. Proceedings are resumed. Item 4 on today's Order Paper, Other Business, Private Members' Motions. Debate continues on Private Member's Motion No. 11/99. The floor is open to debate.

The Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99

REFERENDUM LAW

(Continuation of debate on Amendment)

MATTER OF PROCEDURE

Dr. Frank McField: Mr. Speaker, I have spoken already, but on a point of procedure, I have debated the amendment, but in further consideration I have come to the conclusion that the amendment brought by the Honourable Minister responsible for Education, Aviation, and Planning is ultra vires the Constitution.

The reason I am saying this (and if you will just allow me a few seconds to explain) is that when we look at section 29 of the Constitution, "Powers to make Laws," it says, "**Subject to the provisions of this Constitution, the Governor with the advice and consent of the Legislative Assembly may make laws for the peace, order and good government of the islands.**"

And in section 30 it refers to this as being subject to the provisions of the Constitution and the Governor and Royal instructions. It also says in 39 (2)(b) "**provided that the Governor shall reserve for the signification of Her Majesty's pleasure any bill which determines or regulates the privileges, immunities or powers of the Legislative Assembly or of its members.**"

Also in the Constitution there is mention of the Secretary of State. In other words, the Legislative Assembly in itself is not a sovereign body. The Legislative Assembly itself is not the beginning and end of our laws. So, the powers of the Secretary of State, the powers of the Governor, the powers of Her Majesty the Queen are already enshrined in the Constitution. Therefore, for the Legislative Assembly to now enact a law that would be contrary to those powers, that would not take those powers, it would be ultra vires the Constitution.

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

Hon. Truman M. Bodden: Thank you, Mr. Speaker, for the right to reply on this matter.

What the motion and the amendments are doing does not fall within section 29 or within section 30 because no law is being made. Let me just make clear what the amendment is saying. It is saying: "**AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance [which is from the original motion] and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.**"

There is no question of passing a law in this House that is ultra vires the Constitution. There is no law before the House.

The second point is that the Fourth Elected Member for George Town has spoken on this amendment already. Nobody raised this. A lot of members have spoken on it and now, at a very late stage, the Fourth Elected Member for George Town is trying to find a technicality to defeat the right of the public of this country to make a decision through a referendum on whether the Constitution of this country should be changed. That is exactly what the sub-

stance of the member's submission is trying to do—that the public not be given a right to have its say on changes to the Constitution of this country.

I submit that neither the motion nor the amendment is ultra vires the Constitution.

Dr. Frank McField: Mr. Speaker—

The Speaker: Fourth Elected Member for George Town, I do not intend to allow a long protracted debate on this. Let's get to the point and—

Dr. Frank McField: Mr. Speaker, with all due respect, more speed less haste. This is a very important point and the fact that I did not see the contradiction before does not mean that the contradiction does not exist. I think it is important from a point of procedure at this particular point—since he was allowed to bring the amendment to the original motion—that now, as it is called to my attention by getting advice to be able to suggest to this honourable House that this might be the case.

However, in addition to the fact that my submission is that this amendment brought, or the last part of the amendment brought by the Minister for Education is ultra vires the Constitution—because it limits the power of the relevant authorities—I would also suggest that according to Standing Order 25(3) that an amendment shall be relevant to the motion to which it relates. This particular Standing Order has not been observed in this particular case because—

The Speaker: Let me interrupt you at this particular point. Please take your seat.

As Speaker of this House I approved this amendment. I looked at it very carefully. My decision was that the amendment would be accepted. I issued the approval and it has come before this House and I stand by my decision. I see nothing more democratic than for the motion to be dealt with on the floor of this honourable House and a vote taken as to whether the amendment to the motion will be accepted or rejected. I intend to proceed in that way.

Dr. Frank McField: Mr. Speaker, believe it or not, I am trying to be reasonable. I do believe that I deserve to be given at least a few minutes as we have spent a lot of time here before.

I would like to raise another point. The amendment is brought in two propositions, and they are separate. We should at least have the right to vote on these propositions separately—unless, of course, we are not going to have any democracy in here today.

The Speaker: I can assure you that there is democracy in here, and there are provisions under Standing Order 13, “**If a motion embodies two or more separate propositions, the propositions may be proposed by the Presiding Officer as separate questions.**”

Is there any further debate on this issue? The Fourth Elected Member for George Town.

Dr. Frank McField: Does that mean that I will at least be able to exercise the minimum right of voting on these propositions separately?

The Speaker: Yes, I will grant that permission.

Hon. Truman M. Bodden: Sorry, Mr. Speaker.

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

Hon. Truman M. Bodden: The question of whether you split the motion, is that at your discretion however you wish to do there? If you wish to put them separately, we would be happy with that, or if you put it together, we will be happy, sir. But we don't object, I should say sir.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would just like to say that it is unfortunate that these situations arise in which we compound what was a seemingly straightforward and clear request. I have to express disappointment. But in expressing that disappointment, I am certainly not suggesting that there should be any curtailment of the democratic rights of anyone, irrespective of the position they may hold.

I hold the view that the first part of the amendment is clear, reasonable, and self-explanatory, even though it may be a bit onerous. I still contend that what the final resolve section of the amendment does is not going to go down well with the Foreign and Commonwealth Office (FCO). I remain to be convinced that it is not going to be struck down and nullified by them even if passed by this House.

What I see it doing is putting us in a position where there can be no changes to the Constitution except by referenda. As I am going to show in the substantive motion (when I speak on it), in the past the FCO has shied away from these positions. There is at least one glaring case in the annals of constitutional development in the Caribbean where the British government was not disposed to this kind of thing. I am going to raise it right here. It is contained in a book entitled *Britain's Dependent Territories—A fistful of Islands*, by George Drower [?].

Chapter 6 is entitled “Vox Populi.” I crave the indulgence of the Chair, because this is very important. If I had realised that this was going to come at this time, I would have photocopied this and been prepared to table it and have copies for honourable members and you Mr. Speaker.

It's important because it enlightens us on the position of the British government. I quote: “**There were times when the British government had to decide what the wishes of the inhabitants of a territory were on certain questions. A means by which the vox populi might have been quantified was by referendum. However, the system tended to be regarded as being alien and the British government was skeptical about applying it. Posnet** [Sir Richard Posnet, the Dependent Territories Advisor in 1978, told the author George

Drower] **'It's always been a traditional British view that in the Parliamentary governmental system you don't have referenda. In the colonies we always took the view that if a government got elected it was for the government to speak for the people.'** I think there was probably apprehension about treading into this unknown ground where it might lead us if we started having referenda.

"To inculcate confidence in the local colonial governments Britain relied very much on elections. Yet, in territories such as Grenada, Dominica, St. Lucia and the Seychelles, election outcomes were as much influenced by personal popularity of the leading contestants as they were by the inhabitants views of decolonisation." It goes on to talk about Brunei, Tonga, the British Indian Ocean Territory.

I want to highlight the case of Grenada. This is a most celebrated case because it goes to show, and it bears out my position that the British government is not going to look kindly on their ability to alter or change the Constitution being tied up by us having to come back to the people in a referenda, which is what the third resolve in the amendment moved by the honourable Leader of Government Business is doing.

In 1951 when Eric Gairy came upon the political scene in Grenada, he formed a party called The Grenada United Labour Party. He decisively won the 1951 general elections. He was opposed by a man named Herbert Blaize, of the Grenada National Party formed in 1955. Gairy was an articulate ex-schoolteacher and Drower said that there were grounds for doubting his integrity.

In 1962 there were investigations by a commission of inquiry. They found that he had intimidated Grenadian public servants and misspent British government development funds on the lavish refurbishment of his official residence. Such was the extent of his squander-mania that the Colonial Secretary, Reginald Maudley [?] had to take the drastic step of dismissing him from his position as Chief Minister.

Herbert Blaize then took over. But because he was ineffectual as an orator and wasn't an accomplished political activist his regime lasted five years, but he was voted out of office. To discourage the Grenadian people (because it was Gairy's intention to lead them into independence) from needlessly seeking independence they inserted an Article into the Constitution which stipulated that before independence could be granted to an associated state a referendum would have to be held in the territory in which more than two-thirds of the votes cast needed to be in favour of independence.

In order to protect itself from unwelcome behaviour in such territories, Britain had also inserted Article 10(2) into the Act, which enabled it to unilaterally decolonise an associated state by a simple Order in Council. Gairy went to Lord Shepherd (who was the FCO officer with responsibility for Grenada) and requested on the grounds of his interpretation of Article 10(2) as Chief Minister that the country should have gone into independence. Okay?

Mr. Speaker, what happened was that in the election that followed, Gairy won 13 seats to the Opposition party. He did not campaign on any independence issue. Indeed,

it wasn't until 48 hours before the election that he produced the party manifesto. It was not an issue.

There were 18,774 people who objected to Grenada going into independence. But because of the agreement that had been struck before, the British government allowed Gairy to have his way. They realised afterwards that they had made a mistake simply by trading away their opportunity to ultimately curtail any change and leaving it up to Gairy and his supporters using what Gairy said was a referendum, even though 18,774 people objected.

Believe it or not, if you read this chapter, you will see that the British government will never again accept that. They like to tell you that they hold ultimate responsibility for the Constitution. I am saying that if we take this resolution it is going to be struck down because the British government is certainly not going to trade away what they consider to be their ultimate right and authority to change the Constitution by leaving it in the hands of the people—albeit they are knowledgeable and responsible—as a result of any referendum.

Mr. Speaker, I believe sir that this business can best be served by a proposal which will allow this matter to be thoroughly aired and cleared. It is unfortunate that events had to take this turn. The substantive motion was reasonable. This amendment has arisen out of nothing more than political one-upmanship. It is a sign that we lack political maturity and a certain basic ability to settle down, deal with the issues as they should be dealt with on the merit of the issues. I regret to say that I am disappointed that some people use this as an opportunity to have their way to tie up the system, to place Parliament in a precarious position and have us labour under the threat that if we don't support this motion then it will come back to haunt us.

Believe you me, I have been here long enough to say that I have seen many false dawns. This is another one sir. And I regret that events had to take the turn they have taken. I am not saying that a referendum is the be-all and end-all. But I am saying that what was proposed in its original form was substantially different from this.

Quite frankly, it is not my decision. And I am not questioning the decision of the Chair, but I would say that the final resolve is completely out of whack with the other two sections of the resolution in this amendment, and completely different from the substantive motion.

This is a House of democracy. Far be it from me to suggest that people should not have their say and that democracy should not have its course. Whatever position I take I am prepared to defend. I resent to the umpteenth anyone who thinks they are going to threaten or intimidate me.

Mr. Speaker, do you know what kind of nigger I am sir? I rise to my height when my back is against the wall. When people come with those kinds of threats where my credibility might be on the line—be it political or otherwise—and I know I am right, the kind of inculcation I had and the kind of upbringing I had, I will go down fighting. I will die for my belief.

Let me say that I am going to take a position which I believe is honest and which in the end will be in the best

interest of country and constituent. I want to end on this note: We may lose the battle, but the war is yet to come. It is unfortunate and regrettable that what should have been a good motion and what was brought out of good intention had to evolve into a political battle for one-upmanship and possibly the election in the year 2000. I will not abandon my honesty at this time and subject myself to political expediency.

Mr. Speaker, I take the dimmest view of what is being attempted. Thank you sir.

The Speaker: If no other person has anything to say at this particular time, I think we will return to the amendment to Private Member's Motion No. 11/99. Debate is open on that issue.

Mr. Roy Bodden: That's what I debated, you know.

The Speaker: That's what I thought, but you were skirting around so much.

Does any other member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you.

My comments will be limited. I will not be making the points I had initially planned to make on this amendment mainly because I also intend to speak on the substantive motion.

This amendment has come about as a result of the substantive motion that called for an amendment to the Constitution. It says: "**BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993, to be amended to allow the electorate to initiate a referendum.**" As a result of this resolution in the substantive [motion], the Honourable Minister responsible for Education, Aviation, and Planning brought an amendment.

I think quite a bit of thought went into this amendment. Down to the point of the second resolution in the amendment, halfway down, I think this amendment would have been quite okay and well thought out. The offending part (if there is one) of the amendment goes on to touch on a separate proposition. I will read that to clarify the point I am making. It says: "**BE IT RESOLVED that Private Member's Motion No. 11/99 be amended as follows: 'BE IT RESOLVED that the fourth recital (paragraph) be amended by the addition of the following words at the end thereof 'and that the Constitution of the Cayman Islands only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.'**"

"**AND BE IT FURTHER RESOLVED that the first operative part of the said resolution being the penultimate sentence be amended by the removal of the word 'Government' and the insertion of the following words: 'subject to and after a referendum under section 29(2) of the Cayman Islands (Constitution) Order 1993 whereby the electorate vote for a referendum to**

be initiated by the electorate, the Legislative Assembly.'"

It is this last resolve section that has caused some concern to the backbench. It says: "**AND BE IT FURTHER RESOLVED that the following be added at the end of the Motion . . .**" It repeats here the resolution that had been made previously when it says, "**AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance . . .**"

Mr. Speaker, if it had ended at that point there could not have been any major objection from this side since the amendment would have been totally relevant to the substantive motion. But when it went on to say ". . . **and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments . . .**" that has brought in an additional proposition to the motion. This is where there is some amount of concern on this side of the House.

We are aware that provision is made in Erskine May on page 343 under the title "Object of an amendment and the effect on debate," that a different proposition can be brought into a debate. Having brought this in, I would not consider it to be strictly ultra vires the motion. It says here "**The object of an amendment may be either to modify a question in such a way as to increase its acceptability, or to present to the House a different proposition as an alternative to the original question.**" I think the procedure in that respect has been followed quite carefully.

But I believe that to accept that section I just stressed in the amendment, that is "**that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments,**" would have hamstrung this government and any future government that might wish to make a simple amendment to the Constitution. What this section is basically saying is that if you want to cross a 't' or dot an 'i' or make a change, then it must go to referendum. I think that could create a lot of expense on government and an inconvenience and an imposition on many of our people, the very people we are representing.

I know that this is a very ticklish amendment to debate because one does not want to give the impression that one is taking away the right of the people. That is not what the backbench is suggesting in its concern. We are saying that since this is a totally different proposition than the substantive motion envisaged, then this should be brought as a substantive motion on its own standing. It should be brought separate.

If it is government's intention that no amendment at all should be made to the Constitution without a referendum . . . that is such an important issue that it should be brought as a separate motion or resolution to this House, and not be combined in the amendment dealing specifically with the referendum. This is where the confusion has arisen.

Just to highlight the importance of our concern, many amendments have been made to the Constitution over the years. And most of these have been taken into a select committee of the whole House where the public has been given the right to come in and discuss these matters with members of this honourable House before any change was made. A similar arrangement could take place, as I have suggested to my colleagues if the substantive motion were taken into select committee where the public would have the opportunity—and the right—to come in and give their view on any changes that may be necessary to the Constitution.

Like some members of the government bench, I am concerned that no one should be able to amend the Constitution without the express wish of our people. But what happens in a general election or a by-election and the national manifesto of that winning group who won (by, let's say, a landslide victory) suggests that they wish to put in certain measures that may even be a change to the Constitution? Does it mean that before the government who won in the landslide victory in the general election could put in place any of the things they stood for in their manifesto a referendum could be called by some minority group? After the majority of the country has agreed on an issue could it be changed and those manifesto points not be implemented because of this amendment to the Constitution? This is a very serious issue. I think we need to think long and hard.

As I said, it's a very smart move. Nobody can fault the mover in bringing this amendment. It's a very smart move. But we have to go beyond that. I know the gentleman who brought this. I have a lot of respect for his intelligence. I know that this is a very smart move. But we have to go beyond that and ask ourselves, Is this in the best interest of government? Is this going to enhance good governance? I think the reasonable answer will have to be, No it cannot, if it means that before a government can even take the simplest of measures to improve the Constitution (there was an amendment needed to improve the Constitution) then you are going to have to go through the vigour of a referendum.

I would say that if there was any guarantee that a referendum was a sure way of getting what is best for the country, by all means let's support it. But history has shown us A classic example of this was a referendum in 1959 when the ruling party under Sir Norman Manly brought a referendum in Jamaica expecting a certain result. But it ricocheted on him. He got an opposite result altogether. So a referendum, especially when it is emotionally charged, may not always give that result.

I would like for the honourable minister in replying to this amendment to bear these few points in mind: 1) That it will make redundant any manifesto produced by a group in a general election, even though they have been voted into office based on that manifesto. If their manifesto states that a change should be made to the Constitution, before that change can be made a referendum will have to be brought and voted upon by the people to say 'yes' even though they voted based on that manifesto. We must bear these points in mind.

As I mentioned, there are a number of things that could disqualify voters and electors. Changes have been made to that through a select committee. We have had changes made to the Constitution whereby we could install a ministerial type of government where "Members" could call themselves "Ministers." That did not go to a referendum, but it went through certain processes. It has not made the governance of this country any weaker. I think we can still boast that we have one of the best governed territories in the world today, especially in the Western Hemisphere.

I don't want to stand here and try to speculate on the motive for bringing this amendment and this particular point. I don't think it would be in order, and I will not do so. I can only ask the honourable minister bringing this amendment if he would consider the points I have raised and decide in bringing it whether that particular area of the amendment is in the best interest of the people of this country. Thank you.

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

Hon. Truman M. Bodden: Mr. Speaker, I can keep my reply very short and we can get this vote out of the way now. I would rather do that.

The Speaker: I have to ask if any other member wished to speak on the amendment. The floor is open to debate. Does any other member wish to speak? [pause] Does any other member wish to speak? [pause] Last time, does any other member wish to speak?

The Third Elected Member for West Bay.

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

Not claiming to be a constitutional expert, I have very little to say on this amendment. But let me say that I do support what the amendment calls for in that I see nothing wrong with the people of this country having a say in regard to any constitutional amendment.

I recall back in 1992 or 1993 a previous group decided to make the Constitution an issue. As a result, most of them lost their seats. I am not prepared to run that risk. I believe that the people should be consulted in the right forum on any matter concerning the Constitution. I see no reason why the medium used could not be a referendum. I don't have anything more than that to say. That's the position I am going to take.

The Speaker: Does any other member wish to speak to the amendment? If not, does the mover of the amendment wish to speak to it?

Then I shall put the question. Those in favour of the amendment to Private Member's Motion No. 11/99 please say Aye, those against No.

Ayes and *1 audible abstention.

***Mr. Roy Bodden:** *I abstain.*

Hon. Truman M. Bodden: May we have a division please?

The Speaker: Madam Clerk, would you call a division please?

The Deputy Clerk: Division No. 7/99

AYES: 11

Hon. James M. Ryan

Hon. David Ballantyne

Hon. Joel Walton

Hon. Truman M. Bodden

Hon. Thomas C. Jefferson

Hon. John B. McLean

Hon. Anthony Eden

Hon. Julianna O'Connor-Connolly

Mr. John D. Jefferson, Jr.

Mr. D. Dalmain Ebanks

Miss Heather D. Bodden

NOES: 0

Absent: 2

Mr. W. McKeeva Bush

Dr. Frank McField

Abstentions: 4

Mr. D. Kurt Tibbetts

Mr. Linford A. Pierson

Mr. Roy Bodden

*Mrs. Edna M. Moyle

**Mrs. Edna M. Moyle: Mr. Speaker, you will have to rule whether or not I can vote. I was not in the Chamber because the honourable minister said his winding up would take a short time. I had something to attend to so I had to be out of the Chamber.*

The Speaker: You may vote. Go ahead.

The Speaker: The result of the division is 11 Ayes, four abstentions and two absent. The Ayes have it. The amendment has passed.

AGREED BY MAJORITY: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 11/99 PASSED.

Mrs. Edna M. Moyle: Mr. Speaker.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I thought these were going to be put in two proposals as the Fourth Elected Member for George Town requested, and I thought you said that you would grant that.

The Speaker: I wish you had called that to my attention. I did say that. If that is the wish, Madam Clerk can we go back?

I think we will leave it as it is. I think this is the proper time to take the luncheon break and at the conclusion of

the luncheon break we will debate the substantive motion. Proceedings are suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.30 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended. The floor is open to debate. [pause]

Does any member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: I am happy to have the opportunity to speak to the original motion. Being a new member of Parliament I am not going to say that I am as familiar with procedure as other members. Perhaps it takes me a little longer to recognise what I might consider to be certain types of discrepancies or contradictions in regard to the formulation of motions or amendments. I will try to suggest that my reason for wanting to support the original motion is that it appears that the government has spent good money employing consultants from across the sea, as usual—

The Speaker: Can I just interrupt you for a minute? You said to the "original motion." Let us understand that we are now debating Private Member's Motion No. 11/99 as amended. Please continue.

Dr. Frank McField: Mr. Speaker, I know that I am debating it as amended.

The Speaker: Thank you.

Dr. Frank McField: But I think that I can also refer to the original part of the motion since—

The Speaker: Absolutely, but I just wanted to clarify that point.

Dr. Frank McField: Exactly. Thank you, sir.

What I am trying to do in terms of building my argument is to say that my support came by way of the original motion, not by way of the amendment. My support for the original motion—and I think I can clearly distinguish between the motives of the first proposition and the second proposition as was composed in the amendment. So I will have to speak first of all saying that from the point of view of the concept of referendum, or referenda, I have always been suspicious as to the merits of this particular method of arriving at a democratic answer to a country's direction.

In other words, I do not believe that a country should be governed by referenda, because if we do that we are subverting the very will and effort that go into electing a government every four years.

But I was mindful of supporting the original motion before it was amended because I felt that this was the desire of the people because it was expressed in the

Strategic Plan, the Vision 2008 exercise. And I concurred with members of the backbench that have been attempting to bring this to the Parliament seeking approval for some time now.

As amended, I believe that I am faced with having to make other types of considerations. The amendment causes me to want to say, first of all, that it needs to be made clearer to me and my constituents what the exact power of this Parliament is. What is the exact authority of this Parliament? I mean, we probably have not had this debate before, but I think it's a meaningful part of the debate since the motion as amended is talking about approving a motion, approving a proposition that is, in my understanding, stronger than the Constitution.

This motion as amended has to be considered a subordinate motion when measured by way of the Constitution that is not a Constitution in the sense that most people get together and agree upon a Constitution and the rights and obligations of its citizens. Our Constitution is an *Order*.

In fact, when we look at our Constitution, the beginning says **"The Queen's Most Excellent Majesty in Council. Her Majesty, by virtue of the powers conferred upon Her by section 5 of the West Indies Act 1962 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:"** She orders! We didn't order. We didn't agree. It was ordered.

The Constitution is an order. We are a subordinate Parliament making a subordinate legislation which is supposed to be supreme to Constitutional order?

The Constitutional Order clearly is a reflection of the power and supremacy of the British Parliament. In other words, we understand that from a local point of view we are allowed to make legislation in consultation or with consultation with the government. I think that if we look at the passage in our Constitution dealing with our Governor we will see some things. The original motion was talking about a referendum. This motion is talking about Constitutional change.

The amendment deals with Constitutional change, although the legislation is a parallel legislation the important thing to remember is that the effect which that legislation wants to change, wants to have, is that the Parliament no longer has the authority to do what the Constitutional Order has said that the Parliament has the authority to do.

This is a serious flaw, for us to not have understood from the very beginning that a parallel legislation, a parallel authority is being placed here to supersede the Constitutional Order.

We did not create the Constitution. We did not bring in this Constitution—not the Cayman Islands Legislative Assembly. It is quite clear, therefore, that it is not our Constitution; it is the Foreign Secretary's Constitution. It is the Queen's Constitution. And Her Constitution is Her Order as to how Her Dependent Territory—the Cayman Islands—should be governed. It is an instrument for the good governance of Her Dependent Territory, or Her Colony, the Cayman Islands.

Therefore, the Cayman Islands Parliament owes its existence to this Constitutional Order—not to any assembly of citizens in order to create a Constitution and in order to enact a Parliament. In most cases, the Constitution comes first, then the Parliament. In this particular case it is so again, but it is not the Parliament here that enacted this Constitution.

Now, I like to think that although I am not a legal mind, that logic has to do with common sense. And that common sense tells us that if there is an amendment here, if we are debating the fact **"AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate . . ."** it is saying that in order to change the Constitution you have to do a referendum. This is a major piece of legislation that would only be possible if it were in the Constitution. And in order for it to be in the Constitution, the British government, the Foreign and Commonwealth Office has to be involved.

We have never initiated any Constitutional changes ourselves. It has always been initiated, as the Third Elected Member for George Town explained this morning very capably, as a result of some forum of discussion between Constitutional Commissioners and the people of the Cayman Islands.

Do you want to have a referendum law? Because a referendum law would give the people in the particular sense it was being suggested originally, the possibility to initiate a referendum without having to be completely dependent upon elected members. But when you put a proposition in that which is now calling for the ways in which the Constitution can be changed or amended, that it has to be by way of referendum—which is a contradiction to what the Constitution already says.

The Constitution already makes provision for the amendment of the Constitution and now we are here enacting a law for the change of the Constitution. I believe that that is beyond our authority, that it is ultra vires. It is beyond the authority of the individual members in here, and it is beyond the authority of the institution to enact a legislation that would handicap, that would tie, that would pin down the authority of the Crown.

If certain people don't like the fact that this is the case, they can go and do what they want. They can say that they want to be independent—which I am not suggesting, of course, because I don't see any reason why we should. But they can go and say that they want to be independent. But they cannot say that persons who see a flaw in this argument are trying to change the Constitution without the consent of the people when that has not been ever the case. The Constitution has been amended, has been altered in this country by reason of the fact that certain elected members, certain members of the population, were satisfied that certain alterations would improve the government of the country and the Foreign Office concurred and got involved in changing the orders which we had received from Her Majesty the Queen.

Now, I would like to seriously find out how this Constitution can be seen as anything else but an order: **"This Order may be cited as the Cayman Islands (Constitution) Order, 1992"** this "Order", with a capital 'O'—and it *shall* come into operation on such-and-such a date—

"shall"—and it's an *Order* and it *Shall* happen and it *Shall* be done. And there's a complete difference. We have nothing to do with the Order and when it came in and so forth and so on.

Of course, behind the scenes we all know that certain members of our society were consulted. But it had nothing to do with legislation. It had nothing to do with referendum. Why is it that the Honourable Minister responsible for Education, Aviation, and Planning, would venture so far to do something that in his 20 years or so of being involved in public office he has never attempted to do? He has never attempted to cause this Parliament to enact legislation that would be *ultra vires* the Constitution, that would be outside the authority of the Constitution.

Now, I said that he used the situation of persons calling for a referendum and the desire of certain members here to satisfy that basic call from the people to twist this situation into what it is, to weave it into what it is.

Hon. Truman M. Bodden: Mr. Speaker, I am taking a point of order.

POINT OF ORDER
(misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: It's on two basis: The honourable member is misleading the House. I have never put forward any instrument here, nor in this motion, that is *ultra vires* the Constitution. In fact, I thought that had been settled earlier. Secondly, he is referring to words to the effect that I am misleading the House. He can't justify either one of those, sir. He is misleading the House in that respect.

The Speaker: I have been following carefully what he has been saying. But the way they have used "Order" that is a procedure that the United Kingdom does in handing Constitutions down to its dependent Overseas Territories. It's an Order in Council. That is a normal procedure. Therefore, I fail to see . . . I thought we had settled it when we were talking earlier this morning on this *ultra vires*. I cannot accept that we are doing anything here that is not in accordance with the normal procedures. I thought we had settled that.

The amendment was put forward. It was accepted by the majority. The motion has been amended. How much further we intend to go with this, I don't know. But I am here to say that our job is to uphold the Constitution and we are doing that. I will not accept that anyone here is misleading. I ask that you withdraw that misleading statement.

Dr. Frank McField: Mr. Speaker, with all due respect, and the listening public is listening. And I am going to go back over something again for their benefit.

The world *ultra vires* does not suggest that any criminal or badly motivated act has been committed. You have used the word yourself and if you would like I will

read to you the letter you wrote to the Third Elected Member for West Bay where you used that word. I am quite sure that when I read that letter it will be shown that you did not mean that that honourable gentleman was in any way acting outside his capacity.

I, therefore, am not meaning that the honourable gentleman is acting in any ill-mannered or wrong way, but it is that these errors can occur. He is not God, Mr. Speaker. He can err also.

Please allow me to question and debate what I have before me in a reasonable manner without shutting me down. Mr. Speaker, all I am asking is a possibility to air what I consider to be my constituents' concerns.

I know the difference between an order and I know that the Constitution is still something that comes into being as a result of an order rather than being enacted by the individuals who are a part and parcel of the Constitution.

But the honourable Minister for Education is saying that I am saying something else. If he has a problem with that, Mr. Speaker, I can deal with the problem. But I feel that if I cannot debate this motion from my understanding of these things, but I have to be subjected to other people's understandings then that is not a free discussion.

The Speaker: You discussing it on how you understand it and pointing to a specific former speaker, quoting him and saying that he is misleading are two different things. I have no problem with you expounding on what you believe. But when you point to an individual member of this honourable House, I cannot accept it.

Do you follow what I am saying to you?

Dr. Frank McField: Mr. Speaker, if I said he was misleading the House I will withdraw that. Seriously, I understand that.

The Speaker: Speak generally, but do not speak to that individual, please. You have withdrawn that, now please continue.

Dr. Frank McField: Mr. Speaker, also in the debate maybe I could make a remark to the honourable gentleman, if possible. Mr. Speaker I have tried and I think that I have proved to the people that I have supported the side that I consider to be the reasonable side and I fluctuated in my support for the government and the back-bench as such. I don't think it's in the interest of the honourable gentleman to alienate me any further from the government, because they are going to come with the budget soon.

I think the honourable gentleman has to remember. . . Okay, Mr. Speaker, people say things in here too and they don't get shut down all the time.

The Speaker: I am not shutting you down. I am simply saying that I am not taking sides. I am trying to keep procedure. If you have something else to say please continue.

Dr. Frank McField: I never got shut down when I was on the side of the government. People will remember that too!

The Speaker: All I am saying is don't take me too far. I am doing my job, and I am just asking you to do yours.

Dr. Frank McField: I think that I have effectively found a flaw in the honourable gentleman's reasoning. I can debate that on television because I pay for that myself, and that is my airtime. I would just like to say that if he thinks that he has somehow thrown me off by coming in here and objecting, . . . he makes me a little nervous and irritated but I am still capable of going on.

This gentleman has brought a motion that will deal with establishing a new criterion for the amendments to the Constitution. I think that he will agree that he is saying that the Constitution should now, if it's to be changed or amended, be done by referendum.

I would also like to point out that I was in a conversation with members of the Foreign and Commonwealth Office here in this Legislative Assembly and they discussed with me and other members the fact that they felt that the Constitution of these islands needed to be modernised. The Minister for Education said to me that he has no knowledge of this, but all elected members of the backbench have knowledge of the fact that we were specifically told also why it might be necessary to make some alterations to the Constitution.

I am not sure that alteration means that my suit is a little too big or whatever, but not change in that it would be a new suit. It wouldn't be a new Constitution. They would like to involve us in the exercise, like they always involve us in the exercise. But what is important today is that the Labour Party in Great Britain, and the philosophy they have and the fact that the Labour Party has tried to reform the House of Lords, the Labour Party is also trying to make certain reforms within the Colonial Territories also that will not make them look as if they are some kind of medieval colonialists.

They have an image in Europe and in the world to protect. They have to develop local autonomy. They have to make sure in the United Nations and in Europe as well that they carry out and uphold certain international conventions—not just with regard to the OECD. There are other conventions that Great Britain is a party to besides the OECD that we as a country have to pay attention to, that we as a Parliament do not have supreme powers to make decisions about.

If you are going to try to be a new person, and you are going around with the same old clothes, people are not going to say you are a new person until you change the clothes. You have to actually tailor the suit to fit you. What I am saying, Mr. Speaker, is that that is exactly the kind of situation that Great Britain is in at the moment, that Tony Blair is in at the moment. But how can you tell people that you have a democracy working in the Cayman Islands working well, when people who question the functionality of the entire instrument of government are considered to be some kind of terrible people? You are going to close the debate down on that?

What I am saying is that if we look at what they have to defend or what they have to achieve, because we are involved in a partnership, they are saying that perhaps it is time now, for instance when ministers of government who have to get permission from the Governor when they are leaving the island, should perhaps not be required to do so because it makes the Governor in that particular sense a kind of total, supreme, omnipotent person which does not really go along with our modern concept of democracy and people's participation. There is a conflict there.

We have managed the situation very well over the years, but there could be problems in the future. I have talked about deficits in democracy in regard to the way in which our Constitution operates. So, I am not going to run away from my examination of the Constitution, my seeing the Constitution as a document that should guide us to improve ourselves and that in cases where we don't think the improvement is working we shouldn't amend it and improve it. We are all about improvement. We are a growing country and the Constitution must grow with us, just like we must grow with the Constitution.

There has to be a growth process. Change is all around us. We have seen where fiscal responsibility, the Confidentiality Laws, all these laws that government has brought in, all of these exercises, the reinvention of government, all these things mean change. Ultimately they will have to have some effect upon the way the Constitution operates. Is the present Constitution sufficient enough to take in all these changes that the good Minister of Education himself has been involved in bringing to the government administration?

The good Minister of Education was the person who brought the Vision 2008 exercise here, where we are talking about greater participation by the people, where we are talking about the people putting together a national programme for the next ten years.

So we are not talking about one dictator, or five dictators or 15 dictators, we are talking about consulting the majority of the people. The British government is concerned with representational democracy with accountability from the point of view of ministers and so forth, and so on. Therefore, there might be a necessity for some kind of Constitutional . . . not change, but alteration, in the future.

I respect my people's intelligence. I respect the people's ability to be able to make better decisions than certain people in this House give them credit for. And the people are always telling me that—maybe because of the side I am on because the people are telling me that I better not be on another side.

[Members' laughter]

Dr. Frank McField: And I listen to my people.

So, when certain people think that they are going to play old tricks again, they better listen to those people too. I listen to the people. I am a full-time politician, all of the time. Okay? And I am saying, Mr. Speaker, that I believe, and I know that there are intelligent people out there—more intelligent than you would ever think. And

they know that change is a necessity, especially in a country that has grown so rapidly over the years economically and socially.

So how can you tell us that you are going to make certain changes possible, and at the same time make certain changes so impossible? Why is it that this House, that the government here, accepted the Confidential Relationship Preservation Law? Why did they go to New Zealand and pay all that money to bring that group of people here to change the way in which the budget would be prepared and debated? The possibility of persons in the community having some kind of say for the budget to be brought here. Why are they doing all these changes if they think that change is so negative?

Why didn't they go to the people to see if the people wanted all these changes? Why did they go along with all of these changes to make people believe that change was what they felt was necessary and all of a sudden you want to tie down change because you know change is coming in regard to the Constitution? You want to tie it down so that you can go out there and scare people about it and use a referendum to defeat the people's progress. It can happen, you know.

A referendum is a very difficult thing at the end of the day because people are going to vote according to what they perceive. If persons are going to make them perceive that there are these evil, terrible people waiting to change this country, then the people might hold back on that change. It's like putting your foot on the breaks when you're driving 100 mph. And you know what that is, it's sudden destruction. That is what I think has happened with this amendment to this very, very altruistic motion. It's like putting the breaks on while going 100 mph. So you don't even have to hit anything, and you're going to have a problem.

If I am going to talk about how the Constitution should be amended, I believe I should be given a chance to discuss that with my constituents to find out what they think about it. That's the reason why this amendment should never have been brought in here. This is the reason why I am going to find it very difficult to accept this amendment.

The Honourable Minister responsible for Education, Aviation, and Planning laughs about that because he thinks he has me in a trap now. He thinks he can go out and say *'He wants to change the Constitution.'* That honourable minister has been saying things about me or somebody else, but when I do what he wants me to do he doesn't say bad things about me. And people have been listening. They know. They follow the debates.

I am saying that I don't want to change the Constitution. But I will discuss with any reasonable member of this House, or of society, or any reasonable member of the British Foreign and Commonwealth Office any kind of adjustments or alterations that will make our democracy more representative, more accountable, more transparent.

Mr. Roy Bodden: Preach! Now you're talking.

Dr. Frank McField: Now, I know that people have gone off to Paris to discuss. But I sit here and I predict what the result of their deliberations will be because I have an idea of what they are talking about. I don't have to be there to know what they are talking about. I have an idea.

I was in Europe. I studied European history. I studied European political thoughts. I know Europe. I know what they are trying to achieve. I know the British Parliamentary system. I know England. I know the Labour Party. I know members of the Labour Party in England.

If they desire at this particular time to work with us toward developing a progressive colonial relationship that all of us can be content with and proud of, and nobody around the world can take potshots at them because of it and therefore they can feel comfortable with it, like we feel comfortable with it, I have nothing against it. That's basically it.

People who have been going away and negotiating to come to say that they didn't know anything about the desire of the British government to modernise the Constitution when they said it in the White Paper . . . if we go back to the White Paper and read specifically they are talking about transparent and accountable government and they want to make sure that they put in place the instrument to make transparent and accountable and representative government possible. What's wrong with their contemplating that? What is the good Minister of Education afraid of?

Why does he continue to sing that ancient song? Because elections are coming? Because we are not going to get elected if we talk about a Constitution? Well, the Constitution is part of our business, and we should talk about the Constitution. And we do have respect for the Constitution. And we do have respect for God and we do have respect for our fellow man. But it doesn't have to be the same respect that he has because he is not God.

I want people to know in this country that I have a right to have my feelings independent of him. I have a right to have my say independent of him. I have a right to make my deliberations and my conclusions and my decisions independent of him—or the government!

Mr. Roy Bodden: Preach!

Hon. Truman M. Bodden: Mr. Speaker, with respect, on a point of order.

POINT OF ORDER
(Misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: I am not trying to stop the member from making, within the Standing Orders of this House, what he can do within his democratic right. So it's misleading for him to say that I am trying to stop him from speaking and expressing his views. I mean, he's been there standing for the past three-quarters of an hour expressing his views. I am not stopping him. It's misleading to say so, sir.

The Speaker: I was wondering if he was referring to me or you. But basically, I would rather you keep it off of a personal vein. Fourth Elected Member for George Town, continue.

Dr. Frank McField: I will keep it out of that, Mr. Speaker. But the truth is that the Minister of Education did not say this on the floor of the House, he said it to me in private. And God knows between me and him, he saying he, he, he, he until the election comes. So, of course I am a little defensive. I am inexperienced.

But I would like to say that the right to freedom of discussion is a very important right. And I would like to read from this White Paper, "Partnership for Progress and Prosperity." Somebody asked me why they call it the White Paper. I guess we all know that's because it's a discussion paper. But it's obviously a discussion paper for members of the British Parliament because we certainly have not been discussing it with them. I have had the opportunity to speak to some persons, but that has been very limited.

Under Chapter 2, page 13, [paragraph] 2.8 says: **"The governance of the territories must have a firm base. Democracy, human rights and the rule of law are all as relevant in the Overseas Territories as elsewhere. The principles which should underlie modern constitutions are clear. There must be a balance of obligations and expectations, and both should be clearly and explicitly set out. Future action will focus on: - measures promoting more open, transparent and accountable government; - improvements to the composition of legislatures and their operation; - improving the effectiveness, efficiency, accountability and impartiality of the public service; - the role of Overseas Territory Ministers and Executive Councils and their exercise of collective responsibility for government policy and decisions; - respect for the rule of law and the constitution; - the promotion of representative and participative government; - freedom of speech and information; - the provision of high standards of justice; - adoption of modern standards of respect for human rights."**

"2.9 Discussion of Constitutional change is already underway. We are planning for the example . . ."

"Discussion of Constitutional change is already underway. " And the minister said he doesn't know anything about this? Is the minister saying that he doesn't know anything about this, Mr. Speaker?

If the minister doesn't know anything about it, why are we using him to go to England and those places to talk to these people?

Hon. Truman M. Bodden: Are you prepared to give way?

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

Hon. Truman M. Bodden: Mr. Speaker, I have sat here very tolerant for a long time. What the member said is

that he met the two UK Government officials and they raised certain things with him. I was at that time in Paris. I was not here. That's why I said to him that I knew nothing about it—obviously, no more than knowing two people were coming. They met with them. That's the first point.

The second point, sir, I have not been in any constitutional discussion with the UK about changing the Constitution of the country. If that is what he is implying that is untrue. The White Paper refers to it, but if I may just refer to a couple of things, since we are on the White Paper, what the White Paper says on page 9 is: **"What degree of interest was there in changing the territories' constitutional relationship with the UK? Apart from some limited reference to Crown Dependency status similar to that of the Channel Islands, there was no widespread interest in a change in the current constitutional relationship."**

The next point I would like to make is that the imputations made about this legislature changing the Constitution . . . let me just tell you what Britain's—

Dr. Frank McField: Mr. Speaker on a point of order.

POINT OF ORDER

(Misleading)

The Speaker: May I hear your point of order?

Dr. Frank McField: The Minister will get a chance to discuss. It's my turn to speak and I was gracious enough to ease him in on a point. But now he's going—

The Speaker: You gave way, give him an opportunity—

Dr. Frank McField: But he's debating, Mr. Speaker. I mean—

Hon. Truman M. Bodden: Mr. Speaker, if the honourable gentleman didn't want me to reply, he should not have given way. But if gives way then he must take what comes with it. I am reading from the White Paper. I just have one other thing to read and I will sit down.

The Speaker: Let him read his point.

Dr. Frank McField: Mr. Speaker with all due respect—

Hon. Truman M. Bodden: Mr. Speaker, I don't want any hassle with him. I will just sit down and let him go on sir.

Dr. Frank McField: Mr. Speaker, I don't get to do this to anybody. So—

The Speaker: The procedure . . . I mean, you did not have to sit down. You could have said 'I am not going to give way' and that would have been it. It would have ended the argument. But you did give way.

He said he is not going to pursue it, so go ahead. Fourth Elected Member for George Town, continue.

Dr. Frank McField: I think that I allowed him to make a point because I did not want to suppress his right. But I think he was abusing that privilege because he was going overboard.

When you read a book, Mr. Speaker, and you only read the first nine pages, you're a bad reader. You have to keep reading until the book is finished. So don't tell me what page nine says, when I go to page 12—

Hon. Truman M. Boddén: Mr. Speaker, the honourable gentleman shut me down. If he would like me to read the whole of the White Paper I will read it. But he stopped me from reading the White Paper. So now how can he tell me that I didn't read the whole White Paper when he stopped me from reading it?

The Speaker: Please, please, gentlemen. Let us get back. We are now here to debate Private Member's Motion No. 11/99 entitled Referendum, as amended. Let us get down to relevance. Let us be relevant in our debate.

[inaudible interjection]

The Speaker: I appreciate that. But this is not getting us to the point that we are supposed to be getting to. Please continue.

Dr. Frank McField: Thank you, Mr. Speaker. I really must apologise to the honourable gentleman for calling to his attention these facts, but it does say here "Partnership for Progress and Prosperity" Chapter 2. And for all those persons who might have copies of the White Paper, we see it mentioned here.

Now, the reason I am saying this is that if we accept this particular part of his motion—which we have . . . we have accepted basically because we wanted to give people the right to enact referenda themselves, to initiate it themselves, rather than just us initiating it. If there is going to be any constitutional change in a country it is important to consult the people. I would not be for any constitutional changes that would not involve consultation with the people, but we have had constitutional changes in our country before. What people are talking about is constitutional advancement to the point of independence. They are not just talking about us amending things to allow certain things to function better, they are talking about us going and taking that step to be disobedient to the United Kingdom.

But certainly, nobody is against our improving the government by having more accountable, more responsible, more transparent and open government. Nobody is against that. And the United Kingdom has identified certain anomalies in the Constitution. I mentioned one that was mentioned to us in regard to the Governor having to give permission for ministers to leave the island. That's kind of archaic when there's no military threat or anything like that. That was back when the Governor was still a military head and that kind of military feudalistic type of relationship is what the British Parliament wants to get away from and we know that by the way in which they are trying to reform the House of Lords.

So, why is it then that this honourable gentleman has used this opportunity to insert into our intentions something that will result in tying the hands of those persons?

I am not trying to get them to have less say, I am trying to get them to have more say. But to say that it is in the interest of good government, especially at a time when we are dealing with the OECD, when we are dealing with the White Paper and those particular reforms and we can send a scary feeling out to the people. We can make the people believe that the United Kingdom is the bad wolf coming down here to do all these terrible things, including changing the Constitution . . . and we don't want that do we? because they just want us to go the bad way.

So we know that a referendum in regard to the alteration of the Constitution at this particular time is bad timing. Like I said, I have made my trips to London before. I have made submissions to London before. And I believe that they did read them. I am willing to go back to London tomorrow if necessary, because if we have a government in this country that is to be really responsible, then I am saying that it cannot vote at this particular time for this proposition as it is.

This cannot be accepted by reasonable people because it will cause unreason to exist among the general public out there. It will create an avenue for people to destabilise this country. It will put the government itself tied between Executive Orders from Britain, and we know that the Council in Britain has a right through Executive Order to order the Cayman Islands to do this or that. What happens? Somebody should get on the telephone and maybe call those people we are talking about up at the Foreign Office and find out if this is their intention; if they see a need for it in some of the colonies, including this one, before we bring a motion like this and accept a motion like this that is binding.

Mr. Roy Boddén: True!

Dr. Frank McField: That's all I am saying.

Good, responsible leadership has to do with more than making people afraid of their future. Good responsible leadership teaches people how to react to the difficulties that they might encounter along the lines as they progress. And it teaches them how to dismantle those difficulties and how to put them out of their way and how to continue to progress. We do not put stumbling blocks in the way of change when change is perhaps the only reality—everything changes.

We come into this world. We grow up. We grow old. We die. Others come. Others want different things. Plants grow . . . everything changes. Change is a reality. Why make it so difficult for change to happen when we have come to accept that our country has grown so fast over the last 20 years that we need significant change in regard to government administration and we see this in regard to all of these things.

Mr. Speaker, I just want to say in conclusion that I find the fact that the Minister of Education believes that he could bring a motion to this House to bind future legislators as a principle in regard to constitutions and consti-

tutional laws and parliaments as funny. As he brings the law here, another parliament could come and change it because he knows that the law would only be binding because it's only a ledger's law. It would only be binding until it was changed.

In other words, although he would make this law, the majority could come back in here tomorrow and change it. Or when there's a new election they can come back and change this particular thing. It is not a major part on a major legislation. It's not in the Constitution.

If he wants to enshrine it in the Constitution then he could protect it from being changed perhaps later on easily because the Constitution being that superior thing would be more difficult. But if just brings it here because he wants to say *'I am bringing something to say that in order to change the Constitution you have to have a referendum'* . . . that in itself is changing the Constitution because you are making a parallel legislation that is telling the persons who have been in power up until now that the status quo has been that the members of the Legislative Assembly, the British government and so forth, have had the authority to amend the Constitution as they have felt the need arise.

Now, he has brought legislation to bind us—not to bind the British government, because he can't bind them—but to bind us from being able to do what we were elected to do. That is major legislation.

When I was elected I was elected under the powers of this present Constitution. So this minor amendment, this subordinate law, is trying to act as a major amendment which supersedes my election. The Minister of Education knows . . . and I am not looking at any law book, I am arguing on my feet here. I am saying that for you to bring this legislation to limit my powers is to supersede the power which I was given. This should be an issue that he should run with in the next campaign. This should be a manifesto issue. This is a major, major issue. And this is the reason why I have said from the very beginning that the fact that it's come so far with this particular issue is incredible because tomorrow we could have great difficulties because we have to organise a referendum.

Part of the reason why the people supported the referendum, part of the reason why I support it is because it was proven that in many cases it's not used that often anyway. So the country could be spared, and the people could still be given the feeling that they do have the rights, although they do not exercise it. So I could go along with that. But when you are going to use that opportunity to say *'I am going to make sure that they don't make any changes, they these don't make any changes'* . . . and you put yourself in that situation and tie everyone else's hands without giving us an opportunity to go to our constituents and discuss it—

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER
(misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: I have been listening to this for some time. The member is saying that this motion is tying his hands to change the Constitution. It's misleading. What it is saying is that a referendum should be called and to follow the wishes of the people on the amendment. But it doesn't tie the member's hands in any way unless he wishes to do something against the wishes of the people—which he then can do. It doesn't even stop him from doing that. So it's misleading to say that the motion is tying his hands from changing the constitution.

The Speaker: That's an elucidation.
Please continue.

[Members' laughter]

Dr. Frank McField: That's hallucination, that's what that is!

[Members' laughter]

Dr. Frank McField: All I say is that one of the things I actually enjoyed about having the two members of the Foreign and Commonwealth Office out here was that they were frank. I said to them right away, "Speak frank, and Frank will understand you." If you want something, regardless of what it is, just say it and we can deal with it. But don't hide what your intentions are. They did not come that way.

They were two very, very, very important persons. You could tell the confidence with which they came.

One of the things that was said, and it was also said to the press, was that the issue of homosexuality has taken precedence. People have put that to the forefront when we should be discussing human rights, because human rights do not have to do with homosexuality. The homosexual question will be a question down to conscience in any case. But there are more important human rights issues.

The Speaker: Once again, that is not relevant to what we are debating here this afternoon. Please let's get back to the motion we are debating. I appreciate that you have rambled quite a bit and I have given you a lot of latitude, but we are really not getting on with the motion. Let us not bring homosexuality and human rights into this at this particular time.

We are debating the referendum today.

Dr. Frank McField: Mr. Speaker, I know the difference between a referendum . . . believe it or not, Mr. Speaker, I not ramblin' and people don't tink I ramblin'. There is a comment there because—

The Speaker: I have asked you and I have made a ruling. Please follow it.

Dr. Frank McField: It is my debate, and if I cannot be allowed to make my debate then I shall sit down.

The Speaker: Thank you.

I am calling your attention to tedious repetition. What you are debating must be relevant to the subject you are debating. If you want to go ahead continue. But I am telling you what I mean.

Dr. Frank McField: What I am discussing here is a procedure that the member wants in order for there to be any change or alterations in the Constitution. One of the things we have been calling for in this country is a Bill of Rights. The Bill of Rights has to do with Human Rights. If the Minister for Education gets us to a position now we will have to take a referendum to have a Bill of Rights. Am I right?

Because to have the Bill of Rights now in the Constitution you would have to have a referendum to have a Bill of Rights. Now, the reason I brought up the homosexuality thing was because that pushes people away from wanting a Bill of Rights. But it's important for people like me who believes that you need rights in this country because people are so willing to take them away from you, even when you have them and it's obvious that you have them.

So all I am saying is the difficulty created here is that people need to have rights that are known and respected and that are not the result of somebody else's conscience. If I am to depend upon certain people's conscience, I would be in a terrible position. I want to depend upon my rights. Therefore, I mentioned the rights.

The point the Minister of Education is bringing here would bar the possibility for this honourable House to vote for a Bill of Rights now or in the future, unless they went and repealed this legislation. And he knows why he did it. It would effectively stop there being a Bill of Rights in this country and this was the intention.

POINT OF ORDER

(misleading)

Hon. Truman M. Bodden: Mr. Speaker, this is totally misleading the House. This motion does not stop a Bill of Rights from coming in. All it is saying is go back to the public on a referendum if you are going to change the Constitution and put in a Bill of Rights. Consult the public. It doesn't stop any changes to the Constitution provided that a referendum is held prior to it. That is all the motion is saying. So it is not taking away these rights that the honourable member is referring to and that is, in my view, grossly misleading.

The Speaker: Fourth Elected Member for George Town, this issue has come up two or three times. You yourself stated that you would have to go to the public to get permission. That is what the Minister of Education and Planning is saying. You are both agreeing on the same point, yet you say he is misleading the House. I am not understanding your point. You are saying that if you want to amend the Constitution you'd have to get the permission

of the people, you want to give the people the right to make that decision.

So when you say that this is depriving them, you are misleading because you are making the point that that is giving the people that [right].

Do you have anything else to continue on?

Well, this would be a convenient time to take the afternoon break.

Mr. Roy Bodden: Mr. Speaker, before we take the break, sir. As a schoolteacher, I am concerned. I hear honourable members calling it "referandum." The word is not "refer' an' dum," it is "refer'ɔn'dum." As a Parliament we should set the example. We can't be calling the word "referandum" when it is "referendum."

The Speaker: I agree with you. And the plural has a different pronunciation also. Anyway, we shall suspend for 15 minutes. Thank you, Mr. Teacher!

[laughter]

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 4.15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended.

The Fourth Elected Member for George Town continuing.

Dr. Frank McField: I have tried to show the importance of this change. I think that some things are slow in coming to my attention in regard to particular motions, the amendment of the motion and the process of voting on the motion. I would just like to refer back to the last amendment we had to the Constitution, which was in 1993. In this we have amendments in regard to section 29 of the Constitution which this particular motion refers to.

It says here, that "**section 29 of the Constitution shall be amended by renumbering the same as subsection (1) and adding the following new subsection (2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution. Adopted by a majority of the Elected Members of the Assembly to be a matter of national importance and specified in such Law.**"

If we are calling for a motion to make this possible, my question is the correctness of the procedure that allowed this amendment to be possible in the first place. In other words, that the nominated members—not the elected members only—voted on the amendment to this particular proposition. It is my contention, Mr. Speaker, that that exercise was not necessarily in keeping with section 29(2) of the Constitution which speaks specifically about electing members and alienates the elected mem-

bers from the nominated members because of the importance placed on such an action.

I would like to, if possible, have some kind of clarification in regard to this because, like I said, it is something in addition that has been brought to my attention in regard to this particular development.

The Speaker: I have taken legal advice on this. I will ask if you can point out a section in the Constitution that says that the Official Members cannot vote. I would be most grateful. I understand from the Constitution that the House is made up of 18 members, three of which are Official. I see no provision to preclude the voting of Official Members in our Constitution.

Dr. Frank McField: I am reading from a book *The Legal Status of British Dependent Territories—The West Indies and North Atlantic Region*, by Elizabeth Davies—

The Speaker: Before you do that, I have asked a question. I asked if you could point out a section in the Constitution which . . . because the legal advice that I have taken, I have followed.

Dr. Frank McField: Mr. Speaker, are you asking me to read the relevant section of the Constitution?

The Speaker: Where it says the Official Members cannot vote on an amendment to a motion.

Dr. Frank McField: Mr. Speaker, if you would allow me to read what this book says, I think we can get to that point. I don't necessarily want to tie this down, but at the same time, I think there is some indication here that . . . it says, with regard to the Motion 3/90, "**An additional problem the government faced with this proposed amendment concerned the circumstances when it may be appropriate for the Official Members of the Legislative Assembly not to take part in any debate of any vote on a particular matter.**"

And the Governor made a statement at that time to this, "**I consider the distinction to be drawn is on the one hand between things which are in the Constitution and to change which requires an amendment to the Constitution and on the other hand things which are enabled to be done under the Constitution and which may be done without any amendment to it. The motion to change the composition of Finance Committee is not in my view, and I am so legally advised, a Constitutional matter in the sense that it alters the Constitution or proposes to do so.**"

Therefore, I am advised that it was the feeling that on constitutional matters that the Official Members would not vote. We know, of course, with regard to the relevant Standing Orders that we went through a similar procedure last July. And at the end of the day, the Governor decided (Mr. Owen) to relieve the Official Members of that collective responsibility to vote on those particular issues. What we are discussing here today and arguing about here today are issues related to our constituent responsibilities.

I beg that you look at this issue again because it certainly has influenced the outcome of the decision.

The Speaker: I beg to differ with you on the outcome or the difference. The actual division was 11 for and 4 abstentions. You take three from 11 and the amendment would still have carried.

Dr. Frank McField: That is fine. But if we had had (as was indicated earlier) two propositions, it is quite possible that the division would have had different results. I still believe that in the interest of transparency and openness that we seriously look at what could be done here. As I said, these are serious issues that relate to the constituents.

As I was saying before, if we were elected on one manifesto and we are coming here and talking about a constitutional issue and a change in regard to the method in which the Constitution has been normally amended, that is something that should be the concern of the elected members since the Constitution says with regard to the issue of the referendum, and since this is what we are talking about and discussing a motion to make that possible, that the same standards should be applied here.

The Speaker: I just want to make it very clear. I made a decision that all members of the legislature would vote on this. The vote was taken, and as far as I am concerned that issue is behind us.

The Fourth Elected Member for George Town.

Dr. Frank McField: All I can do is my best to assist the Chair. I believe I have done my obligation in assisting the Chair to see the possibility of some flaw in terms of the reasoning.

I believe that whenever a mistake is picked up, it is always helpful to be able to correct it. It is my opinion—as it was my opinion at the time I brought the motion in July—that there is this particular reason.

I would just like to get back to part of what my debate was in regard to the Bill of Rights. What happens today will be discussed, I am quite sure, for some time. I, for sure, will have the good opportunity to rebroadcast my position in regard to the move on the part of the Minister of Education to change the methods by which amendments to the Constitution can be done.

I believe that we do not want to make it impossible for the people of this country to have their rights enshrined in a constitution. I believe that people's rights are important, that they know their rights, that they know their obligation. I believe that a modern constitution would be a constitution that spoke not just of how government should be organised and the particular powers of each department or each branch of government between the Judicial, the Legislative and the Executive branch, but it will also speak about the people. A good constitution, if it is modern, speak about the rights and the obligations of its citizens, and not only mention the citizens by way of them being electorates.

I feel that this motion could prevent a timely resolution to this particular desire on the part of the people for a Bill of Rights. I feel that as far as I know people really would like to

have a Bill of Rights as much as they would like to have . . . [pause]

Mr. Speaker, I am in a habit, when I get a note, to read the note. Since I just got a note from the Chief Secretary that says, “**I shall be grateful if you would remove your vehicle from the designated parking space for the First Official Member and desist from parking there in the future.**” I just thought that since that was so relevant to my debate that he should pass it at this particular time, and knowing the habit here that when a note is passed we usually read it . . . I just thought it might give me an indication of where an Official Member’s position is in regard to this debate.

So, like I said, I believe that I will have occasion to deal with these issues because I was elected here. And I have the right to talk in regard to the people’s rights. The people are saying that they would like to have their rights known, and that each person who is in office, whether or not they are official members or elected members, know that the people have rights and that they observe the rights of the people and that they violate the rights of the people only by paying the price for it because it would be illegal to violate that law that gave the people the rights.

Now, if I am reading correctly, because I do have a little basic appreciation for psychology, I know that there are things happening in this country. We know that there are some people who are considered to be a part of the old regime, let us say. Those people do not want certain things to stop. I am talking about rights; I am talking about the fact that if it is important for the Minister of Education to bring this particular amendment, how come it is not important for him to bring a Bill of Rights to this House and pass a Bill of Rights through this House so that the people can be assured that their rights will be observed by any government now or in the future?

The one-sidedness of this situation goes to show to me that there are those people who would go to any extent to stop positive change in this country, thinking and telling people that all change is bad and only people that talk about change are bad people but they are the only people who can initiate the change.

Hon Truman Bodden: Mr. Speaker, once again, a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Hon Truman M Bodden: I don’t go around telling anybody that change is bad. The honourable member is telling an untruth.

POINT OF ORDER

Mr. D Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

Hon Truman M Bodden: He has been talking on me all along

Mr. D Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

The Speaker: [addressing the First Elected Member for George Town] Please be seated, let me deal with one point of order at a time I cannot deal with two.

The Fourth Elected Member for George Town, what did you say?

Dr. Frank McField: Mr. Speaker, I think that since the Minister of Education is going to dispute what I am saying anyway, let us get the *Hansard* and see what it was that I said for transparency sake and we will see.

The Speaker: You realise that we are within a minute of the hour of interruption?

Dr. Frank McField: Sure, Mr. Speaker, I realise that. But, the people’s business should take as long as it should take for it to be done right.

¹**The Speaker:** We have reached the hour of 4:30 PM, the time of interruption. We will get the *Hansard* and I will deal with this tomorrow. I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon Truman M Bodden: Mr. Speaker, I move the adjournment of this honourable house until 10:00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 16 SEPTEMBER 1999.

¹ See “Speaker’s Ruling on Point of Order,” page 984

**EDITED
THURSDAY
16 SEPTEMBER 1999
10.28 AM**

[Prayers read by the Honourable First Official Member responsible for Internal and External Affairs]

The Speaker: Please be seated. Proceedings are resumed.

Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Fourth Elected Member for West Bay. He may be arriving later this morning.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 110 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 110

No. 110: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if there are any plans to computerise the quantity surveying section of the Public Works Department.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Yes, consideration is being given to computerising the quantity surveying section of the Public Works Department. It is hoped that this will be completed by the end of 1999.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state exactly what the function of this section is within the Public Works Department?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The unit or section basically carries out some amount of quantity surveying work, as-

sists in the administration and where necessary also deals with quantity survey work for the private sector.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister just said that the unit or section does a certain amount of quantity surveying work. Can he expand on that portion of his answer so that we can understand exactly what type and how much actual quantity surveying is conducted by this section?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just for the record, the officer heading up the quantity survey section (one person) and a recent graduate working in that particular area do estimates for small and minor works projects. The larger projects are actually put out to tender to private sector quantity survey firms.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if this situation has prevailed for quite some time? Was this the intention when the section was formed? Or, because of the magnitude of work involved, has it evolved to a circumstance where much of the quantity surveying is jobbed out?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: When we try to relate it to where and how the quantity survey section began, in the 1970s (which is when I understand we set up that particular unit) . . . we do know that the quantum of the capital expenditure was rather small. So he was able (whoever he was at the time) to do most of the work. In moving forward, while he does perform certain functions in that area of quantity survey and is now assisted by a young graduate who returned in the summer, we still require in 1999 much of this work to be done by the private sector.

The quantity survey section, I may add, has reviewed a number of quantity surveying software packages. These packages that have been reviewed (two of them) have not been found ideal as there is difficulty in conversion from the metric unit to the imperial, and the level of detail is not considered appropriate. Public Works is looking into a quantity surveying software package that is currently in use locally in the private sector

called "Zector." If this proves suitable, it is hoped that the computerisation of the quantity surveying section could happen before the end of the year thus putting the department in a position to do the majority, if not all of the work of quantity surveying on the capital work in the 2000 Budget.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if at present . . . and perhaps he doesn't have to go back that far. Let us use the last two or three years. Can he state on average what quantity surveying has cost this department by having to job out to the private sector?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We do know that the cost of putting these projects to the private sector for some firm to carry out the quantity surveying work is based on a percentage of the overall cost of the project, normally. We do not have that detail here this morning. If the member wishes we can supply it in writing to him and that is about the best offer I can make on that issue this morning, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister then state, without having it computerised, what method is used to check (and I am assuming that this is necessary to do) bills of quantities that are sent back by the private sector with the capital projects that Public Works manages?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The executive quantity surveyor at Public Works carries out a general review of these bills of quantities which are arrived at by a private sector firm, but they do not go in detail to check every single item. There is a general review of it. I think the feeling is that these people are professional in doing these quantity surveys, or bills of quantity I should say. It is just a general review of what is presented to Public Works as the bills of quantity on a particular project.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if at present the quantity surveying work that is needed to be done in the private sector is done by tender? If not, what exactly is the process?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The services of the quantity surveyor to provide bills of quantities on Public Works projects are done by tender. We know that there are basically about four companies or firms that provide this service on the island.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state what method is utilised and the individuals involved who decide what pre-qualifies companies for being able to tender on the quantity surveying section of any capital project?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer is that 95% of the work is tendered to these four firms providing quantity surveying work for the Department of Public Works. However, when we get to very large projects we know that there are basically two firms that provide this work. Their bills of quantities recommended to Public Works are then reviewed by the Executive Quantity Surveyor of Public Works.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if it is accepted by the professionals in the Public Works Department that at present the situation within the quantity surveying section is unacceptable to say the least, in that it is not anywhere near as cost effective as it should be?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: May I say that one of the reasons for moving in the direction of computerisation of the quantity surveying section of Public Works is that the production of bills of quantities on all capital projects should be done in house. Therefore, in the majority of cases, if not all cases, it is less expensive in terms of overall government spending. We are also requesting in the year 2000 budget an additional quantity surveying post to ensure that we are in a position to do all if not 90% of the quantity surveying work needed by Public Works on government capital projects.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I appreciate the minister's skirting the answer, and I won't pursue it. For the record, I would like to advise the minister that I would be very grateful if the information he said he would provide in writing a

while ago were done in that fashion so that I can get that information.

Can the honourable minister state as he has said that it is recognised that being able to do the majority of the quantity surveying in house is more cost effective, why it is only now that it is being recognised since this is a circumstance that has prevailed for several years? The quantity of the workload has been to this level for several years. Why is it only now being considered for that section to be computerised?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I used to use an analogy that apples don't drop until they are ripe, but I don't think the First Elected Member for George Town would appreciate that one!

What I must say is that given all of the reforms and movements in government, much of these matters including this one probably came under review for some time but action didn't come forward as early as all of us would wish. I think in 1999, or late 1998, it moved in that direction. We are seeking to establish the computerisation of the quantity surveying section to ensure that government becomes more cost effective in terms of the estimates we provide and the construction of buildings falls within a reasonable figure that the majority of the public would expect. That is basically the answer I am trying to give to the honourable member on this particular one.

Even when you move down the road, and we must recall that the quantity survey section is one person carrying out this amount of work. We talked about the amount of capital expenditure work budgeted for in 1999, it hasn't been far different from that figure if you even go back five years from today. So, there is one person carrying out this amount of work. Now we have a young graduate who came to us in the summer. Even if you move to two people, if you have to do the calculations by hand it is difficult.

I am just trying to answer the member. I am not saying that he doesn't appreciate this. I am just trying to answer the member in my own words. It is difficult to deal with \$30 million to \$35 million in capital projects with somewhere between 75 to 100 different projects, even for two people to carry out that function. It is the reason why . . . and I am not being defensive, I am just talking about the way forward. Many things are going on in government. There are all sorts of reforms taking place—reforms of the public service, reforms on the financial side of government, there's Y2K. . . there are so many different reforms.

People are tied up doing a variety of things. I think much of that activity has created some amount of awareness that some sections and some parts of various departments—including ministries—need to be reviewed, and systems being utilised need to be upgraded and brought up to modern-day operational needs.

I believe that review has taken place, sorting out of software packages and trying to select one does take

some time. I believe in my heart that Public Works is moving forward to try to find the one that they believe is going to be the most effective in doing the work. Because what we are expecting is that once we have the software package in place there will be no need, unless it's a very limited need, to go outside for quantity survey work. I think that is in the right direction.

The Speaker: I will allow two additional supplementaries.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister just mentioned in his explanation a figure of \$35 million worth of capital projects. So that we can have a fairly good idea of what we are looking at, if the government were to engage in \$35 million worth of capital projects for which bills of quantities needed to be produced, if there are 75 projects, what kind of costs (since he mentioned that costs are usually done on a percentage basis in the private sector) would that mean for the Public Works Department being billed by the private sector for that amount of quantity surveying?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: That's a reasonable and fair question. I would hesitate to try to answer that verbally today. We do know that even when you are dealing with \$35 million of capital expenditure we are not talking about a variety . . . well, put another way: We are talking about a variety of projects. It could mean playing fields, jetties or ramps, it could mean educational facilities. What I am saying is that we would prefer to give the member, having researched it properly, in writing.

[inaudible interjections]

Hon. Thomas C. Jefferson: Mr. Speaker, I am trying not to answer a hypothetical question on the floor of this House.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The minister said that one of the benefits of computerisation will be a savings. Can the honourable minister tell the House how significant these savings will be on computerised analysis vis-à-vis man hours?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: This too, I think requires a complete examination. I would say thousands of dollars. But I think it requires a full examination in order to give the member in all fairness a proper answer to his question. We prefer to research it and come back in writing.

The Speaker: Moving on to question 111, standing in the name of the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Before asking the question, craving your indulgence, may I make a comment sir?

The Speaker: Will you eventually change it into a question?

Mr. D. Kurt Tibbetts: No, sir. I am making a comment to the Chair. I am asking the Chair to allow me to make a comment before I ask the next question.

The Speaker: Be brief please.

Mr. D. Kurt Tibbetts: With the greatest of respect to the Chair and to you personally sir, I just wish to make the observation that while I totally appreciate the fact that you have to try to get on with the business of the House as time is not something that one wishes to waste, when it comes to Question Time, until we have a different system where there will be no need for this type of inquisition to go on from the backbench to the government, it is one of our only methods of recourse to get information not only for ourselves, but that which the public seeks through us.

On many occasions, while it seems to be a time consuming affair, there have been lines of questions put forward which have been stymied midstream. At the end of the day, the whole effort appears to us to have been wasted because there has been no conclusion to the line of questioning.

I simply ask your indulgence. I am not seeking a free hand to ask all day or anything like that. Appreciating your reasons (and understanding that you are not doing it because you can), there have been times when probably from where you sit it may not reach the same significance as from where we sit. We are the ones doing the questioning while you simply have to look at the overall picture to conduct the business of the House in an orderly fashion. I am simply making the observation, craving your indulgence.

As I said, I am not seeking to ask questions for as long as we want. I am just trying to explain that. If you don't want to comment I will just continue.

The Speaker: I thank you for that.

I would like to ask the Clerk how many supplementaries have been asked on question 110.

We have asked 11 supplementaries on this question this morning. In Speaker's conferences this discussion has been tabled on numerous occasions. Other Parliaments actually deal in seconds on supplementaries. I try to be as lenient as I possibly can, but I feel that you can just get so much information. We have seen that the honourable minister is having to refer . . . he's been writing. Certainly if you don't get the opportunity to ask the question, if you ask the honourable minister privately I am sure he would give you the information in writing.

I do not desire to restrict for sake of restriction, but I do appreciate what you said. We have to move on with

the business. I do stretch the time as much as possible. I have allowed 22 supplementaries to questions in the past. I am trying to do the very best I can in presiding.

Let us go on with question 111.

Mr. D. Kurt Tibbetts: Thank you very much sir. Just to let you know before I ask the question that what I just brought up had no bearing on the last question we asked. We were happy with that one. It was just an observation.

QUESTION 111

No. 111: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works what policy and procedure has been adopted by the Public Works Department with regard to tenders for capital projects.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Public Works Department (PWD) follows procedures in accordance with the Financial and Stores Regulations. Tenders in excess of \$100,000 are considered by the Central Tenders Committee. Tenders under \$100,000 are considered by PWD's Tenders Committee.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The first part of the answer, where the minister said that tenders in excess of \$100,000 are considered by the Central Tenders Committee, just singling that portion of the question out, can the honourable minister state exactly what procedure has been adopted in regard to these tenders?

What I am trying to determine is (if the minister will hear me out) exactly what takes place from the beginning—how the information is disseminated in regard to inviting the tenders. How do the tenders come back in? Do they go straight to the Central Tenders Committee (CTC) by the mere fact that they are over \$100,000, or are they passed through certain channels? If they are passed through certain channels, do other people deal with the tenders in any form or fashion before they are examined by the CTC?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I was going to ask the Honourable Acting Third Official Member to answer the question because he's normally the person responsible for the Central Tenders Committee.

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If that is to be the case, then I would divide the question in two. The honourable Acting Third Official Member can answer the question when it gets to the Central Tenders Committee. But I am certain that the minister responsible can answer the first part with information passed on by his staff.

What I am really trying to determine is what happens before those tenders get to the Central Tenders Committee. What exactly is the process?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I wasn't trying to get anybody else involved, I was trying to give as much information as possible to the member asking the question. The whole scheme of things is that you have a particular project that has been approved by the Legislative Assembly. When we have all of the costs involved (and sometimes we don't) in the project and all the necessary details we then put the project out to public tender. That process actually begins with the involvement of PWD and the department.

Once it moves forward to go to tender, it then has to involve the chairman of the Tenders Committee who normally agrees (unless it has changed since I was there) and with the two other officers in the advert that goes to the public in order to ensure that all of the players involved agree on the content that is put in the paper to tender a particular project. It is stated in that advertisement in the *Caymanian Compass* that the tenders on that particular project should be forwarded to the Chairman of the Central Tenders Committee.

The Speaker: Before taking another supplementary, I would ask the honourable minister if he would move the suspension of Standing Order 23(7) & (8) so that Question Time can continue beyond the hour of 11 o'clock.

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

Hon. Thomas C. Jefferson: I am happy to move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

The Speaker: I shall put the question that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if, when the advert goes out inviting the tenders, PWD has nothing more to do since it is supposed to go directly to the Central Tenders Committee, as he just stated?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Once the invitation for tenders is done as we just talked about, those tenders are then submitted . . . and normally it also appears in the advertisement in the *Caymanian Compass* that the tenders should be submitted to the Chairman of the Tenders Committee. So PWD has no involvement at that point.

There may be some exception when it comes to . . . there's no exception to that particular aspect of it. But there is PWD involvement in the assessment of the tender having been submitted, is what I am trying to say.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If I am understanding the minister correctly he is saying that the tenders are addressed to the Central Tenders Committee, but on receipt of the tenders the PWD is called in to have some dealing with them before they are actually decided upon. Is that what the minister is saying?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Normally tenders are submitted to the CTC Chairman. Then what happens after that depends upon the Chairman and the Committee as to what they need in terms of evaluation of these particular tenders. In some cases it is referred to PWD, to assist with the analysis of the tenders that have been submitted, depending on the project.

The Speaker: The Honourable Acting Third Official Member responsible for Finance and Economic Development.

Hon. Joel Walton: Thank you. As this matter is now in the realm of the Central Tenders Committee, perhaps I can help the House on this point.

Yes, tenders that come through the CTC are advertised to come back to the CTC. The CTC, having received those tenders will call a meeting specifically to open them at which time we will normally have the department implementing the project, a representative from that department, and usually if the PWD is involved in that project, they will also be there. Also sometimes where you might use outside assistance to help with the valuation of tenders, that person or that company might be there as well.

We open the tenders at the CTC level. We record them. We then hand them over to the department and PWD if they are actually implementing the project, that is, or consulting or whatever the case may be, from a local company, who then evaluate those projects for their technical relevance, that is do they meet the terms of the tender. That group, having been done, which is normally what we call the departmental tenders committee group, will then make a recommendation back to the CTC as to their findings and recommendations. The CTC at that point will receive a presentation on that and take a decision on its own based on the advice received.

At that point it will inform the bidders of the decision of the Committee and concurrently also advertise that bid. The successful bidder would then be put in a gazette saying that company was successful.

So the process is that all tenders come into the CTC, are opened by the CTC, but handed over to be assessed for the technical relevance. Recommendations then come back. CTC takes a decision and gazettes it and advises the companies who bid it. That's the process at the CTC level.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the honourable minister can tell the House what process is carried out on pre-qualifications to allow persons that would care to tender on capital projects for government over \$100,000?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We advertise in this pre-qualification exercise for parties who are interested in providing service to come forward and state their qualifications among other sorts of requirements. At that stage those that come in are evaluated by the relevant department, be that PWD or whichever department is involved.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister tell the House the exact person within the PWD that opens these pre-qualifications and decides on who can be accepted?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The persons are normally selected by the Chief Engineer in accordance with—

[inaudible interjection]

Hon. Thomas C. Jefferson: That is my understanding.

I will try to answer that again. The Chief Engineer appoints senior staff to carry out this particular work.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister elaborate on that a bit, and actually tell us which senior staff?

Hon. Thomas C. Jefferson: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: It would depend upon the project. If it's a road project, it would be senior members of the PWD. If it's a building project it would be senior members of the PWD responsible for that particular section of the PWD. And there may be advice coming from an outside firm that is perhaps being utilised on that particular project.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if he is aware of any companies that have reached the pre-qualification requirement but have not been allowed to bid on the project?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My information is that we are unaware of such a project.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state (after consulting, because I am certain he will not know the answer to this offhand) if there have been any instances of companies who have been pre-qualified by the relevant authorities who have tendered bids and after the bids were tendered they were not opened or examined even though they were pre-qualified?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, this particular question could best be answered by the Acting Third Official Member who normally deals with tenders.

The Speaker: The Honourable Acting Third Official Member responsible for Finance and Economic Development.

Hon. Joel Walton: My understanding of the question is that we have moved beyond the pre-qualification stage now. We have pre-qualified a company and received bids from those companies who have been pre-qualified and those bids are not opened. Is that where we are at? We are not that far down?

Mr. D. Kurt Tibbetts: Mr. Speaker, I will clear the matter up, sir. I will rephrase the question and be very direct since it seems that's the only method.

We have been advised that there has been at least one occasion where a firm that is totally owned by qualified and competent Caymanians was pre-qualified to bid on certain parts of major capital works projects. They were told that they pre-qualified so they should go ahead and prepare their bid. They did that. But it went no further than when they stuck it in the envelope and sent it where it had to go.

We were told that members of the Public Works Department did this. We were told this. We don't stand on the floor making any accusations; we are simply questioning and looking for the truth. That's all we are asking.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think some clarification would be helpful if the member could say whether the amount tendered was \$100,000 or more.

[inaudible interjection]

Hon. Thomas C. Jefferson: In excess of \$100,000?

The Speaker: The Honourable Acting Third Official Member responsible for Finance and Economic Development.

Hon. Joel Walton: As this matter relates to a bid over \$100,000 perhaps I can assist. There are two systems which operate. I will just explain those systems first in an attempt to try to answer the questions being put.

In terms of straight construction building contracts, when you pre-qualify companies, invite them to bid, they should send in (and they usually do) a price responding to the tender saying X amount of dollars for X amount of services. All those bids are opened.

The second type of system relates to consultant services where you might have a specialist type of building. Take a case in point, the hospital that was constructed many years ago. We have a similar situation. A more recent one was probably the Lighthouse School. It was a different type of school. We have a two-envelope system: We request a technical bid, and we also request a financial bid. If it were \$100,000 all those bids should have been sent back to the Central Tenders Committee. They will then open only the technical bids first. They will hand those bids over to be evaluated by the technical people who will then come back with a ranking system and will basically say *'Firm number 1 had 76 points on a technical scale of 100. Firm number 2 had 50 points on a technical scale of 100. And firm number 3 had 60 points on a scale of 1 to 100.'*

At that point because the technical capability of the company is probably more relevant in a consultancy situation, we will then only open the first bid. That is the bid of the highest rank technical company. If that bid is . . . we then have the technical people negotiate from that point with that company.

If the bid is above the pre-tender estimate, . . . let's suppose we expected the project to cost a quarter of a million dollars, and the bid was above that. Automatically we will say it's costing too much, even though you may be the number 1 ranked technical company you are costing us too much.

So those are the two systems we have. One is for straight build type contracts, which is an open all bids. The primary reason here is financial as opposed to technical because usually when you pre-qualify construction companies they have the same kind of capability, as distinct from a consultant service. There is actually a separate guide to consultants which we use in the public service to help us distinguish between these types of . . . it probably started in the early 1990s when we started to get into areas like marl and mining and hospitals and those kinds of things that were a little bit different from the normal.

I must say that we had a recent situation where we had our two envelope system and it so happened that all three companies were so close together in terms of the technical capability, within 25% or something like that, that we took the decision to open all three. There was very little difference. But where you have this difference of 75 to 50, you focus on company number 1 because that's the most qualified of the three companies.

You can have a situation where a bid is not opened. And it is not opened because on a consultant contract, on a two-envelope system—which is made known up front, by the way, it is not something we do after the fact. We tell the company it's a two-envelope system where we will deal with the highest technical rank first. If we are able to negotiate the terms we are seeking, the other bids will be returned unopened.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The honourable member used the terminology "the highest ranking company." And I understand what he means by that. Perhaps the only question left to ask on the matter is, Who are these technical people, and what are their qualifications to decide on who is the highest ranking with the technical bid?

The Speaker: The Honourable Acting Third Official Member responsible for Finance and Economic Development.

Hon. Joel Walton: I will describe a situation to try to typify what normally happens. Let's suppose we are seeking to install an incinerator—and pardon my use of the particular project—at the landfill site. It has in it technical knowledge of incinerating technology and how it is used. It has in it some type of architectural drawing and some knowledge of construction.

The technical people you are talking about will usually be a representative, normally the controlling officer or head of the section in the department. In the case of the incinerator it would be the Chief Environmental Health Officer or the person in charge of this type of dis-

posal. We then have a representative of the PWD who is involved in the architectural/costing as well. In some cases we use outside assistance. Let's suppose that the PWD might not have that particular expertise available at that point in time. Sometimes we will contract it in.

So it's usually a mixture of departmental experts, PWD experts and sometimes private sector experts which we use to give us that ranking on the technical capability.

The Speaker: Are there any further supplementaries? If not, we move on to question 112, standing in the name of the First Elected Member for George Town.

QUESTION 112

No. 112: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if there has been any restructuring of the Public Works Department in recent times.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Executive Council has approved a restructuring of the Public Works Department (PWD). The existing PWD structure identified roads, architecture, building construction, quantity surveying and building maintenance as separate units with accounting being a function of the Quantity Surveying unit. This structure has come under pressure in recent years.

The new structure proposes two distinct units of roads and buildings, each under a Deputy Chief Engineer and a separate support unit. A Financial Controller will be in charge of all accounting functions within this support unit.

SUPPLEMENTARIES

The Speaker: the Third Elected Member for Bodden Town.

Mr. Roy Bodden: It is my understanding that the roads unit has always managed to bring their projects within budget. But this objective has escaped the building unit. Can the honourable minister say what the reason for this failure is, and how will this restructuring enhance their ability to come within the budget of the project?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The new structure as it relates to the supplementary question being asked, combines architecture, the building construction and quantity surveying with the view of causing a much more (for lack of a better word) streamlined organisation and hopefully more effective in terms of the way in which it carries out its business. The mere fact that the quantity surveying section is being combined with the building construction and architectural section does lead to a better stream-

lined organisation and hopefully with everyone doing their best would assist us with gaining economies of scale with this new unit.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the answer, the minister refers to the two distinct units. Then he refers to a financial controller who will be in charge of all accounting functions within the support unit. Can the honourable minister explain the relationship of the support unit to the other two main units so that we might get a better picture of the functions of the department in its new mode?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What we are looking at is bringing together the previously separate units of architecture or building construction, of quantity surveying and building maintenance, into three new units. They are as follows:

- Building Unit, which deals with the planning and advice, design, project management, construction management, and maintenance.
- Road Unit, also dealing with planning and advice, design, traffic engineering and transportation planning, construction management and maintenance.
- Support Unit, which deals with the administration, with personnel issues, with financial issues and purchasing.

Full implementation of the new structure should be completed in the next month or two. We have job descriptions for the new posts that are currently being reviewed and graded by the Personnel Department. On completion of this there will be two new deputy chief engineer posts and a financial controller post will also come into effect. So we are looking at a bit of an upgrading in the process of trying to make it more cost effective and effective in terms of its responsibilities in the future.

The Speaker: the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if prior to the restructuring there an analysis done to determine why the building construction, architecture, and quantity surveying units fail to achieve parity with the roads department in realising budgeting objectives?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Sometimes in the design phases and also in the carrying out of the particular project and manning it and moving it forward, . . . we all accept that we would like to see much more happen. The way in which the structure is presently being put forward and to some degree being pulled closer together put un-

der two new deputy chief engineers, is with a view of getting better coordination and better control over the projects that are carried out by PWD and hopefully a better costing to government.

The Speaker: the Third Elected Member for Bodden Town.

Mr. Roy Bodden: I thank the honourable minister for that answer. Since he did not specifically address what I asked, I presume that there has been no prior analysis.

The Speaker: Are there any further supplementaries?

Mr. Roy Bodden: Mr. Speaker, sir, I am still waiting to find out if there has been any prior analysis.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We have employed an individual on an intermittent basis who is advising the department on its entire administration and the way in which it carries out projects and the cost. That individual has not identified any substantial overruns. In cases where projects have come forward and we have a token sum in the budget to begin with, sometimes we don't have all of the information required. Sometimes there have been items placed in the budget that we don't have the final cost included and that is increased as we go forward when we do have the final estimates. We don't have those situations and we are working diligently to ensure that we get better control over what happens with the budget, with the government, with Public Works and to be as effective as we possibly can in dealing with government whether it's recurrent expenditure or capital expenditure.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am assuming that the restructuring is either directly or indirectly as a result of a consultant who came down to take a look at the way the department was functioning. Can the honourable minister state what type of inadequacies were identified in the quantity surveying section outside of the necessity to computerise that section? Can the honourable minister state if there was any other inadequacy identified or any need for improvement in regard to that section?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think when we look back at this whole area, some years ago there were some decisions taken. I can't quote the exact year. We decided to utilise people in the private sector to help us with quantity surveying. I don't fault anyone for doing it. We are moving towards putting in place all quantity surveying that can be physically done within PWD because there are

some special projects that come along from time to time. We are seeking to employ another person in the year 2000, in addition to the young graduate who came along.

I think it would be difficult for one or two persons to carry out effectively the amount of work involved. That's why we are moving in that direction.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the minister saying that the answer he just gave was the inadequacy that was identified? I asked what inadequacies were identified, if any. So I am now asking the minister if that is what was identified.

Mr. Speaker, for purposes of clarity, what I was trying to elicit from the minister was the type of comments, not specifically but in summary, which were made on examination of this department in regard to what needed to be done to upgrade its efficiency to be more cost effective. The minister answered, but he answered by means of suggesting a way forward. I am asking if that was what was suggested by this examination.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What was actually recommended by the person looking at the overall structure of Public Works and the work they normally do is the restructuring that I have mentioned with a view of trying to do a more comprehensive unit within the department, putting a deputy in charge of two particular areas, one dealing with buildings with all of its ramifications, including the quantity surveying section, and the unit responsible for roads, whether it's new roads or the maintenance of roads, and then having a separate support unit which deals with the administration and personnel issues.

I guess that my answer is, when we look at Public Works overall the movement forward is seeking to gain a much more structured and have all the units coordinated under two deputy chief engineers so that the administration of the work and the forward movement of the work and the carrying out of the work is done with as much efficiency as it possible can be done with physically.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I will make this my final supplementary.

The Speaker: Thank you very much.

Mr. D. Kurt Tibbetts: Just to move on to the personnel side of things, so that we can get a clear understanding of the way forward for this department, if I understand correctly, the Public Works Department has a chief engineer and a deputy chief engineer at present. Is that correct?

Anyway, just let me finish asking and perhaps it can be made clear. Let me not say what my understanding is then, but in the organisational chart at present, you have someone at the helm and I am not quite sure what happens below that. Now that this reorganisation is in process and it mentions two deputies, can the honourable minister explain what the difference will be in the chain of command with what exists and what will exist once this reorganisation is completed?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just to start from the beginning, we have a chief engineer. Underneath that, in terms of structure, we have a building maintenance section, a quantity surveying section, the administration, the road section, and a building section (meaning construction rather than maintenance of buildings).

In the new arrangement we will have all matters related to roads, whether maintenance or the construction of new roads, under the new chief. Under buildings, we will have architecture, building construction, quantity surveying, and building maintenance under the other new deputy chief engineer.

The Speaker: I have a request that we suspend for the morning break at this time as the honourable minister has a press release to CITN. So we will take the morning break for 15 or 20 minutes.

PROCEEDINGS SUSPENDED AT 11.50 AM

PROCEEDINGS RESUMED AT 12.17 PM

The Speaker: Please be seated. Proceedings are resumed. Question Time continues. Are there any further supplementaries?

If not, before moving on to question number 113, I would ask that we suspend Suspension of Standing Order 23 (6) in order to allow the fourth question to be taken. The Honourable Minister for Tourism, Commerce, Transport and Works.

SUSPENSION OF STANDING ORDER 23(6)

Hon. Thomas C. Jefferson: I move the suspension of Standing Order 23(6) to allow the other question to be taken.

The Speaker: Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(6) SUSPENDED TO ALLOW A FOURTH QUESTION UPON THE ORDER PAPER STANDING IN THE NAME OF THE FIRST ELECTED MEMBER FOR GEORGE TOWN.

QUESTION 113

No. 113: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works who authorises the Public Works Department to do road repairs or maintenance.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Recommendations are based upon criteria such as importance of the project to traffic safety, drainage and number of residents affected. Following review of the report and consultation with the district Members of the Legislative Assembly, the Ministry of Tourism, Commerce, Transport and Works then authorises PWD to carry out the road repair projects in each district.

The Island-wide routine scheduled maintenance, such as grass-cutting, verge clearing, pot-hole patching, striping and signs maintenance and drainage related activities, are programmed by the Roads section of PWD. These works are authorised by the Chief Engineer, based upon the funding approved in the budget for Roads Maintenance. The maintenance activities are required to preserve the capital investment in the road network.

Road repairs (minor or major) to the main road network are treated as maintenance activities. This is because of the importance of keeping major roads functional at all times. Major road repairs to collector or access roads are treated as capital projects and are done on a district basis with annual road visits being made to each district by Members of the Legislative Assembly, PWD and the Ministry of Tourism, Commerce, Transport and Works to view which roads require work. PWD then compiles a report containing the estimates for each project, as well as a recommendation of which projects should be carried out.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This may seem like it's coming from a very funny angle, but it is something I do not quite understand and I would like to have it clarified. In the first paragraph of the answer the minister refers to "Following review of the report. . ." I take that to mean that that report would likely come from a member of the public, or a request, so to speak. I am saying that because the answer reads: "**Recommendations are based upon criteria such as importance of the project to traffic safety, drainage and number of residents affected.**"

I would assume that it is possible that it might come from the public. It is possible that it could be an observation made by the department itself. But the next sentence says, "**Following review of the report and consultation with the district Members of the Legislative As-**

sembly, the Ministry of Tourism, Commerce, Transport and Works then authorises PWD to carry out the road repair projects in each district.”

The question may sound funny coming from me, a member of the Legislative Assembly at this point in time, but exactly what role do MLAs play in this whole process?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My answer is referring to maintenance of roads. MLAs play a role in terms of which roads get major improvement in terms of capital works. This is really the recurrent expenditure area of the budget at PWD that we are responding to, if I understand it correctly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The reason I am asking the question, and if the minister will look at the last line in the first paragraph, **“Following review of the report and consultation with the district Members of the Legislative Assembly, the Ministry of Tourism, Commerce, Transport and Works then authorises PWD to carry out the road repair projects . . .”** I was thinking different from *maintenance*, because the question deals with repairs or maintenance separating the two issues. I just want to clear that up before you follow up with the answer.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Maintenance is really decided by PWD in terms of what roads need maintenance work. When we are dealing with major work on roads, capital works on roads, as the member very well knows because we have been on road visits on a number of occasions, we pay a visit to the district in looking at roads and then the members of the district make some decision about which roads should be repaired, given the amount of capital funds available to carry out that work.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: My understanding of what the minister just said refers to the last paragraph. And I hear all of that. I am not talking about annual road visits.

Let me make it clear by using an example. A member of the public who lives in a certain area would call into the department and say *‘Listen, the road I live on has deteriorated tremendously. It really needs some repairs. Would you please have it done as early as possible?’* That member of the public is then told *‘If you really want this done contact your MLA.’* Okay? There’s no problem; I just want to get it very clear.

So the person then contacts a representative. (And I am using myself, since I am the one asking the question. But it could refer to any one of us.)

At that point in time it becomes obvious that in the decision-making process the Members of the Legislative Assembly play some role. Now, I have been a representative for seven years. I have never been told what my actual role is, or should be, in this regard. I am seeking clarity. Is this policy? Does it vary with a government? Where does it come from? That’s what I am trying to get at.

While it may suit us to look good to our constituents, what type of uniformity dictates what is done, given the funds? Is it competition? Does it depend upon who the representative is? Does it depend upon whom he or she knows? What exactly is the way in which such work is done is what I am asking.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think we can break this into two parts. If it is a routine maintenance activity, the PWD will take that decision basically on its own. If it were a major job on a road, the individual would be told by PWD to contact their MLA simple because the job seemed to require a significant amount of the allocation for the district. They would want to take input from the MLAs on this matter before taking action.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: That is reasonable. I am very grateful for the first time in seven years to have an understanding. I won’t bother to ask how long this policy has been in place, but I want to make an observation and ask the minister to make a comment.

The reason I asked the previous supplementary question is because I have difficulty with the system. As the answer said, **“Following review of the report and consultation with the district Members of the Legislative Assembly, the Ministry”** then authorises. Regardless of who the shoe fits, the problem I have with this type of policy is . . . and I will be blunt, but, again, it’s hypothetical. I am not making accusations that this is the way it works presently. But perhaps the minister might find himself on the opposite side of the fence from me. Perhaps I represent a district that has four representatives; the other three are on the minister’s side, I am on an opposing side. It would be viewed, whether by perception or by reality, that the other three representatives would be able to get a lot of work done, please their constituents and people like me will be left out in the cold.

Remember, I am not saying that this is the case because, trust me, if it were the case I would say so. I am trying to say that the possibility exists. It also puts the PWD in almost an untenable circumstance because it’s left to the whims and fancies of individuals. So while there has to be a certain amount of trust given with a certain amount of positions, I think this is one of them.

The way the circumstance works now must have room for improvement. Perhaps the minister can comment.

I am not trying to say that as it works now things don't get done. I am just trying to see if there is any possibility of getting a streamlined system which would allow for priorities to operate properly, depending on which repairs are more urgently needed, and not by who speaks the loudest or knows who the best.

I am asking the minister to comment.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Perhaps it's not good to go over old ground, but to talk about the way forward. The way forward is that all MLAs will have an opportunity to make input on what roads get repaired. We have actually paid road visits, granted that some MLAs were committed to other activities and could not attend. But I think in general the majority of MLAs were there.

[inaudible interjection]

Hon. Thomas C. Jefferson: What I am leading up to saying is that when we pay a road visit, we look at a variety of needs, whether it be drains, or the road needs repair, or there is too much traffic and perhaps it should be more than just sand sealed, those sorts of areas. But once that decision is taken we then prepare a costing of what PWD thinks should be done and that is coming back to the MLAs after the visit. Then we decide the way forward taking their input. Normally what happens is that we have anywhere from \$200,000 to \$500,000 to carry out this roadwork and it's always inadequate. Therefore we need input from each MLA as to which ones they wish us to do so that we don't go in one direction when the MLAs want us to go in a different direction.

Although we cannot always agree on every issue, we try to forge that coming together with a unified decision to deal with the repair of roads. We are on our way to that. We know that we have not given the Fourth Elected Member for George Town the results of the road visit, but that's in the works.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I can assure the minister that the question was not asked because of what he just said. I know he knows that.

But since he mentioned that, it begs another question. The budget comes in November and monies have to be spent by the end of December. The process being what it is now, and we are nearly through the month of September, by the time such consultation takes place and decisions are made, I would venture to say that we could at least be looking at a month to six weeks down the line which puts us to the end of October. So we are looking at November and December to do road work before we start the whole process all over again.

Given the background with the minister having taken over in recent times there may well be reason for this to exist. But I would like to believe that the minister would not consider this to be a satisfactory situation. Does the minister have any comments in regard to being able to improve the timing of this type of work so that the department itself can actually plan and function more efficiently and be more cost effective in regard to getting this type of work done?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think 1999 is not a good year to be guided by in terms of our operation of this particular vote because the 1999 budget was not fully approved until April. So there's a pretty tight timeframe to carry out all the work we need to do. I wouldn't say that's a major factor, but to some extent it is the reason why we haven't been able to carry out more work than we have at the moment. But we are going to really get on with it.

I believe that we just need to sit down and talk, the MLAs and PWD, and have a discussion about the way forward so that we (meaning PWD) don't go off in one direction when the MLAs want us to go in a different direction. I think it's better in situations like this where you are a little bit uncertain (and everybody has a certain degree of uncertainty) to just caucus and talk it through, and see what we can come up with.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister say then, given the circumstance, if he would consider the following proposition: Even though the actual budget process and whatever funds become available are totally dependent on the entire Legislative Assembly and that process through Finance Committee and getting approval, it would not preclude the road visits with the potential wish lists. So my view is that you don't have to wait for approval to go through the exercise of identifying the need when it comes to the district roads and going through the process of costing them.

Perhaps this could be done much earlier in the future, regardless of the budget process. By the time the budget process is completed you have all of your information available to you. The only process left is prioritisation, given availability of funds. Perhaps if you were able to view it in that light the whole process might be able to function more orderly, more expeditiously and the PWD itself might actually be able to function better.

Would the minister consider looking into doing it in that fashion? This is not the first time I have suggested it, and in my time here, although we did a road visit not so long ago for George Town, it had been the first in five years that the district had a road visit that I knew about except when the former minister refers to his lawyer and their private visits.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think when we look at the history of the seasons in Cayman, it would make sense to try to carry out much of this work before we get to the month of May. Once we get to the rainy season it's kind of difficult and to some degree not cost effective to be constructing roads. But that is a bit of an aside.

I believe that the way forward is to caucus on it and to try to work up some agreement that is acceptable to the member of the Legislative Assembly and do our road visits early. When we get to January we should actually be starting work, not actually starting the visits and trying to come up with some estimate of what the cost of repairs will be. I think it needs to be done, for example this year, the later part of the year, those road visits, to determine what is needed in the year 2000, and get the estimates done so that when January 2 comes and we go to work, we know exactly what we need to do and we have the input of the members of the district and we can get on with the work.

[inaudible interjection]

Hon. Thomas C. Jefferson: Mr. Speaker, I take every suggestion on board.

The Speaker: Are there any further supplementaries? If not, we move on to question 114, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 114

No. 114: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport and Works to state what recommendations have been made by the Economic Council with regard to the maintaining of the Caymanian economy.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Economic Council has not been re-appointed since 1996. The Department of Economics and Statistics Department advise government on economic matters.

The Government, however, established a Business Consultative Committee in 1997 with board representation from the private sector. There is representation from the Chamber of Commerce, Restaurant Association, Real Estate Association, gas station owners, Merchants' Association, Watersports, Tour Operators (ground), heavy equipment operators, Taxis and Merchant Representatives of Cayman Brac and Little Cayman.

So the Business Consultative Committee was established in 1997 to deal with these particular matters.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether the terms of reference of the Business Consultative Committee is basically the same, or similar to those for the Economic Council? And also, can he give the House an indication of the most recent meeting of the Business Consultative Committee?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think in dealing with this issue we need to bear in mind that much of our time has been spent in a variety of meeting, including meetings of the Legislative Assembly. The last meeting of this Business Consultative Committee was held on 4th May of this year.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether the Business Consultative Committee advised on the composition of the tax package, and whether they made any recommendations regarding alternate sources of revenue which government could tap into other than the conventional tax packages?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I have to say, subject to checking the file, I don't have any recollection of that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister then state if this committee was invited to give their views before the tax package was brought?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: It is not normal that you invite suggestions from the public before coming to a tax package. It's not normal.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister then state if the fact that this is not normal is because it won't be acceptable to the public?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think when we deal with tax issues there are some people who understand there is a need for government to be funded in order to carry out the service it is providing to them. There are also some people who question whether you need to do it or not, and there are some who would decide that it shouldn't be done. But I basically say that as an array of views that may come from time to time.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning. I think this is the proper time to take the luncheon break. We shall suspend until 2.15.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 3.08 PM

The Speaker: Please be seated.

Item 4 on today's Order Paper, Other Business, Private Members' Motions. Debate continues on Private Member's Motion No. 11/99, as amended. The Fourth Elected Member for George Town, continuing.

SPEAKER'S RULING ON POINT OF ORDER (Raised 15 September 1999)

The Speaker: But before I call on him, when we adjourned yesterday we were dealing with a point of order. I have in my possession the [unedited] *Hansard* transcript of 15 September 1999, end of tape number 33. I quote what the Fourth Elected Member for George Town said from this transcript:

"I am talking about rights; I am talking about the fact that if it is important for the Minister of Education to bring this particular amendment, how come it is not important for him to bring a Bill of Rights to this House and pass a Bill of Rights through this House so that the people can be assured that their rights will be observed by any government now or in the future?"

"The one-sidedness of this situation goes to show to me that there are those people who would go to any extent to stop positive change in this country, thinking and telling people that all change is bad and only people that talk about change are bad people but they are the only people who can initiate the change." [1999 *Official Hansard Report*, page 970]

There are two interpretations that can be made. There is no doubt in my mind that he is speaking in reference to the Honourable Minister responsible for Education, Aviation, and Planning. But, giving him the benefit of the doubt, he did say **"there are those people who would go to any extent to stop . . ."** and he did not single out the Honourable Minister responsible for Education, Aviation, and Planning in that part of it.

But I want to call to the attention of this honourable House that under Standing Order 35(3) **"It is out of order to use offensive or insulting language about**

other members." Suborder (4) says, **"No member shall impute improper motives to another member."**

I want to caution all members. We must be very careful when speaking. I can only be guided by what is written. I cannot be guided by intent. I have discussed this with the Fourth Elected Member for George Town and he assured me that he was speaking generally. But to me, the inference is to the Honourable Minister responsible for Education, Aviation, and Planning. Giving him the benefit of the doubt, I caution him—say you are speaking generally when you are speaking generally, and do not speak to an individual person.

So, please continue.

Dr. Frank McField: If I must be hung, Mr. Speaker, then I prefer to be hung.

The Speaker: Please repeat that. I didn't hear you.

Dr. Frank McField: Mr. Speaker, what I am saying is that if you are saying that I was talking to the Honourable Minister responsible for Education, Aviation, and Planning, then it follows that you are saying that you are agreeing with the Honourable Minister's position, if I was talking to the Honourable Minister responsible for Education, Aviation, and Planning.

The Speaker: I said that I was giving you the benefit of the doubt. But I asked all honourable members—and I am speaking generally to all honourable members of this House. . . when speaking be very careful and enunciate what your intention is.

Please continue with your debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate on motion as amended)

Dr. Frank McField: Thank you.

In summing up my arguments on Private Member's Motion No. 11/99 Referendum Law, I would like to state that in my debate I was not questioning at any point your ruling in regard to my use of the concept of *ultra vires*. I know that yesterday I might have said "virus" but I don't believe that this is at all a germ.

I believe that if I am given the opportunity to show that there is a difference between constitutional change and constitutional amendment, and that what the Minister of Education has done is cloud the waters; bind the two concepts together in such a way that it would be very difficult for the listening public to distinguish between our arguments here in regard to the fact that some of us believe that an amendment should not have been made to

this [motion] to suggest that constitutional amendment could only be made by way of us holding a referendum . . . I believe that that particular concept should be with regard to constitutional change and that constitutional change has to do with the change in the link between the Imperial Parliament and the subordinate Parliament.

Therefore, when the Minister of Education got up yesterday to recite from page 9 of the White Paper, he read with regard to constitutional status. He said **“What degree of interest was there in changing the territories’ constitutional relationship with the United Kingdom? Apart from some limited reference to Crown dependency status, similar to that of the Channel Islands, there was no wide-spread interest in the change in the current Constitutional relationship.”**

When he read page 9 he was really talking about the fact that the people of the Cayman Islands and the people of the British Dependent Territories, on a whole, do not desire that there be any change in the constitutional relationship between the Imperial Parliament and their local legislatures.

When we read on to page 13 (and I have already mentioned this point), we find that the Imperial Parliament itself has an interest. It is my contention that their interest in good government and political stability is being interfered with by reason of this motion. In fact, this motion interferes in the constitutional amendment process, and it therefor interferes with the Imperial interest and is ultra vires the Constitution.

My position is based upon the understanding that the Imperial Parliament still treats its dependencies on matters of Imperial concern as subordinate to the Sovereignty of the Imperial Parliament. According to a Constitutional expert, A. V. Dicey, **“. . . the veto of the Crown was used occasionally to prevent colonial legislation which, though approved by the people of the colony and by the legislature thereof, might be opposed to the moral feeling or conviction of Englishmen.”**

We have seen situations like that where the British Parliament has basically disallowed certain laws on our statute books. Capital punishment is a good case in point. I would just like to read briefly from a passage here.

The Speaker: Quote your source please.

Dr. Frank McField: My source is the *Introduction to the Study of the Law of the Constitution*, by A. V. Dicey. This is the 1925 Edition. I have a copy here of what I am reading to be laid upon the Table of the House.

The Speaker: So ordered.

Dr. Frank McField: **“What is the difference between the relation of the Imperial Parliament to a self-governing colony such [as] New Zealand, in 1884, and the relation of the same Parliament to the Dominion of New Zealand, in 1914?”** This is basically an example of a case.

“Before attempting a direct answer to this inquiry it is well to point out that in two respects of considerable importance the relation of the Imperial Parliament to the self-governing colonies, whether called Dominions or not, has in no respect changed since 1884.

“In the first place, the Imperial Parliament still claims in 1914, as it claimed in 1884, the possession of absolute sovereignty throughout every part of the British Empire; and this claim, which certainly extends to every Dominion, would be admitted as sound legal doctrine by any court throughout the Empire which purported to act under the authority of the King. The constitution indeed of a Dominion in general originates in and depends upon an Act, or Acts, of the Imperial Parliament; and these constitutional statutes are assuredly liable to be changed by the Imperial Parliament.

“Parliament, in the second place, had long before 1884 practically admitted the truth of the doctrine in vain pressed upon his contemporaries by Burke, when insisting upon the folly of the attempt made by the Parliament of England to exert as much absolute power in Massachusetts as in Middlesex, that a real limit to the exercise of sovereignty is imposed not by the laws of man but by the nature of things, and that it was vain for a parliamentary or any other sovereign to try to exert equal power throughout the whole of an immense Empire. The completeness of this admission is shown by one noteworthy fact: the Imperial Parliament in 1884, and long before 1884, had ceased to impose of its own authority and for the benefit of England any tax upon any British colony. The omnipotence, in short, of Parliament, though theoretically admitted, has been applied in its full effect only to the United Kingdom.

“A student may ask what is the good of insisting upon the absolute sovereignty of Parliament in relation to the Dominions when it is admitted that Parliament never gives, outside the United Kingdom, and probably never will give, full effect to this assertive and more or less fictitious omnipotence. The answer to this suggestion is that students who do not bear in mind the claim of the Parliament to absolute Sovereignty through the whole of the British Empire, will never understand the extent to which this sovereign power is on some occasions actually exerted outside the limits of the United Kingdom, nor, though this statement sounds paradoxical, will they understand the limits which, with the full assent, no less of English than of colonial statesmen, are in fact, as regards at any rate the Dominions, imposed upon the actual exercise of the theoretically limitless authority of Parliament.”

Mr. Speaker, that’s pretty long. The point is that I am not a lawyer, and I am not a student of Constitutional Law, and I don’t know that many of us here in this Parliament are lawyers or students of Constitutional Law. I don’t know how many persons in our society who are Caymanian and lawyers or students of Constitutional Law who are interested in the outcome of this debate.

But one thing I believe is that my attempt indicates that the question under consideration is not a simple one. It is not as simple as us getting up in here and moving a motion to enact a law that I believe would cause the interest of the Imperial Parliament to be impeded and as a result of that I believe would be ultra vires the Constitution.

I have said that in limiting this we should also realise that in section 38 of the Constitution the Governor has reserve powers. How would this particular piece of legislation affect the reserve powers of the Governor to act according to the instructions from Her Majesty's Government? In other words, if the Governor were instructed tomorrow to move forward and strike from the Constitution the fact that Ministers must gain his permission to leave these islands, and if Her Majesty's Government felt that this was a rational and expedient amendment, what would the process then be to allow this to take place? Does the motion, as amended, not interfere with the supreme authority vested in the Governor by the Crown to govern Her Majesty's territory with her blessing and consent?

The part of the Constitution that refers to the powers of the Legislative Assembly, section 29, says that **“Subject to the provisions of this Constitution, the Governor with the advice and consent of the Legislative Assembly may make laws for the peace, order and good government of the islands.”** So, with advice and consent he makes the laws. We don't make the law—we advise and we consent with. It's a process. We need to understand a little bit more about the process. We need to understand a little bit more about the constitutional basis upon which we arrive at the process. What is the British Constitutional position?

What would a Member of the British Parliament say in regard to this particular piece of legislation? What would he or she understand by the concept of Parliamentary Sovereignty? If the British Parliament is Sovereign, and our Parliament is subordinate, then it goes to say that we are not a process complete in ourselves.

I know that in the amendment we have the words **“and that the Constitution of the Cayman Islands should only be recommended for amendment . . .”** Now, to use the words “recommended for amendment” that sounds like all we are doing is recommending it. But we know that when the Legislative Assembly recommends, it recommends by way of a formal motion. So a formal motion in the Legislative Assembly is more than a recommendation. The word “recommend” is a weak word to use in this context because that recommendation has the power of the law given to this Legislative Assembly by way of the Constitution. So when the Legislative Assembly actually recommends, it is not like I am recommending somebody to someplace for a job. The word “recommend” within this particular context has a completely different implication.

It would appear that if in the year 2000 there were persons willing and able to put up a team of persons to run in the next election, and part of what they wanted to have as their political manifesto was the amending of the Constitution—not change the Constitutional links between Great Britain the Imperial Parliament and here, but

change the way in which the government actually functions here . . . not in terms of the relationship of parent to child, but in relationship to the child's activities—and they decided, for instance, that they wanted to remove something from the clause that they feel might impede achieving their objectives, they would not be able to put it in their manifesto and when they came into the Legislative Assembly be able to do it without going back to the people by way of a referendum.

This suggests to me that this type of motion is a very powerful motion indeed; a very potent motion if it can prevent something from happening—even when you go out and win by way of campaigning to the people. You win a mandate to do something and this motion still prevents you from doing it.

This is no ordinary motion. This is no ordinary debate. This is no ordinary time. It is significant because it has the ability to impact the Constitution and the power which the Constitution gives persons once they are elected under the Constitution. If it's going to impact the power you have once you are elected under the Constitution, then it means that it impacts the Constitution.

If it's impacting the Constitution, it is changing, altering the Constitution. The question again is perhaps a point of opinion, how significant the impact would be. But those of us who have been with this particular amendment for some time are beginning to realise that the specific repercussions which it could have in regard to political behaviour and practices in this country could be so significant that it would have to be considered as a major amendment to the Constitution.

The original motion, the first part of the amended motion says that the government should seek to get approval from the people to amend the Constitution in order to allow the people the right to initiate a referendum. But, this now is not talking about amending the Constitution in order to place this particular part of the amendment in the Constitution. Why isn't this going to be placed in the Constitution? Because maybe if this were placed in the Constitution the people who would be responsible for placing it in the Constitution (that would be the British Government) would find that is, in fact, ultra vires the Constitution. It contradicts principles and powers that already exist in the Constitution.

It is beyond its authority. It is asking for the people to have an authority that in a Dependent Territory the people only have as a result of Her Majesty the Queen. The people have no final authority except by way of the generosity of Her Majesty the Queen. We are not a federal country. We are not a republic that was established by way of the people getting together and constituting themselves, and assembling themselves into a nation and getting their rights as a result of the Constitution. We enjoy our rights and privileges—all of us—as a result of the generosity of Her Majesty the Queen.

I think that I am not a constitutional expert. I don't read constitutional books. But I happened to have had that little book because someone gave it to me some time ago and I went through it. I forgot about most of it and just decided at this particular point to try to at least

make sure that my argument in the final analysis was not just about politics. It's about the legality issue as well.

I am going to ask whether or not this is the time to be doing this particular major piece of alteration without going to ask the people if this should be the case. I believe that this is going to be something that we are going to regret if this happens. I know it's going to be happening because the government has the numbers. I don't think it is fair that our democracy has come to the point where three members—who were not elected—who did not have to go through that process; three members who will be spared that process come November of the year 2000—might now be able to act as the final decision-making persons for an act that is political.

That is totally political because I believe that the intention of the Minister of Education is different than the intention of the First Elected Member for George Town who brought this motion. I believe that the intention of the First Elected Member for George Town was to amend the Constitution and that the intention of the Minister of Education is to prevent the Constitution from being amended.

The fact that two opposite desires must co-exist in one motion when we have so much time to come here and do these things; the fact that no notice could be served to our people; the fact that this will go through like a lightning bolt and by the time we realise the consequences of this it will be too late . . . if constitutional issues from the point of view not of constitutional change (which means to change in the relationship between the mother country and us) . . . We are not talking about that because most people can perceive how that change is and why it is not desirable to change. But we are talking about perfecting a document that is a working document to allow us to be able to improve that.

If that is an issue as we understood that should be dealt with by constitutional experts, people who have expertise in these issues. Why are we putting issues like that out for referendum? Why? These are not the types of issues that you bring to a referendum. You bring to the referendum the issue of whether or not you should have constitutional change but not with regards the technical details of the Constitution because that is something that lawyers and constitutional experts should be dealing with.

I think I have already indicated my weaknesses even in trying to communicate the concept that A. V. Dicey in his *Law of the Constitution* is trying to impart to us. So what I am going to leave honourable members with is the fact that the issue of the Constitution is a very complex issue. I do believe that this is one of the reasons why the Minister of Education never really easily suggested constitutional amendments. He understood from the very beginning the importance of all principles working together within the Constitution and not contradicting one another.

But the mere fact that the constitutional aspects are so complex means that we should not solve the issue of whether or not we have constitutional change by way of throwing it into the political arena for persons to kick around on an emotional rather than a rational basis. Who

would be prepared to carry this to the people if there was a need for it? Would the Government be willing to do that? Would the Government be looking for the same results that it prophesied that it wanted? How will it be organised? Would the Government, therefore, have more resources than people outside to dictate and determine the outcome of the referendum? Would they?

Would the Chamber of Commerce (if it got involved) have more power to do so than smaller people or individual people? Who would win in the public sector, in the private sector with regards this issue if we threw it out there and allowed it to be decided in the private sector? Who would be the persons who would be able to mount the resources to create the perception to arrive at the conclusions that they wished? Who would be those people? I was just reminded because we think that when, for instance, Hitler wanted to make a war, he asked his people if they wanted total war and they said yes, because they had already been programmed to say yes, to what he asked.

Honourable members here mentioned the situation in several countries with regards these referendums and there is no more correct indication of what is good for the country. The question with regards the referendum before it was being done gave the people a possibility to also initiate the referendum just like the elected members. But not because I go along with that, not because I think that it is a perfect system of arriving at a perfection conclusion and I have said this.

I want the Minister of Education, Aviation and Planning, when he gets up to remember to deal basically with some of these questions that I have. To see if he can convince me to vote along with him because I would like to vote with the Government again, as I feel lonely already being away from them. I cannot get too far away from the gentleman because when he smiles it makes me feel good somehow.

I have to get back close to the government, so if he can persuade me by his legal and political arguments—because we know he is good at the legal and political arguments—if he could show me by way of constitutional theory and constitutional law why his amendment affects the interest of the Imperial Parliament and the rights and powers and the privilege of the Imperial Parliament, and why this motion is not ultra vires the Constitution, I should be very grateful.

If he does, I shall vote with him. If he does not, Mr. Speaker, I shall vote against it regardless of whether or not people say that I am trying to change the Constitution because I noticed that in 1992 he was involved with changes in the Constitution.

I have here the Minutes of Meetings of the Select Committee of Elected Members to Review the Cayman Islands (Constitution) Order 1992. The names of the members who were present at the first meeting of the 19 December 1990 are listed, and the Honourable Minister was one of those persons.

The recommendation which was done in this Private Member's Motion—at the end said, "**BE IT FURTHER RESOLVED THAT this Honourable House recommends that the implementation of any recommenda-**

tions for constitutional changes with the exception of the paragraph number 3 above, shall not take place without the changes being the subject of a general election." If he was agreeing to this in 1990, why does he change his mind now?

Why doesn't he still allow it to be the subject of a general election if it should happen? I would like to leave that on that honourable Member's conscience. Thank you.

The Speaker: Does any other Member wish to speak? The floor is opened to debate. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I rise to give my contribution Private Member's Motion No. 11/99. First, I would like to go on record concurring with the first recital, in that there is, in fact, a growing compatibility with the referendum as it relates to Parliamentary sovereignty. Here in the Cayman Islands, we enjoy a system of representative government, but it is also recognised that the referendum is wholly consistent with Parliamentary sovereignty.

Mr. Speaker, today I am sure we would all agree that we live in a very complex world with many, many complex issues and equally complex resolutions and/or solutions. I also concur, Mr. Speaker, with the second recital of the motion which goes on to state that there is an increasing number of matters of national importance, which I believe demand widespread public participation in the decision-making process of our government.

Further, at a general election, we all know there are many, many different issues that are discussed, and it is not unusual, sir, for there to be a general mandate of these various issues as would be set out in one's manifesto. Nonetheless, Mr. Speaker, I believe that it is rare for a very clear, concise, and specific mandate to be given to the various members from a general manifesto at a general election especially as they relate to specific national issues.

I would therefore then submit that it can be argued that the vehicle of a referendum, if it is properly structured, has the potential of enabling this Parliament or indeed any other Parliament with a very authentic vote. It can be also argued, Mr. Speaker, that a referendum offers a more direct form of voter, public, or citizen participation. However, having said that, I believe that we should all take cognisance of the fact that such a vehicle also has the effect of increasing the influence of the more articulate in our community.

Our society has developed not only from a cultural perspective, but, indeed, also from a very technical perspective that has become quite sophisticated. Consequently, sir, there are many in our society that feel that the decision-making power of parliamentarians today should be infused with the democratic right that can be achieved by means of a referendum because it can infuse a much more democratic expression.

Mr. Speaker, the referendum on major national issues can be in my view a meaningful attempt to reshape

the traditional decision-making process in order to better accommodate the various strategies of citizens' participation. Of course, the question will constitute what major national issues are, and I believe much time should be put into this area because this can lead to very controversial debates in trying to ascertain in the first instance what are the major national issues.

In today's modern society, Mr. Speaker, I believe that any reasonable and prudent parliamentarian would not want to deny an opportunity for our citizens to become involved. To do so would undoubtedly be viewed as a betrayal of the democratic process or indeed the democratic tradition. It is also a common view, Mr. Speaker, that a referendum is the only way in which Parliament can find out for sure exactly what the people want and be really specific in so doing.

I also understand, Mr. Speaker, and indeed fully respect parliamentary sovereignty, but I do not believe that a referendum (if it is not abused) is alien to the principle of parliamentary sovereignty. It is therefore my view that a referendum is wholly consistent with parliamentary sovereignty because Parliament, as we all know, can of course be bound by referendum. Although one would not expect all honourable members to go against the wishes of the people, they are nonetheless free to do so.

One of the characteristics, sir, of this Parliament is that it cannot divest itself of its sovereignty. The referendum cannot be held without parliamentary approval of the necessary legislation, nor, if a decision comes from the electorate, could that decision be made effective without us giving further parliamentary approval. It is also my view that any proposals for constitutional change, should be, and must be, subject to the wishes of the people here within the Cayman Islands through the means of a referendum.

The Constitution is the people's Constitution, and I believe that the people of the Cayman Islands should have a say and their wishes should be adhered to. They should have a say whether or not the Constitution should remain intact, whether it should be amended and/or changed, and what changes should be invoked. Because that is subject to further Parliamentary approval, hence the reason for the non-tautological argument that Parliament, indeed, is still supreme.

I submit, sir, that this decision, being a very fundamental right that we are seeking to give the people, should not be left to a handful of politicians—regardless of who they are—because at the end of the day the general elections, as the substantive motion sets out, do not give a very clear, specific mandate but indeed give a general mandate to each of us here in this Honourable House.

Mr. Speaker, before any referendum can be held, I also believe that questions dealing with principle and procedure will also have to be settled before we can move on. For example, whether there should be a simple majority or a certain percentage, or whether there should be two-thirds of the vote in favour of proposal. All these issues will have to be carefully considered in due course. Perhaps, sir, we should also be looking at whether or not it would prudent or practical to set up what I would term a

Referendum Commission. I would submit that such a commission should be set up because it could be responsible for drafting the question that would be submitted to the people and also for the supervision of the conduct of any said referendum.

Mr. Speaker, participation in government is by no means a new idea. It has been around for many, many years and even in our little country, I believe this is probably the third motion that has come before this Honourable House dealing with public participation in government. However, it has often been blurred by our traditional representative form of government, that is, where the public was able to participate in government by the means of their elected representatives. Indeed, that has worked quite well for a long time. But, as we all know, the times have changed and there are much more pressures, both on the domestic front as well as on the international front, and the private sector and the community on a whole too has become much more busy. So it becomes more difficult from election to election to get the full input from the people. I believe that the vehicle of the referendum is a good way to achieve a clear mandate or a clear direction from the public.

Mr. Speaker, the amended motion in my view does not compound nor does it confuse the original motion; but I would respectfully submit that instead it extends this fundamental principle by, first, providing for full public participation in the decision-making process of the people's government.

Second, in principle the amended motion allows for the public to not only participate in the decision-making process by way of a referendum, which will be protected and entrenched in the Constitution—hence the reason the government thought it was necessary to amend section 29 of the Constitution by way of this motion so that this right would not be arbitrarily changed by politicians coming here afterwards—but indeed it would be entrenched in the Constitution. Much thought and consideration would have to be put into it before any change could be made because we felt strongly that the voice of the people should not only be heard but it should be protected in so doing.

Mr. Speaker, with your permission I would like to briefly refer to page 9 of the White Paper, which referred to the United Kingdom Overseas Territories, of which we know the Cayman Islands form a part thereto. It states, sir, as a matter of fact, that there was no widespread interest in a change in the current constitutional relationship.

Further, on page 12 of the same White Paper, it goes on to say that the UK has no intention of imposing independence against the will of the people concerned, which would indeed include the will of the people of the Cayman Islands. Since this, I would submit, is an express commitment on the part of the UK Government to the people of the Cayman Islands, then I would pose the question, What better way to ensure the wishes of the people of these islands as it relates to constitutional change except through the vehicle of a referendum?

No one could say that the wishes of the people were not adhered to or that there was a silent majority or that

there was a general mandate. There would be a very clear indication of what the people want as it related to the Constitution of this country. A straightforward question would be put forward asking a specific [question] and requiring a specific response of either yes, or no.

Once this is done, parliamentarians will not have to rely on general mandates as has been done in the past. With general mandates . . . [and] being human beings, it is not usual, Mr. Speaker, for it to be tainted with subjective ideologies or even subjective interpretation of what the people would have put forward by way of a manifesto. I would submit, also, sir, that the new purported partnership, as was set out by the Right Honourable Robin Cook in the White Paper, was very clear and precise when it said it would not impose constitutional change against the wishes of the people.

I believe that UK cannot . . . neither should they go back on this express commitment and impose independence on us here within the Cayman Islands. There are also many other major national issues. For example, the gay issue, which I am sure that the people of the Cayman Islands would like to have a very specific and direct say in. And I would submit that the referendum perhaps would be the most suitable forum for this to be done as soon as the need arises.

Mr. Speaker, with these very brief and hopefully reasonable submissions, I would like to say that I wholeheartedly support the amended motion and I would like to make it absolutely clear that my support is two fold: First, based on my collective responsibility as set out under the Constitution but also, second, my commitment is of a personal nature. From a personal perspective, I can give these amendments to this motion, which was already passed, my full support and I would ask all honourable members to do likewise. Thank you, sir.

The Speaker: The floor is opened to debate. Does any other honourable member wish to speak? I just wish to remind members that we are speaking to Private Member's Motion No. 11/99 as amended.

The Honourable Member for Education, Aviation and Planning.

Hon. Truman M. Boddin: Thank you, Mr. Speaker. I would like to first look at the motion as amended then go on to deal with some of the questions that have been thrown out, and also clarification of [certain] areas. The original motion prior to amendment (or as amended but the unamended part) stated as follows: "**WHEREAS there is growing compatibility of the referendum with the parliamentary representative system of government and it is also recognised that the referendum is wholly consistent with parliamentary sovereignty . . .**" As the Minister for Community Affairs specifically stated that puts it beyond a doubt and I think destroys any argument put forward by the Fourth Elected Member from George Town that a referendum, whether in the Constitution or otherwise is wholly consistent with parliamentary sovereignty.

It goes on to state in the Motion: "**AND WHEREAS an increasing number of matters of national impor-**

tance demand widespread public participation in the decision making progress; . . ." That too, is true. I support that.

The third says, **"AND WHEREAS it is rare for a general election to be fought on a single main issue and the result of an election indicates, at most, an undifferentiated approval of a whole range of policies; . . ."** Once again, Mr. Speaker, that is quite right of those three, and the following fourth one states, **"AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance; . . ."**

Now, everyone in this House, as I understand it, was prepared to support the original motion, of which those four paragraphs do not change. Let us look at what that establishes first. The first Whereas clause, the first recital, establishes that a referendum is consistent with parliamentary sovereignty. So, an argument that a referendum which allows the people of the country to have a say, which is used in countries such as the United Kingdom, and it is indeed in our Constitution, that that is against parliamentary sovereignty is incorrect.

It also shows, sir, that a general election is rarely fought on a single main issue. That is correct. Many times a general election is the result of many issues; sometimes several main issues are involved in it.

Lastly, the referendum is the way that the people can express their wishes to give a clear judgment on a single issue. So, the motion establishes that the best way to get the wishes of the people of any country is to take the issue back in a referendum. Now, if that is the best way to get the wishes of the electorate in a country, why, then, on the most important issue in any country—the changing of the Constitution of the country—it is the best method to get the people's view on the electorate. For the life of me, I cannot see how anyone who accepts that the referendum, as it says, makes it possible for the electorate to give a clear judgment on a single issue. . . how in the world can anyone then say you should not go back to the public before you change the Constitution of the country?

The most important, the most national issue that you can have in a country is the changing of the Constitution of the country. And, all that has been added to these general sweeping recitals that has sparked the controversy is the fact that one of the amendments said you should go back to the public and ask the people on specific changes to the Constitution—that is wholly consistent with the motion that has been put up.

Mr. Speaker, speaking generally, anyone who does not want to change the Constitution of the country behind closed doors has nothing to fear from this amendment. It says goes back to the public, ask them the specific changes to the Constitution. They will tell you in the referendum and then you make your recommendations from this Legislature to Her Majesty's Government requesting the changes or recommending the changes.

Now, it seems very clear that at least some of the members who abstained on my motion clearly understood what the motion itself meant. And the mover of the Motion, the First Elected Member for George Town, right

at the end of his speech summed up what he understood the two amendments to mean.

On page 942, at the top, if I may just read this: **"The original motion asked for us to do what is necessary to make the amendment to the Constitution to allow the people the authority to initiate a referendum."** [*Official Hansard Report, 10 September 1999*]

The government wholly agrees with this, sir. Like I said, as that honourable member read, I first put that forward in 1989, which by the way I will show was actually voted against in 1989 by two of the people who now support this motion—one of them was the seconder of the present motion.

The First Elected Member for George Town went on to say, **"The amended version that is being sought is saying if we want to achieve that, let's us not simply do it and let us ask the people if we can do it." Semantics as far as I am concerned but not worth fighting over.**

"The second amendment, which is saying that the Constitution being what it is, let us take the opportunity, say from here on in, from henceforth and forevermore until another group of people want to be different, let us ensure that any change to the Constitution is done by seeking the advice of the people through referendum." [*Ibid.*] Totally correct. That is all that second amendment is doing.

In fact, Mr. Speaker, the amended part of our amendment uses the first half of what the First Elected Member [for George Town] put forward and the last part of the amended motion, which was an amendment. It says, **"AND BE IT FURTHER RESOLVED THAT only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance..."** Not my words [but those of] the First Elected Member for George Town.

What we added, **"...and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments . . ."** there can be no doubt that at least some members of the backbench understand that what we are doing, to use the words of the First Elected Member [for George Town], reading again, **"...from henceforth and forevermore until another group of people want to be different, let us ensure that any change to the Constitution is done by seeking the advise of the people through referendum."**

Now, Mr. Speaker, anyone who represents the people of a country should never be afraid of going back to the people in a referendum and asking them what they wish to be done on a specific matter. Basically, the motion before amendment was saying that, generally, not just for the Constitution. But the way it was worded I submit was wide enough that any matter where you needed a clear judgment on a single issue of immediate relevance, then you should go back to the public with a referendum. All the amendment did was to specify that the Constitution should be one of those national issues that you should go back to the public on.

Indeed, Mr. Speaker, the Constitution of any country is the most important earthly document in it. It is the basis for this Legislature, for the Judiciary, for your high position as Speaker of this Honourable House. It is the basic document of democracy in a country. And the amendment that was put forward falls in my view within the principles set out in the original motion. The only thing that the government has asked in the amendment is to specify one of the national issues upon which a referendum should always be held.

Mr. Speaker, I ask the question in this Honourable House to any other member who is getting up to speak after this, whether in his or her view, he or she feels that the Constitution of the Cayman Islands should be changed without a referendum. [It is] a very simple question. If the answer to that is, yes, then no one has anything to fear from the motion as amended. It is good democracy. In fact, all of this talk about transparency and accountability . . . how can you have accountability when there are people who are saying that you should not ask the public what their views are on changing the Constitution of the country? That's not transparency.

Transparency is lacking when members sit in that committee room in secret as has been done in the past—I am not referring to this Legislature, sir, and I will show that—and decide there to recommend to the United Kingdom to change the Constitution of this country and refuse to go back to the public in a referendum, or in a general elections, or anything else and recommend serious and very drastic and far reaching changes that would have been probably two out of the next three steps towards independence for this country inside a secret room. I know, Mr. Speaker, because I was in there!

I was one of a small minority who wrote a report and was laughed at when I tried to get the members of the Legislature to go back to the public before the Constitution was recommended for change. Mr. Speaker, I see a bit of laughing over there but let me just . . .

History is a funny thing, sir. Those who experience it appreciate it. I had the experience on more than one occasion (because this lasted over a period of time) of seeing some of the most major changes to this country in this little document that I am holding here, which was the report of the Select Committee of Elected Members to Review the Cayman Islands (Constitution) Order, 1972.

The amending motion that the government supports that says that before this type of recommendation can be made to the United Kingdom a referendum should be held to ask the people their views, is the only thing that will preserve democracy in the long term in this country. And it is the only transparent way to go. I submit, Mr. Speaker, that members who are prepared to stand in this House and say they are not prepared to go back to the people of the country on a referendum to get the public's views on changing the Constitution or on any other national issue that deserves it are not true representatives of the public. We are here to represent the public and we have a duty to consult the public whenever the Constitution of this country is being changed. And anyone who puts forward anything else, the people of this country

had better think long and hard before they think of them as representatives again. That is my view, Mr. Speaker.

Now, in that committee room . . . and perhaps I merely will refer to just a few of the things in this, I don't want to spend a lot of time because this is now a public document, sir. It has been laid on the Table and it is the report of the Select Committee, and it has been used by other members here. The majority report, because there was a minority report attached to this that was signed in one part by [five] members—Mr. John McLean; Mr. John Jefferson, Jr; Mr. McKeeva Bush; Mr. Haig Bodden and me . . . just flipping through to get to the area of the referendum, which is the area I would like to deal with.

There were changes, for example, first, to drop the Chief Secretary's official position. And it goes on. I don't know if I am going to go into detail, but it dealt with the Public Service Commission and ensuring that the elected members were involved in that. It dealt with things like assignment of responsibility and it dealt with some interesting areas, such as, the appointment of a Chief Minister, the appointment of a Leader of the Opposition. It even created a Deputy Chief Minister with the other ministers being appointed by the Chief Minister or by the Governor upon the advice of the Chief Minister.

There was a section that dealt with this, and was read by the First Elected Member for—I am sorry. It comes after . . . it is listed under Other Matters Provision for Referenda. It says, "**By majority consensus it is recommended that a new Constitution makes provision for holding referenda. A referendum shall only be held in regard to issues of national importance. Holding of a referendum should be subject to passing resolution in the Legislative Assembly by a majority vote of the elected members. A referendum shall be advised in scope only and the Legislative Assembly shall in due course pass a Referendum Law.**"

So, this was dealt with there, Mr. Speaker, and it came on the heels of a motion that had been put forward by me some two years before in 1989, which I will deal with shortly. But attached next to it is the dissenting statement of a minority of us trying to deal with things such as the independence of the civil service from political control and also, the rejection of the Chief Minister, the Leader of Opposition and all of that. This document is very important, Mr. Speaker, because with very rare exceptions (and I don't want to create controversy on this but this is a fact) . . . there may be two persons involved.

The government of day that put forward these recommendations to the United Kingdom was not able to retain its seat even in the Legislative Assembly. The total government lost its seat. One didn't run, sir, and when the United Kingdom got it . . . because these are only recommendations (unlike what has been said earlier) . . . neither am I trying to put forward any law in here that is ultra vires the Constitution, I will deal with that. But what happens in the process, is that the Legislature will recommend to the United Kingdom what changes should be done.

Amazingly, when the United Kingdom got this, they would not act on it and they said that it should be made

an issue in the next general election, which is basically the way that the United Kingdom deals with this. I could pause here if you wish, sir, to take a break at this stage but I just realised it is nearly 4.00 p.m.

The Speaker: If it is the wish of the House, we can continue right on. Please continue.

Hon. Truman M. Bodden: Mr. Speaker, this document is one that everyone here should remember who was involved with it. And there can be no doubt that the major issue and probably about the only issue (because there was very little difference in many respects [between] the government and the opposition) was the question of whether the country should move forward or not. In that election, the public of this country spoke loud and clear. The answer was, we don't want the change.

Now, Mr. Speaker, the Third Elected Member for Bodden Town—who signed the majority report with all of these wide-sweeping recommendations—was very fortunate to have run in the 1992 election in the company of the National Team. And we said clearly in the Manifesto that we would not appoint a Chief Minister and take these drastic changes. I think this is now history in that that honourable member (along with the [rest] of the National Team, more or less) was elected. But, I submit if an approach had been taken to move away from that honourable member (speaking generally) those who put forward serious changes to the Constitution against the wishes of the people, the people have a way of sanctioning them in the general election.

Now, the question has been asked over and over, why would we put forward that there should be a referendum before the Constitution of the country is changed. The answer, Mr. Speaker, is very clear. In 1991, the 1972 Constitution was taken into a Select Committee (of which the minutes have subsequently become public and I can say that). It was changed in some of the most drastic ways and there was no referendum, there was no general election. This document went off to the United Kingdom as the recommendations of the majority of members of that Select Committee. It is very clear . . . and this is why I use the word "recommendations." This uses "recommendations" in one part and it uses "proposals" in the other.

In paragraph 16 on page 5, it says, "**The Committee submitted to the Commissioners, the preliminary recommendations for proposed constitutional changes, the afternoon of 10th January 1991,**" which reads, "**Select Committee Submission to the Constitutional Commissioners.**" It says, "**The proposal set out below reflects a majority of consensus of members' and individual opinions in views of members are reflected in the minutes of meetings.**" So, the question [is] why should we ensure that the Constitution of this country is never again recommended for change to the United Kingdom by politicians taking those decisions mainly behind closed doors?

If members are not going to repeat that, then they have no fear of telling the public, making a declaration that the members of this House now will [never] repeat

what was or what could have been one of the darkest days in this country if those constitutional recommendations had been accepted against the wishes of the people of this country. They were not in line with the wishes of the people. There is no doubt about it. In the 1992 election, the people spoke loud and clear.

Now, Mr. Speaker, the arguments put forward against having a referendum to change the Constitution . . . several things have been put forward and I am just going to deal with them. From time to time, I may say who the members are. One Member mentioned crossing the t's and dotting the i's of the Constitution. Changes to the Constitution are always serious. It is never dotting i's and crossing t's. The United Kingdom procedure for changing a Constitution is like this: This very dark, gray book that I hold in my hand here, it's going to be for serious changes but in any event, Mr. Speaker, it's the Constitution of the country. If the people want to have their say (which I think they should have) then the referendum should cover it, either by the people initiating the referendum, which I wholly agree with.

I put it forward in 1989. In fact, I was the first person I believe to put forward the wide-ranging type of motion on the referendum. That was three years earlier. I don't really know what that said.

Much was also said about a fulltime politician and intelligent people. I believe that all members of this House work very long, hard hours as politicians. And it doesn't really give anyone, whether they are fulltime or over intelligent, the right to usurp the people's right to have a say in a referendum on whether a national issue should be put through, changed, or whatever.

I guess, speaking generally, maybe the definition of a fulltime politician may be one who has no other job. But that doesn't give a basic right to say that other people who have had other jobs in the past don't have as full a right to say . . . and that they don't work long hours. Many of us work—especially the Ministers and the Official Members—nights and weekends and put in many times far more time than people who spend the full day in a job. The statement that change is a necessity . . . Mr. Speaker, some change is a necessity, some changes are disasters. And the changes that are disasters are those made by people who feel themselves too big to consult the public on important issues. They do not represent the public in those circumstances.

The Fourth Elected Member for George Town said a lot about transparency and accountability. But I submit that there is no transparency when a member expects to sit here, or sit in secret and change the Constitution of this country—

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER
(Misleading)

The Speaker: May I hear your point of order?

Dr. Frank McField: I believe that the Minister is alleging that it is my intention to sit here in secrecy and change

the Constitution of this country. That is misleading the House and the public.

The Speaker: I didn't—

Hon. Truman M. Bodden: Mr. Speaker, I am not going to say that. I think he is anticipating that I am going to go on to say something about him. I don't want any controversy on this. This needs to be kept above politics. I am not referring . . . I am just telling you now, because I don't want to waste time. I am not referring to the honourable member.

The Speaker: Please continue.

Hon. Truman M. Bodden: Okay, sir. Thank you.

The statements about transparency and accountability, there are those—speaking generally—who preach transparency and accountability, but they don't practice it. There are many people who promote something; they stand up, their words sound good, but look at their actions. The only way there can be true transparency and true accountability in this Legislative Assembly is to go back to the people with a referendum when it is needed to ask them *'Do you want us to change the Constitution in this respect?'*

Now, the Fourth Elected Member for George Town has consistently said words to the effect that the last section of the motion is ultra vires, that the motion is going to impede the Imperial Parliament, . . . Well, it's the first time I have heard so much sympathy about the Imperial Parliament. Normally, the statements made about the Imperial Parliament are never sympathetic by some members of this honourable House.

Putting jokes aside, Mr. Speaker, what this motion is saying (and if it is read carefully it will come through) is that members of this honourable House should only recommend to the Imperial Parliament a change in the Constitution of the Cayman Islands after a referendum whereby the electorate votes for the specific amendments. That, sir, is not ultra vires anything. Anyone who believes that they represent the public, and that the public should have a right to tell members of this House what they feel on Constitutional changes or any other issue that goes up in a referendum has the right to do so. Nothing is ultra vires.

The second point is that this motion is not seeking to create a law which is ultra vires our Constitution or ultra vires the "Imperial Parliament." In fact, it has nothing to do with legislation. All that the last paragraph is saying is that members of this House should, before recommending the United Kingdom change the Constitution, go back and ask the public what they think. Quite frankly, anyone who thinks himself too big to do that has ceased to truly and fully represent the public of the Cayman Islands.

The reference to section 38 of the Constitution by the Fourth Elected Member for George Town, . . . I have to deal with these in some detail sir, because these were dealt with in some very considerable length by the member. But section 38, which is "The Governor's Reserve

Powers," is clear. Nothing that would be done by this motion will affect those powers. In fact, Mr. Speaker, you have already ruled on this. I am not even too sure why I am replying to something that was ruled out so many times. But it had been dealt with in depth, and perhaps the public should know the true legal position on it.

Reference was also made to section 29, which is the section that gives the power of the legislature to pass laws. There is no conflict with that either. In fact, I submit that this whole argument put forward by the Fourth Elected Member for George Town is one which confuses the public more than it clarifies anything because the points that were taken, such as these references to the Constitution and ultra vires, are just not so. And the public can accept that that is not the position because in effect the references by the Fourth Elected Member for George Town about a law being ultra vires the Constitution . . . this part of the motion doesn't deal with a law to begin with. So there is no law being recommended in this part.

Secondly, what is being done is merely that members here should not in the future recommend amendments to the Constitution until there has been a referendum.

The position is very simple and anyone can understand it. And it was so clearly put by the First Elected Member for George Town, he understands clearly (and I believe other members understand clearly) the choice is simple: You are either for allowing the people of this country to have their say in a referendum before you change the Constitution, or you are not. If they are not, then members should stand up and honestly answer the question: Are you for allowing the public of this country the right through a referendum before they change the Constitution, or are you prepared to change the Constitution without going back to the public? It's very simple. Two very simple questions, Mr. Speaker. Anyone can understand it.

But, Mr. Speaker, the issue is being clouded because there are those who are dancing and prancing and they don't want to answer that very simple question. I challenge the members who speak after to answer that simple question and to say so on the floor of this House. And to go further than that—

[inaudible interjections]

Hon. Truman M. Bodden: Mr. Speaker, since the challenge has been taken up by the First Elected Member for George Town, let me ask that member if he is prepared to change the Constitution of this country without going back to the public on a referendum? To use his tactics, I will sit down and give the First Elected Member for George Town the right to stand up and tell me.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am not afraid to answer the minister's question, when he talks about "to use his tactics." But I don't think God is going to take

away the breath from my life when I wind up the motion. I can assure him that I will not skirt the issue; neither will I twist it and bend it around. And the public will hear my truth

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

Hon. Truman M. Bodden: That undertaking, that the honourable member will answer it in his reply, I accept. He is a man of his word and I am sure he will answer that. It's a very simple question: Is the honourable member who speaks at the time (not referring to the First Elected Member for George Town—whatever honourable member speaks) . . . just answer the simple question if he will change the Constitution of this country without a referendum. Or, will he change the Constitution of this Country without a referendum without going back to the people?

If the answer is, *'Yes, I will go back to the people in a referendum before I change the Constitution,'* then—

Dr. Frank McField: Mr. Speaker, on a point of clarification.

Hon. Truman M. Bodden: I am not going to sit down for clarification, sir. The honourable member knows the last time he sat down and I got up, we got into an argument. I don't want to get into an argument, sir. So I am not going to sit down.

The Speaker: Please continue.

Hon. Truman M. Bodden: Going on, sir, and I don't really know why such a simple question upsets people so much, . . . anyhow, what I would like to do because this is a very important issue is to go on just briefly (because there are just about five minutes left) to look at a few other areas that have been raised.

The statement was made about being governed by referenda, which I assume is saying that the powers of this House under the Constitution . . . or, I don't know whether the member may have meant the "Government" when he said "Govern," . . . but what has been done here, . . . in any event the referendum that is now in the Constitution is one that any member of the House can initiate through a motion. I would like to go on to show tomorrow that if members are so minded to bring a referendum on a specific issue, then the government, or any backbencher under section 29(2) can then bring the law which will define the question.

Therefore, there is no question of governing by referenda because as it now stands under the Constitution, and there has been no move to change this process with the original motion, and obviously not with the amendment I made, it is for the holding of a referendum after there is a motion and a law passed. So at the end of that the results of that referendum would come back to the Legislative Assembly, and that's whether or not it's initiated, as the First Elected Member [for George Town] put forward, and as I did in 1989 and during those early

days, and also in 1991, . . . whether or not it is initiated by the public or in this House, there is a process in here. But the referendum is not law that binds the Parliament or the country.

In other words, I have been told that in some states referenda can be binding. At least in Sovereign Parliamentary Democracies they are not binding.

I was just wondering if we were at the hour [of interruption]. Are there two minutes left to go?

The Speaker: We have about four minutes, according to this clock.

Hon. Truman M. Bodden: Well, with all the statements I am making, at least I am not abstaining on anything. I will deal with abstentions tomorrow, sir.

[inaudible interjections]

Hon. Truman M. Bodden: As the easy road out when one doesn't wish to make a decision.

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

POINT OF ORDER

The Speaker: May I hear your point of order?

Mr. D. Kurt Tibbetts: That minister does not have the ability to ever know what is on my mind when I make a decision whether that decision is no decision or not.

The Speaker: That's a statement.

Mr. D. Kurt Tibbetts: If I am allowed to finish, sir, I will make my point of order.

The Speaker: Go ahead.

Mr. D. Kurt Tibbetts: What the minister has just said—and I know that in his reference he is referring to me—is trying to tell me why I abstained from a certain vote. And I am saying to him that he will never live long enough to have the ability to know what's on my mind. So he's misleading this honourable House.

The Speaker: Under what Standing Order are you moving your point of order?

Mr. D. Kurt Tibbetts: Mr. Speaker, when you hear "misleading" sir, do you ask the rest of the members about which Standing Order? I said he's misleading, Mr. Speaker. If you don't accept it, make your ruling. I am saying that he is misleading the House with the last statement he made.

The Speaker: I cannot rule that as a point of order because he did not specify the First Elected Member for George Town.

Honourable Minister, please continue.

Hon. Truman M. Bodden: I will move off that. I don't want to get into any arguments, sir, just to say that I am not referring to the First Elected Member [for George Town.] I am sorry he took it that way. I am not referring to him. I think this is too important to get into politics.

I think it is probably just about time, sir . . .

The Speaker: I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: Before putting the question, I have been asked by the Third Elected Member for West Bay to move a motion under Standing Order 11(6) a matter of importance. I have waived the two-day notice.

The Third Elected Member for West Bay.

RAISING OF PUBLIC MATTER Standing Order 11(6)

IMMIGRATION BOARD POLICY ON DEPENDANTS OF WORK PERMIT HOLDERS

Mr. John D. Jefferson, Jr.: Thank you for granting me permission to deal with this very important issue this afternoon entitled, Immigration Board Policy on Dependants of Work Permit Holders.

The Cayman Islands were established as a country on the Christian principles of deep faith and belief in God, respect for one's fellow man and the sanctity of the family. At the present time our Immigration Board Policies which were handed down by Executive Council do not allow work permit holders of a certain category to have dependants here with them attached to their work permits. The policy also does not distinguish ordinary work permit holders and those married to Caymanians who may have dependants who may wish to join them here in the Cayman Islands with the consent of the Caymanian spouse.

Many of these dependants, that is the children, are also born here in the Cayman Islands while their parents are working here in the islands on a work permit. As an elected representative, I have witnessed many heart wrenching incidents where persons on work permits, whether or not married to a Caymanian, are told by the Immigration Department and the Immigration Board that they have to send home or abroad their one month old child to some family member while the permit holder continues to work here in the Cayman Islands.

On many occasions, if the permit holder does not have someone overseas they can send the child to the work permit is cancelled which then not only causes an

economic hardship to the permit holder, but the loss of services to their employer.

New policy to be considered by government: Mr. Speaker, I feel that at the time of the application for a work permit that the issue of dependants should be considered and should weigh heavily on the Board's decision on whether or not to grant the work permit. The policy on dependants should not be discriminatory in that privileges in respect to dependants are based on the type of work permit held. My experience indicates that families are as important to a waiter or waitress at a hotel as they are to an accountant who may be employed by a bank.

The policy in regard to work permit holders married to Caymanians: Whatever policy is established for dependants, special consideration must be given to requests for persons who are married to Caymanians especially when the request has the support of the Caymanian spouse.

Also, dependants are not limited to children, but include spouses of permit holders. Why should someone who is granted a work permit not be allowed to bring his or her spouse? I feel that if this were allowed we would have less marital problems here in the Cayman Islands caused by permit holders becoming involved with Caymanian spouses for companionship once they move to the islands.

Dependants who are born to permit holders while they are working here in the Cayman Islands should be allowed to remain with their parents here in the islands, at least until they reach school age.

The reason I feel so passionately about this issue is that just yesterday, one of my constituents, who is married to a young lady from abroad with an eight year old child which the couple wish to have live with them here in the Cayman Islands, was told that the wife could stay but that the eight-year-old must return home.

The Caymanian runs the risk of losing his entire family, who he loves deeply and has worked so hard to establish and, I might add, is financially capable of supporting. I trust that the government takes into consideration the concerns and injustices I have raised, and will take immediate action to change such an insensitive and inhumane policy as it relates to dependants of work permit holders. The new policy on dependants should be sensitive and fair and should promote the principle of a strong family.

In the case where the dependant is a child, it would be fair to require evidence that admission has been obtained from a school in the islands for the child to attend. Thank you.

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

Hon. James M. Ryan: Immigration issues and policies have always generated debate as to their application, fairness and relevance to the particular jurisdiction. The Cayman Islands are no different in this respect, since decisions on Immigration issues in one form or another influence and impact us all.

Executive Council in issuing policy directions to the Immigration Board and the Chief Immigration Officer must always be mindful to strike a delicate balance between the needs of our community and our ability to adequately absorb and address the needs of the increasing numbers of persons who come to work and live in these islands. These decisions are not always easy, and everyone will not be pleased by the results.

On the issue of dependants of work permit holders, Direction 3 of the Immigration Directions (1998 Revision) allows for all holders of work permits, except domestic servants and unskilled workers, to have a ceiling of three persons to be admitted as dependants. Admittedly, no specific provisions are made for the dependants of persons married to Caymanians and I trust that this issue will be adequately addressed during the current review of our Immigration Law now before a Select Committee of the whole House.

The new policy which is proposed by the Third Elected Member [for West Bay] must also take into consideration the sheer number of work permit holders currently residing in the Cayman Islands, and the tremendous impact such a policy would have on our schools. Would we have to allow more domestic helpers in to care for those dependants? The same must be said of children born in the Cayman Islands to work permit holders who are not permitted to have dependants.

I am aware that both the Immigration Board and the Immigration Department work to ensure that both entities are working in tandem on this issue, and no separate permission to remain in the islands will be given by the Immigration Department where the family head is the holder of a work permit. The department is therefore ensuring consistency in the policy.

In any event, the Third Elected Member for West Bay can raise these issues when the Select Committee on the Immigration Law resumes shortly. Thank you.

The Speaker: I shall now put the question that this honourable House do now adjourn until 10.00 AM tomorrow morning.

AYES.

The Speaker: The Ayes have it.

**AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 17 SEPTEMBER 1999.**

**EDITED
FRIDAY
17 SEPTEMBER 1999
10.28 AM**

[Prayers read by the Fourth Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

The Speaker: There are no apologies this morning.

Item number 3 on today's Order Paper. Questions to Honourable Members and Ministers. Question 115 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 115

No. 115: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works who authorises travel, food and entertainment allowances for the United States sales and marketing staff of the Department of Tourism?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you.

Mr. Speaker, Before I answer the question, may I just say that I have basically given an overall view on this area? for the benefit of members and the listening public to fully understand the context of this entire travel, food and entertainment allowance as it relates to the overall Department of Tourism operations world wide.

The answer: As part of the overall world-wide marketing and promotional activities of the Department of Tourism, there are occasions when it is necessary to provide a form of official entertainment to those individuals and/or organisations that have been supportive or that have the potential to enhance our own efforts to attract visitors to these Islands. These activities may take the form of trade shows, sales blitzes, or presentations which include breakfasts, luncheons or dinners, in addition to ongoing public relations and advertising programmes.

The responsibilities for the day-to-day administration of the overseas' activities of the Department are as follows: (a) In the case of the United States of America—the Director of US Sales and Marketing; (b) in the case of the United Kingdom and Europe—the Regional Sales

Manager, UK and Europe; and (c) in the case of Canada—the representative agency retained by the Department of Tourism.

In the USA, depending upon the particular activity, the responsibility for providing official entertainment may be the particular regional sales manager responsible for the region in which the activity is taking place. In similar manner, such activities on the continent of Europe would be the responsibility of the particular representative agency retained by the Department of Tourism in the country in which the activity is taking place.

May I add, Mr. Speaker, just on that list—Germany, France, Italy, Spain, and the Benelux countries?

As a general rule, all planned marketing and promotional activities are contained in the Department's Annual Tourism Marketing Plan, which is the basis on which the Department's annual budget is prepared, given the flexibility to adjust and adapt to the inevitable changes in our variety of markets, as and when the needs arise.

All expenditures are subject to the Financial and Stores Regulations and to processing through the department's accounting section in Grand Cayman, and through the Treasury, and, of course, are subject to audit.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the case of United States of America, [did] the responsibilities for the day-to-day administration of the overseas' activities of the Department lie with the Director of US Sales and Marketing? Can the Minister state if in the Annual Tourism Budget there is a specific amount allocated for travel, food and entertainment expenditure?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to that question is yes. It would be the under the votes dealing with official travel and subsistence for the respective regions.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state what that amount was in this last budget?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, sorry for taking so long. There is always a need to consult on some of these supplementaries.

In my previous answer to the supplementary, members would see that this amount would form part of the operational cost of offices in United States. We would have in our office the breakdown of that figure, which would indicate the operational cost for the US offices in some budgets. I cannot remember whether it is also the case with 1999. We have an operational cost and then we have an allocation by each regional office, be it New York, Houston, Miami or others. So, I think, subject to checking the accuracy of what I am saying, it is in the ballpark of about \$2 million.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Minister saying that the budget for travel, food and entertainment, those specific categories, is \$2 million for the year? I don't think so. My question was limited to those three areas.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there are two items normally found in the budget. One deals with the operational cost of the regional offices and district sales offices in the United States; and the other, being the salaries of those particular individuals who are directly employed by this government.

If we are going to ask specific questions about travel, food and entertainment, I would prefer to answer those in writing to any Member because it is a massive document and I don't have it with me. I am not trying to find an alibi; I am trying to make sure that I give an accurate answer.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, if this is the way that the question is going to have to be answered, I am not so sure whether it is sensible to continue the line of questioning because the amounts are important with regard to making any discoveries as to the ceiling and such the like. So, perhaps I will ask one more supplementary and maybe the Minister can take it from there as to how we are going to proceed.

My line of questioning is to ascertain whether there are ceilings put on these types of expenditures based on a track record, or whether this individual who has the authority can deal with it as he or she pleases. What type of controls are in place with regard to what is considered reasonable amounts to be spent in this area during the course of the year? Surely, there must be some control.

I understand in the last paragraph of the answer what the expenditures are subject to, but for what I am asking now, I don't think that there is much relevance

between the two. I am asking specifically how it is dealt with.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, to take a normal sort of routine, operational matters in the US dealing with promotions and/or entertainment, if it is the normal entertainment that had been done in the past, there should not be any hesitation on the [part of the] individual to sign off on it. If it is something that appears to be more than the ordinary, first of all that would certainly be something that needs to be cleared with the Department, and with the Ministry in some cases. So, there is some amount of discretion but obviously if you are going to go and do something that is far different from what we have done in the past, most of the time those promotions that we are talking about that would require additional sums of money would first be discussed with the Department of Tourism and in some cases the Ministry before we even proceed.

So there would be some amount of consultation before we get to the point where we are signing off on the individual cost.

Mr. Speaker, there is really no specific ceiling except that the provision in the budget itself, would give you the maximum that could be spent on any promotional activities for a 12-month period. I think, given the experience that we have had—and let's say this too because it may put some perspective on it: The Regional Sales Managers in Houston and in Los Angeles have been employed by us for twenty years. The Regional Sales Manager in New York has been employed by us for at least twelve years, maybe more. The Regional Sales Manager in Miami has been employed with us for approximately six years, maybe more. The Regional Sales Manager in Chicago was first a sales representative before she became the Regional Sales Manager. So she has been with us for six years.

[Inaudible comment]

Hon. Thomas C. Jefferson: I am leading up to that.

So, the base of the promotional activities has a clear understanding of what is normal within a budgetary provision. If they want to have a special promotion for a particular activity, whether it happens in New York, or Chicago, or Houston, or Los Angeles, or Miami, they would work up the promotion by first beginning there, then coming to the Director of Sales and Marketing. If he is in doubt about his authority to carry it out, and if it is a special promotion, he would not do it on his own, he would consult with the Department of Tourism, and in some cases the Ministry would be consulted by the Department before we moved ahead with that particular promotion—it may require an additional sum in the budget that we had allocated to something else so it would mean shifting some of that money to cover this particular activity.

I have gone through all of that to say . . . and the Director of Sales and Marketing has been with us for probably eighteen months, but he is someone who was very much in the travel industry in the United States. He used to work for Certified Tours for a number of years. Actually, we recruited him from his own wholesale travel agency—not quite the right terminology but I think the public will understand what I am talking about. It is a wholesaler who deals with a sort of group activity and marketing of the product and deals through a travel agency. His particular agency has on more than one occasion won prizes at Cayman Islands marketing shows, which we put on every May. So he is well versed in the market in United States and in dealing with him over the past 12 to 18 months I have found him to be a person who uses his discretion, but knows not to go beyond the borderline and take authority on what he does not have.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister is in a position to give the House some idea of the cost of travel, food and entertainment, particularly for United States sales and marketing staff over the last year.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, we cannot guess at this answer. There are two things I need to say: The question relates to the last twelve months or somewhere in the year 1998. I think we should come back with a written answer. I will also point out that I did answer a question in the House for a period of 1 January 1998 to May 1999—the total cost of operations in the United States. In those figures that we gave, there is a travel vote and a subsistence vote. And if you put those two together, I think we would all see what it is.

I cannot remember at the moment, off the top of my head, what the figure is. I am hesitant to give a figure to the House and to the public that could be labelled later on as misleading the House. I have no intention of doing that and that's normally why I say I would prefer to answer it in writing.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I appreciate the Honourable Minister's reply, and I will await a written answer. But there are a number of supplementary questions that were asked on the floor of this House over one year ago, and I now say to that particular Minister that there has never been any follow-up on them. That is the reason why members are a little bit reluctant in accepting written answers. But I will await his reply.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me just say that many times Ministers promise to give information, and some times it does not happen, but I think it is right for the Member who did not get what he was promised, to prompt us and say, *'Well, where is the letter?'* because let's face it, many of us are doing a variety of things in our ministries and we don't always claim to be perfect. But I am not in any way casting any aspersions, I am just saying the bottom line is, if you don't get your answer, please tell us, *'You know, you promised me so and so, can I have it?'* No problem!

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if in the accounting procedures regarding these three categories of expenditure there is a method allowing the individuals who actually sign off on the expenditure and incur the expenditure on behalf of the Tourism Department to know what expenses were allocated to certain individuals? Or is that not part and parcel of the procedure and it is just all put in the whole kit and caboodle?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, normally what happens is that the individual officer, be the Regional Sales Manager in New York, or any of the others that carry out a particular promotion or activity on behalf of the Government, would submit a claim with supporting documentation to the Department of Tourism. And that obviously follows through, subject to checking by the Department of Tourism, on to the Treasury. If it is cleared with the Treasury, the cheque is then issued to replenish their vote. That is really the process.

So, from the documentation you can actually see who is responsible for the claim and what activity was carried out on this particular occasion.

The Speaker: The First Elected Member for George Town. Two additional supplementaries.

Mr. D. Kurt Tibbetts: Can the Minister state if in the recent past there has been any notice of any excessive expenditure in these areas by the Director of US Sales and Marketing himself? And, if any question has been raised, whether this should be looked into because it seems to be over and above what it should be?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, quite honestly, I have not seen any. I have checked with my assistant who came this morning to help me—they don't know of any. So, my answer is, we don't know of any.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister has promised certain answers to a supplementary question in writing and those answers will probably evoke more questions. Perhaps, it is best at this point in time—obviously, we are not going to get any further with the line of questioning—to simply advise the Minister that there will be further questions on this matter simply to find out exactly what the circumstances are. And, if need be, they will come in the form of separate questions in November.

The Speaker: If there are no further supplementaries, moving on to question no. 116 standing in the name of the First Elected Member for George Town.

QUESTION 116

No. 116: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce, Transport and Works (a) if the Pedro St James project is now in full operation; and (b) If there is an ongoing promotional advertising programme for the project.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer also is in two parts: (a) The Pedro St James National Historic Site has been in full operation since December 1998.

(b) Dealing with the promotional advertising programme for the project. There are ongoing promotions and special advertising programmes in place to continually promote the Pedro St James site. Scheduled cruise ship passenger tours visit both Pedro and the Botanic Park on a daily basis. The site is also promoted in major local publications such as, *Horizons* (Cayman Airways Limited in-flight magazine); *What to do in Cayman*; *Destination Cayman*; *Key to Cayman*; *Britannia*; and the Cayman Islands Tourism Web Site.

All special and major events are advertised in the *Caymanian Compass*.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town, supplementary.

Mr. D. Kurt Tibbetts: Can the Minister state if in the annual budget subsidy for the Pedro St. James Project there is a specific amount for advertising and promotion? And, if there is, what is that amount? Can the Minister state since January of this year, what portion of that amount has been spent?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The allocation being a part of the subsidy to the Pedro St. James . . . my recollection is that it's around \$25,000—it could be \$35,000 in

that subsidy forming part of the advertising and promotional part.

The subsidy is somewhere in the range of \$600,000. What I am saying is that of that amount, about \$25,000 to \$35,000 is dealing with advertising and promotional activities.

May I just go on to say that some of these items that have been mentioned as the advertising and the publication . . . some of it had it paid by the Department of Tourism. Because it is a block vote (and I think we all understand what a block vote is), I don't have the detail the Member is asking [for] today. When we track how much of the \$25,000 or \$35,000 is spent . . . I don't have that with me but if he wishes I can undertake to provide in writing to him.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister then say how is it possible to be giving this Honourable House information with regard to expenditure and income with the operation of the Pedro St. James if the Tourism Department is paying some of its bills?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, there have been some arrangements from quite some time ago, probably early 1997 that the Tourism Department has assisted with. They not only assist Pedro St. James, they assist all of the accommodations and water sports operators in the Cayman Islands. What was asked specifically about the expenditure of Pedro St. James and the income, we are relating that to what was actually paid for by Pedro St. James, and that is the only honest answer I can give today.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I wonder if the Honourable Minister would say whether the business at Pedro St. James is improving and what type of entertainment is being held there?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The activities at Pedro St. James are increasing. Pedro St. James is a popular site for weddings, including cruise ship weddings. There is now a new manager, who I spoke about yesterday or Monday. There is a new manager of the café, it's a local person who provides local cuisine, and much more activity is going on in that area than in the past. There are cruise ship passengers touring the site. We have other ground operators and the cruise ship lines. I have spoken to the Vice Presidents of several of the cruise ship lines that visit Cayman with a view of promoting tour

packages from the ship to Pedro St. James and to the Botanic Park. So far, the response is positive.

So, I believe we are getting on with the proper promotional activities as well as seeing the results of those activities now and in the future.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Getting back to the question regarding expenditures for the promotion of the Pedro St. James project being paid directly by the Department of Tourism and not having any specific records . . . Does the Minister recognise that this procedure is incorrect, to say the least? And does he intend, this having been aired, to make an attempt so that whatever area (although we are speaking about the Pedro St. James area now) falls under his ministry there is some methodology whereby proper expenses can be accounted for in these various areas?

Obviously, as of now it is impossible to truly determine what something is costing to operate. So, could the Minister make comment if this is going to be left as it is? Or is anybody looking into it? Or if anybody recognises that it should be like that or is it that they are just satisfied, that's fine and it is going to go on just like that?

The Speaker: Before calling on the Honourable Minister to answer the question, would you move a motion for the suspension of Standing Order 23 (7) and (8) that Question Time can continue beyond 11:00 a.m.

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

Hon. Thomas C. Jefferson: I am pleased to move the suspension of the relevant Standing Order to allow other questions to be answered and also to allow other supplementaries to be put.

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

AYES.

The Speaker: The Ayes have it. Standing Order 23 (7) and (8) have been suspended.

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.

The Speaker: Question Time continuing. The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I will just crave your indulgence for a few minutes. It is not just today that I have been in the Government, and I have been in the financial area of Government. I made that point to say that I witnessed the establishment of the Port Authority. I witnessed the establishment of the Civil Aviation Authority. I witnessed the establishment of the Water

Authority, among others. In the beginning, they never paid for every relevant expenditure that you could address to that particular statutory authority.

It's like having a child. It takes a little while for it to grow up. It needs some nurturing. But the objective is to steer it in that direction where it first pays all operational costs, salaries and other types of operational costs—the first objective. The second objective is to pay for not only all operational cost but all relevant statutory costs as well. When we have achieved that objective, we then have a proper allocation of expenses and truly identical to any kind of operation that you would have in any part of the world, whether it is the private sector or public sector. That is the direction that we are taking with Pedro St. James.

It officially opened on 5 December 1998. This is ten months afterwards, and we are moving in the direction to ensure that we increase the income of Pedro St. James and the Botanic Park—in other words, the Tourism Action Board—so that we can breakeven on operational expenses, move to the next stage, where you have additional income over expenses to allow for payment of the relevant statutory expenses. So that is the direction we are heading and will move with that as quickly as we possibly can.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Regardless of the analogy that the Minister makes, it doesn't change the fact that it should be considered necessary to be able to account for all expenditures for whatever—whether it is a department or whether it is the Pedro St. James Project. And if he is talking about comparing that to a child, by the time the fifth child is born, the mother should be able to handle it better than the first one!

Anyway, the next question that I have with regard to this Pedro St. James Project is the advertising and promotion. Can the Minister outline exactly who or what department is responsible for coming up with the types of promotion and the type of advertising that is being done? Has there been any sort of assessment made as to what will bring about the best results with regard to spending money on promotions?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, answering the latter part of the question first . . . in my view, the best results would come from what happens in the harbour here, from January through December of any particular year. If we have almost 900,000 cruise ship passengers, and we can get a percentage of that to tour the Botanic Park and Pedro St. James, I think that is ideal. And that is what we are headed for.

Now, there are two possibilities: you can go and set up a marketing operation and spend another \$120,000 and produce the same results. If I could use my own influence to cause this percentage of the 900,000 cruise

ship passengers to go to Pedro St. James and the Botanic Park—if we are talking about cost effective, I think that's the better way forward. That's the direction we are heading.

So, we have Pedro St. James on the Cayman Islands Tourism Web Site, meaning anyone in any part of the world can call us up, see what's available and to understand that when they visit the Cayman Islands, this is an interesting facility to visit and to experience while here.

Those who are travelling to us from Miami or Houston by Cayman Airways can look in the *Horizon* magazine, which is on board the aircraft from every route, and see our advertisements. If you are travelling by Delta or American [Airlines], you can view it in *Destination Cayman*.

My view, Mr. Speaker, is that it is more important to obtain the results than it is to spend a lot of money on a marketing programme with somebody representing you. If we feel that we have the wherewithal to accomplish it, that's the route I am going to take. And I do feel that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister needs to understand that I recognise right now that I am certainly not in a position to be trying to raise a child—that is, his responsibility! But I wasn't suggesting how he should do it. So, it's fine the explanation he has given.

Mr. Speaker, regarding the arrangements with the cruise lines, can the Minister explain to us the cruise ship passenger tours? I am assuming these are package tours, can the Minister state what these arrangements are at present? How long do they go on for? Or is it just an arrangement that there is no fixed contract with time limits or anything like that and are there any plans to attempt to extend these packages to possibly other cruise lines if all of them are not involved at present?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Dealing with the latter part of that question, I apologise if I did not make that clear. But we are working diligently with the relevant persons of all the cruise lines that call on Cayman in order to have the sale of packages on board for those passengers to visit both Pedro St. James and Botanic Park.

Normally, we have an annual contract with the tour operators, which means that at the end of that contract, the contents of the contract can be reviewed.

The Speaker: No further supplementaries? We will move on to Question no. 117, standing in the name of the Second Elected Member for Bodden Town.

QUESTION NO. 117

No. 117: Miss Heather D. Bodden asked the Honourable Minister for Tourism, Commerce, Transport and

Works (a) to advise if the Spotts Beach jetty, which was destroyed by Hurricane Mitch last year, was insured; and (b) are plans in the works to have it rebuilt.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Yes, the Spotts Beach jetty is covered under the existing Government insurance "all risk" programme.

Plans are being finalised to rebuild the Spotts Beach jetty along with the South Sound Cemetery jetty and the East End jetty, all of which were destroyed by Hurricane Mitch.

SUPPLEMENTARY

The Speaker: Supplementary, the Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Mr. Speaker, I would like to thank the Honourable Minister for that answer. I am sure he is aware that this was indeed a welcome facility and the frequent visitors look forward to seeing it replaced. Can he give us a specific date?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I will repeat the question. I said to the Minister, I would like to thank him for the answer and I am sure he is aware that this was indeed a welcomed facility and the frequent visitors look forward to seeing it replaced. Can he give us a specific date as to when it will be replaced?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My apologies, I was having a little chat with my colleague because in the answer I did not mention that the jetty in Little Cayman is also going to be replaced together with the others. My apologies on that.

I want to thank the Second Elected Member for Bodden Town for her supplementary question. I don't have an exact date to give her [but] what I give her is my assurance that I am going to use all my influence to make sure it is done as quickly as possible.

The Speaker: Are there any further supplementaries? If not, we are moving on to Question No. 118 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 118

No. 118: Mr. Roy Bodden asked the Honourable Minister for Tourism, Commerce, Transport and Works what were the personnel changes in the United Kingdom's Department of Tourism within the past twelve months.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In May 1999, the United Kingdom's Regional Sales Manager resigned and a new Regional Sales Manager was recruited shortly thereafter.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Mr. Speaker, when the Honourable Minister mentioned "recruited," I take it that that means that the replacement came from outside the organisation. That being the case can the Honourable Minister tell the House what procedures are in place to ensure that continuity is maintained and that there were no significant change in objectives that would affect the market in such a way as to lead to a decrease in the traffic?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, may I begin by saying I have always been a strong supporter of promotions from within the organisation, if it is at all possible. We realised that to implement this feeling, which we have, we also need to be certain that the individuals within have the ability to rise to that level when these resignations do come to the surface.

We have in that office two sales representatives who have been with us for a relatively short period of time, probably in most cases, with one of them not more than about four years. So if the individual within did not measure up in all our judgments as being in a position at the moment to rise to that level, perhaps some years down the road he could be. What we were successful in achieving [was] a recruitment of a gentleman who appears to have substantial experience in similar operations such as ours as he was the regional sales manager or something of that title for another country in this world of attracting people who travel.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House what is the staff complement of this office in the UK?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The staff complement is five and maybe I should have added too (about this gentleman whom we recruited) that we also gave publicity to it in the *Caymanian Compass* not very long ago.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, would the honourable Minister tell the House how the recruitment was done? Was the interview conducted by any member of staff from Cayman's Department of Tourism or Ministry and if so, how many? And where were these interviews conducted?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, let me thank the Third Elected Member from Bodden Town for his supplementary.

This post was advertised in the relevant publication and/or newspapers in the United Kingdom, and we actually got flooded with applications, to put it frankly. The applications were sent to Cricket Square and from Cricket Square on to the ministry. We then decided on a short list of individuals whom we thought warranted an interview.

May I back up to say that the office in London also made recommendations to us?

Having settled on the number of persons whom we would interview, these individuals were interviewed at the Cayman Islands UK Office in London using the Conference Room. They were interviewed by the Permanent Secretary of Tourism, the Director of Tourism and myself.

The Speaker: Are there any further supplementaries? If not, we will move on to Question No. 119 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 119

No. 119: Mr. Roy Bodden asked the Honourable Minister with responsibility for Community Affairs, Sports, Women, Youth and Culture to provide a progress report on the Bodden Town playfield project.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Work is approaching completion on the Bodden Town playfield project. The grass on the field, which has caused the main delays to the project, has strengthened significantly and it is anticipated that it will be playable in late October. Work on modifications to the Civic Centre washroom facilities to provide changing facilities for the football pitch commenced at the beginning of August and are approaching completion. They are expected to be completed by the end of September. Work on the landscaping to the car park has commenced and the local community has agreed to assist with the planting.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the Honourable Minister tell the House the scheduled time for completion for this project, and also, whether there have been any cost overruns as a result of the project running beyond the scheduled completion time if that has been the case?

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

Hon. Julianna O'Connor-Connolly: The anticipated completion date as provided by Public Works was the end of July. And, as it relates to overruns, it is my information that the total expenditure as of 8 September this year was \$985,577. The final cost is estimated at \$1,150,000 and this has increased over the previous reported expenditure to allow for the inclusion to cover the three bleachers and the construction of a hard court. However, it is still below the March 1997 estimated project cost of \$1,188,175.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The Minister has said that there have been problems with the grass. Can she say if the laying of the irrigation lines was responsible for causing some delay?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I am informed that the under-field irrigation system, because it was the first of its kind to be installed here in Cayman, proved to be more complicated to install than was originally anticipated by the Public Works Department.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister could give the House a breakdown of the total water cost on this project in Bodden Town, payable to the Water Authority.

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

Hon. Julianna O'Connor-Connolly: The staff of the ministry and I have those figures in our possession, but we can undertake to provide that in writing to the Honourable Member.

The Speaker: The Elected Member from North Side.

Mrs. Edna Moyle: I look forward to receiving the written reply. My other supplementary, Mr. Speaker, . . . in June when the question came on the North Side playing field, there was no intention at that time to provide covered

seating for either the Bodden Town playing field or the Old Man Bay playing field. My question is: Whose decision was it now to cover the Bodden Town seats and if there has been a decision taken to offer the same thing to the Old Man Bay playing field, that of covered bleachers?

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

Hon. Julianna O'Connor-Connolly: I am reliably informed that there are estimates being put in now for the North Side bleacher covers and I am informed by my Permanent Secretary that the plans for covered bleachers in Bodden Town were in there from the inception.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, in June when this question arose, we could not locate those plans that said covered seating was there because the same thing was in the original plans for the Old Man Bay playing field. My question is: How can we now come to the House and say we have found the original plans for Bodden Town but we haven't found the original plans for the district of North Side and we are now proposing new plans for them?

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

Hon. Julianna O'Connor-Connolly: I am informed that the position is that the original plans for Bodden Town—which the ministry has found—included the covered bleachers; and the plans that were found for North Side do not. But the ministry agrees with the Honourable Member that it is a necessity, seeing the climate in which we live, and we have put forward estimates to do the same in the year 2000 Budget, subject to approval.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the Honourable Minister could say if the funds provided in the 1999 Budget to complete the Bodden Town facility included covered bleachers? If not, is there a supplementary provision being done to do this?

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

Hon. Julianna O'Connor-Connolly: It is my understanding from the information I have just gotten that it was included, sir.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I wonder if the Honourable Minister could give us an update on the basketball hard court as to whether this will be resurfaced as well.

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

Hon. Julianna O'Connor-Connolly: It is my understanding that the funds are provided for this year are only sufficient to do an overlay of the existing hard court. But because it is the ministry's intention to try to put walking or running tracks around all of the football fields in the districts that do not presently have them, the decision was not taken to put in funds for a complete new court. Public Works is now looking at the matter to see whether the track would infringe on the existing court, and if that is the case, then we would have to look at a new court which means we would have to get more funds in the year 2000 Budget as there are not sufficient funds for a new court at this stage.

The Speaker: The Elected Member from North Side.

Mrs. Edna Moyle: Mr. Speaker, this is a follow-up to my last supplementary. I am at a total lost to understand that the cost of covered bleachers for the Bodden Town playing field was included in the 1999 Budget, when on a supplementary [question] in this Parliament in June, the answer was that there was no intention of putting covered bleachers at the Bodden Town facility. How can I now be told that the amount of money that is needed to cover the bleachers in Bodden Town is included in the 1999 Budget? The Minister's information that she has been given in June, or today, is misleading.

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

Hon. Julianna O'Connor-Connolly: I am glad the Member made a distinction that the *information* I was giving was misleading rather than I was misleading the House because I have no intention of doing that at any time during my tenure in this Honourable Parliament. Suffice it to say, the information which I have received from my Permanent Secretary and senior staff is that it was always the intention to include covered bleachers at the Bodden Town playing field and that there is sufficient in there to do that.

I gave a commitment because I, like the Member, agree that not only North Side but Cayman Brac or any other field that we put, because of the climate in which we live, there should be covered bleachers. And once I am given the money, once it is put in there, I am more than happy, subject to the work force resources of the Public Works Department, to accommodate any reasonable request from any honourable Member in this House, sir.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I would request of the Minister an undertaking that when the play field is ready to be opened, that her ministry would contact the football

playing fraternity in Bodden Town so that the opening ceremony, whatever it may be, can be something which is conjointly done between the ministry and the football playing fraternity as I believe that some members in this fraternity have some ideas which could serve to complement what the ministry is planning.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I would like to thank the honourable Member for that input in that regard. I am informed that the ministry has already, that is, the Sports Officer, made contact with the Football Association and they have already proposed tentative dates for North Side as well as Bodden Town so that there could be a game at that time to open it. So, we are seeking their participation and if there are any other ideas, not only for Bodden Town or North Side, when we go to open, we will be glad to accommodate it into the programme realising that it is in the specific districts and I would like to have members involvement as much as possible.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, I will just ask the Honourable Minister if she could repeat for me if she said that the Football Association has days set aside for the opening for these fields—Is that correct? If you could just repeat the reply.

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

Hon. Julianna O'Connor-Connolly: They have suggested a date that they could host a game if we wish to open it at that particular time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, this is not so much a question as an observation. I think that the observation is one that could be taken on board by the Minister and it could serve to be cost saving and improve services in the future. It regards the hard court at the Bodden Town play field.

For many years, as many people know, I have been associated with sports in Bodden Town. It is unfortunate that the system being what it is, no opinion was solicited. I noticed that the parking lot is so constructed that it could have been made into at least three basketball courts. I discussed this with Coach Voote [Victor] O'Garro who concurred what has happened though is that the parking spaces are allocated and so fixed that it would be difficult to make the conversion now, particularly as it would involve some expenses. But had either I myself or the coach been shown the plans, we could have made that suggestion and there would have been no need for further expense to build a new hard court now. And this

court accommodating three basketball courts at the same time could have taken a tournament of the size usually played in the Cayman Islands.

So, I am asking the Minister in the future when these kinds of projects are being done, if she could seek input from other sporting organisations which may be able to offer observations as to how the sites could be improved and how monies could be saved by incorporating two or three different sports facilities on one compound.

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

Hon. Julianna O'Connor-Connolly: I fully concur with what the Member has said. But I am sure he will appreciate that the Bodden Town play field was before my days and, hence, it was not possible for me to share it with him. But I agree with any major projects like that it should be shared. But at the same time, we can also share the responsibility if any members have ideas or have a speciality in the field.

I can speak for my ministry, the door is open and I welcome comments and direction, and in any way we will try to accommodate the honourable members because at the end of the day it is not who actually does the field or completes it, but it is in the best interest of the persons who have to utilise it.

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

Miss Heather D. Bodden: Could the Honourable Minister tell the House, with regard to the landscaping at the Bodden Town play field, what is the completion date?

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

Hon. Julianna O'Connor-Connolly: Although, there is not a completion that I am aware of, I know that the Public Works Department is in a process of repairing the beds for planting and buying the plants. As far as I am aware, the Second Elected Member for Bodden Town has offered her services to do the landscaping free of cost, and the cost to the Public Works Department for the project is estimated to be \$25,000.

The Speaker: No further supplementaries? We move on to Question 120.

QUESTION 120 *Deferred*

The Speaker: I note that the First Elected Member for West Bay is absent, I would ask that this question be deferred to a later sitting. I shall put the question to the House that those in favour of deferring this question to a later sitting, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question 120 has been deferred. That concludes Question Time for this morning.

AGREED: QUESTION 120 DEFERRED TO A LATER SITTING.

The Speaker: At this time, we shall take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11:43 AM

PROCEEDINGS RESUMED AT 12:15 PM

The Speaker: Proceedings are resumed. Item number 4 on today's Order Paper, Government Business, Bills. Before we take the first reading on this Bill, I had asked for the suspension of Standing Order 46 and 47 so that we can take—

The Honourable First Official Member.

SUSPENSION OF STANDING ORDER 46 AND 47

Hon. James M. Ryan: Thank you, Mr. Speaker. I move the suspension of Standing Orders 46 and 47 to allow the Elections (Amendment) (No. 2) Bill, 1999 to be read without the requisite notice being given and for it to go through all stages in this sitting.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 46 AND 47 SUSPENDED TO ALLOW THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999 TO BE READ WITHOUT THE REQUISITE NOTICE BEING GIVEN AND FOR IT TO GO THROUGH ALL STAGES IN THIS SITTING.

The Speaker: Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999

The Clerk: The Elections (Amendment) (No. 2) Bill, 1999.

The Speaker: The bill is deemed to have been read a first time and is set down for a second reading.

Bills, Second Reading.

SECOND READING

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999

The Clerk: The Elections (Amendment) (No. 2) Bill, 1999.

The Speaker: The Honourable First Official Member.

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

Honourable members will recall that following the decision of the Select Committee on the Elections Law a bill was presented to this House during the last meeting and, in essence, that bill, which was passed, allowed for the introduction of a permanent register and electors registration cards.

When that bill passed through Executive Council and was sent to the Legislative Department to be put on the Order Paper, it included two dates which had to come into effect before the permanent register could in effect happen, and those dates were dates calling for certain information to be submitted to the Supervisor of Elections. The Legislative Department had the government agency deal with the printing of the green bill and inadvertently the two dates were omitted. And I want to make it clear: It was not the printer's fault. It was one of those things that just happen, the Peter Principle—if anything can go wrong, it will.

The two dates just got left out although they had been agreed. The short bill today therefore seeks to fill in the blanks and add those dates.

The relevant section is 17(b)(4) and there is (a) and (b). The dates are 10 November 1999 and in (b), the 31 October 1999. And so, while it had been previously agreed, it was just one of those things that was left out. It is important, in fact it is vitally necessary that those are added, hence the reason for this Bill.

The Speaker: The question is that a Bill entitled The Elections (Amendment) (No. 2) Bill, 1999 be given a second reading. The motion is opened to debate. Does any Member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would just be curious to what extent this change in the Election Law will affect the rights of persons to qualify as electors, according to the relevant sections in the Constitution. Perhaps when the Honourable First Official Member gets up to speak, he will let us know to what extent this law can work independently of any alterations in the Constitution.

The Speaker: Actually, that was part of the debate on the Election (Amendment) Bill, No. 1 from 1999, which was passed in this House earlier. This bill is only taking care of what the Honourable First Official Member said. So I would ask that you read the Bill that is before the House carefully. This is really only putting in two dates.

Honourable First Official Member, would you like to comment on that?

Hon. James M. Ryan: Thank you, Mr. Speaker. I was not present when the amending bill actually went through during the last meeting, but I would have thought that there was opportunity for airing that. Certainly in due course, publicity will be given on process, which in fact is the introduction of the permanent register which has already been passed by this House, and the introduction of electors' registration cards. So, I think, there will be ample opportunity for that to be explained to the public.

All the Bill is doing today is adding in the two dates as I mentioned earlier. I will just read the section so that it will be clear. Its [section] 17(b)(4) and it says, "**In addition to the returns required to be submitted under subsections (1), (2), and (3), the Registrar General, Clerk of the Court and Chief Medical Officer shall on or before the 10th day of . . .**" and it was left blank there. In fact, it is the 10th day of November 1999, "**transmit to the Supervisor a list in respect of the matters respectively specified in those subsections for the period from 31st August 1996 to 31st October 1999.**"

So, it's just those two dates to be filled in to complete that piece of amending legislation.

I would just like to thank honourable members for the tacit support and I commend the Bill to the House.

The Speaker: I shall put the question that the Bill entitled, The Elections (Amendment) (No. 2) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE ELECTIONS (AMENDMENT) (No. 2) BILL, 1999 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled, The Elections (Amendment) (No. 2) Bill, 1999.

HOUSE IN COMMITTEE—12.26 PM

COMMITTEE ON BILL

The Chairman: The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Honourable Second Official Member to correct minor printing errors and such like in this Bill?

Would the Clerk state the Bill and read its clauses?

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999

The Clerk: The Elections (Amendment) (No. 2) Bill, 1999.

Clause 1. Short title.

Clause 2. Amendment of Section 17(b) of the principal Law.

The Chairman: The question is that Clause 1 and 2 do stand part of the Bill. There is no debate? I will put the question that Clause 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 1 and 2 do stand part of the Bill.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk: A Bill for a Law to Amend the Elections Law (1998 Revision).

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled, The Elections (Amendment) (No. 2) Bill, 1999. The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED

The Speaker: Please be seated.

Bills, Reports. The Honourable First Official Member.

REPORT ON BILL

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999

Hon. James M. Ryan: Mr. Speaker, I have to report that a Bill entitled, The Elections (Amendment) (No. 2) Bill, 1999 was considered by a Committee of the whole House and passed without amendments.

The Speaker: The Bill is accordingly set down for third reading.

Having suspended Standing Orders, we will now take the third reading. Bills, Third Reading

THIRD READING

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999

The Clerk: The Elections (Amendment) (No. 2) Bill, 1999.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, I beg to move that a Bill entitled, The Elections (Amendment) (No. 2) Bill, 1999 be given a third reading and passed.

The Speaker: The question is that a Bill entitled, the Elections (Amendment) (No. 2) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES.

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

AGREED: THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: Moving on to item number 5 on today's Order Paper, Other Business, Private Member's Motion No. 11/99 as amended. Continuation of debate thereon.

The Honourable Minister for Education, Aviation and Planning, continuing his debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate thereon)

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

The amended motion before the Legislative Assembly at present, basically does two things. It seeks to extend the Referendum Law to allow the people of the country, the electorate, to initiate a referendum, which the Government fully supports. It also makes a very clear statement that, "**AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance . . .**" which we fully support as well, and that has been adopted in the amended part of the motion.

So, the first amendment says that if the Constitution has to be changed, then it should only be changed after a referendum. That specific part is followed by the more general part, half of which is the original motion and half of which is the amended motion. It is really, as I understand, this last section that has caused the concerns by

the four members of the Backbench or Opposition. That section reads, "**AND BE IT FURTHER RESOLVED THAT only the referendum makes it possible for the electorate to give a clear judgment on a single issue for immediate relevance**", which is the original motion, Mr. Speaker. We added, ". . . and that the **Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate votes for the specific amendments . . .**", which is clearly referring specifically in the last part to the Cayman Islands Constitution.

In other words, Mr. Speaker, on the amendment that is being opposed by or spoken against in opposition by the four—

[Inaudible interjection]

Hon. Truman M. Bodden: Five? Which five? I think the abstentions were four and those who spoke against it were only four. Oh no, it was five. Oh, the abstentions were four because the Fourth Elected Member for George Town was not in the Chamber at the time. I am sorry, that is correct.

So the five Backbench members who spoke against the amended motion, the first half of which is really their motion, which is a general statement; the second part is the amendment, which says that the Constitution should not be changed until there is a referendum whereby the electorate vote for the specific amendments.

So, basically, the questions, in simplistic terms, before this Honourable House are should the electorate of the country have a right in a referendum to vote for specific amendments to the Constitution? If this motion is supported, as eleven of us did, the answer is yes, the electorate should have a right to vote. And, if such members, I should say, who have spoken against the amendments . . . it seems to me a clear indication that the answer to that question is, no, the public should not have a right to vote in a referendum before amendments are made to the Constitution.

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: What Standing Order are you rising under?

Mr. D. Kurt Tibbetts: Mr. Speaker, as occurred yesterday, sir, the Standing Order which deals with misleading. Now, if you would like me to look the number up for you, sir . . . if you give me a minute, I will do that.

The Speaker: I presume you are talking about Standing Order 24.

Mr. D. Kurt Tibbetts: Anyway, I think it is fairly obvious what I am dealing with—the minister is making misleading statements.

My understanding of what the minister just said is that the four people who abstained from voting for the amendments to the original motion clearly are saying that the public should not have the right via referendum to decide whether there should be any amendments to the Constitution or not. That, sir, is misleading, because abstaining from supporting his amendment does not clearly indicate that. It could be for several other reasons why the four people abstained. Certainly, those arguments will come forth in the debate.

At this point in time, sir, he has no right to be misleading by suggesting that abstaining means that those four people do not want the public to have that right. In fact, it is devious of him to make the statement.

Hon. Truman M. Bodden: Mr. Speaker, may I have a right to reply, sir?

The Speaker: Certainly! Under Standing Order 35(4), it says, "**No members shall impute improper motives to another Member.**"

I have listened carefully to what he said and if you care to repeat what you have said Honourable Minister for Education, Aviation and Planning, I will give you that opportunity.

Hon. Truman M. Bodden: Yes, sir. What I said was that members who spoke against the motion obviously did not support the amendment to the motion. It is just that there were some . . . not even all of the members... I don't want to have a hassle on this... Let me withdraw anything in that area and move on if I may because I just don't want to begin this way.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, the only way this matter will be cleared up, sir, is to get the transcripts of the last two minutes of what the Minister said and I would humbly ask you to let us get that so that it can be read so that it can be clearly understood what his intention was.

Mr. Roy Bodden: True!

The Speaker: If that is the issue, we shall suspend proceedings for lunch until 2.15 p.m. at which time I will get the *Hansard* and I will make my ruling at the end of that time.

PROCEEDINGS SUSPENDED AT 12.40 PM

PROCEEDINGS RESUMED AT 2:47 PM

The Speaker: When we took the break, I undertook to get a transcript of the *Hansard* as to what had been said by the Honourable Minister for Education, Aviation and Planning, and I said I would make my ruling on a point of order raised by the First Elected Member for George Town. I quote from the *Hansard*, it was 17 September, quoting a part of it, "**So, basically, the questions, in**

simplistic terms, before this Honourable House are, should the electorate of the country have a right in a referendum to vote for specific amendments to the Constitution? If this Motion is supported, as eleven of us did, the answer is yes, the electorate should have a right to vote. And, if such members, I should say, who have spoken against the amendments . . . it seems to me, is a clear indication that the answer to that question is, no, the public should not have a right to vote in a referendum before amendments are made to the Constitution."

Interpreting what he has said, he is quoting his opinion, it clearly says, ". . . **it seems to me** . . ." and, I think, each honourable Member is entitled his own view when debating. So it is not a point of order.

The Honourable Minister for Education, Aviation and Planning, would you please continue.

Dr. Frank McField: Mr. Speaker. On a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order, and what Standing Order you are rising under.

Dr. Frank McField: I am rising under Standing Order 35 (4), and I am asking you to refer to Standing Order 88(1) and to further refer to Erskine May, page 386, where it says "The misrepresentation of the language of another is an allegation." In fact, it is not permitted.

I would just like to show you why it is misrepresentation—

The Speaker: Just give me the quotation under Erskine May again please.

Dr. Frank McField: It's page 386, "Allegations against Members."

[Pause]

The Speaker: Are you challenging the ruling that I made on the previous point of order?

Dr. Frank McField: Mr. Speaker, I am not challenging anything that you say or do, I am just trying to clarify a question here. If the language used in the original motion is misrepresented, I am saying that the minister has misrepresented the language and the intention of the original motion which suggests that the people should have the right to initiate a referendum in regard to any matter that is of national importance, and the amendment of the Constitution is an issue of national importance.

The Speaker: I will have to defer that for further consideration. It is a very serious matter you are raising and I reserve the right to give my decision at a later time.

Honourable Minister responsible for Education, Aviation, and Planning, please continue with your debate.

Hon. Truman M. Bodden: Thank you.

Mrs. Edna M. Moyle: Mr. Speaker, before the honourable minister resumes . . . if I could just clear up a matter. When he says ". . . **so the five backbench members who spoke against the amended motion** . . ." does that include the member for the district of North Side? Because she did not speak on the amended motion.

The Speaker: I don't see the five backbench members in this. I quoted the paragraph after that.

What the First Elected Member for George Town challenged was that he imputed improper motives to them. And he said "it seems to me" . . . and those are the operative words I am going by. He is expressing an opinion. He is not making a statement.

The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I understand that ruling very clearly, sir—even though in the past when I have said it's my opinion, the same honourable minister got up and asked me to withdraw it because I didn't say it was my belief.

I am talking about the second paragraph of Mr. Truman Bodden's speech where he says "**so the five backbench members who spoke against the amended motion** . . ." Can he state who the five backbench members were?

The Speaker: I think I can ask him to withdraw that. I have a problem with that.

Honourable Minister responsible for Education, Aviation, and Planning, will you withdraw the "five"? because not all five really spoke.

Hon. Truman M. Bodden: Yes, sir, I will withdraw that. Where I got five, if you will look just up above that, it's a confusion between four and five. But I will withdraw that. Sorry.

The Speaker: Thank you.

Dr. Frank McField: Mr. Speaker, just on an additional point, if you will be so tolerant as to allow me to make it.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like you to refer, when you do consider your decision, to my contribution—

The Speaker: I will ask you to come in and we will have some private discussion. I will get all of your points before I make a ruling. I give you that assurance.

Honourable Minister responsible for Education, Aviation, and Planning, please continue.

Hon. Truman M. Bodden: Mr. Speaker, what I would mention on this is that if there has been any misinterpretation it has been the allegations of the Fourth Elected Member for George Town that my motion is ultra vires

the Constitution and the Imperial Parliament. That is a blatant misinterpretation which you, sir, in fact, ruled against, or spoke earlier on. So if we are going to get into that game, nothing could be more serious than the fact that this House is debating my amendments which are ultra vires the Constitution and the Imperial Parliament. So if you would like to look at a misrepresentation and to pick things up, would you please rule on that at the same time?

I will now go on because I have never really seen so much in relation to what is a very short, simple question. I am saying that on the amendment that says, and I will read it again, **“that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments”**—

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER
(Misleading)

The Speaker: May I hear your point of order?

Dr. Frank McField: The minister is misleading the House. The amendment does not say that.

Hon. Truman M. Boddén: Mr. Speaker, I am reading from the amended motion that I put forward.

Dr. Frank McField: Mr. Speaker, the amendment is in more than one resolve. And he concentrates continuously on the last resolve of the amendment as if the first part of the amendment—which was introduced as a result of the original motion—has nothing to do with the motion as amended.

Hon. Truman M. Boddén: Mr. Speaker, I surely have every right to talk about any part of the amended motion. As I understood it . . . and the First Elected Member for George Town said words to the effect . . . and I better get this right because I don't want to—

[inaudible interjections]

Hon. Truman M. Boddén: I am not . . . no, no, I am not saying.

[inaudible interjections]

Hon. Truman M. Boddén: Just hear me out first, okay?

What the First Elected Member has said . . . and that's why I haven't been concentrating too much on it. But Mr. Speaker, I have every right to concentrate on any part of the motion that I feel like. Surely, the Fourth Elected Member for George Town can't tell me what to concentrate on.

What the First Elected Member for George Town said (at page 942) was, and let me just read this: **“The original motion asks for us to do what is necessary**

to make the amendment to the Constitution to allow the people the authority to initiate a referendum. This is the original motion. The amendment version that is being sought is saying if we want to achieve that let us not simply do it, let us ask the people if we can do it.”

Then he said, **“Semantics, as far as I am concerned, are not worth fighting over.”** That is clear.

As I understood it, the objection was really to the second part, even though . . . let me just read what the First Elected Member for George Town said there too. He said **“The second amendment which is saying that the Constitution being what it is, let us take this opportunity to say that from here on in, from henceforth and forevermore until another group of people want it to be different, let us ensure that any change to the Constitution is done by seeking the advice of the people through referendum.”**

I am dealing with what I understand the main objection is—not to the first part, at least not by the First Elected Member for George Town (not to the first amendment)—to the second amendment. This is what the members that spoke concentrated on.

The Speaker: You are quoting from the *Hansard*?

Hon. Truman M. Boddén: I sure am.

The Speaker: Of what date, please?

Hon. Truman M. Boddén: Yes, sir, the date is 10th September, 1999 (part of tape 22), at page 942.

The Speaker: Thank you.

Hon. Truman M. Boddén: This was what I read earlier. So what I am saying, sir, is that as I understand it, and . . . maybe I am wrong on that. Maybe there is opposition to both amendments. But, definitely not from the First Elected Member for George Town, as I understand when that honourable member said, “as far as I am concerned not worth fighting over” means not worth fighting over. So I was concentrating on the second part even though I am not saying—let me make it clear—I am not saying the First Elected Member [for George Town] is making a determination on that. He is merely saying ‘*make sure I understand it right.*’

But if I feel like speaking on any part of the motion, surely I have a right to do so.

The Speaker: Please continue. That's not a point of order. You are speaking on the motion as amended. You have the right to speak on any portion. Go ahead. Please continue.

Hon. Truman M. Boddén: Thank you.

I would like to go on to deal with the point on Vision. The Vision document has clearly set out at page 58, Action Plan 8, specific results: **“To allow for binding national referenda to be called by petition of the electorate in circumstances in which the electorate de-**

termine that a referenda is appropriate.” I fully agree. This motion is asking for that and my amendments are also supporting that.

The action steps: **“Immediately review current Cayman Islands referendum legislation, referendum legislation in other countries, amend the referendum legislation necessary and implement regulations to allow for binding national referenda.”** It goes on. **“To be called by petition, signed by electorate representing a ‘percent’ of the total number of the registered electors in the Cayman Islands. Ensure legislation that public funds are not used to influence outcome of any referendum.”**

Maybe that should have also added that other people don’t take and pay money to legislators to help influence the outcome of the referendum. Maybe that should have been added in there.

“(4) Question to be asked at each referendum should be set by persons initiating this relevant petition.” Mr. Speaker, this deals with a Law. The one thing the National Strategic Plan Vision document doesn’t deal with is the Constitution. But I have no doubt in my mind if the question had been asked *‘Would you like to have a referendum before the Constitution is changed?’* the answer would have been, yes. It’s clearly in line with the principle here.

So this, as the First Elected Member for George Town, used it (and I think some subsequent members), supports the motion that is before the House. I support what is here. I fully support the right, as I have said before, of the electorate to have a right to initiate a referendum. But, even more, before there is a change in the Constitution, a referendum should be called.

If there is no fear of being honest, being open, being transparent and accountable, then there is no fear of going back to the public with a referendum.

I just want to read two things. If you think, Mr. Speaker, or anyone in the country thinks that when I said in 1991 the Constitution of this country was going to be changed by politicians, elected members here, in the committee room without going back to the people. . . I just need a minute to find this. [pause]

I am reading from the Minutes of the Meeting of the Select Committee to Review the Cayman Islands (Constitution) Order, the bound copy of 17 September 1991, page 2: **“Mr. Ezzard Miller was of the view that following the next general election the new House would automatically be constituted under the revised Constitution.”**

No doubt that the new Constitution would have been brought in prior to the elections. And also on the page before that there is this statement that is not attributed to him: **“The new, or amended, Constitution would emanate from this and the Commissioners’ Report.”** In other words, it would emanate from the report of the Select Committee and the Commissioners’ Report. **“Any recommendations affecting an increase in membership or qualifications to candidates or voters would come into effect sometime early next year in time for the Elections Law to be amended with the other changes such as the Chief Minister and other Minis-**

ters coming into effect immediately after the next elections.”

The point I am making sir, is that the public of this country, and this House, has to realise that this is not just something that has never happened. In 1991 the view then was that the Constitution—

Dr. Frank McField: Mr. Speaker, on a point of order.

Mr. Roy Bodden: He’s Joseph Goebbels!

POINT OF ORDER (Misleading)

The Speaker: May I hear your point of order?

Dr. Frank McField: The minister is misleading the House because I have before me the same document and there is a resolution here. And at the end of the resolution it says **“BE IT FURTHER RESOLVED that this Honourable House recommends that the implementation of any recommendation for Constitutional changes with the exception of the paragraph numbered 3 above shall not take place without the changes being the subject of a general election.”**

[Inaudible interjections and general uproar]

Hon. Truman M. Bodden: Mr. Speaker, what I read was the intent of two government members. And I have every right to put that forward because their intent was clearly set out in here. What was being dealt with there was after a lot of opposition from the small group of us who opposed this, that subsequently . . . and perhaps he would refer me to the page in that—because this has 190 pages in it—where he read from. But that was a resolution some distance on after several of us had raised this, and probably after the Minority Report was put in.

So, as I did when I quoted, could the member refer to the page, and I will explain that part.

The Speaker: I can only accept a point of order on the page that he’s talking about. He quoted a specific number. If you have a point of order on that, I will accept it. Otherwise I cannot.

Dr. Frank McField: Mr. Speaker, I withdraw the point of order, knowing that history will make quite clear what the minister is saying.

Hon. Truman M. Bodden: Mr. Speaker, this is the opposition’s motion that the member is reading from. Yes, we put that in there. All right? It was moved by Mr. Gilbert McLean, and seconded by Mr. McKeever Bush. Of course we put it in.

Mr. Roy Bodden: We?

Hon. Truman M. Bodden: This was in 1990, Mr. Speaker. What I am reading from was [said] in 1991, at the end of this book. But the point is very clear: There

was intent to change the Constitution of this country by some members of this House—without going back to the public. That's the statement I am making sir. And that statement is correct.

So, there is ample cause to worry about having the people in a referendum given the right to have a say before the Constitution is changed.

Mr. Speaker, I was dealing with Vision when I was interrupted. The "Key" also sets out in relation to the referenda. But I point out again the Vision document doesn't deal with Constitutional change.

I would like to deal with some specific points that were raised during the debate, some of which were leveled at me, some of which I was requested to reply to.

What the Fourth Elected Member for George Town said on 10 September, at page 939, was "**Mr. Speaker, to say that it is not understood from the very beginning by the Minister of Education, and by the Government, and by other persons that really all of us know that in the Strategic Development Plan that we adopted here in this House, the people said that they want to be able to have more open and accountable government. And, that the instruments for more open and accountable government has to be in the Constitution. So, the Constitution as we know it is really a series of instruments for good governments to make government possible.**"

And at the end of that, "**They therefore want the right to be able to initiate the referendum and not just how the referendum is initiated by the government.**" That's quite correct. And what the government is saying in the amended motion is that the people should have the right. And if good government, open and accountable government, comes from the Constitution, then the Constitution should only be amended in an open, transparent, and accountable way. That way is by a referendum, I submit.

Why there would be opposition to the very principle propounded in the motion to the amendment that says that a referendum should change the Constitution. . . . and the justification of it was set out by the Fourth Elected Member for George Town, at the same page, when he said "**The there is no way that the people can safeguard themselves against the Parliament of the country because when we are talking about parliamentary sovereignty we are talking about the sovereignty of the elected people; we are talking about the sovereignty of the people.**"

Mr. Speaker, how in the world are the people going to be sovereign if you don't let them have a right to say before you change the very document that the Fourth Elected Member for George Town said is the basis for open and accountable government? How can anyone who says that the Constitution of the country is what is needed for more open and accountable government, and that the people should have sovereignty (the elected people), yet say that it is not right for the people to have the right to a referendum to decide whether or not the Constitution itself should be changed?

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER

(Misleading)

The Speaker: May I hear your point of order?

Dr. Frank McField: Mr. Speaker, I graciously bowed to your ruling that we would deal with this question that I brought up in regard to the particular formulation of this motion, and the minister has now ventured back to say that I am saying that the people should not have the right to use a referendum to decide whether or not the Constitution should be amended.

The minister is again misleading the House, since the motion in the original sense says that the people have the right to use the referendum in regard to any issue that is of national importance; and that the issue of amending the Constitution is an issue of national importance. Therefore, it is not reasonable for him to conclude that I am saying that they should not have the right to decide about the amendment of the Constitution by way of a referendum.

Hon. Truman M. Boddén: But, Mr. Speaker, the honourable member didn't vote on the motion, and I don't know how he would have voted. I am not trying to say that. So, if that is what he is thinking, by all means, I am not trying to impute that at all. I merely—

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER

(Misrepresenting the language of another)

The Speaker: Let me hear your point of order, and I need to know what Standing Order you are rising under because I am—

Dr. Frank McField: Mr. Speaker, we can go back to the same Standing Order 35(4), 88(1) and Erskine May, page 386, "The Misrepresentation of the Language of another Member."

If the minister is going to be allowed to play around this particular issue to make it seem as if I am saying that the Constitution should be amended without consulting the people, that is misrepresentation of the language. I am saying that the referendum is an instrument, when it can be initiated by the people, to influence whatever decision is being made by this honourable House. Therefore, the minister is misrepresenting my language and my motives, and my intentions. That is unparliamentary.

The Speaker: Just let me get some information. You said Erskine May, page 386, Standing Order . . . quote the numbers again.

Dr. Frank McField: Since our Standing Orders do not adequately cover this, I used our Standing Order 88(1) to say that we have to therefore refer to Erskine May. When we refer to Erskine May, we see that when a member can misrepresent the language . . . because we are all

dealing with language. And how we communicate has to do with language. If he is able to twist my language in such a way that the people believe that I am suggesting that the Constitution should be changed without consulting them, then he is doing a disservice to me. That is unparliamentary!

If the minister wants to say that, I think he should come out and say that he believes that the Fourth Elected Member for George Town wants to change the Constitution of this country without—

The Speaker: Let us not get on to a long debate about this. Prior to Standing Order 88(1), you quoted another Standing Order. That is the number I am asking for.

Dr. Frank McField: Mr. Speaker, I quoted Standing Order 35(4) with regard to imputing improper motives. That is not a sufficient Standing Order to deal with this since imputation of improper motives has to do with him misrepresenting my language. Therefore, I referred you to Standing Order 88(1), which suggests that if our Standing Orders are insufficient to deal with the situation we refer to Erskine May.

I referred you to page 386 of Erskine May, which deals with allegations against members. It deals with expressions that are unparliamentary and call for prompt interference by the Speaker. One of these is number 2, "The misrepresentation of the language of another, and the accusation of misrepresentation."

The Speaker: Honourable Minister of Education, Aviation, and Planning, in view of the fact that I have this under review, would you go on to another subject? It's not fair to continue with that. I would have to suspend proceedings for at least the rest of the day for me to do the necessary research on this. So, in the essence of saving time, go on to another subject.

Hon. Truman M. Bodden: Yes, sir. I accept that.

The Speaker: I appreciate that.

Hon. Truman M. Bodden: I will move on to another subject.

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

Hon. Truman M. Bodden: Thank you.

I will go on, then, to what some of the other members said, and areas that I was asked to refer to. I will get a non-controversial transcript.

I will take us back to the reference that was made to 29 May 1989. Let us look at what happened, because people—especially the First Elected Member for George Town—read extensively from my full and unwavering support of a motion that was brought to bring in a referendum law in 1989. Several things were read, things which I quoted, such as "submission to the popular vote prevents hasty action," and also areas where I had fully supported it.

Now, one of the things that was said by the Third Elected Member for Bodden Town was an interjection into the speech of the First Elected Member for George Town. I am reading from the *Hansard*, page 918, 9 September 1999. The First Elected Member for George Town was referring to me when he said, "**He was on the backbench then when he was advocating that. He has had an opportunity since then to press for that, but he chose not to because by then he was on the government bench.**"

Mr. Roy Bodden interjected, "**Consistency!**"

Let us look at that remark made by the Third Elected Member for Bodden Town, and let's go back to those minutes that the First Elected Member for George Town was reading from.

We find that I spoke on the motion (it was my motion, which I fully supported) . . . I moved [Private Member's] Motion No. 11/89 and it was actually seconded by you, Mr. Speaker, and that's the only reference I will make of that. But after I spoke then it goes on at page 588, and this is Mr. Roy Bodden, and I am quoting from the [1989 *Official Hansard Report Vol. 1*] "**I Believe that a referendum law will be more of a nuisance in our case than it would be a benefit. As a consequence of that, I cannot support the motion. Thank you.**" Those are the words of the Third Elected Member for Bodden Town—who seconded this motion before the House in 1999.

So, Mr. Speaker, if that honourable member wants to talk about consistency, I was consistent then. That honourable Member is by no means consistent now. What he fought against—the referendum law—and voted down in 1989 . . . and I have here. There were only five of us who voted Aye (at page 593), and, specifically, not an abstention but a very clear No right at the bottom of the list of Division No. 12/89, "**Noes: 9**" right at the bottom, "**Mr. Roy Bodden.**"

From my point of view, and talking in relation to me, I am not inconsistent; I don't sit on the fence and I don't hop around all over the place with my views. On this subject I have always been for the referendum.

While I am on the question of consistency, I also took quite a bit of flack (I use that loosely, I guess) from the First Elected Member for West Bay, who obviously supports the 1999 motion. At page 589 of the same [1989 *Official Hansard Report, Vol. 1*] that honourable First Elected Member for West Bay said this about the motion for the referendum law: "**I think there are politics involved in this. I am not going to support it. This is probably the only time that I will vote with the Government, but I am voting with them to throw this piece of rubbish in the garbage can where it belongs.**"

Consistency? Can you imagine a member in 1989 (who is a member now) criticising me for bringing a motion to have a referendum, or an amendment to have a referendum on the Constitution before change? That honourable member's view at that time was that the referendum motion (in 1989 that we were trying to get through), as he said, was a piece of rubbish and he was

going to vote with them to “throw this piece of rubbish in the garbage can where it belongs.”

The public surely has to clearly understand what is genuine and what is not. So in reading [from] the [debate] on this motion in 1989, if anyone has to be criticised . . . and what would have been much clearer to the public is if the First Elected Member for George Town had chosen to read what the seconder of his motion, the Third Elected Member for Bodden Town, said when he said that a referendum law “**is more of a nuisance in our case that it would be a benefit.**” And a supporter (who is not here), and I am not going to say anything more in relation to these two members . . . but the other one said at that time that it was a piece of rubbish to be thrown in the garbage can.

When minutes such as these, where I clearly put out what I felt was good for the country to have a referendum—which was sadly voted down, . . . and in fairness, let me just say that the other people who supported the motion were Mr. John D. Jefferson, Jr. (the Ayes at page 593); you, Mr. Speaker; Mr. Gilbert McLean; Mr. John McLean, and I. These are the people who fought then and over the years to get a referendum so the people could have a say in this country.

I stand by what I said then because the same words have been used by the mover of this motion, the First Elected Member for George Town. I must say he made a very good choice because I had done a lot of research on this and I want to just remind . . . and I won't spend much longer on 1989, sir. I will get off of it for good.

The First Elected Member for George Town read that “**in Roberts-Wray's, Commonwealth and Colonial Law [there is] a very short, but very effective paragraph. It says, 'Submission to popular vote prevents hasty action.' That is the theme of what I would like the Members of this House to look at: submission to popular vote prevents hasty action.**

Another area that was quoted, and I believe quite rightly quoted, . . . in fact, most of the early part of this speech was mostly quoting me where I said, “**But what worries me is that one good morning the people of this country are going to wake up and find that a major national issue has moved through this House with very little public debate. They could well be stuck with something which, if they had a right to give their opinion on, and if there had been the time to air it publicly and take their views the damage would not be done. Once the damage is done there is no way of reversing that type of damage. You can try it, but it only worsens it.**” [1989 Official Hansard Report, Vol. 1, page 590]

Once changes to the Constitution, advancements, are put in place, with the exception of only once historically that I know about, there is no going back. It is a road from which there is no return. Once advances are made it's too late. So there's no use in crying over spilled milk, once an issue has been dealt with such as the Constitution without going to the public.

Also, sir, quoting from the *Hansard* . . . in fact, this is actually a statement . . . I don't know if it's meant to be a quotation, but it isn't in quotes. It's in the *Hansard* at

page 921 (9 September 1999), the First Elected Member for George Town. He said: “**As I am closing, let me make it very clear that there are those of us who believe that any form of open democratic government should never fear giving the public such a vehicle. Remember what the motion says in its last Resolve section 'BE IT NOW THEREFORE RESOLVED THAT once this amendment is achieved, the Government takes immediate steps to bring to the Legislative Assembly a Referendum Bill setting out the terms and conditions under which referendums may be conducted.'**”

The important part is the first part: that those who believe any form of voting democratic government should never fear giving the public such a vehicle. I will add a little rider of my own, and say that any form of open democratic Legislative Assembly should never fear giving the public such a vehicle.

If the referendum is a good vehicle for government, it's even a better one . . . and the government fully accepts that. It is even a better open democratic vehicle for the Legislative Assembly. As the First Elected Member for George Town said, we should never fear giving the public such a vehicle. The government has no fear of giving the public such a vehicle at all. We are for the motion. We have extended the public's rights. We are giving the public more rights under the amendments and therefore no one in this House should fear giving the public the right to a referendum before there is Constitutional change.

[Inaudible interjection]

Hon. Truman M. Bodden: Good in Spanish or English.

Another statement, since the honourable member . . . it's good that we still have a sense of humour in here.

The First Elected Member for George Town also said . . . and do you know an amazing thing, Mr. Speaker? My statements and the honourable member's statements are saying the same thing in many instances, because we are quoting each other.

What the honourable member said at page 922 of the *Hansard* of 9 September 1999 (and that's the First Elected Member for George Town) was, “**What this is going to come down to is either a belief or a disbelief in a concept of a type of governance. We are saying that extended beyond the style and policies of governance that we have now, we wish also out of an abundance of caution [my words many times before] and out of a desire for transparency and accountability to give the people of this country the vehicle of referendum simply to ensure that when we ask them for us to be their representatives that there is no fear on their part that they have to wait for four years to have a check and balance. Let them have that check and balance as we do our work between those four years.**”

I fully endorse that. Give them a right to a referendum. Especially when I adopt those words of the First Elected Member for George Town, give them a right in one of the most important matters that will come before

this honourable House—the right to a referendum before a change to the Constitution.

By and large, what has been said here . . . the same as that honourable member read and presumably did not disagree with—statements that I made supporting the referendum—I support the statements that that honourable member has made which relate to supporting the referendum. In fact, some of this was said better than I could have said it, and very effectively.

So I know that when the time for that vote comes the two people whose views are so similar (nearly feeling like statements of Mr. Haig [Bodden] here) . . . I hope and pray that there is no difference in the outcome of the vote. And that's a hope.

At this point in time, as far as dealing with what was said by the First Elected Member for George Town, the larger part of it is very much in line with . . . and I would submit, could be used to support the principle put forward in the motion as amended—the amended motion—that the people should have a right to a referendum before there is any changing of the Constitution.

Looking back at my notes, I notice as well that the First Elected Member for West Bay referred to my amendment cluttering up democracy. But what it is really doing is opening the eyes of the public to democracy rather than cluttering up democracy. That word 'clutter up' has created a lot of trouble in the past for someone who said that.

So, the 1989 stage was, I submit, in relation to the motion before the House then, totally consistent. In fact, it has taken at least the Third Elected Member for Bodden Town and the First Elected Member for West Bay who voted against the referendum with such strong statements against it, nearly ten years. Whenever their minds changed, I really don't know, but at least now we are happy to know that they see the light and they now are happy with having a referendum. I hope that whatever happens, it won't be another ten years before others see the light to allow a referendum before a change of the Constitution.

I would like to go on to deal with the White Paper.

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

Hon. Truman M. Bodden: It would, sir. Thank you.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:47 PM

PROCEEDINGS RESUMED AT 4:14 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended.

The Honourable Minister for Education, Aviation and Planning continuing debate.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. There has been quite a bit of talk and interpretation in relation to the Foreign and Commonwealth Office Docu-

ment, "Partnership for Progress and Prosperity—Britain and the Overseas Territories."

Mr. Speaker, this document deals with several things, but it has been mainly around one aspect of it, which has attempted to interpret the document to use it to show that the United Kingdom would want to have constitutional change in any territory, which is not in full accordance with the wishes of a majority of people in that territory. The document at its very inception sets out the Partnership for Progress and Prosperity, and in my view it is a genuine attempt by the United Kingdom to deal with areas or problems that have arisen, some of which for many years have really not been fully dealt with.

The simple things were things like the change of name by the United Kingdom of the Dependent Territories to "United Kingdom Overseas Territories," and the reflection and statement, I guess, that was made on British citizenship. Throughout, I will show that what the United Kingdom finds important ensuring that the rights of the people . . . and it consistently refers to the rights of citizens of the territories, of which the Cayman Islands is one; that they should be listened to and should be taken into consideration when applying these different changes.

It is clear to me that what is important in major changes was the decision of the citizens of the country and not necessarily the politicians. There are several references in here and they show what is a very clear picture of how the United Kingdom will deal with its relationship with us as a United Kingdom Overseas Territory.

The first paragraph I would like to refer to it is found on page twelve of the document, paragraph 2, subparagraph (2.1), it says, "**Britain's policy towards the Overseas Territories rests on the basis that it is the citizens of each territory who determine whether they wish to stay linked to Britain or not.**"

Mr. Speaker, what better way to make that determination—which would be a change in the Constitution—but through a referendum to the popular vote of the electorate? Despite how some members may feel about the importance of this Honourable House, at the end of the day it is the citizens of the Cayman Islands who will determine whether they wish to stay linked to Britain or not.

I will read on, the United Kingdom says, "**We have no intention of imposing independence against the will of the peoples concerned.**" From time to time rumours go out when there is a build-up of anti-colonial and anti-British policy stirring, if something isn't done, whether that be changing some part of our law or whatever that [is], Britain will say the Cayman Islands must go independent. It's really nonsense, Mr. Speaker. This is the United Kingdom's policy. They said "We have no intention of imposing independence against the will of the people concerned."

Mr. Speaker, from the time I was involved in politics, in fact, from the time I was in government as Acting Attorney General in late 1960's early 1970's, the standard phrase has always been that a colony could remain if it wished, or it could go if it wished—not at the wish of the UK, sir. And, despite changes of government and

through my political years from 1976 to [present], they have remained consistent to the policy—that it is for citizens of each territory to determine whether they remain linked to Britain and to determine whether their Constitution is advanced to independence or not.

In fact, Mr. Speaker, luckily for us, when that drastic, bleak, and damaging document to change the Constitution in 1991 was sent up to the United Kingdom, the United Kingdom in its wisdom said (or I assume would have said) *'it is good to know what the majority of MLAs in the country want, but before the country can change its Constitution, we want to hear from the people.'* And the people, Mr. Speaker, spoke loud and clear in the 1992 elections and the Constitution was not advanced. So out the door went the hopes and aspirations of a few power-hungry members to be Chief Minister or Leader of the Opposition or whatever.

Mr. Speaker, another section that I would like to refer to is paragraph 2.6, page 13, where it states: "**Consultation with the territories showed a clear expression of their wish to retain the connection with Britain.**" Mr. Speaker, that was their findings just a short time ago when this document was prepared and subsequently published. I don't believe . . . in fact I know that a couple of years ago (two years back let's say) there was obviously a very clear intention of the majority of Members of the Legislative Assembly not to advance the Constitution of the country.

Dr. Frank McField: Mr. Speaker, on a point of clarification.

POINT OF CLARIFICATION

The Speaker: [Addressing the Honourable Minister of Education] Will you give way? He is rising on a point of clarification.

Hon. Truman M. Bodden: Mr. Speaker, I will give way for one minute, sir. But I don't want to get into hassle on this. Maybe I better not give way because we about to the end of the line.

The Speaker: We only have four minutes to go to adjournment.

Hon. Truman M. Bodden: Everything has been nice for about ten minutes, maybe I better not give way, sir. Unless the member has a point of order I am not going to give way. I will just try to get through this afternoon without any more hassles.

So, Mr. Speaker, there is a statement in there by the United Kingdom (and I will just read it again), "**Consultation with the territories showed a clear expression of their wish to retain the connection with Britain.**" A few years ago (two years back) certain questions were sort of floating at the time and maybe that is where that part has come from. But the words, "clear expressions" were used and I think that's important.

Mr. Speaker, don't get me wrong, if there are Members of the Legislature who want to talk to Britain on con-

stitutional change, of course Britain will talk to them. But that had better not happened without the clear guidance of a referendum. On page . . .

Mr. Speaker, it is amazing how just reading things seems to stir my good colleagues of the Opposition across the floor to such a stage that they are getting me confused, I cannot even find the rest of what I was going to read now. [Laughter]

Hon. Thomas C. Jefferson: Maybe that's the approach!

[Laughter]

Hon. Truman M. Bodden: Oh!

The United Kingdom also made a pledge at paragraph 2.5 in which they said, "**We are committed to ensuring good government, sustainable political, economic and social development in the Overseas Territories and to guaranteeing their security and defence.**" The partnership will be based on consultation and mutual understanding. No question of forcing the Cayman Islands to go independent against the wish of the people.

The Speaker: I think that be a good note to end on. We have reached the hour of 4.30 p.m.

ADJOURNMENT

Hon. Truman M. Bodden: Thank you, sir. I am very happy to move the adjournment of this Honourable House until Monday morning at 10.00 a.m.

The Speaker: The question is that this Honourable House do adjourn until 10.00 a.m. on Monday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. on Monday.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 20 SEPTEMBER 1999.

**EDITED
MONDAY
20 SEPTEMBER 1999
10.30 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Third Elected Member for George Town, and from the Fourth Elected Member for West Bay.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 121

No. 121: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation how personnel matters are handled within the Health Services Department.

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

Hon. Anthony Eden: Within the Health Services Department, there are three principal areas of Personnel matters, these are: (i) recruitment; (ii) renewal of contracts; and (iii) staff development and training. The functions of benefits, administration, and remuneration are carried out by government's Personnel and Management Services Department.

Recruitment: The Health Services Department is responsible for preparing the job description and providing and completing the appropriate form(s) for a vacant post. The post is advertised through the Public Service Commission (PSC). The department shortlists applicants for an interview. The interview is conducted in conjunction with the PSC. Once a candidate has been selected, a recommendation from the interview panel will be forwarded to His Excellency the Governor from the PSC. Acting on the instructions of the Governor, the Central Personnel and Management Services will issue the contract of employment.

This process is followed for the recruitment of all staff, except for the employment of temporary short-term staff and the employment of group employees (security,

housekeepers, kitchen and facilities staff). These employees are recruited directly by the department.

Renewal of Contract: Contract renewal requests are initiated by the officer, his immediate Supervisor and Senior Manager. Subject to the outcome of the officer's performance appraisal, the Director of Health Services, in consultation with the appropriate senior manager, will then make a recommendation to the PSC. The PSC will review the submission and forward its recommendation to His Excellency the Governor for approval. The Central Personnel and Management Services will issue the Governor's decision to the officer.

Development and Training: In order to maintain a satisfactory level of skills and standards, the Health Services Department identifies development and training needs for the staff. Minimum continuing education and training is required by most professions in order to maintain registration, membership, and licence. Much of this training is provided in conjunction with other institutions, some locally, but most overseas.

Long-term training (in excess of six months) is coordinated and administered by the Government Personnel and Management Services Department.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if he is consulted in regard to renewal of contracts?

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

Hon. Anthony Eden: Information is shared with me, but I would say that we are not allowed direct consultation under the Constitution.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say what kind of information is shared with the minister in regard to the renewal of contracts?

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

Hon. Anthony Eden: Generally speaking it's background information and performance of the individual, things like that.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if the Public Service Commission is in the habit of going against the recommendations of the Director of Health Services, and is he aware of any recent instances of this happening?

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

Hon. Anthony Eden: Not being totally involved with this, I cannot say specifically. But I would assume, as in most things, they are not necessarily bound by the instructions or guidance of the Director of Health Services.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I know that it's not that honourable minister's habit of being evasive. I think that what I have asked is within his accountability to this Parliament. Within the realm of that brief, can he as minister say if recently the Public Service Commission did not accept the decision of the Health Services Director?

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

Hon. Anthony Eden: No, Mr. Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say if there have been any improvements in the recruitment process in regard to the time it takes to bring someone on board?

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

Hon. Anthony Eden: There has been some improvement. One of the things we are looking forward to I think came out in the Vision 2008, that large departments, like the Health Services Department, be given their own personnel managers and the ability to recruit.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister state if the qualifications of the individuals who have contracts with the hospital are examined a second time, or is it just accepted that the persons were employed and upon renewal of the contract no consideration is given to the re-examination of the qualifications of the individual concerned?

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

Hon. Anthony Eden: I feel sure that the department and the Public Service Commission would look at this in very great detail.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say how many doctors' contracts have been renewed over the last year?

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

Hon. Anthony Eden: I would prefer to research that information and make sure. I will give him that undertaking.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to officially request that information, and I would also like to have included in the written request (if possible) the qualifications of each individual doctor who has had his or her contract renewed over the last year.

The Speaker: Would you turn that into a question? I don't know how the honourable . . . The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: Mr. Speaker, I will give that commitment. I have made a note of it.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I just want to follow up on the recruitment process. I am pleased to hear that the Health Services is working towards having its own personnel department. I wonder if the honourable minister could say if the process allows the quick employment of a professional we may need at the hospital, rather than having it sit for three to six months while the application goes through the current process. We then run the risk of losing that individual.

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

Hon. Anthony Eden: The normal period is around three months. But if there is an emergency, a locum may be employed on a temporary basis.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer, the minister said that the employment of temporary short-term staff and group employees, that is, security, housekeepers, kitchen and facilities staff, is done directly by

the department. Obviously that means that these matters are not channelled through the central Personnel Department and/or the PSC. Can the honourable minister explain exactly what this process entails within the Health Services Department? Is there a special department that handles these types of applications in employing these individuals? Exactly how does it work?

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

Hon. Anthony Eden: The usual application form would be completed and then the senior officer would deal with the supervisor or the senior manager of whichever section that would be seeking to employ the person.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister explain the process by which the department on a whole determines the need for these types of employees? Not just who they employ, but the numbers in the various areas.

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

Hon. Anthony Eden: The justification of these posts depends upon the budget process. They would have to indicate the necessity for these people and it is dealt with in that manner.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if it is a regular or highly irregular occurrence whereby appointments are made outside of the circumstances the minister just detailed?

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

Hon. Anthony Eden: I am informed that we are allowed to employ a certain number of people and we cannot exceed that. It has to be within whatever that quota is within the department.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: When it comes to termination of staff in this area, specifically the staff hired directly by the department, where a decision is made by the department that the employee is no longer suitable, can the minister explain what process takes place? As supplementaries are limited, I will also ask if he can explain what recourse there may be for the employee that natural justice occurs during the process?

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

Hon. Anthony Eden: I am informed that under Chapter 19 of the General Orders and in consultation with the Personnel Department and with guidance from the Legal Department the termination would be done. There is an opportunity for the offended person to make an appeal to the Head of Department.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I want to make sure what the minister is saying. If I understand correctly, the minister is saying that if the employee feels that his or her termination is not justified, he or she has the recourse to make an appeal to the Head of his or her Department. Is that not a contradiction within itself? since it would have been that same Head of Department that would have been very involved in the termination process?

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

Hon. Anthony Eden: I am informed that the dismissal would be from the Head of Section. The appeal would be to the Director of Health Services.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While I know that the line of questioning may be a bit cumbersome, is it not fair to say that this process is questionable, to say the least? since an appeal of this nature for natural justice to not only be done but appear to be done should be dealt with by some independent source. I am not questioning the integrity of the chain of command within this department, in fact, the question really doesn't limit itself to this department only, it is regarding the process in general. But if you have a Head of a Department who makes a decision (whether correct or not), that Head of Department then deals with Head of Section (as I understand the minister to say) who makes the determination regarding termination. Wherever that is high up in the chain of command, the Director of Health Services, or the Chief Medical Officer, it is fairly easy to assume that they will support their Head of Department and Head of Section.

So I am asking if the minister thinks this may be worth looking into with regard to the process that takes place, not just so that it can be perceived to be correct, but to ensure that it is correct?

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

Hon. Anthony Eden: As we all know, this is out of my line, really being a personnel situation. But I am made to understand that this is the process within the Civil Service under General Order 19. I do not have the ability to

deal with this. But we all have certain feelings and we could make the powers that be aware.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Not to prolong this line of questioning, but just to say to the minister that I am not questioning the decision-making process. My suggestions are simply based on the fact that no employee who is terminated will feel satisfied with the process as it is now. I respect the fact that this is done throughout. But I raised the question using this avenue to say that perhaps there is need to look into independent arbitration rather than confining it to the same people who dealt with the termination hearing the appeal.

While I respect the separation of powers, I am asking the minister (if he sees any merit to my thought process) to give a commitment to bring this up and have it looked at within the entire service.

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

Hon. Anthony Eden: I will give the commitment to share with my colleagues your concern.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just one more matter regarding the substantive answer, and it has to do with development and training.

In the very last paragraph of the answer the minister said "**Long-term training (in excess of six months) is coordinated and administered by the Government Personnel and Management Services Department.**" Can the honourable minister state how the need for this training is identified within the department? Is the department satisfied that the amount allowed at present is sufficient; and with the new health services being up and running now (since the hospital is completed) do they expect that need to increase?

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

Hon. Anthony Eden: That is a good question. The needs are identified through discussions by the governing councils within the Health Services Department, that is the nurses' section, the doctors' section, ancillary . . . Just recently some of our officers were extremely successful in attending a course in managing health services. As a matter of fact, one of the girls came in second in the world with her exam results. We are all very proud of this. I think another one came in third throughout the world.

The attempt is always there to continue this training. As I said, in regard to funds for training, this is always needed. Sadly, this is one of the areas that may be cut when the budget process starts. But we will try our very

best to continue this training. For our health services to be productive and to give the quality of care we want here in the Cayman Islands we must have proper and highly trained staff.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state then if it is considered to be a fact by the department that this very important service may be stymied at some point in time because of the lack of available funds for training considered to be very necessary?

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

Hon. Anthony Eden: I wouldn't say necessarily "stymied," but as with most things we can and will attempt to do more training.

The Speaker: The First Elected Member for George Town, two additional supplementaries.

Mr. D. Kurt Tibbetts: I only need one. Perhaps someone else might want one.

Mr. Speaker, I respect the way the minister has to answer that question. I will attempt to put it in another fashion. I will not use the word "stymied." I think it is worth airing, not pointing any fingers, because we know there are limitations to the availability of funds, but can the minister state if at present, since the hospital is up and running, whether there are specific identified areas of training which cannot yet be done because of a lack of available funds?

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

Hon. Anthony Eden: When this situation occurs the department, in consultation with Heads of Sections, would attempt to prioritise where they feel the greatest impact would be.

The Speaker: Before taking the next supplementary, I would appreciate a motion for the suspension of Standing Order 23(7) & (8) in order for Question Time to continue beyond the hour of 11 o'clock.

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

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

Hon. Julianna O'Connor-Connolly: I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

The Speaker: The question is that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The Fourth Elected Member for George Town, the final supplementary.

Dr. Frank McField: The minister has stated that “Contract renewal requests are initiated by the officer, his immediate Supervisor and Senior Manager. Subject to the outcome of the officer’s performance appraisal, the Director of Health Services, in consultation with the appropriate Senior Manager, will then make a recommendation to the PSC.” Can the honourable minister say how important the performance of an individual officer is in determining whether or not that officer would be further recommended to have his or her contract renewed?

And can the minister also say whether or not the time period is important in regard to renewals? If we are dealing with giving a one-year contract or a four-year contract, does that appraisal also determine the length of the contract or is that determined by some other factor?

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

Hon. Anthony Eden: The performance of the officer is very important. In regard to the length of the contract, the final decision is made (it is my understanding) through the PSC.

The Speaker: You had a second part to your question? The Fourth Elected Member for George Town.

Dr. Frank McField: I was trying to find out in regard to the length of the contract who decides. How important is the actual performance of the officer in regard to the length of the contract.

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

Hon. Anthony Eden: As I said earlier, the performance of the individual is of great importance. But the final decision is made by the PSC.

The Speaker: This is your final supplementary now. The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, the minister is not answering my question. If he doesn’t want to answer the question he doesn’t have to, but out of respect, let him say he can’t answer the question or he would like to answer this question at a later date. My question is quite

clear. I am asking if the appraisal has anything to do with the amount of years that the contract is renewed. Does it play a role in determining that? If he doesn’t know, he doesn’t know.

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

Hon. Anthony Eden: Yes, the appraisal of how many years the officer was there does have a significant role and the recommendation is made by the Head of the Department.

The Speaker: Moving on to question 122, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 122

No. 122: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state what problems have been experienced with the air-conditioning system at the new hospital since its inception.

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

Hon. Anthony Eden: The air-conditioning used in the buildings of the new Cayman Islands Hospital is a central chilled water system. This is a more efficient and less costly system to operate than the common DX (direct expansion) systems generally used throughout the Cayman Islands.

Chilled water air-conditioning systems are quite sophisticated and require a number of months to balance airflow and iron out operational wrinkles. This is a normal commissioning procedure and occurs each time a new air-conditioning zone is completed. The process is currently ongoing and no unusual problems have been encountered to date.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister explain what inconveniences were caused by what he listed as “ironing out the operational wrinkles”? And did this cause any significant increase in expenditure?

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

Hon. Anthony Eden: That’s a good question. I have been in the Glass House now, just to draw an example, since 1994. They use one of these systems. To the best of my knowledge, they have been trying to balance that now for the last five years. The main discomfort, until the areas are balanced, is the usual thing when it is not at the correct temperature.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If I am understanding the minister correctly, the Government Administration Building uses this same central chilled water system, and they are still attempting to get it balanced properly. With this knowledge in mind, would it have been the correct decision to employ the same system in such a large complex as the Health Services Department?

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

Hon. Anthony Eden: Once again, that is a good question. I think traditionally, the problem with the Glass House is so many components, and it was possibly not designed for that because there are so many little areas within it. I think that is the difficulty. Maybe I shouldn't have used the Glass House as an example. But as far as I know, in most of the areas where this type of air-conditioning is used—and I think it is used in most modern buildings now . . . that's all I can say on that.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say what type of cost is attached to this "ironing out" process?

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

Hon. Anthony Eden: This balancing would be included in the general contract which, as I said, during the commissioning period is just a part of the phase of balancing everything out.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether or not there are any risks to patient care while this balance is being achieved? Also, what are some of the inconveniences to be expected during the process of this (what I term euphemistically) "ironing out of wrinkles" period?

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

Hon. Anthony Eden: As I mentioned earlier there would be some discomfort until everything is balanced. But in talking with all of the people who work there, this concern is now sorted out. To my knowledge there is no problem with patient care.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether or not the equipment originally placed in the air-conditioning system was not as sophisticated, or was not the type of equipment the architects and refrigeration technicians had originally required on the plans?

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

Hon. Anthony Eden: Any problems with the air-conditioning coils were sorted out significantly before the commissioning of the units throughout the hospital.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the minister saying that there were some problems?

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

Hon. Anthony Eden: Yes, during the construction phase of the project it was observed that fan coil units which provide air-conditioning to the maternity and medical/surgical rooms were not the ones approved by the project team engineer. The units were subsequently replaced by the contractor with the approved units.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House how this misunderstanding occurred? Was it a genuine mistake on the part of the supplier and the air-conditioning contractor, or was there some attempt to use materials not requested by the original architects and planners knowingly?

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

Hon. Anthony Eden: I would prefer to find out exactly what it was. I would hope that it was not done deliberately.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the minister prepared to give the House an undertaking to investigate this and come back with the answer?

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

Hon. Anthony Eden: Yes, Mr. Speaker.

The Speaker: Are there any further supplementaries? If not, we move on to question 123 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 123

No. 123: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what equipment at the George Town Hospital will need to be made Y2K compliant and what will be the incurred cost of this exercise.

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

Hon. Anthony Eden: The Health Services Department commenced Y2K preparations for the three Islands in early 1998 by researching and testing over 3,000 pieces of equipment in cooperation with the manufacturers. It is anticipated that all equipment certification and testing will be completed by the end of September and all essential equipment will be compliant or replaced by 1 December of this year.

Due to the commissioning of the new hospital earlier this year, much of the equipment and systems are new and already Y2K compliant. The following items of equipment will need to be made Y2K compliant:

- Holter ECG monitor
- Bedside monitor (ECG)
- Nutritional analyst software
- Hospital Network Programming Environment
- Blood gas analyser
- ECG and ST module (ECG monitor)
- ECG multiview module
- PC bedside monitor
- Ultrasound unit.

The incurred cost to ensure that the equipment is Y2K compliant is \$28,940.00.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell us the target date for having all of this equipment made Y2K compliant, and testing to ensure that it is reliable?

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

Hon. Anthony Eden: It is anticipated that all equipment certification testing will be completed by the end of this month, and all essential equipment will be compliant or replaced no later than 1 December.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if any of the equipment in the answer was purchased new since the completion of the new hospital?

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

Hon. Anthony Eden: No, Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say who is undertaking this work and whether the work undertaken will be warranted?

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

Hon. Anthony Eden: There is a Y2K team led by a very able manager of information systems who is in the House with me today, Mr. Malcolm Ellis. They deal with all of the people from whom they bought the equipment. We feel quite positive that everything will be quite okay.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I observe that all of this equipment is crucial to the saving of lives and preservation of good health. Will there be any written guarantees or warranties that this equipment, once made Y2K compliant, is absolutely compliant, foolproof, subject to the normal course of operation? I would like the answer because this is obviously necessary for legal purposes.

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

Hon. Anthony Eden: Each manufacturer provides the Health Services Department with a document and a statement saying that the equipment is compliant. And on top of that, the Y2K committee within the Health Services Department also verifies this.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Am I then to understand that after the team has adjusted this equipment the manufacturer will give the assurance that the equipment is completely Y2K compatible?

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

Hon. Anthony Eden: If some of the equipment needs an upgrade, they would give that letter of commitment.

The Speaker: Are there any further supplementaries? If not, we move on to question 124, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 124

No. 124: Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture What criteria must be met in order to qualify for the award of support grants in the sporting organisations.

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

Hon. Julianna O'Connor-Connolly: Since 1993, the Ministry's criteria for the granting of a support grant in the sporting field is as follows:

1. The association must be a non-profit organisation.
2. The association must have a development plan.
3. The association must submit annually audited financial statements. The accounting format provided by the Audit Department must be adhered to.
4. The association must submit a progress report of the use of the funds in keeping with the development plan.
5. Special grants may be given if a national association is hosting an event. Associations bidding to host events should consult the Ministry before bidding for the event.

In 1997, the Ministry was informed by three associations that they were interested in hosting events in the Cayman Islands. This meant that additional funds would be needed for sports' grants in 1998. Therefore, the Ministry sought approval from Executive Council prior to the Budget Session of the Legislative Assembly. In 1998, as a follow up of this, the Ministry had contracts drawn up with each of these three associations prior to the games.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House if upon meeting these criteria any other factors are taken into consideration prior to the disbursement of sports grants?

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

Hon. Julianna O'Connor-Connolly: I am informed that those are the basic factors that are taken into consideration.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Perhaps I should have made it a little less difficult for the honourable minister by asking if any consideration is given to the size of the sporting organisation in addition to these five criteria.

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

Hon. Julianna O'Connor-Connolly: The size of the association, insofar as there are six focused sports, that is basketball, athletics, cricket, football, netball, and swimming, those just emanating out of the fact that back in 1993 they were made focus sports, would get the larger percentage of the grants.

The other associations in accordance to their development plans and their performance and also some of them, believe it or not, do not apply even though the ministry has made attempts. So those other considerations will come in on a one-to-one basis.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the very last paragraph of the minister's answer, and in fact the last sentence says, "In 1998, as a follow up of this, the Ministry had contracts drawn up with each of these three associations prior to the games." Can the honourable minister explain the nature of these contracts and the purpose of them?

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

Hon. Julianna O'Connor-Connolly: Coming into the ministry and being fully persuaded that there should be a very strong element of accountability balanced with the need to have the various associations having the funds, I found that there were some associations who for whatever reasons were not adhering to the auditing guidelines and stipulations that were put in place. Out of an abundance of caution I instructed senior staff to have the legal department draw up various contracts, mainly performance contracts.

These contracts set out the obligation on behalf of the government to supply X amount of funds over X period of time, and corresponding obligations by the various associations to do various things, like supply the audited accounts within X number of weeks to ensure that the proper permissions are received before time. It sets out various terms and definitions. They are required to show us their organisation charts the contact persons because that has been a problem in the past as well, and to basically say that this jurisdiction is the binding jurisdiction because often times there are other jurisdictions that are involved in these negotiations.

It also sets out that this agreement will be binding and unless there is a mutual understanding between the two parties then any other collateral terms or provisions will not be binding. We found it difficult to operate on ver-

bal or oral representation and we saw the need to put it in an expressed form, albeit a contract.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Out of interest, I would just like to ask the minister when special grants are awarded, for example those associations wishing to host events, is there any encouragement given to these organisations to raise a portion of the funds they seek themselves, and the ministry or the government could match these funds or arrive at some other acceptable and encouraging ratio. Or do these organisations depend wholly and solely upon government for the full disbursement of the funds needed?

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

Hon. Julianna O'Connor-Connolly: That is one of the reasons why we ask the various associations to first get prior consent from Executive Council so that we can see the extent of the financial or contingent—

[Inaudible interjection]

Hon. Julianna O'Connor-Connolly: To host the various games within the Cayman Islands jurisdiction. And the amount of money that we give by way of the grant is only a mere contribution. The cost of it would be much more. I must say that with these three major ones we have had recently, the private sector has been a great source, albeit we see the same ones contributing over and over, but they have contributed to a very vast extent.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House whether the support grants offered by her ministry are limited to only organisations recognised by the Olympic Committee, or are there sporting organisations which may not necessarily be Olympic recognised sports that would be encouraged to apply for support grants as well?

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

Hon. Julianna O'Connor-Connolly: We recognise that we are still at a fairly embryonic stage in our sporting development. Although it's an ideal situation where we would like to see all of them as registered organisations, we do realise that in the smaller districts there would be clubs (for want of better terminology) that would still need assistance, and have to be looked upon as exceptional circumstances rather than the general rule.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer provided, item 3 says, "**The association must submit annually audited financial statements. The accounting format provided by the Audit Department must be adhered to.**" Can the honourable minister elaborate a bit on who is acceptable as far as auditors and some of the details on the format submitted by the Audit Department?

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

Hon. Julianna O'Connor-Connolly: As most members would be aware, the ministry's grants were audited back in 1997. The Auditor General made various suggestions. One of them was for this particular area to be audited. Government offered the services of the Audit Department to assist with the implementation stage. The specific requirements that came forward from the audit are as follows: 1) Associations receiving under \$20,000 per annum could be audited by qualified or experienced individuals within the community, or, failing that, a competent person within the organisation could also do the audit. Either person should be independent of the association's management.

Secondly, associations receiving between \$20,000 and \$50,000 per annum should be audited by a public accounting firm or by reputable qualified or experienced accounting person within the company who's independent of the association's management.

And lastly, that the associations receiving in excess of \$50,000 should be audited by a public accounting firm. It is not the policy of the ministry to recommend specific accounting firms, but to leave it in this general perspective.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I want to thank the honourable minister for that information. Taking into consideration the cost of an audit, which can be very, very expensive, can the honourable minister say how flexible the ministry is on insisting on audited financial statements, especially those for public accounting firms.

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

Hon. Julianna O'Connor-Connolly: That's why we left in the flexibility of an independent in-house audit except in the case of the \$50,000 and above, of which there are very few. I think football might fall into that category. They have a much larger budget because they get from international bodies as well. They have complied. The ministry has not received any complaints in this regard.

We did take on board that there would be a cost factor involved and that's why we are happy to see that the recommendation did include this degree of flexibility so that it would not have a cost greater than the grant.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister mentioned the contracts for the three associations. But she hasn't said whether or not this is going to be the practice from here on in. Can the honourable minister say if these three were isolated cases, or is this going to be the way it is dealt with from now on?

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

Hon. Julianna O'Connor-Connolly: We did this in relation to those that host. It wasn't because they were isolated, but the ministry had an experience several years ago where large expenditures were incurred. We felt that we had to stop this gap. This was the beginning process.

I am also informed that there is an application form although we have not contracted with the grants. As you will appreciate, some grants are in the range of \$2,000 and all the way up to \$50,000. But the basic principle is that they have to come back with the audited accounts. For the most part there has been cooperation.

In respect to the latter part of the question, this is the way we would like for it to go forward so that we can have greater (and I hate to use this word) "accountability and transparency." I should say that the ministry did receive some negative feedback because it was a new concept. But now everyone sees that not only does it protect the ministry, but it also protects the association.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Has the minister ever received an application from the Boxing Association for a grant?

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

Hon. Julianna O'Connor-Connolly: I am informed that there was an application from the Boxing Association which has been approved subject to receiving their audited accounts.

The Speaker: Are there any further supplementaries? If not, we shall suspend proceedings for fifteen minutes for the morning break.

PROCEEDINGS SUSPENDED AT 11.37 AM

PROCEEDINGS RESUMED AT 12.29 PM

The Speaker: Please be seated. Proceedings are resumed.

While we were discussing Private Member's Motion No. 11/99 on Friday, I said that I would give a decision on the point of order raised by the Fourth Elected Member for George Town. It would be appropriate to make it at this time, but I am still having discussions with the Fourth Elected Member for George Town. I wish to defer my ruling until later, with his agreement.

So we will proceed with the debate on Private Member's Motion No. 11/99. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99

AS AMENDED

REFERENDUM LAW

(Continuation of debate on motion as amended)

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

The motion before the House as amended, if I may just run back over that since it's been over the weekend, then I will concentrate on continuing with the White Paper.

The Speaker: Certainly.

Hon. Truman M. Bodden: It's Private Member's Motion No. 11/99, moved by Mr. D. Kurt Tibbetts, MLA, seconded by Mr. Roy Bodden, MLA. It says:

"WHEREAS there is growing compatibility of the referendum with the parliamentary representative system of government and it is also recognised that the referendum is wholly consistent with parliamentary sovereignty;

"AND WHEREAS an increasing number of matters of national importance demand widespread public participation in the decision making process;

"AND WHEREAS it is rare for a general election to be fought on a single main issue and the result of an election indicates, at most, an undifferentiated approval of a whole range of policies;

"AND WHEREAS only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance;

"BE IT NOW THEREFORE RESOLVED that subject to and after a referendum under section 29(2) of the Cayman Islands (Constitution) Order 1993 whereby the electorate vote for a referendum to be initiated by the electorate, the Legislative Assembly takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993, to be amended to allow the electorate to initiate a referendum;

"AND BE IT NOW THEREFORE RESOLVED that once this amendment is achieved, the Government takes steps to bring to the Legislative Assembly a Referendum Bill setting out the terms and conditions under which referendums may be conducted;

"AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate to

give a clear judgment on a single issue of immediate relevance and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.” Two very important sections in the original motion, one of them is repeated in the resolve section. That basically says that it is only the referendum that makes it possible to get a clear judgment on a single issue from the electorate.

While accepting the motion, the government put an amendment and merely added by repeating that since the referendum makes it possible for the electorate to give a clear judgment on a single issue that the Constitution should only be recommended for amendment after a referendum whereby the electorate votes for the specific amendments.

Really, the question before the House is very simply put and the one that’s an issue is whether members of this House should recommend an amendment of the Constitution of the Cayman Islands without a referendum whereby the electorate votes for specific amendments. In other words, should there be a referendum before the Cayman Islands Constitution is amended? It seems to be a very simple question to answer if members are prepared to answer it.

I was dealing with the White Paper when we adjourned on Friday. I would like to point out that the United Kingdom has made it very clear, and I quote **“Britain’s policies towards the Overseas Territories rests on the basis that it is the citizens of each territory who determine whether they wish to stay linked to Britain or not. Britain has no intention of imposing independence against the will of the peoples concerned.”** Naturally, they go on to say that if it is the wish of the people to proceed to independence then they will help and encourage those countries.

But what is important is that the United Kingdom looks to the people of the country—the citizens—to determine whether or not to stay linked to Britain, that is, to determine whether the Constitution should be changed and advanced or not.

As the motion clearly states, the best way of finding out specifically what the people want is by referenda whereby the specific questions are asked. In fact, the motion is basically on all fours with the statement here and the United Kingdom, at the time the report was published, said that, **“consultation with the territories showed a clear expression of their wish to retain the connection with Britain.”** They went on to say (and this was read earlier) **“discussion of Constitutional change is already underway. We are planning, for example, to consult the people of St. Helena and its dependencies about how to develop the democratic rights and civil rights of people living on Ascension Island.”**

There can be no doubt that the intention of the citizens of each territory will come about through a referendum as the substantive motion sets out in principle, and as the amendment specifically deals with.

In fact, to the question (this is in the report) **“What degree of interest was there in changing the territories constitutional relationship with the UK?”** The answer? **“Apart from some limited reference to Crown Dependency status, similar to that of the Channel Islands, there was no widespread interest in a change in the current constitutional relationship.”**

So, it cannot be argued that the White Paper is a document that is pushing constitutional change on the territories. It cannot be argued that the United Kingdom would impose constitutional advancement on a country, an Overseas Territory, against the wishes of the people. Statements of that sort can only be geared toward causing fear in the people of the Cayman Islands. But the document is clear, and there is no doubt in my mind, over the years the wisdom of the United Kingdom has clearly been brought out against persons who are power-hungry, who want to advance the Constitution of the Cayman Islands and grasp the power of the Chief Minister, grasp the power of the Leader of the Opposition and all the other power that goes with the office of Chief Minister.

The United Kingdom states that Britain’s policies towards the Overseas Territories rests on the basis that it is the citizens of each territory who determine whether or not they wish to stay linked to Britain. Therefore, anyone who accepts the principle that it is a decision of the citizens of the Cayman Islands to determine whether or not they stay linked to Britain, to determine whether or not their Constitution is changed, then there should be no worry if that principle is adhered to by members of this House. It should be quite an easy decision to vote for the government’s amendment that says that there should be a referendum of the people before there is a change of the Constitution.

No matter how much footwork, how much hemming and hawing comes about in this debate, the people of this country need to clearly understand that what the amending motion is doing is asking a simple question to members of this honourable House: Are you prepared to go back to the public in a referendum before you recommend that the Constitution of the country be changed? It’s a very simple question, Mr. Speaker. And a very simple one to answer if members of this honourable House are prepared to be open, transparent, and accountable to the public of this country.

I have heard transparency preached so often, Mr. Speaker, especially from the backbench. Now is the time of the roll call for transparency and accountability. Let’s see who’s prepared to put their “Ayes” where their mouths have been over the years. There is no reason for a complex argument on such a simple question.

[Inaudible interjection]

Hon. Truman M. Bodden: It cannot be said that there is going to be any constitutional change forced upon the Cayman Islands by the United Kingdom because they have made it clear that that is not the way that they operate.

Neither is it the way, as happened in 1991, that any attempt to circumvent the right of the people in that instance through a general election, . . . and I just need to stress this, Mr. Speaker. The main motion—not our amendment—basically says that it is rare for a general election to be fought on a single main issue. And only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance. So I do not intend to spend time on the question of the general election, and that has been used in the past by Britain as a means of getting the public's view.

But the fallacy is clearly pointed out in this. If there is to be a specific answer by the public, then specific questions should be put. For example, in a general election, it is possible to fudge and blur specific issues in manifestos. There may be a statement in a manifesto saying 'I don't intend to change the Constitution.' Later on that member might try to explain that as not in certain matters, but in others, or whatever. Or, there may be a question of exactly what is meant because manifestos are never specific.

But in a referendum, the question to the public is very specific. And members of this House have to take a position sooner or later, or should take a position on that issue. I guess the difference is that in a referendum the question would be 'Do you feel that a Chief Minister should be appointed?' Or, it could ask 'Do you feel that the Chief Minister should have powers to hire and fire the ministers—all the ministers, in fact—without giving any reason therefore?' These are specific questions that could be put in a referendum; whereas, in a general election, members of the public need not, or normally will not get the specifics.

While the then National Team—and, obviously, we are all in an independent situation at this stage—

[Inaudible interjections]

Hon. Truman M. Bodden: The National Team at the time made specific statements and specifically said "We are against a Chief Minister." That was specific.

But that was probably the most specific you will find. So what I am saying is that this private member's motion is saying that we should not use a general election to deal with a single main issue. It says the referendum is the way to go. And I agree with that, sir, because the questions can be specifically put.

Politicians don't like specific questions to be asked. They like to dance around the subject. And they don't face up to specific things.

[Inaudible interjections]

Hon. Truman M. Bodden: And the referendum with its specific questions will specifically ask 'Do you want the Constitution changed? Do you want a Chief Minister? Do you want him to have absolute power?' Or, it could deal with 'Do you want to have the civil service under the influence of politicians?'

What I am stressing is that the referendum . . . the law can be drafted so that specific answers come in.

Then there's no doubt. Once the referendum is finished, there are clear instructions by the citizens of this country to this Legislative Assembly. And it's then up to members, if they are prepared, to follow those specific instructions or not.

I am very happy to ask the public of this country those specific questions, if the Constitution is being changed on the specific amendments, and to take their instructions. I think every member of this House should be happy to get that because it is the one time, Mr. Speaker, that you can clearly say that you are certain that you are representing the people of this country by following what instructions they give in the referendum.

There's no doubt involved. There's no politics involved. You come in the House, the public says 'Yes, the Constitution should be changed at (a), (b), and (c),' and you understand that. If they say 'No,' then it's no. Members of this House should not, if they are representing the public, put forward the constitutional change.

One of the things that I would like to deal with comes from the *Hansard* of 15 September. One of the things that was said by the Fourth Elected Member for George Town is found on page 967 of the [unedited] *Hansard* Report of 15 September 1999. I objected when that member said, "**But when you are going to use that opportunity to say 'I am going to make sure that they don't make any changes, they these don't make any changes' . . . and you put yourself in that situation and tie everyone else's hands without giving us an opportunity to go to our constituents and discuss it—**" My comment on that is that the referendum is a simple and certain way of going to the public and discussing a matter with the public. So that is clearly on all fours with what was said there.

The other comment is at page 968, where it was stated, "**The point the Minister of Education is bringing here would bar the possibility for this honourable House to vote for a Bill of Rights now or in the future, unless they went and repealed this legislation. And he knows why he did it. It would effectively stop there being a Bill of Rights in this country and this was the intention.**"

First of all, in several places the Fourth Elected Member for George Town has erroneously stated that what I am bringing is legislation. I am not bringing any legislation. Secondly, the question of a Bill of Rights, if the public wishes to have it, the referendum is a simple way of dealing with it. But, in so doing, I am not giving the people a right to have a voice in a change to the Constitution or a Bill of Rights barring anyone from voting for a Bill of Rights in the future. In fact, it's opening up the people's right.

A lot of what was said before the government accepted this motion, was what a good thing this would be and members didn't understand why I would oppose it. I don't oppose it! I accept the motion. We accept the motion and this is where the dilemma has now come in.

There are several other sections I would just like to clear up. I have the [unedited] transcript of the Fourth Elected Member for George Town. In talking about Grenada, at the bottom of page 957 (15 September 1999),

he went on to say “**What case that I want to highlight is that of Grenada. This is a most celebrated case because it goes to show, and it bears out my position that the British government is not going to look kindly on their ability to alter or change the Constitution being tied up by us having to come back to the people in a referenda—**”

[Inaudible interjection]

Hon. Truman M. Bodden: Oh, I beg your pardon. That was Mr. Roy Bodden. I am sorry. The Fourth Elected Member for George Town spoke for a very long time and —

The Speaker: May I interrupt you for a minute? Please refer to the Third Elected Member for Bodden Town and not Mr. Roy Bodden.

Hon. Truman M. Bodden: Yes, sir, I will. I just read from the transcript here, where it said that. “. . . **having to come back to the people in a referenda, which is what the third resolve in the amendment moved by the honourable Leader of Government Business is doing.**”

Also, the Third Elected Member for Bodden Town said, “**What I see it doing is putting us in a position where there can be no changes to the Constitution except by a referenda.**”

What I am saying, and this is where the last elected Member for Bodden Town . . . if you want me to call you that.

[Addressing the Third Elected Member for Bodden Town] You know, when you were with the National Team you were the “First.” When you left us you ended up last anyhow!

Mr. Roy Bodden: [Inaudible interjection]

Hon. Truman M. Bodden: I doubt that.

Anyhow, to get on to the more serious part. The motion is not saying there can be no change in the Constitution. I want to make this clear because several members raised this. That is not what we are saying. We are saying there can be change, but it must be change that the public—through a referendum—wants. There is nothing wrong with that.

For the life of me, I cannot understand how there can be any doubt that what the amending motion says is ‘*If you want to change the Constitution, go back to the people in a referendum.*’ So no sort of attempt to misunderstand the amendment can get out of the fact that the question is a simple one: Do members here want to have the right to recommend changing the Constitution without a referendum? If the answer to that is no, they want to go back to the people, then there is no problem in voting for the amending motion.

I have some references here I just need to look up. [pause] The [Fourth] Elected Member for George Town, at page 960 said “**So I will have to speak first of all saying that from the point of view of the concept of**

referendum, or referenda, I have always been suspicious as to the merits of this particular method of arriving at a democratic answer to a country’s direction.” [Hansard 15 September 1999] My question is a simple one: Suspicious of what? Suspicious of the people of the country telling members what they wish to have through a referendum? I don’t know. Perhaps that honourable member will address the several parts that I am now going to read because I am all for a referendum and I would never be suspicious of one of the most democratic rights. Talking about myself . . . this minister would never be suspicious of the merits of a referendum. It’s a good way to—

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Yes, sir.

The Speaker: We are at a time that I think would be convenient to take the break, if you are at a convenient time in your speech.

Hon. Truman M. Bodden: Yes, sir. Thank you.

The Speaker: We shall suspend proceedings until 2.30.

PROCEEDINGS SUSPENDED AT 1.02 PM

PROCEEDINGS RESUMED AT 2.58 PM

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have received apologies from the Honourable First and Second Official Members who are on other official business.

Debate continues on Private Member’s Motion No. 11/99, as amended. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

Mr. D. Kurt Tibbetts: Tell him you’re finished now, and sit down.

[laughter]

OTHER BUSINESS (continuing)

PRIVATE MEMBERS’ MOTIONS

PRIVATE MEMBER’S MOTION NO. 11/99

AS AMENDED

Hon. Truman M. Bodden: Thank you.

I was just dealing with some of the areas members commented on, and some they also asked me to comment on.

One of the references was to the Fourth Elected Member for George Town, on 15 September, when that honourable member said on page 964, **“I believe that if I am to talk about how the Constitution should be amended, I should be given a chance to go and discuss that with my constituents to find out what they think about it. That’s the reason why this amendment should never have been brought in here. This is the reason why I am going to find it very difficult to accept this amendment.”**

But, Mr. Speaker, with respect, the amendment is saying that—

Mr. D. Kurt Tibbetts: What are you reading from?

Hon. Truman M. Bodden: I am reading from the [unedited] *Hansard*, page 964, 15 September.

What I suggest, if any member wants to discuss with their constituents, one of the best ways of doing that would be a referendum. Further down the member talked about the White Paper. He said, **“. . . they are talking about transparent and accountable government and they want to make sure that they put in place the instrument to make transparent and accountable and representative government possible.”** Once again, I would submit that the best way of doing that is by a referendum, therefore, I submit, any reason why the referendum motion, the part that we have put forward, should not be acceptable.

Also at page 963, the Fourth Elected Member for George Town said, **“I think that I have effectively found a flaw in the honourable gentleman’s reasoning. I can debate that on television because I pay for that myself, and that is my airtime.”**

I thought at one stage (and I am subject to correction) that I did see that a Vision Committee perhaps sponsored that. But anyhow . . .

The only other area I wanted to mention was in relation to the actual vote. There was a question about whether the Official Members should vote or not. I submit that as they have done in the past, they are entitled to vote. But the point clearly is that even without their votes, the actual division was 11 for and four abstentions. So it would have passed in any event, no matter how small the majority of votes, because abstentions would not block it. But even without those three votes it still would have been eight votes for and four abstentions. So I don’t think that’s a real pointed issue.

There is just one other reference that I would like to make. This relates to the Third Elected Member for Bodden Town when he said words to the effect of **“I am not scared, Mr. Speaker, of taking a position. But I am not advocating any constitutional change. What I am advocating is a change that the people can have a say in the truly representative democracy.”** [Unedited *Hansard* 10 September 1999]

I would ask that honourable member to take a position this time—and not an abstaining position—to vote Aye or No. That’s a request because I think that it is that important that honourable members should.

And that honourable member also said, **“Mr. Speaker, what we are talking about is, simply put, people power—the ability of the people to have their voice expressed, which is not possible now.”** [Ibid.] I am happy to say that that is very much on all fours with what the government is saying, that the people should have their voice to express, but not just for things other than the Constitution, but also for amendments of the Constitution.

Mr. D. Kurt Tibbetts: Who is that you’re quoting?

Hon. Truman M. Bodden: The Third Elected Member for Bodden Town. I think I said that.

Mr. Speaker, the question of the appropriateness of this motion, I submit in much of what I have read of what was said by the First Elected Member for George Town especially, the principles he put forth that I accepted, also the principles put forth by the Third Elected Member for Bodden Town, and the Fourth Elected Member for George Town, put the principles clearly in place that I believe that those honourable members will have a change of heart (I know one didn’t vote so I have to be careful here) and vote for this motion as amended when that time comes.

I would now like to go on to deal in some depth with the area of ultra vires, which I know I touched on before. Ultra vires is basically Latin for the fact that something is beyond the powers set out in the document that it seeks to derive its power from. It is used in instances where a subsidiary document is outside and beyond the scope of the major document.

Now to find out what is ultra vires a document, certain principles have to be applied. Those principles depend on the type of document, but here the allegation was ultra vires the Imperial Parliament (which is the Parliament of the United Kingdom). Then that would have to be a document which in some way would conflict or show that what is being done goes beyond the powers that are set out in the Imperial Parliament.

The Constitution of the Cayman Islands is brought under the West Indies Act, which is an Act of the United Kingdom Parliament. That Act permits Her Majesty in Her Privy Council to make orders. In other words, it is subsidiary legislation made by the United Kingdom by which our Constitution derives its force. It follows, therefore, that the only way that the Constitution of the Cayman Islands can be changed is through an Order in Council.

An Order in Council is not to be confused with an order as we understand it. It is a statutory instrument. In other words, it’s the way the United Kingdom makes regulations. The same as we make regulations under our law, the United Kingdom, through a statutory instrument of Her Majesty in Council, makes this. Therefore, as other members have quite rightly pointed out, the Consti-

tution cannot just be changed by any Law that is passed here, or any Act that is done here.

That is the reason why the amendment to the motion that I brought stated that “. . .**the Constitution of the Cayman Islands only be recommended for amendment by this Honourable House after a referendum . . .**” because basically what happens (as you well know, sir), a motion is passed here requesting amendment. That goes on to the United Kingdom, or can also derive, I guess, directly from Constitutional Commissioners. Then Constitutional Commissioners normally come out and issues are then dealt with.

What has been put in the amendment can in no way be in conflict with the United Kingdom Parliament because there is nothing in that which conflicts with the Parliament altering or amending the Constitution of the Cayman Islands in any way. There is really nothing that can be done here, and I am not putting forward legislation. I need to make that clear because the Fourth Elected Member for George Town referred to the fact that I was promoting legislation in relation to this. Really, that is not what is happening.

This is a decision of this House that these members would not put forward Constitutional change to the United Kingdom.

Nor is the motion in conflict with the Constitutional instrument of the Cayman Islands. There is nothing in this that affects either the Imperial Parliament or Her Majesty in Council in relation to this Constitution because we do not change the Constitution ourselves, we request it and it is up to the United Kingdom to do so.

If by any chance a law was brought to the House (and that is not what is happening here) by which there was an amendment or a purported amendment to the Constitution, then, obviously, that would be ultra vires. But that is not the case now. But in any event, the Governor would not assent it to if that were the case.

Before I sum up, I would like to take this opportunity to commend the Second Elected Member for Bodden Town for such a beautiful large function of Miss Cayman, and to also congratulate Mona Lisa and all the ladies there, and just to say that it was so good to see such a large crowd in which there was no alcohol being served. I really commend the Second Elected Member for Bodden Town on that principle she stood on, which I fully agree with, and also obviously her Minister for Tourism and the others who were involved.

That's all I wish to say there, because I might not have gotten the opportunity at the end.

This motion is one which really is dealing with a referendum, firstly, that the public would have a right to initiate it—government fully agrees with that—secondly, as the government has requested that before there is an amendment to the constitution there should be a referendum. I pointed out that the main motion, not the amended part, clearly states that a referendum is a preferred way to go, not a general election. I accept that. But I also accept that the United Kingdom has, in the past, used general elections as alternates to the referendum. In fact, as I understand it the United Kingdom, or someone in authority there, has stated that there would

be a referendum before the currency in the United Kingdom would be changed to bring the Euro in fully. So they are still looking at referendums.

The position as I mentioned earlier in relation to the vote is basically that 11 members voted for, and four abstained. That is, the person abstaining did not vote for the amendment. I just dealt with the question of ultra vires. I don't intend to go back into that. But I would ask members to support this motion and especially the First Elected Member for West Bay who, on 29th May 1989, in opposing a referendum motion that I brought said, and I quote at page 589, **“I am not going to support it. This is probably the only time that I will vote with the government, but I am voting with them to throw this piece of rubbish in the garbage can where it belongs.”**

Also, we could have a change of heart from the Third—

Dr. Frank McField: On a point of order, Mr. Speaker.

POINT OF ORDER

The Speaker: May I hear your point of order?

Dr. Frank McField: If he is debating some of the ideas of the First Elected Member for West Bay, it would be in the spirit of Parliamentary debate to do so when the member would have an opportunity to answer. He knows that the member is attending a Parliamentary Conference on our behalf in Trinidad. I feel that it is not very statesmanlike to debate something controversial without the member being present.

The Speaker: I see nothing in Parliamentary Rules that rules that out. I cannot accept that as a point of order.

Please continue honourable minister.

Hon. Truman M. Boddan: Thank you.

I hope that the backbench will follow that same principle, and when I am out of the Chamber and for a few minutes not attack me because that has happened time and again. So if that were a rule, it is one that isn't practised.

The other thing I would like to mention is that, notwithstanding the debate ten years ago in which both the Third Elected Member for Bodden Town and the First Elected Member for West Bay voted against the referendum motion I brought, that they would now support it, as this gives a second opportunity to deal with that error made then.

The motion does not, as one made in a reference to me, clutter up democracy, it clarifies it. It gives the public the right to have their say through a referendum. In fact, the aim of the amendments to the motion is to strengthen the motion. The motion is now much stronger because it makes a general statement that the most important document in the country, the Constitution, will not be recommended by members, at least those who vote for it (and 11 of us voted for it then), that we will not amend the Constitution without a referendum.

It avoids any possibility of having boiler room, or back room meetings to bring in the wide-ranging changes that happened in 1991. Transparency, accountability, the way to go if members genuinely believe in that then they should have no fear in voting for the amendment, or the motion as amended which will say that the people would have a referendum and a say before the Constitution is amended.

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER
(*Tedious repetition*)

The Speaker: May I hear your point of order?

Dr. Frank McField: The point of order is tedious repetition. I wish the minister would move along in his debate instead of going around and around in the same circle dealing with whether or not we vote for this amendment. That's what he has been debating for the last three days.

The Speaker: I have been listening to the repetition, but I think that he is summing up at this particular time.
Please continue.

Hon. Truman M. Bodden: That's correct, Mr. Speaker.
I should say that I tried to read the ten or fifteen pages that the Fourth Elected Member for George Town said over quite a few days. I think I underlined four lines out of it that I found relevant to me. Anyhow . . .

In summary, and I am moving through my points, the motion will stop any power hungry politicians—

[Inaudible interjection]

Hon. Truman M. Bodden: Well, you don't like that, I'm sure. Who would want to change the Constitution without going back to the people? That is a very important democratic right. That is a very important democratic right. If somebody truly represents the people, then if they are going to give themselves or their colleagues more power through the Constitution I say go back and get the public to confirm it in a referendum.

And you know, Mr. Speaker, there are those who fear that because they know that the public of this country is very alert, very astute. They will not give any single politician, in my view, such as a Chief Minister, those absolute powers that have not only destroyed, but also corrupted many of our neighbours throughout the last two decades.

Vision 2008, the National Strategic Ten Year Plan, quite rightly put forward in this motion itself the principles of a referendum and a referendum initiated by the people which we accept. Vision [2008] did not deal with constitutional change, but what they put forward, the referendum is obviously a way of dealing with any change, any amendment I should say, that would come about.

The question is really whether members of this honourable House are prepared to go back to the public in a

referendum on major issues such as the amendment to the Constitution.

I would like to make it clear, again, that this motion is not saying that there can be no change to the Constitution or there can be no Bill of Rights. All it is saying is ask the public. And surely, honest, transparent politicians should have no problem with answering that with a resounding "Aye." Transparency, accountability, honesty, the way to get that done is to go back to the public for their guidance . . . unless some MLAs may not want to hear what the public has to say. Sometimes that is not necessarily what an MLA may want, but we have our duty while we are in this House to abide by the wishes of a majority of the electorate of this country and there is no way around that.

Those who short circuit it . . . , then the problems of the 1992 election are the clear evidence of what will happen.

I fully support a referendum to change or amend the Constitution. I am all for asking the public for guidance on such a major matter. As far as my manifesto will go, and perhaps I will ask the other members who are speaking if they would be prepared to be precise in their manifesto. I am prepared to put in there exactly what this motion says, that I would not amend the Constitution without a referendum.

[Inaudible interjections]

Hon. Truman M. Bodden: There's a lot of noise on this, but, really, honesty and transparency . . . I believe that when politicians get to the stage of doing their manifesto for an election they should honestly put in there whether or not they are prepared to change the Constitution, amend the Constitution without going back to the public in a referendum.

I don't know how members will vote, but I would point out that an abstention is not a vote for a motion.

Dr. Frank McField: Mr. Speaker, on a point of order.

POINT OF ORDER
(*Repetition*)

The Speaker: May I hear your point of order?

Dr. Frank McField: The minister keeps coming back to the same point about the vote, about the positions that people take. He's been talking about this for three days. You assumed he was summing up, Mr. Speaker, and he is just continuing to repeat, and repeat and to try to drill that idea into peoples' heads as if it were the only point to be debated here today.

The Speaker: I would ask you to try not to repeat the same thing too many more times.

Hon. Truman M. Bodden: Sir, I am just about finished.
So, regardless of whatever the play with words (and this is the first time I am using "play with words" sir) may be on this motion—whether it is called "amendment" as

the motion says, whether it is called “change,” whether the play with words is called “advance”—regardless of what it is called, and regardless of whether there is talk about little changes or big changes, the one word I guarantee the public there can be no playing on as to what it means is the word “amendment.”

Politicians like to play with words. That is why that word was chosen. It encompasses any amendments. What I may argue as a little amendment (or, in Latin, a *diminimus*), someone else may say, or the public may feel it's a big amendment. And to put it beyond a doubt and make it totally clear, then in the interest of transparency and accountability the question is a very simple one that this House must answer on that third part of the motion, the amended part. And that is, Is this House prepared to go back to the public in a referendum before the Constitution is amended?

The government supports the motion brought by the backbench. The government has merely strengthened the motion with a very clear amendment. And the question is simple. How members vote is up to them. But at the end of the day, on that third amended part of the motion, the only question that it really boils down to is, Are members, in the interest of accountability and transparency, prepared to let the public have its say on any amendment to the Constitution? For my part, I give that clear undertaking.

I am happy to abide by the views of the public and what guidance they give me though a referendum, and there can be no doubt that that is the most precise way to get the view of the public. There can be no arguing in this House once the public has spoken in a referendum. We can all go to the public and come back with different views. But a referendum, as the main motion says, is the way to go.

Many politicians don't like a referendum because it does take away a lot of what they regard as their power. In fact, the power comes from the people through the election.

So, adopting the motion fully with the amendment, I hope that honourable members will answer that simple question that I put when they get up to speak, and that they will also give an undertaking not to change the Constitution of this country without a referendum where they are given specific instructions by the public, whether we call it “people power” as some of them have called it, or “transparency and accountability.” I prefer transparency and accountability, Mr. Speaker, because this is the true test now of transparency and accountability.

Finally, I can make those pledges. I can say that I am going to put that in my manifesto because you may not like to hear it—

Dr. Frank McField: Mr. Speaker.

[Inaudible interjections]

The Speaker: [Addressing the Honourable Minister of Education] Please continue.

Hon. Truman M. Bodden: I have about two sentences left, Mr. Speaker.

[Inaudible interjections]

Hon. Truman M. Bodden: I can't understand what is upsetting people so much when I talk about transparency and accountability. I didn't coin the phrase.

I am merely trying to ensure that all members of the House understand clearly that this motion is about transparency and accountability to the public. And if they indeed represent the public, I am asking them to please vote for the amended motion. It is good for the country. It will ensure that our children for generations to come will be assured that nothing will be done in this honourable House in the boiler room or anywhere else to hurt the country.

I believe all members are for the good of the country. I am asking them to please vote for it. Thank you.

The Speaker: The floor is open for debate. Does any other member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The more I listen to certain members, the more I realise that God gave us all different gifts—some to be rich but boring speakers, and some to be poor, but absolutely penetrating, gripping and energetic speakers. Mr. Speaker, believe you me, I wouldn't have it any other way but the way I am—poor, but good speaking.

The motion went from a simple motion asking for a referendum law, to constitutional change, to the heart and soul of honourable members and all around the universe. I hope that the Chair would be so disposed as to give this poor Third Elected Member for Bodden Town—sometimes referred to as the “Last” Elected Member for Bodden Town—the same courtesy and leeway that was given other members, particularly the last honourable minister who spoke. I will give the Chair the assurance that I will not send the Chair to sleep!

[laughter]

Mr. Roy Bodden: I want to talk about the business of referendums as they have come to be known in this part of the world. Perhaps the most famous of those referendums occurred in the 1960s at the break-up of the Federation when Sir Alexander Bustamante decided to go to the Jamaican people to ask them if they wanted to opt out of the Federation and go into independence, so he had a referendum.

Prior to that, the referendum was not a popular part of Westminster style democracy, particularly in this part of the world. After that, we had the situation arise in Quebec when FLQ on some inspiration garnered from that mischievous French Prime Minister, Charles de Gaulle, when he made his famous *Vive la Québec libre!* Speech. They held a referendum too—twice under Prime Minister René Lévesque—regarding their departing or remaining with the Canadian Confederation. Subsequent

to that, they held two more. In the western countries of the British Commonwealth, we have certainly had some experience with referendums.

In the United Kingdom, it wasn't until Tony Blair came to power that referendums were frequently held in the United Kingdom. In his short tenure, Tony Blair has held more referendums in the United Kingdom than any other Prime Minister throughout history. And you can check the record, sir.

One of the most famous referendums was held in Chile in 1978 when Augusto Pinochet—and that same referendum got him into a lot of trouble. Augusto Pinochet framed a question, and I want to read that question because it is important. He asked "In the face of international aggression unleashed against the government of the Fatherland, I support President Pinochet in his defence of the dignity of Chile." What Pinochet was not prepared for were the results he got from the referendum. The people voted against him. And he wouldn't do the honourable thing and leave office; he stayed in office. And I don't need to tell you what kind of trouble he's in now.

I say all of that to say that there are two types of referendums: There is the *advisory* referendum, and there is the *mandatory* referendum. We have been talking all of this while and we haven't said if our referendum is going to be advisory or mandatory. We have to understand that politicians must be given the liberty to take decisions that they see in their interest—which may not necessarily be the wish of the majority. Okay? So, we have to decide whether that referendum we are talking about is going to be advisory or mandatory in nature because there is a significant difference.

I was hoping that the honourable Leader of Government Business would have said what kind of referendum he was talking about. Is he proposing a mandatory referendum, or an advisory referendum? I believe the fact that 15 people are elected to represent their constituents gives them a certain license to make certain decisions.

I am happy to say that since 1989 I have had a change of heart. I have had a change of heart because I have done a significant amount of research. I believe that as the motion says, the referendum is an important an integral part of parliamentary government, particularly parliamentary democracy. So I don't have any embarrassment about saying that I have changed my position. But what I want to be sure of is that I, having been elected here, am not going to put myself in a position where every time I want to do something significant I have to conduct a referendum.

I will also show that referendums are very expensive. That is why they have to be left to only matters of national importance. A referendum is just as expensive as a general election. You have to go on the same campaign. There is a pro side and a con side to a referendum.

In the United Kingdom the government is now talking about limiting the funding. If you are going to have a referendum . . . do you know where the finances come for funding a referendum in some jurisdictions? The gov-

ernment. So the government has to give those opposing the question the same amount of money they give to those who are supporting the question. So we don't want to get into a position where every time we want to do something in Parliament we have to hold a referendum, and then spend the coffers dry holding the referendum. That is why I am saying that a referendum must be reserved for only matters of national importance.

One could be contrary and say that raising taxes is a matter of national importance, so shouldn't we hold a referendum on whether or not we are going to raise taxes? These are the kinds of things . . . building a high school is a matter of national importance. Are we going to hold a referendum to try to decide whether we should build a high school, or where we are going to build a high school?

Trust me, there is logic and merit to these kinds of questions. We have to enter into extremely acute definitions of even what these important national issues are going to be. We may well come to the point where we single it out to one or two issues. We may want to limit the referendum in the Cayman Islands to issues dealing with the Constitution. I will return to this later.

The matter is not as frivolous as some of us may think it is; it has to be well thought out. That is why we were proposing that a referendum law be struck. In my mind, that would be the instrument that would spell out most definitely, and would lend itself more easily to amending and changing the terms and conditions that you would like the referendum to cover.

I have to say at the very beginning that I don't believe, in all honesty, that there is one honourable member here who would try to change the Constitution of this country without widespread consultation with the people. I don't believe that there is any honourable member in here who is so reckless and irresponsible as to do that. And I bitterly resent insinuations that such persons exist in this honourable Legislative Assembly.

As far as consistency goes, Mr. Speaker, believe you me, but for the Grace of God all of us would be inconsistent. I heard the last speaker refer to "referenda" and sometimes I heard him call it "referandum." That in itself is a kind of inconsistency. So let us not be nit-picking and talking this little things when we are debating serious, serious issues.

I have listened intently and keenly, and I have tried to be as courteous as I can possibly be. And heaven knows, sometimes I was challenged to the umpteenth. I don't know how my lip is not bitten off, as many times as I had to bite it to stay in my seat. But I believe that all of us in here hold positions passionately. As I listened to the arguments of all honourable members who spoke, I realised that our positions are not polarised like the North Pole and the South Pole. If you listen intently to the arguments, we are very, very close to saying the same thing—in spite of all that has been said, and all we made it out to be. We hold very similar positions.

I believe that at the end of the day, when the vote is taken, . . . if I were a wagering man I would wager that there is going to be unanimity, or close to unanimity on whatever position we take. I don't think there are going to

be any losers. I think we are all going to be winners because we all want the best for the country. But that is not to say that we should be denied the opportunity to exercise our position.

Mr. Speaker, I see you leaning. You weren't thinking of taking any—

The Speaker: I was going to ask if it was the wish of the House that we continue right straight through, or do you want to take a break?

Mr. Roy Bodden: I am prepared to go right through.

The Speaker: Let's continue then.

Mr. Roy Bodden: I believe that at the end of the day whatever position we arrive at will be a position for which the country will be better off. It will be a position that all honourable members will feel proud about arriving at, can defend arriving at, and I believe it will be a position that will be so complete that there will be no need for any further acrimony or debate. It will just be left for us to decide on how we are going to put it so that we can effect the best instrument.

In arriving at that position, I also realise that one of the reasons why we cannot do better in this kind of situation is that some people—myself included—harbour basic distrust and misjudge the intention of other people. That may be the nature of the beast; that may be the nature of politics. I don't know.

But I believe that all honourable members should be given the courtesy of standing up and saying their piece, defending their position, expounding what they believe in. That is the basis of true democracy and it is certainly what we think about practising in the Westminster style of democracy.

Now, I may not necessarily agree with everything the people are saying. But then I have to give them the courtesy to say that. I also believe that there are no ugly people inside here. I don't believe that there is any honourable member inside here who is so power hungry, as some people seem to suggest that they would go and subvert the system given the opportunity. I don't believe that.

I look around day after day (and I do so more than I would admit), every honourable member in here has demonstrated a certain responsibility, a certain pattern of behaviour that, certainly, if it has not endeared him or her to the voters, it has allowed him or her to gain the respect of the majority of voters so as to be re-elected in spite of overwhelming opposition and in spite of sometimes overwhelming odds against it. So I can't subscribe to the notion that there are persons in here whose intentions are so evil that, given the first opportunity, they will scorch out the Constitution and put in Chief Ministers. No, sir. I don't believe that.

Let me tell you what I am concerned about, Mr. Speaker. I really believe this from the deepest recesses of my heart. I would stand to argue this every day of the year if I had to. I want to arrive at a position where there can be no major constitutional change unless the people

are consulted and have their input. Who is to say? It may be that their wishes are ignored. It may be that their wishes are denied. That is the business of the political directorate taking that decision. I certainly wouldn't take it. But what I want to be able to do is to allow a situation to happen so that for whatever reason if anyone thinks there needs to be a change they can do so, that it is within their realm as elected members of the Legislative Assembly to do that.

Where am I coming from? The Honourable Minister responsible for Education, Aviation, and Planning wouldn't know this, but I have always been one to recognise the merits of the system we have. As I listened to that honourable minister speak, I realised that his politics and my politics are like North Pole and South Pole on many occasions. Not because there are no similarities, but because he's living in a little cloistered world where he thinks it's only he who occupies that kind of space.

I have to presuppose that every person elected here has certain intelligence. If they didn't they couldn't be elected here. Not necessarily because they had to dispense with the competition, but more importantly, they had to satisfy the concerns of the voters. And one of the basic concerns of the voters is that we have a stable, progressive kind of government.

I am happy that the minister has adopted the term "transparency and accountability." The challenge is to see if that is a temporary adoption or a permanent adoption. Trust me, Mr. Speaker, the minister is going to be put to the test—sooner rather than later—about those words "transparency and accountability" in more ways than one. This motion for the referendum is just the beginning.

When we get the referendum, the next thing will be going after will be a Bill of Rights. And then we are coming back with the ombudsman because all of this has to tie in to what we see as the direction the country should be going in the 21st century. So I hope the minister doesn't think that this is the end of his battle when he gets the vote; this is just the beginning.

But before I ramble too far, I want to show how there are certain similarities in the positions. Trust me (to borrow the expression from my friend the First Elected Member for George Town), I knew there was merit in the Colonial system of government, as practiced in the Cayman Islands, long before the minister. He still doesn't know that I know that there is merit. Do you know where the danger is? The danger with us is that we get prejudiced and we hold opinions about certain persons: Yet we have no desire to involve them in a conversation, and we jump to conclusions. Trust me, Mr. Speaker, where that minister is concerned I am eminently equipped to make this statement. I don't want to cite history because I don't want to deal in that kind of controversy, but there were umpteen occasions when that minister allowed his prejudice to stop him from really finding out what a person stands for. And it is my belief that it is hampering his relationship between persons like the Fourth Elected Member for George Town and me.

I am making a claim even greater than the honourable minister because I have documented that the rea-

son why the Cayman Islands have done so well is because we were able to exploit the Colonial system to our advantage. I call it "voluntary Colonialism." And I have a project that I call "The Millennium Project."

Voluntary Colonialism wasn't my term. I first described it as "benign Colonialism." In the process of discussing it with Professor Rex Nettleford, he suggested that I change the term from "Benign" to "Voluntary" Colonialism. I argued that the Cayman Islands used its position as a Crown Colony, with the crafting of laws like the Confidential Preservation Relationships Law and other similar laws to craft an international financial centre. People were looking for a politically stable climate in which to invest their money. So we have used it.

I also contend that a lot of the problems we are getting into at this stage are what I call the "politics of envy." There are entities, including some of the metropolitan countries, that could not believe that the Cayman Islands, of all the places, could use this position (which was supposed to be a disadvantaged position) to do so well for itself economically and politically.

That being the case, I would be a fool to advocate any kind of political independence. So, if the honourable Minister of Education is trying to saddle me with that bogeyman, I am ahead of him! He doesn't have any document espousing that. But I have one.

We should try to shy away from these kinds of things. I believe that there is sense in the original motion. But I also believe that we have to take time to decide what we want to do. What kind of referendum law are we talking about? How is it going to work? Is it something that we are going to articulate fully in the Constitution? Or is it something that we are going to just have the merest of reference to in the Constitution and develop the intricacies in a law? Are the results going to be mandatory? Or are they going to be purely advisory?

Some honourable member, or minister, made reference to a referendum commission. Well, in some jurisdictions it is popular to have such a commission. But you have to understand that when you increase the bureaucracy you are also increasing the expense on the national coffers. And because you have a commission set up . . . to my mind that gives the connotation that if the commission is "set up," you have to find work for the commission. The mere fact that you set up a referendum commission means that you are going to have to find work for the commission to do.

You could extrapolate from that statement that the referendum commission is going to have to initiate a series of referenda to keep busy. Otherwise nobody will want to be appointed to the commission. They will become redundant if there is no work for the commission to do. So what is my position? I would be happy to set up a law that we only used when we needed it, and eliminate any possibility of increasing the bureaucracy and increasing the expenditure by setting up a permanent referendum commission.

Let me also say, the government . . . and this is a problem in the United Kingdom where Lord Neal [?] who has taken over from Lord Nolan on the standards of public life. What Lord Neal is trying to do in the United King-

dom is try to limit the power of the government to call referendums and to influence the results because the government can do that. The government has access to the coffers. So the result can go the way the government wants it to go and it can be inordinately skewed because if they control the financial resources and they spend more money on campaigning for the result they want, then the other side will be disadvantaged. So I want to lay out the position that while referendums and referenda can be an intricate part of the democratic process, the results can be skewed.

There are instances where they have been skewed. Or, better yet, the results can be ignored if it suits any political entity or faction. So, because we have it in the Constitution that we must hold and conduct a referendum before we make certain changes is not in itself an absolute guarantee that the people will have their wish; it could depend upon the kind of campaign conducted, the financial resources expended and so on and so forth.

It is also true to say that referendums are becoming more popular around the world. But I want to get back to this business about referendums and constitutional changes and constitutional amendments, because that is motivation and the primary reason we are debating this motion.

I believe that in 1993 the Chamber of Commerce conducted a questionnaire. It wasn't a poll. I don't believe it was scientific. It was a questionnaire that the Chamber circulated to its members. The results are instructive. This was in May 1993. Question 9 was **"Should there be provision for a referendum in our Constitution?"** According to this, and there was no indication of how many members were polled, but 74% said **"Yes, there should be a provision for a referendum in our Constitution, and 26% said No."** It was further broken down: 37.5% said by a percentage of voters only, 10.4% said by the Legislative Assembly only, and 52.1% said by either.

The second part of the question went on to ask, **"Should the results of the referendum be binding or advisory?"** Sixty-five percent said that they should be binding, 45% said they should be advisory. It then gave an explanation: **"Three-quarters of respondents favour referendum. A full 89.6% of those who favour the concept feel that the public should be able to call for a referendum and a two-thirds majority feel that it should be binding."**

We were saying that that was what we wanted: a provision that enabled the public to trigger a referendum.

In support of their view, they write, **"If the idea is to have politicians call for them, then that defeats the purpose of the referendum. The voters are the ones who should have the power to initiate referendum, and if we are to be called a democratic country then the right to decide our destiny lies with the people."**

While it is plain that a majority of those people polled in 1993 favoured a referendum, a significant portion of them was concerned that the public should have the right to trigger a referendum.

The challenge we have to get over—and it is a significant challenge—is that 65% said that the results

should be binding. We have to find out if these attitudes are still the same. If they are, then we have to be careful. It would be my recommendation that while we put provisions for a referendum, or for any constitutional change to come about by referendum only, we should be careful that we do not box ourselves in. As I underscored, I don't necessarily believe that there is anyone in this honourable House who would be so reckless as to weaken their position by any constitutional change without consulting the people. But by the same token, I believe it would be foolhardy for legislators, once elected, to get themselves in a position where they can't do anything without holding a referendum.

I stop short of repeating myself as often as some people have, but I say again that we have to define what we consider to be important international issues. An important national issue does not only end with any change in the Constitution.

I believe that the National Team does not have the best record of consulting the people (and I say that tongue in cheek). You can put many things in a manifesto. Manifestos are only a prescription for success at the polls. Many things can be put in them with little or no intention of following through. One of the things the National Team put in their last manifesto was that they were going to consult the people regularly. Well, you tell me, Mr. Speaker, how regular has their consultation of the people been when they haven't held one public meeting since they were elected? And they certainly haven't conducted any poll.

That was in their manifesto. I don't believe that they want to go and consult the people at this stage—at least not if they walk the same marl road that I walk!

I can only surmise why the Minister for Education, Leader of Government Business, said that he was running as an independent because the National Team no longer exists.

That reminds me—talk about consistency—that there is an element of inconsistency in that. As I recall, the only person who declared that he was independent, on 27th November 1996 was the Fourth Elected Member for George Town. As far as I am concerned, he is the only one who has a licence to get up here at this time and say that he is independent. I didn't hear him make any pledges of alliance to any other faction. But he did have the good gumption on his television show the other night to say that he is creating a little distance between him and the government. I hope the wind blows him in the direction of us on this side here.

What is my position? I have always been honest with myself and with my constituents. When I brought this motion—and this is my second attempt at seconding this motion . . . but before I fully articulate my position I want to say that when the First Elected Member for George Town thought about this motion and came to me, we drafted the motion in rough. The conversation between us went something like this: We both agreed, although we were talking privately and confidentially, that this motion could be the ticket to re-election for the Minister of Education.

I want you to know that we anticipated that he was going to do exactly what he did: He was going to come with an amendment prepared to take the motion out of our hands to make him look like the good guy, and us look like the bad guys. But brains beat brains, and it shall not happen this time. So he has to find another horse to ride, he won't be riding that one.

I believe in being honest. I also believe in being sensible and responsible. Still, for all of that, I believe that there is a sense in which the people expect their representatives to articulate certain positions. I respect the right of the people to have a say in what happens in the country of significance. I would consider it a betrayal of trust . . . I would never expect to engage in any constitutional change without going back to my people. I would never do that.

I want to say—because it is necessary to create some distance between those who talk the talk and those who walk the walk—that I am in regular consultation with my people. I would never attempt to do something covertly. I have a history, heaven knows, of holding forums with them, publicly and privately. I am thinking now of changing my *modus operandi* because I have discovered that the demographics are changing and that people like to sit at home in the comfort of their living rooms and watch the television. So that is the route I have to go.

I am determined, with God's help, that I will not be a dinosaur. The Ice Age is not going to make me extinct. The 21st Century is not, with the help of heaven, going to make me extinct as a politician, as I predict it will make some other people, irrespective of the position they hold on referendum and constitutional change. I have been in contact with them over the White Paper and over other important issues. And while it is well nigh impossible to get a precise reading on all of the positions of the people, one can quite sensibly arrive at a majority position. Heaven knows that I have always exercised the pledge I made to be in contact with my people.

So I want to lay to rest any insinuation that I am so power hungry that I will attempt constitutional change through the back door. And I want to say that although I believe it was me who made popular the expression "boiler room talk," that was done tongue in cheek. I am not against talking in the boiler room about some issues because as anyone who has occasion to discuss family business will know, some business is better conducted in the drawing room before you go with it on the veranda. So I don't want to give the impression that I will betray any confidence or concern that someone has if they have an important issue which they think would best be dealt with in the confidentiality of the committee room before we take it to the wider public.

I respect the democratic right of every member in here to take a position. And if a member wants to advocate constitutional change, that is that member's democratic right. I am saying that I have to be convinced of its efficacy and I am not doing anything until I get the approval of my people. But I would never cry wolf on any person who harbours that idea because I am not so stupid as to believe that my idea should be the idea of all

other honourable members inside of here. We are all different. And that is each person's democratic right.

But I can say that I have never, in the last little while, had reason to believe that there is any member on this side or any other side whose intention is to change the constitution. Far be that from the case.

So what is my position? My position is that the country is doing well under the system of what I call voluntary colonialism. I am sure that from time to time there will be some need and necessity to make assessments. And I welcome that.

We just heard from Mr. Alan Hool that the FCO is prepared to make such assessment. What would be the result of such assessment? I don't know. I full well expect that there is going to be some dialogue between us and them. We have also heard some other things which leads me to believe that the era of constitutional commissioners has passed. That is not the modern trend now.

I think what we are likely to have is a more direct consultation between the FCO and honourable members of the Legislative Assembly. And I am absolutely sure that Britain is not going to allow any change before it goes back to the people. But what I don't know is if Britain will accept the results of a general election, if people campaign on the issue of constitutional change; or if Britain will say it is not satisfied and we will have to show them the results of a referendum.

The history books show us that in the past, where Britain was convinced by a majority of elected members that the constitution was the subject of a general election, Britain accepted that work and accepted those results. I cited the case of Grenada, under Eric Gairy. I cannot speak for the Foreign and Commonwealth Office. I am only speaking for myself. And since the honourable minister asked for that pledge, I have given him that pledge.

But given my record, and his record of consulting the people, my people are likely to be consulted by me more quickly than his would be by him. For in four years he hasn't gone to them once.

They had a Canadian Prime Minister once, Mackenzie King. He held seances; that's where he got his leadership style and decisions. Maybe some people hold seances. I try to hold public meetings where necessary.

Quite frankly, I fail to see the significance of all the aspersions and insinuations. It would seem to me, from the arguments by the Fourth Elected Member for George Town, the First Elected Member for George Town, those honourable ministers who spoke on the government side, and the Third Elected Member for Bodden Town (sometimes referred to by the Minister of Education as the "Last" Elected Member for Bodden Town) that our positions are similar

But the problem has not stemmed from the motion; it stemmed from the operating style of the Minister for Education who saw an opportunity to take the motion crafted by somebody else. The jackdaw gone with the Peacock's feathers. He changed it to suit himself, whip

people and get a little political mileage. And I can't blame him for that because this is a house of politics.

The minister is clever at that. And he is singularly the greatest expert of that in this parliament because he did it with the long service and meritorious awards too, you know. That's what he did with that. The minister thought that he was going to outfox us. Which reminds me of the comment he made at the end of the first day's debate to the First Elected Member for George Town. He pointed to his head and said that we should never underestimate him. But he should also never underestimate us because we knew that that was what he was going to do.

I don't want to steal the thunder from the First Elected Member for George Town. He and I bet each other in jest that that was what he was going to do. In spite of all that honourable minister says, his dream is to arrive at a position in George Town where he, the First Elected Member for George Town, the Third Elected Member for George Town and the Fourth Elected Member for George Town, all share the same platform. I want to hear him get up now and say that is not so.

[laughter]

The Speaker: Have you completed?

Mr. Roy Bodden: No sir, I wanted to hear if the minister is going to say that isn't so.

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

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House.

[General uproar and laughter!]

The Speaker: I think that would be quite appropriate.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY 22 SEPTEMBER 1999.

**EDITED
WEDNESDAY
22 SEPTEMBER 1999
10.25 PM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oaths or Affirmations. Oath of Allegiance to Mr. A. Joel Walton to be the Temporary Acting Third Official Member.

Mr. Walton, would you come forward to the Clerk's table please? Would all honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE
(Mr. Arthur Joel Walton, JP)

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

The Speaker: Mr. Walton, on behalf of all honourable members, I welcome you to this House for the time of your service. Would you take your seat as the Honourable Acting Third Official Member?

Please be seated.

Item number 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Minister for Tourism, Commerce, Transport and Works, and we sympathise with him on the death of his mother. He will be absent today. We also have apologies from the Third Elected Member for George Town.

Item 4, Questions to Honourable Members/Ministers. Question number 125 standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 125
(Deferred)

No. 125: Mr. Roy Bodden asked the Honourable Minister with responsibility for Community Affairs, Sports, Women, Youth and Culture to provide the breakdown of the costs of maintaining and/or upgrading the major playing fields on Grand Cayman and Cayman Brac from September 1998 until August 1999.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker, I will take the opportunity this morning to speak to the honourable member to indicate that we would not be in a position to give a full response to his question until Friday of this week. So, I will ask honourable members if it could be set down for Friday morning please.

The Speaker: I will put the question to the House that this question be deferred until Friday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The question will be set down on the Order Paper for Friday.

AGREED: QUESTION 125 DEFERRED UNTIL FRIDAY, 24 SEPTEMBER 1999.

QUESTION 126
(Deferred)

The Speaker: Moving on to Question 126, standing in the name of the First Elected Member for George Town. As this question is directed to the Honourable [Minister] for Tourism, Commerce, Transport and Works, and he is absent, we will defer that question for a later sitting.

Moving on to Question 127 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 127

No. 127: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide a breakdown, by district, of the number of persons receiving assistance for housing for the year 1997 through May 1999.

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

Hon. Anthony S. Eden: A total of 70 persons were assisted in 1997; 71 in 1998, and approximately 34 so far

for 1999. The breakdown by district is listed on the pages attached to this answer (*See appendix*).

SUPPLEMENTARIES

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

Mr. Roy Bodden: Would the Honourable Minister tell the House the procedure for obtaining such assistance?

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

Hon. Anthony S. Eden: Mr. Speaker, once a person has been identified for assistance, an assessment is made by the Social Worker from Social Services. A referral is then made to the Public Works Department who accesses what the cost of the project will be. This information is then given back to the Social Services Department who then, depending on the availability of funds and the need, will have it implemented.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House whether there is any ceiling on these individual applications for assistance or whether the ceiling is determined by the level of assistance needed and by the funds available?

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

Hon. Anthony S. Eden: Mr. Speaker, the range that is looked at in the building of a house is between \$34,000 and \$40,000.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to ask the Honourable Minister if he is in a position to say why is there such a large disparity between the monies spent in the district of West Bay and the monies spent in the district of George Town, seeing that the district of George Town is a much large district?

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

Hon. Anthony S. Eden: Mr. Speaker, that's a good question and one that we were prepared for. The Department of Social Services has always found that the greatest number of persons seeking help in most areas of service usually come from the western district. It is also worthy to note that the oldest housing stock on the island is in West Bay.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to ask the Minister where he obtained this information from, that the oldest housing stock is in the district of West Bay.

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

Hon. Anthony S. Eden: I understand this information comes from Public Works.

The Speaker: The Third Elected Member for Bodden Town.

[Addressing the Fourth Elected Member for George Town] Do you have a follow-up on your previous question? Excuse me sir.

Mr. Roy Bodden: Mr. Speaker, if the honourable Member has a follow-up, I will give way to him, sir.

The Speaker: If it is a follow-up. The Fourth Elected Member for George Town.

Dr. Frank McField: Would the Minister give a brief account of the application process—where is it initiated? Under what type of conditions? Is it initiated by social workers? by the applicants? or by politicians?

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

Hon. Anthony S. Eden: There are a number of contact people. It can come from the Community Development Officer, it can be from the social workers who have identified and deal directly with these type of people in the community; and a person [who] has a concern can also make an approach to Social Services.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wish to ask the Minister in those cases where applicants are prepared to contribute to the cost, is there any special dispensation made? And also if in these cases the applications are processed any quicker?

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

Hon. Anthony S. Eden: Mr. Speaker, no. Once the person has indicated that they will offer help that will also be assessed and the balance, which will then come from Social Services, would be included to finish the project.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House why there is at least one application in Bodden Town still out-

standing for about two years now even when the funds were specifically voted for and approved in the Finance Committee for that project? The application is still in abeyance and the applicant is still without any assistance—and worse, since the time of the original application.

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

Hon. Anthony S. Eden: I am familiar with that one, and I have now been assured that this will be dealt with this year.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. This question is just for clarity. In 1997, we had one project in the district of North Side. It was a new project. There were no projects completed; yet, an amount of \$9,060 was spent in the district of North Side. Would the Honourable Minister explain what this money was spent on?

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

Hon. Anthony S. Eden: Mr. Speaker, I don't have that information right here with me. It is possible it was an ongoing project, but I would give the undertaking to [provide] in writing which one it was.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: In looking at the 1999 figures, I notice that only \$866 has been spent in the district of George Town for house repairs in comparison to \$59,919 in the district of West Bay. How in the world can this be explained?

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

Hon. Anthony S. Eden: Mr. Speaker, I am informed that the majority of the requests in the George Town area are for rental assistance and not necessarily housing.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister could explain to the House the Government's policy regarding assistance with housing.

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

Hon. Anthony S. Eden: In this area, the main focus would be, as I mentioned earlier, based on the needs assessment of people approaching, whether it be the community worker, the social worker, or the individual.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Would the Minister have any idea as to roughly what has been paid so far this year with regard to rental assistance for persons in the district of George Town?

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

Hon. Anthony S. Eden: Mr. Speaker, we don't have with us right now the district breakdown. Approximately \$80,000 has been spent so far this year. But I will give that to the honourable Member.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Would the Minister be able to say approximately how much his department has spent with regard to rental assistance for persons in the district of West Bay?

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

Hon. Anthony S. Eden: No, Mr. Speaker, I would give the undertaking to share this with the honourable Member.

The Speaker: Are there any further supplementaries? If there are no further supplementaries that concludes Question Time for this morning. But before moving on, I would like to say that I did not receive apologies from the Third Elected Member for West bay but I would also recognise that it is his grandmother that has passed away, and we sympathise with him also.

Item number 5 on today's Order Paper, Statement by Members/Ministers of the Government under Standing Order 30. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

STATEMENT BY MEMBERS/MINISTERS OF THE GOVERNMENT

(Standing Order 30)

40th ANNIVERSARY OF WOMEN'S RIGHT TO VOTE IN THE CAYMAN ISLANDS

Hon. Julianna O'Connor-Connolly: Thank you.

Mr. Speaker and all honourable colleagues, tomorrow being the 23rd day of September, we will be commemorating the 40th anniversary of the elections in which Caymanian women had the right to vote.

Since that time, women in these Islands have made great strides, and are poised to enter the 21st Century as vital members in all sectors of our society. While each of us can credit our own hard work and determination and

indeed give thanks to Almighty God for achieving our individual success, collectively, we owe a great debt to the women who have gone before us.

For many years prior to being granted the right to vote, Caymanian women made invaluable contributions to our society. In addition to being the wives, mothers, and caretakers as was seen to be their traditional roles, in times of need and crisis, Caymanian women often stepped into shoes traditionally belonging to men.

Their achievements and courage during these times were taken as a matter of course, and regarded as necessary to hold families, businesses, and indeed the whole society, together, during the years when men had no option but to leave their families to go abroad in order to provide for them.

Our women, perhaps even more so than women of many other western cultures, have long been thrust into the forefront and into decision-making roles. Our mothers, grandmothers, and great-grandmothers filled the dual roles of mother and father in many cases and yet did not expect special praise for so doing.

Their work and sacrifices, while always appreciated were placed secondary to their roles as wives and mothers. Their husbands, children, families, and friends appreciated their efforts at an individual level, but there was very little recognition from the society as a whole.

It was in that environment that the women of the Cayman Islands understood that without the right to vote and serve in public office in a democratic society, their contributions and achievements would never be recognised on par with the attainments of the men of these Islands. They realised that they were worthy of having that right to help determine the destiny of their country, through their fundamental right to play a part in this democratic process.

Today we may find it incredible that before 1959 Caymanian women couldn't vote, or be elected to public office. The strides that we have made since then make not having an earlier political voice almost unbelievable. We owe this voice to the women who petitioned to have their rights acknowledged.

In the 1940s and 1950s, Caymanian society was much different than it is today. Women, while still expected to handle any situation, were supposed to know their place—in effect, to be seen and not heard. The women who signed the petitions in 1948 and in 1957 requesting their right to be acknowledged showed bravery to stand up for what they knew to be right. Because of their efforts, women today do not think twice about having the inalienable right to cast their vote to determine the course of our country.

It is these women, and the women who have since served in public office and in our Legislative Assembly, to whom we must pay homage on this anniversary. They have paved the way for me, the other female members of the Legislative Assembly, and for every woman who takes part in this democratic process. We credit to them the fact that in today's political process, we are seen as equal representatives who are capable of protecting the interests of our people. Our thoughts matter, our voices are heard. For this we must give thanks.

Mr. Speaker, and honourable colleagues, gratitude is what we are showing this week as we recognise the role of women in our Caymanian history and in our legislative system. Yes, we will fill the more traditional roles of mothers, grandmothers, teachers and nurses of this society, but we are also filling the roles of doctors, lawyers, engineers, and yes, even politicians.

None of this could have come about without the signatures on those not so long ago petitions, and the force of those women working to ensure that the 1959 constitution allowed the women of the Cayman Islands to no longer be seen as second-class citizens.

I, therefore, urge everyone to take this opportunity to recognise the important part that women have played in the democracy in the Cayman Islands. We acknowledge and respect the role that our men have played and will no doubt continue to play. As we look back on the end of this century, we do with a sense of accomplishment and with the anticipation of the next century being charted by a mutually beneficial partnership between the men and women of the Cayman Islands.

I also take this opportunity to remind all honourable members as well as the members of the public that there will be a reception at 1.00 p.m. today at the Women Resource Centre to commemorate the 40th Anniversary of the Universal Suffrage of Women in the Cayman Islands.

Thank you, Mr. Speaker.

The Speaker: Item number 6 on today's Order Paper, Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE HEALTH SERVICES (FEES) BILL, 1999

The Clerk: The Health Services (Fees) Bill, 1999.

The Speaker: The Bill has accordingly been given a first reading and is set down for second reading.
Bills, Second Reading.

SECOND READING

THE HEALTH SERVICES (FEES) BILL, 1999

The Clerk: The Health Services (Fees) Bill, 1999.

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

Hon. Anthony S. Eden: Mr. Speaker, I beg to move the second reading of a Bill to repeal the Health Services (Fees) Law (1998 Revision), to provide for the fees to be paid by the patients of government hospitals on these islands and for incidental and connected purposes. With your permission, Mr. Speaker, and for ease of reference,

I shall refer throughout this statement to the Health (Fees) Bill, 1999 rather than to the lengthy title of the Bill itself.

Mr. Speaker, this Bill repeals and replaces the Health Services (Fees) Law (1998 Revision) and seeks to bring the Law in line with modern requirements, particularly in the light of the introduction of compulsory health insurance in the Cayman Islands. I would like to comment on the salient features of the Bill as presented:

Clause 3: Provides for the making of regulations by the Governor in Council, to specify the fees that are to be paid by patients in government hospitals and health care facilities. This clause has already provoked some comment as a headline in the *Caymanian Compass* of 8 September 1999 read, "**ExCo seeks control over hospital fees.**" And an editorial in the same issue criticises the fact, ". . . that the bill will allow ExCo to raise fees without the spotlight of the Legislative Assembly shining on the fees first."

Mr. Speaker, as a matter of fact, the impetus to move the fees schedule from the law into regulations to be made by the Governor in Council came from the civil service arm of Government and not, as the headline implies, from the political arm. The reason for this was that it was considered administratively more expedient to have the Governor in Council establish, for example, a cost for a new procedure to be introduced at the hospital than it is to have to bring every such matter to this Honourable House for its approval.

However, all that said, Government recognises that there is much merit in having the health fees subject to scrutiny by this honourable House. I therefore propose to bring an amendment at Committee stage, which will make the regulations subject to negative resolutions.

Clause 4 of the Bill ensures that residents of Cayman Brac and Little Cayman who are patients at the Faith Hospital will continue to enjoy a 50% discount over the listed fees unless they possess health insurance which would otherwise cover the whole cost of any service provided at the Faith Hospital.

Clause 5 exempts children of school age from having to pay health fees, but only subject to section 10. This, Mr. Speaker, is one of the changes from the original Bill. School children are dependants of their parents, and are therefore required by the Health Insurance Law to be covered by health insurance.

The effect of section 5 when taken in conjunction with section 10 is to allow school children to be treated free of charge for the minor cuts and scrapes that they might receive at school or for a medical condition not covered by the health insurance policy.

Clauses 6 and 7 exempt Caymanians and their spouses from charges for antenatal care and for contraceptive services subject to Clause 10.

Clause 8 provides that the Director of Health Services can waive all or part of the fees, if he is satisfied that a person is unable to pay for the treatment provided.

Clause 9 lists other classes of persons entitled to free treatment. This includes members and spouses of members of the Cayman Islands Seamen's Association and prisoners as defined in the Prison Law. These cate-

gories of persons are exempt from charges but are not listed as such in the Health Services (Fees) Law (1998 Revision), which is another change.

Subsection (2) of this clause regularises administrative procedures agreed with the two Seamen's Association in 1995 and has been in force since that time. Incidentally, Mr. Speaker, the *[Caymanian] Compass* article referred to earlier was not correct when it stated (and I quote), "**The Bill proposes to extend free health care at government hospitals for a patient who is being investigated or treated for AIDS, tuberculosis or malaria, if so certified by the Medical Officer of Health. This is a change from the existing provisions.**" Mr. Speaker, this is not a change. It has been in the Health (Fees) Law for some years now and for sound public health reasons.

Clause 10 provides that the exemptions referred to in Clauses 5 through 8, and Clause 9 (b) through (e), shall not apply if the patient is covered by health insurance. Mr. Speaker, I am sorry to say that an error exists in this clause which needs to be amended at Committee stage. I circulated that amendment earlier on. I want to thank you for your permission to allow these two amendments to come at Committee stage which will improve the Law.

The Clause should read as follows, "**The exemptions from and waivers of fees provided for by sections 5, 6, 7, 8 and 9 (1a), (b), (c), (d) and (e) do not apply in respect of a person who is covered by health care insurance, which would otherwise cover those fees to the extent that such insurance cover is enforced.**" In other words, Mr. Speaker, it is intended that civil servants and their spouses and dependants be included in the list of those who have to use health insurance if they have it.

Clause 11 exempts from fees certain examinations and tests carried out for Government.

Clause 12 makes it an offence to provide false or misleading information when applying for exemption, a discount, or a waiver of fees.

Finally, Mr. Speaker, Clause 13 (which as I have said, I intend to amend at Committee stage) enables the making of regulations by the Governor in Council.

Clause 14 repeals the Health Services (Fees) Law (1998 Revision).

Mr. Speaker, my intention is that in the November sitting I will have these regulations ready. I commend this Bill to the House and ask for the support of honourable members. Thank you.

The Speaker: The question is that a Bill entitled, The Health Services (Fees) Bill, 1999 be given a second reading. The floor is open to debate.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. My contribution to the debate on the Bill before the House will not be very long, but I do have a few questions that I would like cleared up before the vote is taken.

This Bill, which is the Health Services (Fees) Bill, 1999, calls to repeal in Clause 14 the Health Services

(Fees) Law, 1998 (Revision). Perhaps the Minister could give us a brief outline as to what the major differences are between the Law that is being repealed and this new Bill being presented to us.

Secondly, I may be wrong but I think it needs checking into. I think the Cayman Islands Seamen's Association, is now "The Cayman Islands Seafarers' Association." If that is the case, perhaps it is proper to address it correctly before it is made into law—a simple change. I just heard something on the radio recently, and that is why I am making the point.

The other question that I have to ask is in section 5 of the Bill, which the marginal note refers to as dealing with school children. That section reads, "**Subject to section 10, fees are not payable in respect of a patient at a health care facility if the patient has not attained the upper limit of school age as defined in the Education Law (1999 Revision).**" So, generally speaking, fees are levied on school children but it says, ". . . **subject to section 10 . . .**"

Now, section 10 refers to "**The exemptions from and waiver of fees provided for by sections 5 . . . do not apply in respect of a person who is covered by health care insurance which would otherwise cover those fees, to the extent that such insurance cover is in force.**"

My question is, For the worker who has the type of health insurance coverage which takes care of his children of school age, if he or she who is responsible for that health care coverage knows that if there is no insurance they will still be dealt with, isn't he going to change his insurance coverage so that he doesn't have to pay for that? It is just something that came to mind. There may be a reasonable explanation, but if we are looking at it from the point of view of insurance coverage And I want everyone to bear in mind I am not suggesting that all children should not receive medical care. I just raise that point because in looking at it . . . and I take myself, for example. I am saying the thought would come to mind why pay more to an insurance company if there will be no fees levied to me even if I don't have the insurance coverage.

Now, there may be a reasonable explanation. But, as I said, in reading it the question comes to mind. So, perhaps the Minister could clear that up. I wasn't just bringing that up to play devil's advocate but I do believe that there should be a reasonable explanation, and suspecting that there is one, perhaps it is timely that it be addressed so that people don't fall into that trap if it is not going to do what I might expect that it would.

So those questions, Mr. Speaker, once they are addressed, will leave me in a position, once I am satisfied, to support the Bill. But just to be conscientious and be able to satisfy my own mind, I raise those few questions. Thank you.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, I rise to support the Health Services (Fee) Bill, 1999, but I would like to underscore what the First Elected Member for George

Town has just said. I had the same thoughts in mind when I decided to speak on this Bill.

My other concern, Mr. Speaker, if health insurance is now mandatory in the Cayman Islands (and I am not saying this to be mean), section 4 says, "**Subject to subsection (2), a Caymanian ordinarily resident in Cayman Brac or Little Cayman who is a patient at the Faith Hospital in Cayman Brac is liable to pay fees at fifty per cent of the rate specified in regulations made under this Law.**"

If health insurance is mandatory, why is it that we are allowing only 50% of the fees to be paid if these persons have health insurance? Or is it not mandatory in those two islands? I just need the question answered.

Mr. Speaker, my other question is section 9 (1) (a). "**Subject to subsection (2) and to section 10, fees are not payable by a patient at a health care facility if the patient presents a card issued or recognised by the Director of Health Services identifying the patient to be: (a) a public officer or the spouse or a dependent of a public officer (but only to the extent provided in the terms of employment of the public officer)...**" Can I have this explained? I thought all civil servants (or most civil servants) were entitled to free medical. I do not know the procedure now, I do not know what we are speaking about when we say, ". . . **the terms of employment of a public officer . . .**"

Mr. Speaker, under section 9 (1) (f), "**a patient who is being investigated or treated for AIDS, tuberculosis or malaria if so certified by the Medical Officer of Health . . .**" Have we reached the stage in these islands where we should now give consideration to those patients who are on dialysis? The majority of those patients, I believe, come from families that cannot afford this expensive treatment and I think with such an illness they will not be able to get health insurance. Should we consider adding these patients to this section?

Mr. Speaker, I support the Minister's move that regulations should be brought to this House, particularly on fees. We hear many times both Government and Backbench speaking of openness and transparency. There is no better amendment that we could bring whereby this Legislative Assembly looks at the fees that will show that we intend to be transparent. And, I congratulate him on that amendment.

Mr. Speaker, with these few words, I offer my support to this Bill.

The Speaker: The floor is open to debate. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, many of the observations and comments that I would have raised have already been dealt with by both of my colleagues who preceded me in speaking. I only wish to say, Mr. Speaker, as a general observation that I have heard the Minister on numerous occasions express the desire to take politics out of the health care system. It is certainly an objective I encourage, and I applaud his efforts.

That being the case, however, I wish to encourage the Minister, and ask him for a commitment, that eventu-

ally he could come to the point where all of this type of business is placed in the hands of the Health Services Authority because to my mind that will be the ultimate solution. Even when we bring the fees from Executive Council to the Legislative Assembly there is sure to be some arguing and bickering, and probably some adversarial politics—particularly if it is close to elections. Persons may be tempted to jockey for popularity and positions although they know that the proposals are realistic and practical.

So, I would only wish to encourage the Minister to continue striving and making efforts to improve the health services and leave with him the encouragement and the promise of moral support that as he strives forward, he should set his ultimate objective on placing this kind of business in the Health Services Authority.

Thank you, Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. I am sorry I had to leave the Chamber for a brief moment there. I had a call from the office that I had to attend to some business and I might not have been able to fully follow the introduction of this Bill by the Minister.

Mr. Speaker, in looking at Clause 4, residents of Cayman Brac and Little Cayman, it reads, "**Subject to subsection (2), a Caymanian ordinarily resident in Cayman Brac or Little Cayman who is a patient at the Faith Hospital in Cayman Brac is liable to pay fees at fifty per cent of the rate specified in regulations made under this Law.**"

I wonder if the intention here is that persons living in Cayman Brac will be paying fifty percent of the cost, that they will be subsidised fifty per cent. When the Minister gets up to answer, perhaps he could tell the people of George Town in particular, why this is so. As I referred to the situation with regard to housing repair, the disparity between what George Town receives . . . and I hate to come here and act as a kind of parochial politician. But what I find more and more is that the district of George Town gets left out and no particular consideration is given to the fact that we do have a lot of poor people in the district of George Town as well.

Now, with regards the fact also that this stipulation could have been put in here that some consideration . . . I want to know specifically upon what reason, what logic, this process that the Minister could arrive at this particular process to exempt persons in Cayman Brac who are not covered by health insurance from paying the full amount of what would be due to Government. And I have had people from Cayman Brac who have told me that they are not interested in welfare. They want to make sure that whatever it is that they get that they earn it and they don't want to be treated differently.

So, I don't understand the polices, how this has been with regards to arriving at a conclusion that they would be singled out, again by legislation, for preferential treatment. What are the grounds on which this is based? I would like the Minister to explain this to me.

Now, the fact that Clause 4 talks about fees payable by a patient at a health care facility may be waived in whole or in part by the Director of Health Services if he is satisfied that the patient is unable to pay all or any of these fees . . . Mr. Speaker, I don't subscribe to giving the Director of the Health Services that type of powers at this particular time. I can see no good reason why one person should have that kind of authority.

The issue of paying fees is a very emotive issue in fact, because it is not just a question of assessment of individuals, but in certain cases families are also assessed. There are situations that arise where the individual might not necessarily be supported by his or her extended families and might not present the ability to pay the fees and might not be beneficiary of some health insurance and something might have to be done here. So, I am not against that consideration but I am concerned when this consideration and decision can be made by one person, that is, the Director of Health Services.

Now, the whole purpose of health insurance is another question here. All persons in the Cayman Islands will be required by law to be covered by health insurance and will have to have their families covered by health insurance. So, the only persons that are not covered by health insurance are persons that the health insurance companies refuse to cover because of some specific reason like the health of the person. In that particular case, I believe that Government has also legislated for there to be a certain amount of money, which is paid by the persons who are covered by the health insurance polices into an account that would be then used for persons that cannot be covered or indigent persons as well.

I need to be able to understand from the Minister as well, what the specific difference between somebody considered to be an indigent individual incapable of paying medical fees and somebody who is by reason of not being insurable responsible for paying medical fees. So, if the persons that we are talking about in Cayman Brac, for instance in section 4 (1), are persons that are not insurable but they are not indigent . . . in other words, we might have a millionaire that might not be insurable but the person is not indigent. We might have someone who has high blood pressure, who is overweight that is not indigent but at the same time is not insurable. To what extent [does] this particular clause affect those types of persons and what kind of authority is the Director of Health Services being given in order to decide whether or not persons pay the fees?

And, in the case of Cayman Brac, people like these only have to pay 50% [while] somebody living in the district of George Town, who has high blood pressure and not insurable has to pay the full amount.

Mr. Speaker, these are these kinds of discrepancies—although I had to go to my office to attend to some urgent business, I came back here and picked this up and right away it becomes obvious to me that these are built-in instances of discrimination. I have to be told what this discrimination is based upon. Why discriminate against a person in the district of George Town who is uninsurable, who has diabetes, who has to go to the doctor on a regular basis and still ends up having to pay the

full amount—not 50%. But if the person changed their residency to Cayman Brac, he would only have to pay 50%—what kind of logic is this? Seriously, I don't know.

The fact that this has come before us and I have not seen a copy of this before . . . and I do believe, Mr. Speaker, that we have waived Standing Orders in order for it to come before the House at this particular time.

[Inaudible comment]

Dr. Frank McField: Okay, we had in the White Paper, I am told. So, it is my ignorance rather than—

[Inaudible comment]

Dr. Frank McField: The Member from North Side just helped me out. She said we had it so long that I forgot. Thank you.

But basically, Mr. Speaker, when we are making legislation we need to understand that it is important that everybody feels that the law treats each individual within or around the same. If there are any extenuating circumstances that would cause us to create legislation for preferential treatment under the law, then this should be explained to the fullest. Thank you.

The Speaker: Does any other Member wish to speak? The floor is open to debate. (Pause) It appears that no other Member wishes to speak. Does the honourable mover wish to exercise his right of reply? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

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

First of all, I would like to thank all honourable members who have spoken and those who have not for their tacit support. I would like to address first the major differences between this law and the 1998 Revision. As a matter of fact, Mr. Speaker, there are not a lot of differences.

The first one is civil servants, pensioners and school children are to use health insurance when they have it. The point made in regard to that, the way we put in there for the school children was as if they were at school and fell and got scratches and minor stuff. We have a nurse there and we did not see the logic in charging the children for that. It is mandatory under section 4 (2) of the Health Insurance Law that the employers cover the children. So, this does not waive the responsibility of the person to cover the children.

The other difference, Mr. Speaker, [is that] the Director of Health Services, rather than Government, can waive fees. As a matter of fact, the Director of Health Services represents the Government. I know the Fourth Elected Member from George Town mentioned this in his contribution. It is written in there that he waives it. But per se, Mr. Speaker, what happens is a person presents and a committee makes an assessment on this person. So what it really boils down to is advice from a committee to the Director of Health Services [and] this decision is made.

Seamen and prisoners are exempt at present, but not in the present Law, and are included in this revision.

The other change, Mr. Speaker, is in regulations subject to negative resolution. At present, the fees are in the Law and this, as I said, I will bring this amendment to allow this to take place.

I appreciated the First Elected Member for George Town pointing out the change of name from the Seamen's Association. The correct name is the Seafarers' Association. We will have to verify this.

Mr. Speaker, the Member from North Side and the Fourth Elected Member from George Town spoke in regard to the fees for Cayman Brac. My understanding [is that] historically it has been this way, and I think this was based on when the health care facilities were built in Cayman Brac, the Cayman Brac population contributed land and significantly worked on the facilities. This was in the last Law and it was brought forward. I think, this is why that is in there.

The other point is that if people in Cayman Brac (and this is section 4 (2) of the Law) . . . "**subsection (1) does not apply** [which says Caymanians ordinarily resident in Cayman Brac] **in respect of a person who is covered by health care insurance which would otherwise cover the whole cost of any service provided at the Faith Hospital.**"

Mr. Speaker, another good observation made by the Member from North Side was in regard to dialysis. Consideration was given to this, but we felt, as we do with people that can afford this process, assessment would be made and if they need help as usual, Government would assist them.

I would like to thank the honourable Member from Bodden Town, my colleague, who addressed the area as we go forward in regard to the Health Services Authority. I think this is a good point. At some time in the future, this will come to pass. As a matter of fact, under our National Health Strategic Plan, this was one of the areas that has been talked about and plans have been developed for it.

As I said, in regard to the Director of Health Services having the power to waive the fees, I understand this has been there since 1993. Maybe the wording should have indicated that it was on advice of the Assessment Committee.

Back to the Member from North Side, it has been pointed out that section 9 (1) (a) has been put in there to cover cosmetic surgery and a number of other things. But we can talk about this further at the Committee stage.

Mr. Speaker, in closing, I am pleased to say that with the assistance of the Portfolio of Finance and Economic Development, the Management Council of the Civil Service Association, and the Honourable Chief Secretary's Office, Government has been able to finally come to a stage where we will be able to enter into an agreement with a private insurance carrier to provide health insurance for civil servants. In other entitled cases, the name of the company that has been awarded the contract through the Tenders Committee was Caribbean Home Insurance Company. I know the Acting Third

Official Member and many other people within the government system have done a lot of work on this.

This is something we have been working on and have been looking forward to for quite a long time. There was a gap in the coverage of health insurance, which with civil servants, their families, and the other entitled members probably covered between 8,000 - 10,000 people. By being able to get this coverage in place, I think it will go a long way in alleviating the difficulties within the civil service system especially when a civil servant has to go overseas and God forbid, if they had to spend anytime in intensive care or the critical care unit, where I understand under General Orders, they were required to pay the difference between the bed cost there and the bed cost here in Cayman. This has been a significant and detrimental impact to some civil servants and I am pleased to know that hopefully by the end of this year, we will be able to have this implemented.

I have also spoken to the Acting Third Official Member, and I know more details will be given. But I just wanted to take this opportunity to say how pleased the Government is, and I feel the entire Legislative Assembly will be, that we have been able to put one more piece of this puzzle into health insurance coverage for the Cayman Islands. Thank you.

The Speaker: I shall now put the question. The question is that a Bill entitled, The Health Services (Fees) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE HEALTH SERVICES (FEES) BILL, 1999 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled, The Health Services (Fees) Bill, 1999.

HOUSE IN COMMITTEE—11.44 AM

COMMITTEE ON BILL

The Chairman: Please be seated. The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Honourable Second Official Member to correct minor printing errors and such like in this Bill?

Would the Clerk please state the Bill and read its clauses?

THE HEALTH SERVICES (FEES) BILL, 1999

The Clerk: The Health Services (Fees) Bill, 1999.

Clause 1. Short title.

Clause 2. Definitions.

Clause 3. Fees payable by patients of the health care facilities.

Clause 4. Residents of Cayman Brac and Little Cayman.

Clause 5. School children.

Clause 6. Antenatal services.

Clause 7. Contraceptive services.

Clause 8. Waiver of fees.

Clause 9. Fee treatment.

The Chairman: The question is that Clauses 1 through 9 do stand part of the Bill. They are open to debate.

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, with regard to the authority given to the Director of Health Services . . . and the Minister has said the Director of Health Services will not on his own have to be satisfied but if a patient is unable to pay this would be done through a Committee. I wonder with regard to my question then on section 4 (1) dealing with the Caymanian ordinarily resident in Cayman Brac, whether or not it would be possible to take out [section] 4 (1), since [section] 8 allows the Director of Health Services to make decisions with regard to persons that he is satisfied are unable to pay.

We are not dealing with any kind of economic qualifications here. The qualification is basically being a Caymanian ordinarily resident in Cayman Brac, and I do believe that the Government has to show somehow that if it is going to make that exception to Cayman Brac, why that exception couldn't be made for George Town.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I give way to my colleague from Cayman Brac who may shed some more feeling on this.

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

Hon. Julianna O'Connor-Connolly: On behalf of Cayman Brac, by way of mitigation I would say, as was said by the First Elected Member from George Town a bit earlier on, the people of Cayman Brac saw the need for a hospital many years ago. Not only did they see fit to donate the land but labour and construction and everything was done. In fact, as I recall, the hospital was built and then Government came on for the recurrent.

Now, Government did make a substantial investment as far as it relates to Cayman Brac [but] not when it compares to what was put in for capital and investment for the hospital in George Town (when the last Minister was in), I believe to the sum of \$1 million.

So, Mr. Speaker, it is not just at one spectrum that we are looking. The people in George Town and the rest of the other five electoral districts have a very modern and sophisticated hospital that cost this country many millions of dollars, and I believe it was money well spent. But we at the Brac, although there is paper access, many times don't have the free access when there are emer-

emergencies and other things. So, if we would want to set off the capital investment that Government was saved by the people of the Brac taking the initiative in constructing their own hospital as compared to Grand Cayman, that in itself would give us a long time of "free medical."

The other factor is that a lot of the residents on Cayman Brac and Little Cayman are actually members in one form or other of the Veterans' and Seamen's Associations. So in actual fact, most if not all of the island would already be getting free medical. So, the fact that you are saying 50% are taking it even closer to what the Fourth Elected Member for George Town is endeavouring to get. But I think we cannot forget that significant economical contribution that the people of Cayman Brac made in exercising that initiative.

The other consideration that I believe we need to address is the economic condition. I know that it is said that the Director here can exercise it based on need. Again, there is a geographical difference. This is a very real difference in that we almost have to be there in the jurisdiction. We don't have the commercial activity or the private sector that is offered in Grand Cayman, and even with the Health Insurance Law, it has brought quite a bit of financial hardship on the people not wanting to be in contravention of the Law, but the means are just not there to do it.

I believe that all honourable members when they look closely at the situation, will concede justification and I would be in a better position to concur with my friend, the Fourth Elected Member from George Town, if indeed there were no provision made for an assessment on a needs basis for the people in Grand Cayman but there is a situation there. And I would submit, sir, that puts them in a better situation because if the needs assessment [says] they cannot afford it, then it is a 100% waiver.

I thank you for your patience, sir.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, just as a follow-up on this, I have also been reliably informed that has part of the lease which covers Faith Hospital, this is probably something that is in there.

Dr. Frank McField: Probably? Who owns the Faith Hospital?

Hon. Anthony S. Eden: I would have to get the contract to make sure, but this is what I have been told.

Dr. Frank McField: Are you telling me that the Minister of Health doesn't know who owns the Faith Hospital sir?

Hon. Anthony S. Eden: Well, I would assume it is the people of the Cayman Islands.

Dr. Frank McField: Cayman Islands being the plural Cayman Islands not the singular Cayman Brac?

Hon. Anthony S. Eden: I would rather get the lease, I have not seen the lease on the specific area but I will get this information for you.

Dr. Frank McField: Mr. Chairman, I do believe that this is a very important part of the debate because if the Minister is exempting Cayman Brac based on their owning that hospital, then it would be good to know whether or not this is the case for those of us that will be asked to ratify this legislation. It is a very important piece of information, if he has based his arguments upon it.

But, I would like to say with regard to the arguments brought forward by the Minister and representative from Cayman Brac that I understand what she is saying and I would like to be able to argue this way for people in George Town also. I believe that the Minister might have argued this way for the people in his district as well. But if we are going to have clauses to exempt people without any kind of qualifying criterion other than that they are ordinary residents of Cayman Brac . . . I mean what are we saying here? How long will this Law last? How long will this be applicable? Will it be for eternity? For the next 25, 50 years? How long?

What about those persons who grow up and never contributed anything? What about those persons who are returning, who might not have contributed anything to the Faith Hospital? Just because other persons have contributed doesn't mean that these persons should now be exempt. Basically, the rationale behind this . . . and I am not saying that Cayman Brac should not be exempt for 50%, but I am saying if Cayman Brac should get 50%, then Caymanians ordinarily resident in George Town could benefit from paying 50% of their medical fees as well. A lot of people could benefit.

I want to know before I vote for this particular clause in here, why it is considered to be okay to have the Health Director and the Committee decide who should pay or not pay in George Town, North Side, East End and in Bodden Town, but in Cayman Brac it is automatically put in the Law that the persons in Cayman Brac [who are] paying fees that are Caymanians ordinarily resident there would only have to pay 50%—not 75%, but 50%.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, from the time I came to this Legislative Assembly, certain legislation of this nature has been in place. We know historically, specifically relating to Faith Hospital, the significant input by the Cayman Brac people into that. If certain members are not comfortable with this, all I can say is we will have to put it to the vote and see what happens.

The Chairman: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am uncomfortable with this not because of the people of Cayman Brac. I am uncomfortable with this because of the way in which the Government is making decisions, bringing policies here to this Legislative Assembly.

We know that Cayman Brac enjoys a lot of duty concessions as it is. The people of George Town do not have these concessions. We have four elected members for George Town. I said this morning that when we start playing parochial politics, members of George Town, at least this one is forced into making those kinds of considerations as well, especially when elections are coming. If other districts get, and get, and get, and we cannot get anything for our districts our people are going to question our performance.

So, if we are going to play by the rules then all of us need to be paying attention to the central kitty. In other words, when we come back here in November for the budget—when we know the Health Services needs a lot of money—when we know it is going to cost something like \$45 million to run these services annually and you feel that you can be so generous, Mrs. Minister, as to put this in legislation, I am going to question this when you come with your budget. The generosity . . . if you can afford it, I am asking you why can't you afford this generosity for the people of George Town.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, when one looks at section 4 (1), it does not say a Cayman Bracker. It says, ". . . a Caymanian ordinarily resident in Cayman Brac . . ." So it does not prevent anybody, legally speaking, from Grand Cayman from coming across to the Brac—including my good friend from George Town. I will be happy to have you there. That's a joke by the way.

But also, Mr. Speaker, there is a proviso in section 4 (2) where it says, "**Subsection (1) does not apply in respect of a person who is covered by health care insurance which would otherwise cover the whole cost of any service provided at the Faith Hospital.**" So, it is not a floodgate provision; there is a stopgap, as it were. If they have insurance and are capable of paying, this would come into effect.

From a more economic perspective, if you wanted to get into parochial politics, when one looks at the demographics of the district of George Town and the whole economic make-up and sets it into the percentage of Cayman Brac, investors and owners of locally controlled companies here, one would see that a significant number of those are Cayman Brackers who actually pay their duties, taxes, levies and all other contributions in here.

So if we really want to get to pensioners, I could easily at some stage make a request that all the contributions made by Cayman Brac businessmen in the district of George Town, be put into a separate fund for Cayman Brac. I can assure you, Mr. Speaker, we would never have to get a subsidy in this Honourable House.

The Chairman: Thank you.

Dr. Frank McField: Well, Mr. Chairman, I don't want to get involved with the Honourable Minister for Community Affairs or for Cayman Brac with regards these particular issues because she obviously knows that she is trying to create the impression somehow that what I am arguing about here is what Cayman Brac people get and she knows that is not the case.

I am arguing the logic of Government creating preferential legislation that would affect one group in the island one way and another group in the island the other way. She said she is a lawyer. She has a legal mind. I know she is a lawyer. So she knows that the crux of my argument is not that Cayman Brac should have but that they all should have.

I am asking her to change this particular clause to include the people of George Town as well—not to exclude the people of Cayman Brac—because it has already been proven to me that the Minister knows what the Health Services will be from the point of view of the revenue which it needs and it could be generous enough, perhaps, to do that. I would like to encourage the Honourable Minister to do that at this particular time.

As to the duties that are paid in this country, the duties are consumption duties. The taxes are consumption taxes, so it is not the business person from any particular region that pays the taxes, it is the people who consume what the business person provides, be it services or goods that are actually responsible for paying the taxes because these people do not pay out of their pockets the taxes in this country.

Now, that again is a debatable point but that is not what I am saying when I talk about subsidies to Cayman Brac. I am not talking about the fact that it should not happen, that is not what I am saying. I am asking what can my district and the people in my district—the poorer people especially, in my district also have. We have four people that can vote. You have two people that can vote. If we come down to a question of whom gets what we can outvote you in areas. But we have never played that politics and I am not suggesting that we play that politics.

Obviously, it is not my intention to exclude people in Cayman Brac from having certain advantages. But, in giving them the advantages, we must look at the entire system and the ability of the entire system to make those concessions.

The Chairman: We are in Committee, I think if we are going to go into substantive debate on this, we need to put a substantive motion before the House in the next session.

Is there any other debate on this? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Chairman, just for my information because there seems to be a bit of confusion and I am not debating or defending or supporting the previous statements that were made, but with regard to waiver of fees for school children. In the case where the

parent has an insurance policy in place and they go to the hospital for treatment of a student, how does that work? Is the waiver only in those cases where the parent doesn't have the insurance coverage? Is that the case? What is the position?

I was discussing this just this morning with one of my constituents and there seems to be a bit of confusion.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, first of all, the parents would be required as the Health Insurance Law, 1999, section 3 (2), says, that the employer or the person must effect and continue on behalf of his unemployed spouse and children.

If the position here in section 5 is, as I said earlier, if children are at school or get a scrape or something and taken to the hospital, we feel within Government that we should not charge at that time for them. But under the Law, the parents are responsible. If there is something, say a certain ailment should come up and it is not covered under the Health Insurance, then Government would consider assisting them.

Mr. John D. Jefferson, Jr.: But in those cases where there is insurance in place, the parent will be charged for that service?

Hon. Anthony S. Eden: They must use their insurance coverage, yes.

Mr. John D. Jefferson, Jr.: Okay, thank you.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to follow-up on what the Third Elected Member from West Bay was dealing with, and I raised the issue in the original debate. My question is basically, how does this thing work? While I understand exactly what the Minister is saying, and I don't have any difficulty with that thought—about children getting injured or hurt during school hours or while they are playing a game of soccer or anything like that—what happens then in the instance where a parent brings a child to the hospital, what is the type of means test?

I mean, if a question is asked across the counter, '*Is there any health insurance?*' and the person says, '*no*', what happens then? Bear in mind regardless of what anybody is talking about it is better not to claim than to claim, even if you have it. We all know that, I mean, that is a premise that if you can avoid making a claim regardless of being a good citizen and wanting Government to get it's just due. But all I am trying to find out is how this thing is actually going to work because I really see the possibility.

The way the Law is worded now . . . I understand what its intention is. I see the possibility of a lot of people who have health insurance not wanting to go through the

problems of having to fill out paper work, having to make claims and all this type of stuff when it comes to the insurance if they can avoid having to deal with that and getting treatment for the children free. I don't know if you understand what I am saying but unless there is another explanation for it, I see a lot of that happening. I raise it because it is better to deal with it now than to find out the horror story afterwards.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, once again, that is a good question. The individual would be asked if they had health insurance and as I said earlier on, this is required by Law. If, for whatever reason, they do not utilise this under section 12, this is where the penalty would trip in. But I think as we go along, as people start to get used to the system . . . we are still in a learning curve and even I, who had insurance from way, way back . . . it is a period of adjustment.

I don't think that people will be penalised per se until there is a better understanding of how that person can access and get the benefit back from the health insurance claim—if that makes sense.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Again, I quite understand what the Minister is saying. And if the premise under which the Government is operating is that this in itself will cause instances like my hypothetical proposal to occur, but gradually become less and less, after people become acquainted with and understand the benefits with it, perhaps, I won't pursue it much further. But when you talk about penalties, who is going to pursue it? Who is going to make sure that whatever needs to be verified is verified, et cetera?

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, in this situation, as I said earlier on, and I have just been informed that once the question has been put in regard to the individual having coverage, if it is discovered that the coverage is not there for the parent and ultimately the child, it is the responsibility of the hospital to notify the Superintendent of Insurance to follow-up on this.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Chairman, through you, sir. I understand you (and I am not going to make a big case of it), but my view is that perhaps the better approach would have been from the other way around rather than the way that it is being approached now. If there are spe-

cific ways or specific instances that can be generalised where the Government feels that a child should not have to pay (and I am not taking the case one way or the other) then why not deal with those instances rather than make it such a general statement in the law where you might encounter all of these problems?

If you had worded it from the other point of view then one would have to work on the premise that this is the way it has to be rather than try to make discovery and determine the facts otherwise.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, this is a good observation made by the First Elected Member for George Town and the Third Elected Member for West Bay. This is something that I am not averse to looking at and we can discuss this further on. I thank also the Third Elected Member from Bodden Town because I think he is aware of a number of these things.

The Chairman: Is there any further debate?

Mr. D. Kurt Tibbetts: On anything at all or just for that—

The Chairman: From Clauses 1 through 9.

Dr. Frank McField: Mr. Speaker, I think that would include the question that the Member for North Side had recently with regard to treatment for people on dialysis. On [Clause] 9, I would like to see with regards free treatment if the Minister would be willing to see if he could persuade us, at least me, why AIDS, tuberculosis and malaria should be treated but not the sickness that needs dialysis treatment.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I am made to understand the reasoning behind this [is that] those three diseases listed there are communicable diseases and could prove a public health risk. But as I said earlier on, if there is someone that needs help with dialysis, we do what we always do, we help them.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the Honourable Minister would consider that section 8 be amended after the words, "Director of Health Services" [adding] *'after a full assessment has been carried out and he is satisfied that the patient is unable to pay all.'*

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I have no problem with that, Mr. Speaker.

Mrs. Edna Moyle: Mr. Chairman, I think it leaves the Minister to move a motion that that amendment be done because I would have had to give notice, I believe.

Hon. Anthony S. Eden: Mr. Speaker, I so move the amendment as suggested by the Elected Member from North Side and supported by the First and Fourth Elected Members from George Town.

The Chairman: Please read it slowly.

Mrs. Edna Moyle: Mr. Chairman, I will read it very slowly and ask the Honourable Attorney General to say if it is correct and can be included in those words that I am going to read.

It's section 8, after the words, "Director of Health Services" we insert *'after a full assessment has been carried out and he is satisfied that the patient is unable to pay all or any part of the fees.'*

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Chairman. In my opinion in order for the Director of Health services to be satisfied that a patient was unable to pay all or any part of the fees, he would have had to carry out a full assessment

Mr. D. Kurt Tibbetts: Just a second, please, if I may just say.

Hon. David F. Ballantyne: I am tending legal advice and I would prefer to be allowed to do that and to explain why I am doing it.

The Chairman: Please continue.

Hon. David F. Ballantyne: If the advice is not accepted, then so be it. I prefer to do it without interruption, if I may ask for that privilege. Thank you.

In my opinion, as a matter of law—and that is the only matter upon which I am commenting—in order for the Director of Health Services to be satisfied, he would, as a matter of law, be required to carry out a full assessment. Otherwise, he would not have a basis upon which to be so satisfied.

It is difficult to prescribe in the law what "full" adds to "assessment," in my opinion, because that is a qualification of the word "assessment," unless somewhere the details of that assessment are going to be prescribed. Now, that is possible to do, but my point remains that unless you give some meaning to the words "full assessment" and say what that ought to comprise, it's a matter of interpretation.

And, as I have indicated to you, I am not objecting to the amendment. So, let me just make my position clear. I am explaining to the House and to this Commit-

tee what my understanding of the word meaning, "if he is satisfied." It doesn't mean satisfaction in the sense of exercising an arbitrary discretion or satisfaction because he's got a minimum of information upon which to rely. He is required to carry out such assessment as is required to enable him to be satisfied, and if those words are desired by the House to be inserted, I am not here to object to them. I am simply offering my opinion as to what I think the present words mean.

Thank you, Mr. Chairman.

The Chairman: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Chairman, I think that the request was that certain words be inserted. Now, the Honourable Attorney General has said that this particular section, which reads, and I will read it, "**Fees payable by a patient at a health care facility may be waived in whole or in part by the Director of Health Services if he is satisfied that the patient is unable to pay all or any part of the fees.**"

Now, there is nothing in this section that tells us about the process that the Health Services Director must involve himself or other persons in, in order to be satisfied. In other words, I can look at something and say I am satisfied by your answer, it is reasonable for me to be satisfied. And if I went to Court, I guess the judge would ask, '*would it be reasonable for me to believe that he was satisfied?*' and it might be reasonable.

But the law can even be more specific. The law can say specifically what process the Director of Health Services should become involved with in order to be satisfied and I think that that is what I wanted in my original question with regard to this. I wanted the process to be defined by law that would cause the Health Services Director to be satisfied and not left to interpretation.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: Mr. Chairman, I don't want to prolong a debate on this issue. My point really is that as a matter of law, in order to be satisfied the Director would have to carry out such enquiry as was sufficient in law to enable him to be satisfied.

So, it is not as I said earlier, an arbitrary matter. However, bearing in mind that laws are for people and not for lawyers, it may be that there would be a preference to spell out what the nature of the assessment would be. But my point in that regard is that saying, "full assessment" is a difficult thing to quantify and it might be more acceptable just to say, for example, "after a full assessment has been carried," by whom. It might be preferable to say if you want to put such wording into the law "after such assessment as may be prescribed in regulations made under this law," if you wish to particularise the procedure.

I am trying to say that there are some matters of detail that don't have to be put into the main law that you can leave to be prescribed by regulations. And if you are

concerned to have a procedure and you are concerned to detail it, that would be the appropriate way, in my opinion, in which to give effect.

Thank you.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Chairman, I apologise if I tried to jump the gun when the Honourable Attorney General was going to explain, but that was exactly what I was trying to say. I think the question that arises is understanding exactly what the Honourable Attorney General has said, bearing in mind that laws are made for people not lawyers.

The intention was to try to understand from the way the law was worded, the fact that it was not a solo effort by the Director of Health Services, who took it on his own simply to make the decision.

Appreciating what you have said (and I think, perhaps, while the Member for North Side made the suggestion) I think, perhaps what you have said might solve the problem and cure it, once we have commitment that it will be included in the regulations.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I would agree with that, Mr. Chairman.

The Chairman: Does any other Member wish to speak?
The Honourable Second Official Member.

Hon. David F. Ballantyne: If I may be permitted to adapt the original proposed amendment by the Elected Member for North Side. We might consider inserting in exactly the same place after "such assessment" [add] "*as shall be prescribed in regulations has been carried out*" or some such equivalent wording.

Mrs. Edna Moyle: Mr. Chairman, I have no problem with that wording.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, would you care to comment.

Hon. Anthony S. Eden: I agree with that wholeheartedly, Mr. Chairman. It is good to see we could get this resolved amicably.

The Chairman: The Honourable Second Official Member, would you repeat the amendment once to the Clerk and write it down?

Hon. David F. Ballantyne: Thank you, Mr. Chairman. I think what was intended was after "**such assessment**" [add] "**as shall be prescribed in regulations has been carried out.**" And the word "and" I think would need to

be added, "and' if he is satisfied that the patient is unable as it says at the present time."

The Chairman: Is there any further debate on Clauses 1 through 9? If not, I would like to propose then that we put the question on . . .

Mr. D. Kurt Tibbetts: Mr. Chairman, I am sorry, sir, my microphone was not on, I wanted to find out if it is not a good time now . . . has someone checked about the Seafarers' thing? Because if not, you are going to have to come back after it's done. Or can it be done then, once it is done before the law is actually accented to. Is that possible? If they find out afterwards that there is a name change, can it be changed like moving from the bill stage to law—from Seamen's Association to Seafarers' [Association] because it could cause a problem if there is a registered difference in the name.

The Chairman: At the opening of the Committee, members agreed that the Honourable Second Official Member could correct minor printing errors and such like in these bills. Would that be covered in that? The Honourable Second Official Member, since it is the wrong name.

Hon. David F. Ballantyne: If it is possible that it is wrong, it would be better to try to get it right at this stage, if it can be done and as long as it is not going to hold up the business of the House too much. I have no objection to doing anything the House requires of me, but I would be reluctant to make an alternations of substance to any law under any—I am sure the House won't really wish that.

Mr. D. Kurt Tibbetts: [*Inaudible comment*]

Hon. David F. Ballantyne: I agree that it is better to find out now.

Hon. Anthony S. Eden: Mr. Chairman, we will undertake to get hold of Mr. Connolly, which is not an easy task I can tell you.

Mr. D. Kurt Tibbetts: Mr. Chairman, I don't know if this is the case also but is there anywhere for us during the Committee stage to say, that if this is the case then, whoever the proper authority will have the authority then to do it without coming back to us. Can we do it like that? I don't know.

Mrs. Edna Moyle: Mr. Chairman, I would make a suggestion that we leave the clause that has this in it. Do not put the question on that clause, but you can put it on the other clauses and leave that clause until we get the answer and then put the question on that clause so that you can carry on with the Bill.

The Chairman: I shall put the question on Clauses 1 through 7 that they do stand part of the bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 7 do stand part of the bill.

AGREED: CLAUSES 1 THROUGH 7 PASSED.

The Chairman: There is an amendment to Clause 8.
The Honourable Second Official Member.

Hon. David F. Ballantyne: If the Honourable Minister has no objection, Mr. Speaker, I would move that Clause 8 of the Bill be amended so as to insert after the word, "services" on the second line, the following words, "after such assessment as shall be prescribed in regulations as been carried out and . . ."

The Chairman: The amendment has been duly moved. Does anyone wish to speak to it? Okay, no debate. The question is that the amendment stand part of Clause 8. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The amendment is passed.

AGREED: AMENDMENT TO CLAUSE 8 PASSED.

The Chairman: The question is that Clause 8 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 8 AS AMENDED PASSED.

Hon. Anthony S. Eden: The member suggested that I have the power to ask the Attorney General once the name is confirmed as Seafarers' Association that he can put that in before it is assented to. I don't know if he would have a comment on that.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: I appreciate, Mr. Chairman, that it would probably be in accordance with the wishes of the House. If it is one single word and it is just a question of getting it right, I have no particular objection. I am concerned, however, to ensure that the integrity of law-making is maintained. I would appreciate your guidance on that matter, if you, as Speaker, are content with that procedure.

You have responsibility for the procedures of this House, then I will accept the mandate. It does fall into the category of a relatively minor matter and, therefore, I wouldn't stand too much on the principle if that were in accordance with your views.

Thank you.

The Chairman: I would consider if the name has been officially changed, then the new name would certainly stand in law and, therefore, that's what we shall have in it. It would be a minor change in my opinion.

Hon. David F. Ballantyne: Mr. Chairman, if the Committee is content to allow me to change the name, if necessary, to the new name . . .

The Chairman: Let me put that to the House, then. Does that please the House that the Attorney General do make the necessary change? Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Attorney General will make the necessary change in Committee.

AGREED: THE HON SECOND OFFICIAL MEMBER TO MAKE THE NECESSARY CHANGE IF THE NAME OF THE CAYMAN ISLANDS SEAMEN'S ASSOCIATION HAS BEEN OFFICIALLY CHANGED TO THE CAYMAN ISLANDS SEAFARERS' ASSOCIATION.

The Chairman: I shall now put the question that Clause 9 do stand part of the bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 9 PASSED.

The Chairman: Would members want to suspend or can we continue and finish this Committee? It should not take long.

[Inaudible response]

The Clerk: Clause 10. Exemption not to apply in certain circumstances.

The Chairman: The question is that Clause 10 do stand part of the bill. There is an amendment to Clause 10.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Chairman. That amendment has been circulated—that Clause 10 be amended by inserting "(1)(a)" after "9".

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: Just for the avoidance of doubt, may I confirm with you that it is the name Cayman

Islands Seamen's Association that is possibly in question?

Mr. D. Kurt Tibbetts: *[Inaudible comment]*

Hon. David F. Ballantyne: Very well. Thank you very much.

The Chairman: An amendment has been made to Clause 10. Does any Member wish to speak to the amendment? Is there any debate on that?

I shall put the question that the amendment stands part of Clause 10. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 10 AMENDED.

The Chairman: The question is that Clause 10 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 10 AS AMENDED PASSED.

Hon. Anthony S. Eden: Mr. Chairman, I have just been notified (and it takes the burden off the Committee and the Honourable Second Official Member) that the name is Cayman Islands Seafarers' Association. We verified this with one of the officers next door. Thank you.

The Chairman: Thank you.

The Clerk: Clause 11. Fees not payable for medical examinations carried out for Government.

Clause 12. Offence.

Clause 13. Regulations.

The Chairman: I put the question that Clauses 11 and 12 do stand part of the Bill. No debate? I will put the question that Clauses 11 and 12 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clauses 11 and 12 do stand part of the Bill.

AGREED: CLAUSES 11 AND 12 PASSED.

The Clerk: Clause 13. Regulations.

The Chairman: The question is that Clause 13 do stand part of the Bill—there is an amendment to this.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The amendment is that Clause 13 be amended by inserting the following new subsection after subsection (2), which would be a new 3: **"(3) Regulations made under subsection (1)(a) shall be subject to negative resolution."**

The Chairman: The amendment has been moved, does any Member wish to speak to it? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation would you care to explain that further?

Hon. Anthony S. Eden: Mr. Chairman, as I said in my opening, this will give the Legislative Assembly the power where when these regulations are made by Executive Council that they will be tabled and then negated. If there is a concern or an objection then the opportunity would be there to debate.

Mr. D. Kurt Tibbetts: For purposes of clarity, Mr. Chairman.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: What I am understanding is simply that Executive Council will decide and approve these regulations but they will not be enacted until such time as the Legislative Assembly does the same?

Hon. Anthony S. Eden: That is my understanding. I will hand over to the Second Official Member for absolute confirmation on that.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: Mr. Chairman, my general understanding of negative resolution is that the regulations would be made that would be subject to a power of disallowance if they were resolved not to take effect in this House. That's my general understanding. I would have thought that this procedure would have been prescribed in Standing Orders and I am anxious at the moment to check the reference there, if you will bear with me.

Mr. D. Kurt Tibbetts: Mr. Chairman, while he is checking that reference, just to add the reason why I asked the question. Does it then give the Legislative Assembly should it desire with these regulations to make any changes to what comes from Executive Council? Does it give the Legislative Assembly this authority or does it only give it the authority to disallow a regulation? That is really what I am trying to ask. I just want to know, that's all.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: I was wrong in my reference. The reference should in fact be to the Interpretation Law. I am just checking as to the provisions relating to regulations.

Mrs. Edna Moyle: Mr. Chairman, is the Honourable Attorney General looking at the Standing Orders?

Hon. David F. Ballantyne: No.

Mrs. Edna Moyle: The Interpretation Law?

Hon. David F. Ballantyne: I am looking at the Interpretation Law.

Hon. David F. Ballantyne: Mr. Chairman, it's section 28(3) of the Interpretation Law—and it is not my interpretation. I will read from it, if I may. **"The expression 'subject to negative resolution' when used in relation to any regulations shall mean that those regulations, as soon as may be after they are made, are to be laid before the Legislative Assembly, and if the Legislative Assembly within the statutory period next after any such regulations have been so laid resolves that the regulations be annulled, the regulations shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of new regulations."**

In general terms, section 28(1) defines statutory period as a period of twenty-one days beginning on the day on which the regulations were laid before the Legislative Assembly. So that it would take a resolution to annul them, to cause them not to have effect.

[Inaudible comment]

Hon. David F. Ballantyne: I see no provision for that but presumably that would be a motion brought by any member.

[Inaudible comment]

Hon. David F. Ballantyne: Well, I don't know what the rules about motions say, Mr. Chairman, but I can look that up if you like. Thank you.

Mrs. Edna Moyle: Mr. Chairman.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: I understand what is trying to be achieved by the Honourable Minister, but I am wondering if he should go with the negative resolution or whether he should follow the lines of the Development and Planning Law, which says, **"No regulations shall be made pursuant to this law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislative Assembly."**

It is more or less the same thing but there is a twenty-one day period before someone really has to bring a resolution on a negative, and you may need to increase fees earlier than that. That's all I am suggesting.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Chairman, my understanding with the way to go with this one was the negative resolution. I think that the planning fees one is a different thing.

Mrs. Edna Moyle: Well, Mr. Chairman, maybe then we better have the regulations to lay on the table at this meeting, if we are going to repeal the Health Services (Fees) Law (1998 Revision).

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: As a matter of law, the old law would not be repealed until this law comes into effect and any regulations made under the old law—

Mrs. Edna Moyle: [*Inaudible comment*]

Hon. David F. Ballantyne: Well, the fact of the matter is that until this law takes effect, the old law is not repealed.

Mrs. Edna Moyle: But, Mr. Chairman, does this law not take effect once it goes to the printers and the Governor assents to the vellum copy? Is that not under the Interpretation Law of when a law comes into effect?

[*Inaudible comment*]

Mrs. Edna Moyle: In two weeks.

Hon. David F. Ballantyne: Mr. Chairman, I was only responding to the proposition that, you know this law comes into effect now or that the other law is repealed now—and it isn't. It does come into effect whenever the provisions in the law make it come into operation. If there is no date prescribed in the law for it coming into effect, it comes into effect on publication in the Gazette.

I am making the point as a general rule if there are regulations made under a previous law (which this law replaces) and those regulations themselves are not replaced. They will continue, I think, as a matter of law—I am prepared to check that point out—until they are replaced by further regulations.

Mr. D. Kurt Tibbetts: Mr. Chairman, through you, sir.

Hon. David F. Ballantyne: Sorry. If I could just add that in any event—

Mr. D. Kurt Tibbetts: I thought we could finish without being interrupted now!

Hon. David F. Ballantyne: Well, I apologise for that.

Mr. D. Kurt Tibbetts: This time I was just joking. [*Laughter*]

Hon. David F. Ballantyne: *Hoist by my own petard.* I think what probably would be sensible in any event would be that the new regulations would come into effect at the same time as the new law so that the question I tried to address might be academic. Thank you.

The Chairman: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Again, just for clarity, two points. First of all, does the Health Services (Fees) Law (1998 Revision) have any regulations attached to it? If there are no regulations, then perhaps the Second Official Member might want to comment on that.

Secondly, I want to direct this to the Minister and I am just asking him to think about this. We now understand what negative resolution refers to and not only what it implies but what it causes to happen. The point that the Member for North Side raised, in my view is a valid point because there is a difference between the two, subtle as it may appear.

I think, I quite understand clearly what the Minister wishes to achieve, but I do believe that perhaps it might warrant looking at it from a point of view of the way the Member for North Side brought it about regardless of your legal advice to the left—and that's not being funny—I mean to your left. I don't mean front left either!

Okay, let's do it like this then, if it is possible, Mr. Chairman. Understanding what the two mean, please . . .

[*Inaudible comment*]

Mr. D. Kurt Tibbetts: Yes, I understand. Just get them to advise us why one is preferable to the other and perhaps we can all agree on it like that.

Mrs. Edna Moyle: Mr. Chairman.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: If I could elaborate on when I said, if we repeal the Health Services (Fees) Law (1998 Revision), I can find no regulations. I find a schedule of fees in the law. So if we are going to repeal the law, maybe my mind is being dumb. I am not catching on. I would think that we are going to repeal the fees unless we say with the exception of scheduled fees. I don't know.

Mr. D. Kurt Tibbetts: Excuse me, Mr. Chairman, to just add to that. Again, with no legal expertise here, I think there is validity to her argument in that what she is saying is that it is very possible for the new law (which is now in Committee Stage) to be assented to and in actual fact the regulations are not before this Legislative Assembly because that might occur between sittings. It is

possible for that to occur between sittings. At that point in time, you have the [Health Services (Fees) Law (1998 Revision)] repealed, which includes the fees and you now have this new law, which does not have fees because they are done by regulation, and you have the law enforced but you don't have the regulations enforced.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: Mr. Chairman, I think the problem in practice would be addressed by a commitment from Government to bring the regulations into effect on the date of commencement of the law—that's one point.

The second point, regardless of my argument about whether the previous regulations are being enforced, let's leave that to one side because we cannot resolve that at the moment. I think they would but I am not prepared to take a categorical position.

The other point is that in relation to the power of the House to annul those regulations, in the calculation of the statutory period to which I made reference, you do not have regard to any period during which the Legislative Assembly is adjourned for more than six days. So, in other words, you don't lose the ability to annul any regulations that are brought into force. So, I think that's worth mentioning.

In other words, the twenty-one day period according to section 28(1) of the Interpretation Law anyway, says, "**a period of twenty-one days** [as I read out before]. . . **reckoned without regard to- (b) any period during which the Legislative Assembly is adjourned for more than six days . . .**" So, if the House were adjourned when the regulations came into force, the annulment opportunity would still be there when the House resumed its sitting so that there is no loss of control by the House over the regulations on that account.

Mr. D. Kurt Tibbetts: Through you, Mr. Chairman, which begs the question: Am I understanding then that if the regulations came into effect between sittings that they would be in effect until such time as there was a sitting, if there were to be a negative resolution coming from the House?

Hon. David F. Ballantyne: Yes sir.

Mr. D. Kurt Tibbetts: And, if that's the case (which apparently it is, by you saying, yes sir), then why are we doing like that?

Hon. David F. Ballantyne: Well, the premise is that if the regulations are subject to negative resolution that they are capable of being annulled by the House. If the House takes a different view and would prefer them to come into effect subject to affirmative resolution (which is the provision of section 28(2) of the Interpretation Law) those regulations would not come into operation until affirmed by a resolution of the Legislative Assembly.

[Inaudible comment]

Hon. David F. Ballantyne: Well, in that case, what you may end up doing is postponing the bringing into force of the law until such time as the regulations could be approved by the House, in order to do both at the same time. Unless, you are prepared to continue with the previous regulations until the new regulations are approved.

Mr. D. Kurt Tibbetts: I quite understand exactly what the Honourable Attorney General is saying now and that was what I was understanding from the very beginning. Now, if that is not the case, then all I need is for the Minister to explain it.

My understanding of what was going on from the very beginning was that the Minister was going to bring these regulations. But to satisfy everybody, and in the spirit of transparency (the terminology that was used) they were going to be brought to the Legislative Assembly, and my understanding was simply for us to make sure that everybody was happy with them for them to be ratified.

Now, that comes under the Interpretation Law, section 28, whatever it is. The other way that it is worded here gives rise to the possibility of those regulations being enforced during a certain period of time before if any part or parcel of these regulations were to be negated by resolution. So, if our understanding was the former then what is the problem about doing it in that fashion? Now, I don't want to make a big issue out of it but my understanding from the beginning was separate from what the amendment is on paper. That's all I am saying.

Hon. David F. Ballantyne: Well, Mr. Chairman. This is really a matter for guidance by the Minister, but if there were to be a delay between the introduction of the law and the making of the new regulations, for the avoidance of doubt it might be preferable to insert into this bill some saving provision for the existing regulations.

[Inaudible Interjection]

Hon. David F. Ballantyne: Sorry, fees rather than regulations, in the existing law. That is if there is to be a gap between the new fees—I shouldn't say regulations—and the coming into force of the law. Altogether, my opinion (for what it is worth) would be that it would be preferable to introduce the new fees at the same time as the new law but it has to be accepted that if this is done by negative resolution there would be a slight gap between the coming into force of the law and the making of the fees under it and the opportunity to negatively . . .

Mr. D. Kurt Tibbetts: Mr. Chairman, I am going to give my view. All other members can do as they please. If the Minister's position is that he wishes to allow participation from the other members of the Legislative Assembly who are not on Executive Council with these regulations to let them be ratified, then I would prefer to see those regulations before they are enforced. How this amendment is

worded is not in that spirit, and I am not personally happy with going the other route.

Members can do as they please but I am not going to support it like this and they can do what they wish.

Mrs. Edna Moyle: Mr. Chairman.

The Chairman: The Elected Member for North Side.

Mrs. Edna Moyle: Sir, I cannot sit in this Parliament as a responsible representative and just accept that the Government is going to give a commitment that regulations prescribing fees for the Cayman Islands Health Services will come shortly. I would suggest—and I am just going to make the suggestion that Clause 14 be the Health Services (Fees) Law (1998 Revision), save and except the scheduled fees be repealed under The legal minds can put it together. But I cannot accept Clause 14 as it is because legally if we are repealing this law, we are repealing the fees because there are no regulations setting out fees under this law. That's all I have to say, sir.

The Chairman: The Honourable Second Official Member.

Hon. David F. Ballantyne: I accept the point that the Elected Member for North Side is making and I now have a copy of the Health Services (Fees) Law (1998 Revision). Unlike the new law, the fees in that law are contained, as she rightly says, in a schedule. I apologise if I misunderstood that. Therefore, it would be preferable to save those fees until such time as the regulations are made under the new law.

I have proceeded on the premise that the existing fees were made under regulations, but, obviously, they are not. So, I regret having taken that position. But I think the answer is that those fees can be preserved by simply saying its repealed with a saving for the fees in the schedule until the making of regulations under the new law.

The Chairman: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Chairman, I would support that saving clause. As the Ministry and the Health Services Department gave a commitment that we would retain these fees for a period of two years, which ends in January 2000 in regards to trying to get the health insurance scheme going and sorted out. I would not anticipate any changes to these fees before January 2000. So, if we could put this in place I have no problem with the affirmative resolution.

The Chairman: Is there any further debate? Do you have anything further? We shall move Clause 14 and then we will ask for the amendment.

The Honourable Second Official Member.

Hon. David F. Ballantyne: Sorry, Mr. Chairman, I think, it might be necessary to formally move that the amendment to Clause 13 be amended to substitute affirmative rather than negative.

Hon. Anthony S. Eden: I so do, Mr. Chairman.

The Chairman: I will have to recommit Clause 13.

Hon. David F. Ballantyne: Mr. Chairman, in addition that Clause 14 be amended with

The Chairman: Prior to that, let me recommit Clause 13. It is the wish of the House that we recommit Clause 13, Entitled regulations, and that will have the amendment. Would you care to move the amendment, please?

Hon. David F. Ballantyne: I move that the word, "negative" be substituted by the word, "affirmative" in the amendment.

The Chairman: The amendment to Clause 13 has been moved. Does any Member wish to speak to it? No debate? I will put the question that the amendment stands part of Clause 13. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The amendment is passed.

AGREED: AMENDMENT TO CLAUSE 13 PASSED.

The Chairman: I will put the question that Clause 13 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 13 do stand part of the Bill.

AGREED: CLAUSE 13 AS AMENDED PASSED.

The Clerk: Clause 14. Repeal.

The Chairman: I put the question that Clause 14 do stand part of the Bill. There is an amendment.

The Honourable Second Official Member.

Hon. David F. Ballantyne: Thank you, Mr. Chairman. I move that the clause be amended by adding the following words, "*save for the fees contained in the schedule pending the making of regulations under this law.*"

The Chairman: Would you please repeat the last couple of words?

Hon. David F. Ballantyne: *"pending the making of regulations regarding fees under this law"* I have added the words, *"regarding fees."*

The Chairman: Is there any debate on the amendment? The amendment is duly moved, nobody wishes to speak to it? I shall put the question that the amendment do stand part of Clause 14. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The amendment is passed.

AGREED: AMENDMENT TO CLAUSE 14 PASSED.

The Chairman: The question is that Clause 14 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. Clause 14 as amended has been passed, do stand part of the Bill.

AGREED: CLAUSE 14 AS AMENDED PASSED.

The Clerk: A Bill for a Law to repeal the Health Services (Fees) Law (1998 Revision) to provide for the fees to be paid by the patients of Government hospitals on the islands and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled, The Health Services (Fees) Bill, 1999. The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED

The Speaker: Please be seated. Proceedings are resumed. Reports. The Honourable Minister for Health,

Social Welfare, Drug Abuse Prevention and Rehabilitation.

REPORT ON BILL

THE HEALTH SERVICES (FEES) BILL, 1999

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I beg to report that a Bill for a Law to repeal the Health Services (Fees) Law (1998 Revision) to provide for the fees to be paid by the patients of Government hospitals on the islands and for incidental and connected purposes was considered by the whole house and passed with amendments.

The Speaker: The Bill has accordingly been set down for third reading. I think this would be an appropriate time to adjourn for lunch. We shall suspend until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.53 PM

PROCEEDINGS RESUMED AT 3.03 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 7 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 11/99 as amended. Debate continuing.
The Third Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate thereon)

Mr. Roy Bodden: Mr. Speaker, thank you, sir. Out of an abundance of caution sir, before I begin I had better tell you what I am going to do. I noticed when I was speaking on the amendment that you seemed a little lost and when I had to tell you what I was saying, you said you weren't too sure. So, I better clarify myself unless you have occasion to be unsure or call me to account from the very beginning.

Mr. Speaker, what I would like to do now is to speak a little about the referendum proposal that we have and after that I would like to spend a little time on discussing the contribution made by the honourable Minister of Education, Leader of Government Business. I am not going to be humorous this afternoon. This is an afternoon for sobriety and seriousness. I was entertaining the first day, but today I am going to be enlightening, not entertaining.

One of the important things that I think we have to grasp about the referendum is that the referendum system was not truly an integral part of the Westminster style of democracy. I made mention of the fact that the

Government of the Honourable Tony Blair has held more referendums in their short tenure in power than all of the other Governments of the past put together.

I am also reminded too that our system of Government, although I think it is a very good system, is not a system without some challenges and some shortcomings. And, I am reminded that Lord Hailsham once described it as "elected dictatorship." His position, I suppose, is not unlike many other politicians. Shortly after that, Margaret Thatcher (when she was Prime Minister) elevated him to the Lord Chancellorship and we never heard anymore from Lord Hailsham about elected dictatorship. I guess, Mr. Speaker, after that it wasn't in his interest to criticise the system that he would have to play such an important and integral part in marshalling.

I am not faulting him. That is not unlike some of us. Once we get co-opted to certain positions and once we achieve a certain elevation, we seem to forget all about the weaknesses and shortcomings of the systems that seemed so relevant and important to us before.

But, quite seriously now, I want to make a brief reference (and I apologise for not having the presence of mind to get you a copy) from a book called *Referendums Around the World*, edited by David Butler and Austin Ranny. Quite by coincidence, I was reading an article in the *Economist* magazine of August 14 - 20, 1999 in which they described this text as the best text available on the subject of referendums.

On page 20, there is a section entitled, "**Referendums Subversive of Representative Democracy**" and they say, "**Many opponents of referendums have argued that referendums, though intended to supplement the institutions of referendum democracy, in fact, subvert them in several ways.**" This, Mr. Speaker, I find interesting. "**First, referendums allow ordinary citizens to reject decisions made by elected representatives. Popular initiatives enable ordinary citizens to enact laws without participation by and even over the objections of elected officials. Inevitably then, referendums subvert the authority and diminish the prestige of legislatures, cabinets and executive heads of government.**

"Moreover, by providing a politically acceptable way in which elected representatives can evade difficult decisions by passing the buck to the voters, referendums make it easy for representatives to shirk their responsibilities and evade the consequences of doing their jobs."

I want to focus on that for a moment, because I think it is important to make the distinction that in the Westminster style system of government, one of the sanctions that representatives fear in doing their job is the sanction of not being re-elected. So, what we don't want to happen is for us to get in the position where we have the referendum as a tool that every time the elected representatives come upon a serious, challenging, difficult and questionable decision, they take it out of the jurisdictions and precincts of Parliament and put it on the streets to the people, evading their responsibility, running away from decision-making and then they say, *'Well, that wasn't our decision. It was the decision of the people,'*

and they shirk their responsibility. We don't want to arrive at that point.

I say all of that to say that the referendum will be a good servant, Mr. Speaker, but it will make a bad master because we are elected to take decisions on our own. Our constituents and the wider public trust us, they expect that without bothering them—because that's what it will involve sometimes—we will make certain decisions of our own volition. Then, Mr. Speaker, if those decisions go against the grain of the expectations of the majority of the people, those people hold the ultimate sanction of not voting us in at the next election.

But they will not want for us to come to them in four years, five or six times at great expense to hold referendums to take decisions to find out things that they would normally have expected us to do. Let us remember now, in our system we have a track record, and I believe that that is the strength. That is the check and balance of our system. So, we don't want to get into a situation where we have a referendum law and every time we think there is a difficult and challenging decision, we throw it out to the people and evade and avoid our responsibilities.

Butler and Ranny go on to say (and this is the conclusion of what I want to refer to). ". . . **with both government controlled referendums and popular initiatives, referendum measures referred to the voters by governments have generally succeeded more than measures placed on the ballot by popular initiatives.**" So, Mr. Speaker, there is the case where government sponsored referendums have a greater percentage of success than those referendums initiated by the people.

I believe that whatever we ultimately decide, we should only resort to the referendum in those cases that have been specifically designated important or major national issues. And I believe that in order to do that, we should come as close as possible in this honourable Parliament to unanimity because sometimes even a simple majority will be controversial in those circumstances.

Now, I want to dwell somewhat on the response by the honourable Minister of Education. And I don't have the benefit of having his complete speech, but I have a part of it and I am going to rely on my faculties for the rest. One of the things I noticed is that the honourable Minister of Education has one style when he is dealing with these kinds of matters. And, that style bothers me because it is a style that is inimical to the interest of Parliamentary democracy and inimical to the interest of accepting members' positions on the merits of their debates and their arguments. That style has to do with the promotion of fear because when the honourable minister gets subjects like these, he touts them around like you have to be suspicious of certain people because they want to promote constitutional advancement; they want to promote political advancement; they want to go into independence.

Mr. Speaker, it seems to me that certain members here are especially susceptible and subject to those kinds of suspicions—present speaker not excluded. What he does is nothing short of a process of indoctrination, where he drums it over and over—these people are

power hungry and these . . . I heard that, Mr. Speaker. There were undertones. It was plain and he repeated himself over and over. There is a fundamental rule in teaching that repetition is the key to learning and I am sure, he being the Minister of Education, knows that rule although he was not a trained teacher.

So, Mr. Speaker, he says that over and over, but there is a danger in that. That kind of behaviour is what Edmund Burke (who is one of those people that I like to read) calls "a pious fraud." And, I am going to talk about those kinds of things a little later on because I hold certain things sacred. I say that we cannot deal fairly and honestly if that's the tactics because those are below-the-belt tactics. In boxing, they take away points from you for that, Mr. Speaker, because you are hitting below the belt.

There comes a time when people have to rise above that. When I was greener that's the kind of tactic I would adopt too. But now, believe you me, I am not so uncertain because after being here eleven years, that's plenty water off the duck's back. I am not suggesting that that's in anyway by any means long enough. But I am saying that there is no need for me to resort to similar tactics.

But I want to expose those tactics, and I want to expose that kind of behaviour by the minister, especially as I know the minister knows better, and that I know he does it purely for political advantage.

You see, Mr. Speaker, if the minister had come about and stuck to the arguments and the merits and said, '*Of course, there are some dangers,*' . . . I know that there are some dangers and I know that there may be persons who would wish to change the Constitution. But, Mr. Speaker, I don't see my role here as putting any obstacles in their way. If they are so reckless as to want to do that, then let them go out and tell the public that that is what they want to do and try to get elected. If they are not elected, they cannot blame me. Certainly, that is not what I want to do. But, by the same token, it is not my role or responsibility to lay obstacles in the way, to block, to stagnate it, to mire the country in such a position that there can never be any improvement in the instrument.

I don't believe that being ambitious or aspiring to be a minister necessarily means that one is power hungry, as has been suggested. Mr. Speaker, the honourable minister has served two to four terms as a minister. Is he power hungry? Was he hell bent on changing the Constitution, as he seems to imply that other people are? Mr. Speaker, that honourable minister has a bag full of degrees, but there is nothing wrong with that. So, what is wrong with other people acquiring degrees and using those as tools to help them in their understanding and in broadening their representation of the people? There is nothing wrong.

I would like to make the distinction, and I would like if the honourable minister could change his style because that style is not going to work in the 21st Century. Do you know what I figure, Mr. Speaker? I believe that a persons like that honourable minister and me . . . our tenure here is beginning to become limited. Do you know why? If you listen to the talk on the streets, Mr. Speaker,

the demographics have changed and are continuing to change. Soon we—the members inside here, the incumbent members—are going to be faced with challenges from younger, equally educated, equally articulate Caymanians who want to represent the people, who have views and who want to articulate those views just as we want to do. And, if we are smart, as I am smart, we will prepare the way by finding protégés, grooming them and moving them.

Mr. Speaker, that is why I like to watch the Godfather film because it teaches me about hierarchy and it tells me, if I am smart, I will move out of the way. I am not glorifying violence or worshipping violence but there is a fundamental lesson to learn: Smart people prepare their successors and have an orderly transition. Those who are not smart stay till they are forcefully removed and as a result of that earn no respect and no recognition in spite of all they may have done.

So, Mr. Speaker, it is quite simple. I cannot be a dinosaur. The Minister of Education is my good friend and I don't want him to be a dinosaur. I am warning him, begging him and beseeching, and I am praying for him not to be like that because I know the honourable gentleman . . . in spite of all that I rail against him sometimes, I would like when his tenure is at its end that he can gain the respect he deserves. I would be the first one to say that I don't see eye to eye with him. I would like him to move on his terms before the tidal wave that I see coming sweeps him off his feet.

There are too many politicians around here who are bitter because they didn't realise their time had come and didn't prepare. That's the key! That is why it is so important for us to get sensible instruments . . . and our job is not to say I have a Constitution so good in a thousand years it won't need any improvement. Do you know what our job is? To get the basic instrument that guarantees certain people the fundamental rights and privileges and levels the playing field so that all Caymanians—including those people who are residents and visitors here—can enjoy the fruits of the society.

Mr. Speaker, I would never advocate political independence for the Cayman Islands because I am sensible. At this stage, I would never do that. Do you know what I foresee? I foresee me, this Third Elected Member for Bodden Town, spending out my political tenure and the country not reaching that stage yet. I am not suicidal. I may be many things, believe you me, so why would I advocate that? And, by the same token, I don't hear the Fourth Elected Member for George Town advocating that. I don't hear the First Elected Member for George Town advocating that. But, what I am advocating is that conditions should be so that if anyone in his democratic right feels that that is what he wants to do, he or she can go and do it and run the risk of rejection.

I don't want to stop them, and I wouldn't say (because they aspire to that) that they are radical. I just know that the forces are against it—economic forces are against it, the people are against it. But I don't want to tie somebody's hands down so that 20 years from now they still cannot move an inch if it is necessary.

So, Mr. Speaker, I take the dimmest view of those kinds of argument. And they don't work. If they worked, explain to me how I have been here, three times elected, and that's the charge that was laid on me. So, we have to be fairer. We have to use some other tactics and it is not responsible to promote that kind of fear because I don't see any Dracula in here, and I don't see any Frankenstein in here.

This motion and the amendment are too important to waste time talking about who is power hungry. You mean because I am elected and I say I would like to become a Minister, I am power hungry? What about the other people who are elected and have become ministers? Are they power hungry too?

Mr. Speaker, there is something else the minister said, that I would like to correct. In commenting on what happened in 1992, the minister left the impression that the primary reason why that political directorate was disposed of was because they advocated constitutional change. Historically speaking that is not accurate. Let us recall now, the most topical issue at that time was the construction of the hospital. The opponents of that called it the "hospital in the swamp." Remember that? The economy was also bad, Mr. Speaker, and there was arrogance among some of the players in the political directorate. Plain, blatant arrogance!

I remember the incident out here. It was a grave mistake. Trust me, I would not have done that. It is true that the Constitution was a peripheral issue but it was not the main issue. I mean, Heaven knows, if they had any other issue beside the two that I just named, some of those people would still be buried. They wouldn't be digging their way out even now.

So, don't try to instil fear by saying that. Here is the position that I take. Someone comes to me and is advocating constitutional change, now you convince me that we should change the Constitution and show me how it is going to significantly improve not only the political position but the economic, social and cultural position and then I may listen to you. I may buy your argument. But to come to me to say you want it advanced just for the sake of advancement . . . a thousand times no. I believe that every political player who has any sense would shy away from that.

So, what I am saying (while I have the minister cheering me on) is that there is no need for him to resort to those kinds of tactics—he must be watching too much wrestling.

[Laughter]

Mr. Roy Bodden: There is no need for that. And now he challenges me to state my position. I have just stated it! And I want to make this rueful admission: When the First Elected Member for George Town and I crafted the motion, we knew that that was exactly what his behaviour was going to be. We knew that he was going to use this as his re-election plank—the main plank. Now, Mr. Speaker, it will be interesting to find out at the end of the day when the votes are taken if he is going to still be swimming on that plank or if he is going to have to be

scrounging around to find another one. I believe he is going to have to be looking for another one because there are going to be so many people on that one he is not going to have any space to do what he wants to do. Unless, like I said, he wants to team up with the First Elected Member for George Town, the Third Elected Member for George Town and the Fourth Elected Member for George Town. But if he has any other ideas, he better look for another piece of plank.

Mr. Speaker, I don't believe that the United Kingdom would wish to jettison us so quickly that it would allow a few people with a couple of scatterbrain ideas to come to them and say, '*We should advance the Constitution and go into independence*'. The United Kingdom will talk to anybody, particularly if they pay their way to London. I know that, I paid my way twice! They may even buy you a few beers (for those who drink), but that doesn't mean that it is going to go any further than that. And, certainly, the first thing they ask you when you are talking seriously to them is, '*Well, where is your group? Who is with you? How many people have you got? Are you prepared to make this a subject of a general election?*'

So, only the unknowing would take the route that the Minister of Education suggested. Certainly, I wouldn't take that route. I know the First Elected Member for George Town wouldn't take the route. The Fourth Elected Member for George Town wouldn't take that route because we all know better. The point I wish to make is that we want to arrive at a position where the Constitution is an instrument of good government where the people have the right to trigger a referendum, but by the same token, the hands of legislators are not tied if they want to take a decision, even if that decision carries the ultimate sanction of them losing their seats.

Do you know what, Mr. Speaker? I wouldn't want to know that I elected someone to represent me and every time they wanted to make a decision, they had to come calling and disturbing me in the middle of the night, at my meal time, at a time when I want to be with my family—'*Well, Roy, what do you think I should do? Well, Honourable Third Elected Member for Bodden how should I handle this?*' I would say, '*Listen, come, give me my commission back and I will find someone who can do the job without disturbing me all of the time.*' So now, can you imagine, Mr. Speaker, if every time I had to vote, I had to go to Bodden Town to hold a referendum? What would happen to me? The sensible people of Bodden Town would flog me and say I am a coward and they will hold a referendum to get me out.

[Laughter]

Mr. Roy Bodden: So, it cannot be that. And by the same token, Mr. Speaker, taking the argument a step further, I am not advocating any change but I say there is a limit to how long we are going to go on with the system the way it is. In any hierarchy there has to be a head. So, maybe we won't want it in our time, but I wouldn't want to handcuff the future members of this Parliament if they want to say among the five ministers there should be what was called in the time of Horace Walpole in the 18th

Century, a *primus inter pares*—a first among the equals. That is a natural.

Mr. Speaker, I see that as the next step in the progression towards a better constitution and a better government. But I am not advocating it for right now. But what is indisputable is the fact that our system has some encumbrances now because who is accountable to whom? I have a title, it is called a manager. My boss is the Managing Director. In the organisation I am familiar with, there is a strict hierarchy and when something goes wrong, I get called. I am held accountable even when it is not my direct responsibility. I am the manager. I am supposed to know what is going on on that compound at all times and if I don't know, something is wrong. And, if I don't know and if I insist on not knowing then they will get someone knows and who will know.

Let us not create fear and think that these things are unnecessary and that because you aspire, you are evil or bad. That is what the minister has been doing throughout and he has it down to a T. He has been doing it throughout his political career. But, Mr. Speaker, check this now. The Minister is the Leader of Government Business, and technically he is the Leader of the Ministers. So, is it now that he doesn't want anyone else to be a leader and that's the tactics for keeping them down.

Mr. Speaker, just Monday when he thought he might have been in a little problem, we saw him buzzing up and down, making the phone calls, calling them—'*gentlemen, come, come, come!*' Calling the troops in! *[Laughter]* These little nuances don't escape us, you know.

So, let us not try to project the impression now that the system is so bad, so evil, so grotesque and that those who say it could be run better are power hungry. No, Mr. Speaker, one thousand times no! I agree with the minister that Britain's policy toward us rests on the basis that it is the citizens in the territory who should determine the political outcome. But remember now, we influence how those people think.

Mr. Speaker, believe you me, if you hear some of his constituents talk about Mr. Truman . . . and that's what makes it so serious when he gets up and tells them, '*Ugh! You better watch the Third Elected Member for Bodden Town, you know, and you have to watch all those people who want to do this because they are power hungry!*' There is nothing I can do to make some people believe because he said that is not so. So, that is why he shouldn't do that. That hurts.

And, do you know what that reminds me of? I heard him telling me about how many votes I lost; Mr. Speaker, did he calculate how many he lost? I lost 500; he lost 700! So we are in the same canoe! Also, Mr. Speaker, that should tell him if he insists on burying me, he himself may get buried quicker. So the best thing he can do—

Mr. D. Kurt Tibbetts: *[Inaudible comment] [Laughter]*

Mr. Roy Bodden: So, Mr. Speaker, the best thing he can do is like the old expression says, let a sleeping dog lie. Because while he is busy keeping me out, keeping the Fourth Elected Member for George Town out, saying

that we are power hungry, the First Elected Member for George Town is gone with his cake. And then he is calling me, the "Last" Elected Member for Bodden Town, saying that I almost didn't get in. But, Mr. Speaker, he is not checking his arithmetic, you know, seeing that a man stole his majority.

But, Mr. Speaker, I guess, you know that that's the nature of the human being. Anyway, it is nice (even if I have to say so myself) that it can be taken in the spirit in which it is taken.

It reminds me of an old principal of Mico Teachers College, Mr Owen. Sometimes, when he was most serious, he addressed (in what was apparent humour) an anecdote. I get the message because I can assure the Minister that when he tells me things like that and when he calls me the "Last" Elected Member for Bodden Town, I know what I have to do. Trust me. I am doing that quietly and praying hard too, Mr. Speaker. Praying very hard.

But I tell him, tongue-in-cheek, that we are going to leave at the same time. I don't want to leave him in here because then I don't know what he might do when I go outside. So, we have to strike a deal that the two of us are going to leave at the same time and then those that we leave in here, if they misbehave, the two of us will threaten to come back! So, Mr. Speaker, it is only fear now to expect before that departure he is going to give me a little say on that side too because otherwise I wouldn't know how it feels. The only way I am going to leave is if he comes over here for a spell—we are trying to work that out now.

To get back to the serious business. . . I believe that the arguments for the referendum were well established by the First Elected Member [for George Town] and I in the motion. And, I also believe that there is some merit to some of the amendments made by the Minister for Education. But I don't want to leave the Parliament with the notion that when people aspire they are to be distrusted and when they express hopes, and even when they expound certain ideas, that they should be suspect. For, Mr. Speaker, every one of us is born with the innate desire to improve our lot in life—whether that is economic, social or political. The only exception to that are the Calvinists, and I don't even know now if Calvinism as we know it still adheres to this. But the Calvinists were the only people who propounded the doctrine of predestination, which basically meant that if you were born a slave, it was a sin to try to improve your lot, that you were destined to remain at that level. I don't hear anyone espousing to that doctrine, therefore, I don't think it is fundamentally wrong for people who believe that they have abilities to aspire for leadership positions.

I don't think that it should be limited to race. I don't even think that in the democracy it should be limited to education. Let the people choose, say what we stand for and let the people choose. If we are to progress, if this country is to move forward, I believe that it is necessary for us to craft some kind of instrument by which we can hold referendums. I believe that this honourable House has the ability to do that, and I believe it would be fun-

damentally flawed and unfair of us to try to arrive at a position where we tie the hands of future legislators.

Mr. Speaker, I don't believe that that would serve democracy and I don't think that the United Kingdom would accept or tolerate that either. That is why I am concerned, and having been bitten by that bug, I have a particular sympathy towards people who are unjustifiably labelled because they take certain positions. And, I say again, smart politicians will realise the extent to which their constituents and the wider country will tolerate certain moves and short of someone who is politically suicidal, they will shy away.

Mr. Speaker, what I don't want to become in any facet of my life is a dinosaur. I want to be able to move on. I want to be able to evolve. When the ice age comes, I want to be able to adapt. That is why I like to read and to research because I like to know what is on the cutting edge. That is why I could tell the honourable minister that I have no apology to make about changing my position now, regarding referendum, which is different from what it was in 1989. Because in 1989, I didn't know all the things about a referendum that I know now. I didn't research it thoroughly. It was an ill-informed political position I held.

My position now is more informed. I am not saying that I am an expert because I am not putting myself up as an expert. What I am saying is that I am alive. The mere fact that I can change my mind proves I am alive and open. I am the king of person who should be a representative because I am not stuck in a groove. And, even when I am 80, if God spares my life, I still won't be a dinosaur. I would like to be able to listen and learn, and be informed.

Mr. Speaker, I hope one of these days, before too long, that many people who don't know me well, politically speaking that is, can come to realise that I am as stable, as dependable, as progressive and as successful as they are. I believe if one were to take our measurements, there are no significant ideological differences between any of the members inside here. Believe you me, there is more similarity amongst us than there are differences. If I were a wagering person, I would wager that based on the nature of the discourses that I have heard.

It is only, Mr. Speaker, that some people find it easy to gain an advantage over other people by promoting certain kinds of fears. I wish that we could come to the point, particularly the Minister of Education, where that would not be the tool most often reached for.

The Speaker: Would this be a convenient time to take the afternoon break? or is it the wish of the House that we continue right on, until 4.30 p.m.

We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.50 PM

PROCEEDINGS RESUMED AT 4.25 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion

No. 11/99 as amended. The Third Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: Mr. Speaker, as I look at my watch, it's a good thing that I plan to wind down. I am not long-winded these days so I hope to be finished within the few minutes that I have left.

Mr. Speaker, Private Member's Motion 11/99 is a good motion. The Minister of Education challenged me to state what my position is—I am not going to state my position prematurely as I still have to listen to the mover of the original motion. But I can say that it will be one of the two positions that we count in the Parliament. In other words, it won't be an abstention. The decision I take is going to be the correct decision, and I will leave it at that.

Mr. Speaker, I want to now draw my conclusion and I want to do that within the two minutes or so that I have left. I guess that it would be remiss if I didn't make some comment in the conclusion regarding the style of the minister who spoke—the Minister for Education. I love this historical figure, himself, a stalwart parliamentarian, eminent historian and one of the greatest Englishmen as far as I am concerned that ever did any time in the House of Commons. I love to read Edmund Burke.

Mr. Speaker, do you know what Edmund Burke said about speeches like what the Minister of Education gave? I want to read it. "**Well stored with pious frauds and like most discourses of the sort, much better calculated for the private advantage of the preacher rather than the edification of the hearers.**" He made those comments in a publication called, *The Present State of the Nation*. How coincidental!

Mr. Speaker, I want to read it again. "**Well stored with pious frauds and like most discourses of the sort, much better calculated for the private advantage of the preacher rather than the edification of the hearers.**" Mr. Speaker, believe you me, the Third Elected Member for Bodden Town could never be that eloquent. And with that quotation I have come to the conclusion of my contribution. Thank you.

The Speaker: According to my clock, we have three minutes before the normal hour of interruption. I think it would be improper for me to accept someone to start their debate at this time—this late in the afternoon. If it pleases the House, I would entertain a motion for the adjournment.

The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, it's the view of the House that we should adjourn until Friday at 10.00 p.m. So I would move the adjournment of this Honourable House until Friday at 10.00 a.m.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. on Friday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 a.m. on Friday.

**AT 4.29 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 24 SEPTEMBER 1999.**

**EDITED
FRIDAY
24 SEPTEMBER 1999
10.40 AM**

[Prayers read by the First Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Minister for Tourism, Commerce, Transport and Works.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 128 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERMENT OF QUESTIONS 128, 129, 120 & 126

Mr. D. Kurt Tibbetts: Mr. Speaker, as you just said that minister is absent due to a death in his family. So perhaps you would allow questions 128, 129, 120 and 126 to be deferred to a later date.

The Speaker: Those in favour of deferring these questions to a later date, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 128, 129, 120 AND 126 DEFERRED.

The Speaker: Moving on to question 125, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 125

No. 125: Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to provide the breakdown of the costs of maintaining and/or upgrading the major playing fields on Grand Cayman and Cayman Brac from September 1998 until August 1999.

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

Hon. Julianna O'Connor-Connolly: Several services regarding the maintenance of playing fields in Grand Cayman are 'lumped' together. For example, two groundsmen rotate around the Islands to cut the fields. The cycle takes approximately two weeks. Some school fields that are used by the community are cut by the Sports Office.

The Ministry does not maintain a field in Cayman Brac.

The following is a breakdown of the cost of maintenance and/or upgrading of the major playing fields on Grand Cayman:

Truman Bodden Sports Complex (Stadium):	
Janitorial services	\$25,002
Field Maintenance	36,160
Security	29,873
Chemicals (field)	4,000
Chemicals (cleaning materials)	2,451
Water	8,643
Electricity	33,598
Total:	139,727
Bodden Town Primary School Field:	
Field Maintenance	\$ 3,772
Electricity	4,246
Total:	8,018
(A)Ed Bush Sports Complex/Practice Field Maintenance:	
Janitorial Services	\$18,633
Field Maintenance	24,590
Chemicals (field)	4,000
Chemicals (cleaning materials)	919
Security	24,196
Electricity	9,318
Water	7,751
Total:	89,407
(B)Ed Bush Sport Complex - Practice Field Upgrade:	
Irrigation installation including pump room construction	\$53,867.53
Raising level of field including grass re-instatement	83,384.64
Fence to east side/fence repair	1,813.77
Total	139,065.94
East End Playing Field:	
Field Maintenance	\$3,772.00
Chemicals (field)	2,599.00
Electricity	352.00
Total	6,624.00
Cricket Oval West Bay:	
Ground Maintenance	\$20,152.00
Water	4,955.00
Chemicals (field)	3,000.00
Total	28,107.00

West Bay Primary School Field:	
Maintenance	\$9,338.00
Electricity	3,338.00
Total	12,676.00
George Hicks School Field:	
Field Maintenance	\$3,772.00
Annex Football Field:	
Janitorial	\$2,915.00
Water	2,980.00
Field Maintenance	16,929.00
Electricity	9,319.00
Total	32,143.00

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if, in those fields where there are both janitorial services, field maintenance and other related areas, all of this work is done by one entity or are these duties performed by various individual entities?

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

Hon. Julianna O'Connor-Connolly: There are two groundsmen on a rotation basis as far as the maintenance is concerned, I am instructed. And there are also a number of ladies who deal with the janitorial with the various fields.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the honourable minister would explain why the Old Man Playfield and the Bodden Town Playfield are not included in this list of fields maintained by the Sports Office.

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

Hon. Julianna O'Connor-Connolly: It is my understanding that because the Bodden Town Playfield and the Old Many Bay Playfield are yet to be handed over by Public Works, that they actually have a separate vote dealing with maintenance there. Once it is handed over to the ministry we will then take up the maintenance responsibility.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the honourable minister say if consideration could be given to persons in the districts who own lawn services to maintain the fields?

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

Hon. Julianna O'Connor-Connolly: The ministry is now in the process of looking into the feasibility of doing maintenance contracts as the need for proper maintenance for all the fields becomes more necessary. It would be open to the regular procedure of going to bids and persons within the districts will have an opportunity to bid within the five districts that now have fields.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I will give way to the Member for North Side.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: This is a follow up to the question I asked before. I think PWD is responsible for the actual football field that was grass, and that has not yet been handed over. Who maintains the grounds around the actual football field, including the bathrooms?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, if I could have a moment please. [pause]

Thank you for your indulgence. It is my understanding that PWD has been paying for the maintenance up until now, including the area the member asked about. The explanation given was because they were experiencing some problems with the grass in that particular vicinity that they continued maintaining it until they were ready to hand it over.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would seek an undertaking from the honourable minister that when the works are placed out to tender, and I realise the constraints set out by the various tendering committees, that some consideration be given to those applicants from the community, particularly when it comes to the work in Bodden Town, and maybe the same will obtain for North Side.

I know that at the Bodden Town Playfield, a gentleman has a company and quite frequently he does the work for gratis. I would be very interested to see that when it goes out to tender these people are not left out, and that the tendering will not necessarily go to the largest companies that will monopolise all of the sports complexes to the exclusion of persons from the districts, particularly those who out of a spirit of community have been doing the work when called upon, for gratis.

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

Hon. Julianna O'Connor-Connolly: Although I cannot give an undertaking per se, in that I do not have the direct

responsibility as far as hiring is concerned because it goes to a tenders committee, I can say that I fully concur that there will be more ownership and accountability if, in fact, the successful bidder was within the district. I will let that pass down, for whatever it's worth, once the assessment is done with the tendering committee.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I noticed that the answer relates to playingfields, that is soccer fields. Can the honourable minister say what considerations are being made in regard to maintenance and security of our basketball courts throughout the islands?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that maintenance is being done. But because it was not specifically asked for in a substantive question I will have to give an undertaking to supply it, if the member so desires, in writing for those specific facilities.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I appreciate that undertaking. The one that I am particularly concerned about at present is the one on Eastern Avenue. Can the honourable minister say what immediate plans are being considered to address the situation there?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that the Basketball Association is responsible for the day to day maintenance of that particular hard court.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I privately spoke with the minister concerning the next undertaking I am going to try to extract from her, and I take this opportunity to raise it publicly. I would ask that when the contracts are drawn up for the field maintenance that in addition to what we now know as field maintenance, that is cutting the grass and trimming, that some stipulation be put into the contract for re-seeding. I have been speaking with some of the persons who currently work, and the observation they made was that the field could be much better if they had the authority to re-seed as necessary, particularly on the fields where soccer is played in the off season.

I know that for many years the Bodden Town Primary School field has suffered from over use. To the best of my knowledge, it is not frequently re-seeded. So I would ask the honourable minister if her sports office is responsible for drawing up these contracts and if they could take note of putting that stipulation into the contract.

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

Hon. Julianna O'Connor-Connolly: That's a very valid observation and request. Indeed, I will pass it on to the Sports Office. The legal department assists us tremendously with drafting up of contracts. But that was the other reason we thought we'd move to maintenance contracts, because of the more scientific approach the ministry is trying to take in regard to the various fields for upkeep.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have one last observation, and I am going to ask the minister to give an undertaking for this also. One Sunday morning I went down to the Bodden Town Playfield where some people from the community were playing soccer. I received some complaints from the players, and I saw it myself, that the field was being utilised by persons riding horses.

I gathered that there had been other complaints about that. I want to say that I have nothing against horse riding, but I didn't think it was appropriate to ride horses on the Bodden Town Playfield because that field belongs to the Bodden Town Primary School. I was concerned about horse droppings on the field because school was in session. I remarked to the young man that I hoped he had his scoop and bucket. He said he did, but I didn't see it.

Anyway, the soccer players vociferously complained to me and said that they had complained about the horse riding before. These horses are quite large, and circulating around the track they soon make indentations in the field. I don't think it is in the best interest of the soccer players, or the primary school children to have that kind of thing happen. So I would ask the minister if her sports office would keep a special eye out for this. I don't expect them to find the horse riders an alternative venue, but I am sure there are other more easily accessible and more appropriate horse trails that could be found besides the Primary School field.

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

Hon. Julianna O'Connor-Connolly: As I am sure the learned member is aware, it is a school field. Therefore, it falls under the direct ambit of the Education Department. Consent for use of the field would have to come from the school, not from the ministry. But suffice it to say that I can bring it to the attention of my honourable colleague and I am sure he will do whatever is necessary to address the matter in a most timely way.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning.

Item 4 on today's Order Paper, Government Business, Bills. Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE HEALTH SERVICES (FEES) BILL, 1999

The Clerk: The Health Services (Fees) Bill, 1999.

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

Hon. Anthony Eden: I beg to move that a Bill entitled A Bill for a Law to repeal the Health Services (Fees) Law (1998 Revision) to provide for the fees to be paid by the patients of government hospitals on the islands and for incidental and connected purposes be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Health Services (Fees) Bill, 1999 be given a third reading and do pas. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE HEALTH SERVICES (FEES) BILL, 1999, GIVEN A THIRD READING AND PASSED.

The Speaker: Item 5 on today's Order Paper, Presentation of Papers and Reports. Government Minute on the Report of the Standing Public Accounts Committee on the Auditor-General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997.

The Honourable Acting Third Official Member responsible for Finance and Economic Development

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON THE AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 1997

Hon. Joel Walton: In accordance with the requirements of section 74(7) of the Legislative Assembly Standing Orders (Revised) I beg to lay the Government Minute (1997), 1999.

The Speaker: So ordered.

The Honourable Acting Third Official Member responsible for Finance and Economic Development.

Mr. Joel Walton: I would like to move a motion, if I could, for the House to defer debate on this particular paper until after the conclusion of Private Member's Motion No. 11/99, as amended.

The Speaker: I shall put the question that we defer debate on the Government Minute until the conclusion of the debate on the referendum motion. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: DEBATE ON THE GOVERNMENT MINUTE DEFERRED UNTIL THE CONCLUSION OF PRIVATE MEMBER'S MOTION NO. 11/99, AS AMENDED.

The Speaker: Moving on to item 6 on today's Order Paper, Other Business, Private Members' Motions. Debate continues on Private Member's Motion No. 11/99, as amended. Does any other member wish to speak?

The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate on motion as amended)

Mr. W. McKeeva Bush: I am pleased to be able to debate this, although I would have thought it would be finished by now.

Upon examining this referendum motion and its full form of amendment, I find it strange and I believe totally out of order that on a matter dealing with a referendum (which this motion is all about) that we have matters about change to the Constitution being dealt with. I thought it strange because I believe that our [Standing] Orders say that such matters should be dealt with by substantive motion. Nevertheless, it has been passed, but I thought I would make that point.

I believe that this motion (because the two do not go and should not go) is out of place in that regard. I don't believe that the Legislative Assembly is lawfully debating something that is properly put before the House. Nevertheless, as I said it has been passed. And not being here, I would have hoped that other members would have taken this same point, as I know they are paying close attention to the orders of this House these days.

Similar motions have come to this House and this referendum motion has been back and forth in this House for some time. I think we need to get to a point during the life of this Parliament where we come to some agreement on the matter of referenda.

The people of this country today are more outspoken than at any other time in the history of the Cayman Islands. We hear more from people these days than I have ever heard in my 15 or 16 years in this Legislative Assembly on matters that affect them, on matters affecting the future of this country.

This is no idle work. This is not time for the political one-upmanship that has been taking place on the amendments to this resolution. This is a house of politics, as some like to say, but I find it strange that the government comes with such an amendment. I said in my short contribution before I left for the CPA conference, that I found it hard to accept that we were moving an amendment, a motion in this House, to ask the people by referenda whether they wanted referenda. I said at that time that we are cluttering up the democratic process (and those were the best words I could use). The roundabout way of doing this is not helping us.

Further, I believe that what the Minister of Education has allowed, or what the House has allowed to happen by voting for that amendment, is asking for trouble. By what we have here now before us, the United Kingdom will have to approve what the Minister of Education asks for; whether or not they approve it is another matter. I doubt it.

The Speaker: Could I just interrupt you for one moment? I want to call to your attention that we are debating a Private Member's Motion, which in essence is asking that the government consider this. We are not posing a law here today. We are posing a Private Member's Motion which is asking that the government *consider* this. So we do not have a law before this honourable House. Please continue.

Mr. W. McKeeva Bush: I quite know that there is no law before us. But the intention in this resolution before us—and I certainly have to draw that to your attention . . . or else this motion would not be here. The intention is there to carry this through. So I believe that this amendment is an exercise in futility because I believe that the United Kingdom is not going to accept that. If they do, it will be more than they have done in the past with such matters. But one never knows.

I believe that in this matter the only people who are going to loose are the people of the Cayman Islands. That is what is going to happen.

Mr. Roy Bodden: Hear, hear!

Mr. W. McKeeva Bush: As far as I am concerned, the last part of that amendment he put is not relevant because we are dealing with referenda and not with an amendment to the Constitution. And that should have been a substantive motion.

Why take this path? It's going to cost a lot of money for one thing, and we are always screaming about doing things to spend money. It will cost money to hold a referendum to ask the people whether they want a referendum when the Constitution provides for it. So you are

going to have two times that funds will have to be expended

To say that it is not good for the public to have a say in this . . . as I said, I believe that we are at a time when the country is demanding more say in the affairs of this country. But to say that here . . . and I have to deal with this at this point, dealing with the Constitution part of it . . . however, before I get into that, Mr. Speaker, just let me say that much was made of what I said in 1989 by the Minister of Education. That was some ten years ago! The only man who can't change his mind is a fool or a dead man!

There are many differences between the development of this country, the issues at stake here and now, and that of 1989. There are many more matters that are of significant importance (I should draw to the honourable minister's attention) which exist now that did not in 1989. One such issue is the White Paper, the issue of whether or not we want to be British citizens. That is one such matter that I believe the public would easily take up on referenda. [There are other matters . . .] the Human Rights issue in that White Paper before the country presently. So, if he is reading my 1989 debate to say that I cannot change my mind, then I don't think that he really understand humans.

What he should have read from the 1989 debate was where I said “. . .there is no guarantee that there would be such a clear majority to convince the government to change the matter [whatever the matter for referenda was that I was talking about at that time], if it was a matter dealing with policy, or to bring in a matter dealing with some campaign promise. There is no guarantee that if we were dealing with the Constitution or some other thing Great Britain would see it as being a majority.”

I went on to talk about the referenda held in Malta. **“There was once a referendum held in Malta to decide the country's integration with great Britain. The British government did not think there was a majority, although the proponents thought so. So, Malta did not get integrated at that time.”** [1989 Official Hansard Report, Vol. 1, page 588]

If the Honourable Minister for Education, Aviation and Planning had read that section of my debate he would have made more sense out of what he was trying to do rather than trying to use my speech to say that I cannot change my mind.

How we decide on a course of referenda is something that we also need to think about. We could go into a referendum, spend a lot of the country's money and still not get what we want. There is no guarantee that we could get a clear majority in any one vote. So we would have to be careful how we would start the process on referenda.

There have been some suggestions from various people saying that if referendum is initiated by the Legislative Assembly (as it is within the Constitution presently), then only the elected members of the Legislative Assembly are eligible to vote on that proposed referendum. A simple majority of elected members would provide the vote of the registered voters. If it is initiated by registered

voters then we could perhaps require something between 10% to 30% of the registered voters to sign the request for a referendum vote. Once the required signatures have been recorded the government would then schedule the referendum vote within a given time.

But what we also have to consider is whether any issue being put to a referendum would bind the government to not implement any law or take any action on an issue that is the subject of the referendum until the voters have had an opportunity to indicate their wishes at the referendum. More than one issue could be voted on at a referendum vote. A referendum vote could take place at the time of a general election. We should require a certain number of the registered voters to participate in the referendum for the results to be binding on government. A certain percentage of registered voters in the districts for a certain number of districts could approve the subject of the referendum. At least an aggregate of 50% of the registered voters who vote in all districts could approve the subject of the referendum. That's for referendum on any subject.

Now, on a matter amending the Constitution, action to initiate a referendum to amend the Constitution would be desirable to automatically require that any amendments to the Constitution be endorsed by the vast majority of registered voters before being sent to the UK for approval. If initiated by the Legislative Assembly then only elected members of the Legislative Assembly would be eligible to vote on the proposed Constitutional referendum.

Then perhaps a majority of 50% of the elected legislature would put the Constitutional amendment to the vote of registered voters in the Constitutional referendum. You can hear how confusing it would be but this is some of the terminology that I would and the next member would have to go out there and talk about.

If the amendment to amend the Constitution is initiated by registered voters, then we would have to require a percentage of the registered voters to sign the request for a Constitutional referendum vote. How much of that would be argued because you would need a good percentage to do so. Once the required signatures would have been recorded then government would decide to schedule the Constitutional referendum vote within a given period of time. And any proposed Constitutional amendment being put to a Constitutional referendum would bind government to not implement any change or take any action on the issue which is the subject of the Constitutional referendum until the voters have had an opportunity to indicate their wishes at the Constitutional referendum.

Only the Constitutional amendment could be voted on at a constitutional referendum vote. The constitutional referendum vote should not be combined with a general election, for instance. At least 60% of the registered voters should indicate in the constitutional referendum vote on constitutional amendments for the results to be binding on government to send to the United Kingdom for approval. At least a majority of registered voters in a majority of the districts should approve the constitutional amendments in a constitutional referendum vote for the

results to be binding on government to send to the United Kingdom for approval. And at least an aggregate of 60% of registered voters of all voting districts would have to approve the constitutional amendments in the constitutional referendum for the results to be binding on government to send to England or the UK for approval.

These are matters that we would have to consider. We would have to embark upon that sort of procedure to do all that we are asking for, for people to have a say on issues by referenda, make it possible for that to happen. But this is the kind of process that we would have to embark upon. Controls would have to be put on government spending to fund publicity or promotion of referendum issues. And any person or organisation promoting an issue to be put to a referendum vote would have to declare all sources of funds, assistance, declare in writing special or connected interests and make records of the organisation available for audit or verification by independent non-government firms. Again, the results of all referendums would be binding on government to implement without delay the required action, subject at all times to the final approval of the Crown as long as we remain an Overseas Territory of the United Kingdom.

These are the matters we are embarking upon. So while the Minister of Education believes that he is busting . . . because that is all it has meant. He has only tried to bust the First Elected Member for George Town who brought the amendment. And when he saw that, he decided to put in this aspect—which he knew that people would probably jump on. But if he were serious about this whole thing . . . if you look at the amended motion, he would have said 'that the Constitution be amended' to do as he is asking. But he is not saying that. As you pointed out, sir, he is not saying that. But if he were serious, he would say that. If that's what he really wants that's what he would say. But all he has done is put a spinner on what the First Elected Member for George Town was doing.

If he were serious, instead of saying, "should" he would have said "shall." So he's not serious about what he is doing here. In connection with referenda . . . now I am not talking about constitutional changes because I know what his stated position is. He doesn't want to see any constitutional change. And if you pass it as it is, that's what will happen. Consequential amendments or not, you would have to go to referenda which I think is a matter that . . . well, just look at what it would be if you had to change some word in the Constitution. You'd have to call a referendum to do so.

I don't think anybody wants to change the Constitution of this country to the detriment of these islands. All of us have to live, move, and have our being here in this country. This is where we live. I don't think anybody is going to ask for independence because even though some people support it, they know that the vast majority said "No" to other constitutional changes that were proposed.

But I can say this: We are here in this country in a process of reform. We are reinventing government. We are talking about transparency. We are talking about accountability. And when all of those things are put together

the people must be told that there will be some changes in this Constitution. I am not saying that this is advancement of the Constitution, I am saying that there are going to be changes if all that comes.

When the Financial Secretary's Department brought down the people from New Zealand and they had a discussion at the Marriott, I posed the question, "To do this reform that you are telling us, to get the accountability, to get the transparency that the people are demanding, how will that work in our Constitutional framework? Would we not have to change?" Every member remembers that. And what did they say? They said we would have to. And yet the country is not being told this.

We are embarking upon a reform that needs to happen, the reinvention needs to happen; the public wants the accountability, the public wants the transparency in government; but they are not being told that there will have to be some changes in the Constitution. And the Leader of Government Business knows that because in his own profession as a lawyer, and his own background in government he knows that.

So if you change this and it goes the way we are recommending, then what is going to happen? You will have to go to referendum to ask the people whether or not they want it. Well, that is not a bad thing. But we have to be open and frank with the public. There are matters that are happening in government that the public doesn't know anything about that will have to take constitutional changes. And I am not talking about advancement—get that clear.

How long are we going to run a Constitution based on the Leader of Government Business having the Chief Ministerial power—

Hon. Truman Boddén: Mr. Speaker, on a point of order.

POINT OF ORDER

Hon. Truman Boddén: Misleading the House.

The Leader of Government Business is totally different from the Chief Minister. Under the normal Constitution the Chief Minister has literally absolute and nearly dictatorial powers to hire or fire the Cabinet. He also assigns responsibility through the Governor. He also has the wide powers of requesting when the Legislature should be prorogued, when it should be started. He also has the right, without assigning any reason, to the firing of a minister who has been chosen by him.

The Leader of Government Business is something that should not even be raised in this House. Properly under the Standing Orders members are called . . . I should be called the Honourable Minister for Education, Aviation and Planning. The only place "Leader of Government Business" arises, as you know, sir, is the section in the Standing Orders that says that "the Leader of Government Business is Chairman of the Business Committee." Beyond that it doesn't appear in any law, it doesn't appear in any Constitution and it is misleading the House to say that I am the equivalent of a Chief Minister. It is very serious misleading.

The Speaker: [addressing the First Elected Member for West Bay] I would ask that you recognise that fact.

Mr. W. McKeeva Bush: Mr. Speaker, I can say that the difference between the Chief Minister and the Leader of Government Business in several matters is wide. A lot of it too is what he has said. But that is why I am asking if we are going to put up with it forever, for just that reason. As sure as he gave those reasons there are other matters. He is consulted by the Governor, and then he consults with other ministers. That's a fact. They recognise him as the person leading the government—whether that is Chief Minister constitutionally, or "Chief Minister."

The Speaker: But you do recognise that constitutionally all our ministers are equal.

Mr. W. McKeeva Bush: Equal? Mr. Speaker, have you ever been in Executive Council?

The Speaker: I am saying Constitutionally.

Mr. W. McKeeva Bush: I speak from experience. And we are not equal.

The Speaker: I am asking you a question, Constitutionally are not all of our ministers equal?

Mr. W. McKeeva Bush: Mr. Speaker, I would not agree with you on that. But you have your opinion and I have mine, and that's what it is.

The Speaker: I am afraid I am asking you a specific question. I am saying in accordance with our Constitution—

Mr. W. McKeeva Bush: In accordance with our Constitution it should be equal.

The Speaker: All members are equal.

Mr. W. McKeeva Bush: Should, should, should.

The Speaker: I am not asking that question. I am asking in accordance with the terms of our Constitution all members are equal.

Mr. W. McKeeva Bush: Yes. That's what the Constitution says, but that's not the way it's being worked. And that is why I am saying that the public ought to know that because I sat in Executive Council for six years (or five years, plus) and I know what obtains.

The way it used to work before, for instance, and these are not matters that you can say are big matters, but it shows you that there are differences if the UK is looking at it . . . before the person who got the most votes was the person recognised by the Governor. Who does the Governor recognise as leading the government today? The Leader of Government Business. And when he travels to the United Kingdom, who appoints him to lead the delegation? Do the ministers appoint him? The United

Kingdom recognises him as such and appoints him. That is the position.

Hon. Truman Boddén: Mr. Speaker, I hate to interrupt again, but on a point of order. The honourable member is continuing to mislead in an area that you have ruled. In Executive Council we are all equal.

The Speaker: If you want to make an explanation, please continue.

Hon. Truman Boddén: In Executive Council we are equal, the same as we are equal here. To attempt to say otherwise is incorrect. Some members may do more work than others and that is a fact of life throughout life generally. But the fact that maybe one of us deals with a speciality area doesn't make us anything other than equal which you pointed out sir. Constitutionally we are all equal.

I would really ask you to enforce in here that no one calls me the Leader of Government Business anymore, and that in accordance with the Standing Orders, that they call me the Minister for Education, Aviation and Planning, which is really what should be happening sir.

The Speaker: Thank you.

I would appreciate it if we could move on now because I think this point has been made. Let us move on because this is really not relevant to this motion.

Mr. W. McKeeva Bush: Mr. Speaker, you are right. The Constitution has no place in this debate and it should not . . . well, in all deference to the Chair I will not say that again. I already said how I felt about it. It should have been a substantive motion brought by the minister, and not this amendment. But it is before me and I have a right to debate it.

I can see that the Minister for Education, Aviation and Planning is in trouble, so I will ease up. But the country has to be told the facts. My experience in Executive Council is not that we are all equal because the Governor consults with the Leader of Government Business and the Leader of Government Business consults with the rest of Executive Council, that is elected members I am talking about. Mr. Speaker, that was my experience—

Hon. Truman Boddén: Mr. Speaker, this is a point of order.

Mr. W. McKeeva Bush: —when the Minister for Education had it. It was my experience when the Minister for Tourism had it—

Hon. Truman Boddén: I am taking a point of order again.

POINT OF ORDER

The Speaker: *[addressing the First Elected Member for West Bay]* Please sit down.

Hon. Truman Boddén: That is misleading. The Governor consults the Ministers on their respective ministries. If something is going wrong with the Minister for Health, the Governor doesn't call me in and tell me to go and talk to the Minister for Health. It is not true what has been said there. The Governor consults the respective ministers on what he has assigned responsibilities to them on. And he talks to all of us on what he has held responsibility for.

Mr. W. McKeeva Bush: Mr. Speaker, let me just say that I agree with the minister, that the Governor does talk to ministers about their respective responsibilities. I agree with that.

But I am saying on the overall and larger issues that affect the country the Governor talks to the Leader of Government Business and the Leader of Government Business then gets back to the ministers. That's the way they want it. They don't want to be talking to everybody.

Mr. Roy Boddén: That's true.

Mr. W. McKeeva Bush: Now, Mr. Speaker, if his point is a fact, that ministers on their specification of subjects were to lead delegations abroad, then the honourable Attorney General would lead matters to the United Kingdom concerning things like the PCCL. But who led it? The Honourable Minister for Education, Aviation and Planning, the Leader of Government Business.

POINT OF ORDER

Hon. Truman Boddén: Mr. Speaker, I hate to keep taking points of order, but the honourable member is so misleading the House.

When matters are political someone from the political arena leads it. When matters are official the Officials lead it. The honourable Attorney General, and the honourable Financial Secretary went to the OECD six or eight weeks ago by themselves. It was an official matter. When there are official matters, sir, the Officials deal with it. When there are political matters then it's dealt with, many times by a joint group, I should point that out. Many times the group is mixed. But there's a difference between the two.

Mr. W. McKeeva Bush: The problem with the Leader of Government Business is that he has no responsibility as he is saying—but he has the power. That is my opinion and opinions are perfectly constitutional. But I will move on. Okay?

The Speaker: I think this might be a convenient time to take the break. Proceedings are suspended for 15 minutes.

Mr. Roy Boddén: Yes, Mr. Speaker, especially since the Leader of Government Business is taking on water!

PROCEEDINGS SUSPENDED AT 11.45 AM

PROCEEDINGS RESUMED AT 12.12 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended. The First Elected for West Bay continuing.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. In regard to the amendment as incorporated in the motion, as I said, I really don't believe that the Minister was serious and it's a political stopgap measure for the time and I gave the reasons why.

Mr. Speaker, if there are to be consequential amendments to the Constitution, then you will have to have a referenda for it. If you change the membership of the House, if it came necessary to add another Minister to ExCo, then you would have to go to referenda for it. If you found mistakes in the Constitution, which can happen then to get those mistakes changed, you will have to go to referenda as this motion stands.

The question that we have to ask, and it is not a matter of making people have their say because we all say that we want that. That's why you supported the motion as brought by the [First Elected] Member from George Town. We have to question whether the country is to be governed by referenda. That's a question that we will have to pose.

Mr. Speaker, I dealt with some of the matters as a process that we would have to take and it will become completely different in this country. In countries where referendums are done, they are done on major subjects. I only know about one in the Caribbean—one of fame where the question was put to the people of Jamaica whether they wanted to be a part of the Federation or go on their own. And the public voted to go on their own, as an independent Jamaica. And, from the statistics that I used, it wasn't a large, overwhelming majority that chose that, but that's what happened.

If we are to put matters to referenda, then who is going to decide whether they are matters of substance. Who is going to decide that? Is the House going to decide that this particular item of Pedro Castle for \$10 million or the Port for \$14 million be put to referenda? These are some of the things that could arise.

Who will decide the issues for referenda? Maybe the Leader of Government Business should have thought that process out and sought an amendment in that regard. But to come and say that you must go and ask the people by referendum, whether they want a referendum really While it was political one-upmanship and while it will give people a say, it is a very confusing road to take, giving them a say in whether they should have a say. If that is not confusing, then you tell me, Mr. Speaker!

To use a referendum, as I said about cost, to find out whether you want a referendum is a very costly exercise.

Mr. Speaker, the resolution before us, because it says that we should go to the public, it is a good thing. But I don't know if this makes sense to ask the public whether they want a referendum. So when you get to that part, I intend to use my conscience on what I think is

good governance, right and proper for this country and what is not. I cannot say that going that route is good governance. It is not good governance! And, therefore, I doubt that I am going to support that aspect of the motion. Not that people shouldn't have a right to say because that is what the substantial motion is—to give people the right, but not to mess up the process of democracy that we are trying to build in the country.

Mr. Speaker, on these matters we need to give much thought. I am not convinced that it is the most practical way and I believe that we are playing with fire, and the only people that are going to suffer might be the Caymanian public. The United Kingdom, I believe, will want to approve what the Leader of Government Business is asking for. So, I will have to wait and hear if there are any more convincing arguments as to that particular aspect of the motion—the Constitution debate.

I understand that the Minister of Education laid down a challenge to people who might be opposing him in this matter, to say whether they want to change the Constitution. I have a challenge for him to say whether he wants to remain the Leader of Government Business. If he doesn't want it, the obvious thing to do is to give it up. Is he prepared to do that?

Thank you, Mr. Speaker.

The Speaker: The floor is open to debate, does any other Member wish to speak? The Elected Member from North Side.

Ms. Edna M Moyle: Mr. Speaker, I am certain that my contribution to the debate on this motion will take very little time because [Private Member's] Motion, No. 11 of 1999, has given the Legislative Assembly many lectures since the debate started. We have had lectures on subjects like the Constitution, lectures on the words "ultra vires," and lectures on who knows best for the people of the Cayman Islands.

Before I give my little contribution, there is a matter that I need to make very clear. When I abstained on the amendment, I did not abstain because I felt that I should change the Constitution without the say of the people as portrayed after the four Members abstained. I looked in the dictionary to find the definition of the word "abstain" and it says someone who does not vote for or against.

My reason for abstaining, as [stated by] other Members who have contributed to this motion as amended, . . . the resolution says that any amendment to the Constitution of these Islands should be done by referendum. In my humble opinion, that should have been a motion on its own regarding constitutional amendment. I have never advocated advancement of the Cayman Islands' Constitution, and I will never advocate advancement of the Constitution—unless it is the desire of the people of these Islands.

That amendment referring to a referendum being taken before any amendment can be done to the Constitution, in my humble opinion bears no water. If we really want to give the people that right, we should have bought a separate motion to amend the Constitution to enshrine that right within the Constitution. My question is, when

this House is prorogued in the year 2000, what happens to this resolution? Is it going to stay? Is it going to tie the hands of the next government or is it going to fall away? Is it only being brought to tie the hands of the present Members of the Legislative Assembly?

Mr. Speaker, if we really and truly want to give the people of these Islands that right, let us be big enough to amend the Constitution and put it in the Constitution, as the mover and the seconder of the original motion did with wanting to give the people of these islands the right to initiate a referendum.

The original motion wanted to give the people the right to initiate a referendum on major issues affecting this country. Certainly, the most major issue of any country is to change the constitution of that country. That could have been included in a Referendum Bill, that this be one of the national issues to give the people the right to initiate a referendum.

The time has come Mr. Speaker, to stop playing petty politics. Let us be serious when we say we want to protect our people, not just to get elected. The time for those things is long gone. I have no choice because we will be smeared at the next election. I am advised by my Leader of the Opposition not to do this yet, but let us be honest with the people of the Cayman Islands, let us not mislead the people of these islands to make them believe that the members bringing this motion, and the members who have spoken against the amendment, do not want to give them the right to have a say in amending the Constitution.

Other members have spoken and I agree with them. I feel that with such an amendment we are tying the hands of the United Kingdom's Government. We look in the Constitution and we see that you must be a British Dependent Territory citizen to be able to vote or to be able to stand for an election in these Islands. If the United Kingdom government requires to change that to British Overseas Territories, do we really believe that the United Kingdom Government is going to say call a referendum? I don't.

We have to be very careful. This thing must be thought out before it ties the hands of every Member of this Parliament. Mr. Speaker, with those few words, sir, I have expressed my feelings on the amended motion.

The Speaker: The floor is opened to debate, does any other Member wish to speak? If no other Member wishes to speak, does the honourable Mover of the motion wish to exercise his right of reply?

The First Elected Member for George Town.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Having given many hours of thought to this. Having talked to several people who I trust about it and having been given permission by your good self before I wind the motion up for vote, I feel compelled to put forward a further amendment, and with your permission, I will do so.

In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for George Town seek to move the following amendments that Private Member's Motion No. 11/99 as amended be amended. Mr. Speaker, just for guidance from you, sir, should I read the whole thing before we look for the seconder.

The Speaker: You can read it yes and I would like to have the seconder first.

Mr. D. Kurt Tibbetts: You would like to have the seconder first?

The Speaker: Do we have a seconder?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I respectfully beg to second the motion.

The Speaker: The amendment to Private Member's Motion No. 11/99 has been duly moved and seconded.
Does the mover wish to speak to it?

Hon. Truman M. Bodden: Mr. Speaker.

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

Hon. Truman M. Bodden: Mr. Speaker, if I may just take a point of order on this. At present, there is a motion on the floor that was being debated and this amendment as I understand it, would put the first part of the amendment, reinstating what has already been voted on because a vote was taken 11:0 with four abstentions on this first part of the motion. Therefore, that could not be brought within six months, as it is the same in substance. I will deal with the two sections differently.

That section, sir, is 24(8). As I understand, if this is correct with the First Elected Member, the first part of the resolve puts the motion back to exactly what it was prior to the amendment and the amendment has been voted on. If I could deal with the two sections separately, sir.

The Speaker: Certainly.

Mr. D. Kurt Tibbetts: Mr. Speaker, with your permission, may I respond to what the minister is saying, sir? I think if he is putting up a case and asking for a ruling—

The Speaker: Just let me get one thing. Are you asking that you can respond to both of them first?

Hon. Truman M. Bodden: Mr. Speaker, if what I have said is not correct that the first part of the motion seeks negate the amendment, if that is the case then that cannot be done at this stage because that part has already been voted on. That is my point sir.

Mr. D. Kurt Tibbetts: [Inaudible comment]

Hon. Truman M. Bodden: Yes, I gave you that. Just give me a second. It is . . .

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may interrupt, sir. Perhaps, before the minister does what he is doing, for the benefit of the listening public he might allow me to read the motion. I have not even read it yet.

The Speaker: I understand the Honourable Minister and I have a point on procedure that I want to discuss, but I think it would be appropriate for you to read your amendment.

Mr. D. Kurt Tibbetts: Mr. Speaker, I will do that now and just to say respectfully to the Chair, whenever the minister is finished raising his point to you, I would crave your indulgence for me to respond. I will read the motion, sir.

Amendment to Private Member's Motion No. 11/99 as Amended. As I read, Mr. Speaker, **"In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for George Town, seek to move that Private Member's Motion No. 11/99 as amended, be amended:**

- 1) In the first resolve by:
 - i. deleting the words "subject to and after a referendum under section 29(2) of the Cayman Islands (Constitution) Order 1993 whereby the electorate vote for a referendum to be initiated by the electorate, the Legislative Assembly" as they appear in the first resolve; and
 - ii. Inserting the words "*the Government*" after the word "THAT" in the first line.
- 2) In the last resolve by:
 - i. Adding the words "*any fundamental change to*" between "that" and "the" as they appear in the second line; and
 - ii. By deleting the words "for amendment" as they appear in the penultimate line."

Mr. Speaker, for purposes of clarity, what I would like to do is simply read those two resolve sections as they would read in total with the proposed amendments to make sure there is no misunderstanding as to what I seek with the proposed amendments. If I may, sir?

The Speaker: Please continue.

Mr. D. Kurt Tibbetts: What it means is that the first resolve section of the motion will revert to its original state when I moved it and it was seconded by the Third Elected Member for Bodden Town. Whereby it would read, **"BE IT NOW THEREFORE THAT the Government takes the necessary steps to cause Section 29(2) of the Cayman Islands Constitution Order 1993 to be amended to allow the electorate to initiate a referendum"**.

The last resolve section, Mr. Speaker, would read as follows: **"AND BE IT FURTHER RESOLVED THAT only the referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance and that any fundamental change to the Constitution of the Cayman Islands should only be**

recommended by this Honourable House after a referendum whereby the electorate votes for the specific amendments."

The Speaker: The Honourable Minister for Education, Aviation and Planning, do you wish to speak further to it?

Hon. Truman M. Bodden: Yes, sir. On the first part of the motion which seeks to reverse what had been decided by the amendment by a motion in this House just a few days ago, I submit, sir, that cannot be brought. And, I would also refer you to Standing Order 25(7), which says, **"When the question upon the amendment to a motion has been proposed by the Presiding Officer, an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn or negated."**

That was carried, and it is a bit strange anyhow, sir, because the mover of this motion did not abstain from voting for the amendment, he voted against it.

Mr. D. Kurt Tibbetts: Mr. Speaker! On a point of order.

Hon. Truman M. Bodden: Sorry, he did not vote against it or for it.

[Inaudible injection]

Hon. Truman M. Bodden: Just listen to me, please. I am not trying to mislead. He abstained—he didn't vote for it or against it. Okay.

The Speaker: I think that has cleared the point.

Hon Truman M Bodden: What he is seeking to do is to reverse the motion that was passed earlier—eleven to zero—because there were four abstentions. So, I submit that question has already been decided and that it is now a part of the original motion and it cannot be put again.

On the second part of it sir, the amendment here seems to be seeking to amend the original motion and at present . . . well up top it says "seek to move that Private Member's Motion No. 11/99 as amended be amended." So, if that is an amendment to an amendment, and I think that is what the Mover is saying, I am not certain just how this is going to be dealt with because there is one motion on the floor now for an amendment. If you have a look sir at Standing Order 27(1), it would seem that this would now come into play. It says, **"An amendment to an amendment may be moved and seconded at any time after the question upon the original amendment has been proposed, and therefor it has been put at the conclusion of the debate on the original amendment."** I think the word "therefor" probably should be "before" for that to make sense. That is the point I am making to you.

Perhaps the member would let me just try to finish. The one I am reading from has "therefor" and I think it should be "before." So, at present, the amendment that has been put has been voted on and put in place and I think if you look as well at Standing Order 25(7) . . . I

agree there seems to be some confusion in that area, but that says **“When the question upon the amendment to a motion has been proposed by the Presiding Officer . . .”** and on this part of the motion, that was proposed carried 11 – 0, with the four abstentions. But, eleven voted for that. This now seems to seek to amend—

The Speaker: Which number are you reading from?

Hon Truman M Bodden: Yes sir, [SO] 25(7).

It says, says **“When the question upon the amendment to a motion has been proposed by the Presiding Officer, an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn or negatived.”** What has happened is the amendment has been positively carried, so it has been neither withdrawn nor negatived. I think you would have to consider that on whether this could be brought. If the case is such that these two, and especially the first one, can be brought in, it means that immediately after there is a vote on a motion there could then be another motion to reverse that vote. I think this is what the Standing Orders are seeking to stop. That is the best I could clarify.

Naturally, whatever ruling you make sir, I will abide by.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I would like to draw the attention of the House to Erskine May pages 368 and 369 captioned **“Restrictions on power of Rescission.”**

The Speaker: Do you wish to further speak to this part of Erskine May?

Mr. Roy Bodden: Mr. Speaker, I think that the passage is crystal clear and speaks for itself. I just wanted to bring it to the attention of the House before we get bogged down in this matter that seems to be so ably resolved here sir.

Hon Truman M Bodden: Mr. Speaker, if I could just ask you to ask for that whole paragraph because the last two paragraphs seem to qualify the first one.

The Speaker: You are talking from the top of the page right on down?

Hon Truman M Bodden: The last part says, **“The power of rescission has only been exercised in the case of a resolution resulting from a substantive motion, and even then sparingly. It cannot be exercised merely to override a vote of the House, such as a negative vote. Proposing a negatived question a second time for a decision of the House, would be, as stated earlier, contrary to the established practice of Parliament.”**

And it goes on: **“Sufficient variation would have to be made, not only from the form but also from the substance of the rejected motion, to make the second**

ond question a new question. Similarly, the House of Commons has shown strong objection to rescinding of vote by which the House has made an amendment to a resolution.” It seems that that is clear sir.

The Speaker: I have listened very carefully to what all have said but in agreeing to accept this motion, I referred to Standing Order 24(7) which reads, **“If a member desires to vary the terms of a motion standing in his name, he may do so by giving an amended notice of motion, but only if such amendment does not, in the opinion of the Presiding Officer, materially alter the scope of or any principle embodied in the original motion. Such amended notice shall run from the time at which the original notice was given and SO 25(2) shall not apply.”**

I considered the original motion that the First Elected Member for George Town moved and this is not altering the scope of what he said. I understand the argument that has been given but that is my interpretation. I think there is no better way to prove this than with the will of the House and the final vote.

Hon Truman M Bodden: As you rule, sir, I naturally accept your ruling.

The Speaker: So please present your amendment. I think this would be an appropriate time to take the luncheon break. We shall resume at 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12.54 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Chairman: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/99 as amended.

The First Elected Member for George Town continuing.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and just to make it very clear sir, what I am debating right now is my latest amendment to this motion.

The Speaker: That is correct.

Mr. D. Kurt Tibbetts: Thank you, sir. Before we took the break, I had read the proposed amendments out and I had also read the way the motion would be worded incorporating these amendments. Now, in trying to build arguments for this motion, I would like to take each resolve section that has the proposed amendments in it separately, and deal with it. I will deal with the very first one.

I am not quite sure, sir. The Leader of Government Business, or should I say Minister of Education?

The Speaker: Minister of Education.

Mr. D. Kurt Tibbetts: Thank you, sir. So we should no longer say Leader of Government Business?

[Inaudible Interjection]

Mr. D. Kurt Tibbetts: We will refer to him for the time being (to keep the peace), as the Minister of Education. That's not a problem, sir.

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

[Laughter]

Mr. W. McKeeva Bush: And Leader of Government Business!

Mr. D. Kurt Tibbetts: Perhaps, for purposes of clarity, I might simply refer to him as "the Second Elected Member for George Town."

The Speaker: No, we don't want that.

Mr. D. Kurt Tibbetts: Can't do that either?

The Speaker: No.

Mr. D. Kurt Tibbetts: I will follow your ruling, sir.

The Speaker: "The Honourable Minister for Education, Aviation and Planning" is his title.

Mr. D. Kurt Tibbetts: Okay, sir. Perhaps, though, you will accept in short as we go along, if I say "the Minister of Education."

The Speaker: Absolutely!

Mr. D. Kurt Tibbetts: Thank you very much, sir. We have it clear now. Okay!

Anyway, when the Minister of Education brought his amendments, we quickly were able to put the very first one to bed because we all were able to see—including him—that he had added something that was part of a resolution into one of the recital sections. So we got that out of the way and that didn't last very long.

Mr. Speaker, before the minister starts to go over what I said prior to this (because you see, sir, I do know him. Believe me, I do!), I want to quickly address a point that I made regarding the second amendment that he originally brought. I said that it was "semantics but not worth fighting over." At that point in time (because I was so intent with the belief, as I still do believe that the electorate in this country should have the right to initiate a referendum once the terms and conditions are set out properly in law) I didn't want to get into a war over this.

I could not believe, Mr. Speaker (after we went through the first exercise when the Minister for Education said that our first motion was ultra vires the Constitution and we then sought advice and got to understand and accept what was going to be an acceptable version of the motion and set about doing that) that we would end up with a two-week debate on the motion. So, when he

brought his amendments, Mr. Speaker, and he repeated what I said (and I am going to just quickly repeat it one more time) . . . what his second amendment (which has ended up to be his first amendment) is saying contrary to what the original motion says (because the original motion simply was saying that we need to use whatever methods are necessary to allow for the Constitution to be amended to allow the electorate to initiate a referendum), contrary to the limitations that the Constitution has in it now, which only allows for a referendum to be held by virtue of a resolution brought by an elected Member and passed by majority in the House, he has turned it around with his amendment and has said that if you believe that the people (that is, the electorate) should have the right to initiate a referendum, then you should have a referendum asking them whether they should or not.

Now, Mr. Speaker, you know this is one debate where we have had legal opinions, Standing Orders, Constitutions, referrals to papers and all kind of stuff thus far. But I want to tell the world something. The people of this country are not paying attention to all of those grizzly details. The people are paying attention to what they want to achieve.

Now, he has said that we must have a referendum to ask the people if they must have the right to initiate a referendum. When I said that I didn't want to put up a fight, as I said before I was just intent on trying to see this thing through. But I have had time to think about that and it is ludicrous, it is stupidity, and it is madness! That's what it is. And, I am going to explain why.

Mr. Speaker, less the minister misunderstands—I am not mad. I am not angry. I am nothing like that. But I have sat and thought about this thing and for the life of me, I cannot see why that is the course we must take. And here is why: If, by virtue of talking to many people, consultations with constituents, paying heed to surveys that may have been done, questionnaires that have been put out and answered, and listening to what the public who made up the Vision 2008 Document have had to say regarding referendum, we have concluded that the vast majority of the people in this country—that is, the electorate, because it can only refer to them at this point in time—would be much happier if they had the right to initiate a referendum regardless of the terms and conditions, even assuming that there is no clear-cut way to ensure that is correct, I want you to listen to this and just tell me if this doesn't make sense. I want the Minister of Education to listen carefully to this too because I know he is going to debate and I want to see which roundabout fashion he is going to twist this in.

Mr. Speaker, I noticed he might have been tempted but he is not going to get up on that and make a point of order with what I just said.

If we, the elected representatives of the people, wish to give the people the right to initiate a referendum and in order to put it parallel to our right to initiate a referendum we want to add it in the Constitution just the way it is now (which allows us to do it); and we were to go through with that exercise and recommend to London that that consequential amendment be done to the Constitution, and the people decided within themselves they did not want to

take up that right, what harm is there in it? It cannot do any damage. It can do no harm whatsoever. If we are correct in our assumption, Mr. Speaker, then they are totally happy because they will then get the right.

If our assumption is not quite correct and they don't pick up the option, then there is no harm done. No huge cost to this country. But if in order to decide we go through the cost of a referendum and find out that it is their wish, then we are all going to say, *'Lord, we should have simply done it'*. But if we find out (since that is the logic the minister is using) for sure we must have a referendum. If we use a referendum and find out that they don't want it, we still have gone through the cost of a referendum and the time that it has taken to do one.

So, I am saying that to parallel the logic of saying that we must use a referendum to find out from the people whether they want the right or not cannot be equated to simply doing it. And whether they want it or not, there can be no harm done because if they don't want it, they don't use it. But it will not have cost this country the kind of money that it is going to cost to do a referendum.

The second thing about it, Mr. Speaker . . . and I thought about this one. If I were not a Member of this Honourable Legislative Assembly and I did not have the privilege of representing the people of this country, and I were on the outside and a referendum was held asking me whether I as a voter of the Cayman Islands wanted the right to be able to initiate a referendum from the outside or not, before I answer that question I would ask how is it going to be done.

You see, what his amendment is saying is, have a referendum and ask the people whether they want this authority or not. You cannot go to the public to ask them that without first of all having the terms and conditions under which a referendum could be initiated by them so they can understand what they are voting for. You cannot do it! It doesn't make sense!

In Quebec, Canada . . . do you know this problem they have been having? For instance, if Cayman Brac wants to secede from the Cayman Islands as Quebec wants to secede from Canada . . . and they have had two referendums. It is an emotive topic and it is divisive, and all of that.

When they brought the first referendum, Mr. Speaker, they were stopped short in their tracks because that's what the people told them. Exactly what the people told them! So, before they could actually get it going, they had to go making the law and they said, *'Well, if this is what you want, this is how it would be'*. Do you see what I am saying? Although the first amendment was voted on and approved, not only is that illogical in my view but it is cumbersome and there are other things that would have to be done to make any sense of it.

Mr. Speaker, please—and when I say, please, that is not just for you, sir . . . but can we listen to this? And without looking at numbers of where the government sits, where the backbench sits and whose side who is on, let's just look at reason and see what we are looking at today. I am asking the members in this House to please look at that. It cannot be right for one split second for this Legis-

lative Assembly to go to the vote for that and to approve that as part of this Motion. It cannot be right!

And, Mr. Speaker, they all know it cannot be right. But I promised and I am going to keep my promise, sir. I am going to stick to the logic of the argument. How can it be more right to have to make a law first (which will take forever), then after the law is made to publish that and say [to the] people, *'this is what it will be so now we are going to hold a referendum to ask if you want the right to initiate a referendum'*. Why don't we just simply give them the right? If they want the right, we will be convinced that we have done the right thing. We will then go about making a law to set out the terms and conditions as the original motion asks, and once that is done whenever the people of this country fulfil the conditions under which they can initiate a referendum and they think that the matter is of such importance that they should do so, they can do so. And, if they don't want to do, they don't do so. Argument done!

We will have done our jobs, Mr. Speaker, and we cannot have failed them because we will have given them an option at no cost to them—or us. But, the alternative is to spend money to find out if they want the option. Mr. Speaker, that is almost like going to school on a Monday morning and your mother going to the door to kiss you goodbye and she knows that you have to eat lunch and instead of saying, *'Son, here is your lunch money'* she says, *'Do you want lunch money?'* That's what it is like.

[Laughter]

Mr. D. Kurt Tibbetts: Mr. Speaker, we all know what can transpire. In fact some, if not all, of us probably know exactly what has transpired. I am not getting into that.

I do not have any legal expertise. I will be the first one to admit that. I will also be the first one to admit that I am far from the smartest person around, but I have been around long enough and I believe that I can say that I have enough between my two ears to understand if given certain choices and they are clear cut, which is the better choice.

I am asking the eleven people who voted for that amendment to re-think their position—not because it is going to put them in a state of ridicule, not because it is going to put them in a state where somebody might say, *'well, they don't have good sense'*. Nothing, like that, sir. But a little bit of time has passed . . . because I nearly got caught in the trap. I am not ashamed to admit that, but a little bit of time has passed and people have had time to think—others and myself included. And, I am asking them to re-think that position because that position, sir, in my view is not right.

It is going to be very hard to make all the points that I should make about this thing without going much deeper, but I am going to keep the promise that I made to myself. I am going to do the best I can to say with the issue at hand.

Mr. Speaker, I am not through by any means, sir, but I am going to ask you with that in mind because I believe there is enough merit to each individual amendment that I am proposing, that if you could, sir, find it possible when

we go to vote on these amendments, to vote separately on the two issues. Please, sir, I don't think that is asking too much.

The Speaker: I will agree to that and I would ask that when the vote is being taken to—

Mr. D. Kurt Tibbetts: To remind you. Yes, sir, no problem, sir. That is fine.

So, Mr. Speaker, looking at that amendment, I don't think that I need to continue the argument any further. I think it is clear cut that that is not the better of the two ways if we wish to allow the electorate of this country the opportunity to initiate a referendum on their own steam.

Before I move away from the subject, I think that I have been somewhat forceful in making my point. I do not think I have been unfair. This is important, Mr. Speaker. As I explained in my original presentation of the motion, for good governance to occur, a main ingredient is the participation of the people. This, to me, is our way of showing the people of this country that we want to engage in good governance. We have no fear of transparency although I hear it being used all over the world now, that is, our little world. We have no fear of being accountable to the people.

Mr. Speaker, what I consider to be the most important merit of having a method by which the people of the country can initiate a referendum is this: Once the terms and conditions under which such a referendum can be triggered or initiated are set out in a law, I am certain that this Honourable Legislative Assembly in passing such a law is going to make that law reasonable but straight forward, done in such a way that you cannot just get up every morning as you please and hold a referendum because that is not the exercise. I know the people of this country know that. But once we set it out straight in a law as to how it can be done, Mr. Speaker, the main merit of that being in place, in my view, is simply a further check and balance for the elected representatives to have more incentive to be conscientious as the representatives of the people. That's all it is aimed for.

Let me re-phrase that that's not all it is aimed for. But that is a very important part of the reasoning behind this motion.

Mr. Speaker, as it stands now, general elections are the only true test that we have as representatives. You have been through many of them. That is an every four-year occurrence. We need in this day and age to be what the Fourth Elected Member from George Town refers to as "full-time MLAs." I may not be speaking it in the same context as he. All I am saying to you is the responsibility gets more and more. We have to be conscientious. We cannot think of it as just to get elected and then do what you have to do the next time around to get elected again. This is serious business. This is sacred business.

This is going to give the electorate a check and balance between elections to make sure that we are conscientious in our job. What is wrong with that? Why do we have to go back and ask them if they want that? We should be happy to do it and to stand our ground and

know that we are conscientious enough and not be afraid of it.

Mr. Speaker, I just wish to—with your permission, sir—read a very short excerpt from a book called *Parliamentary Practice in New Zealand*.

The Speaker: Give me the page number, please.

Mr. D. Kurt Tibbetts: It's chapter 39, page 445, it's the second paragraph. It reads: "**A referendum is an exercise in direct democracy, whereas the parliamentary system is the operation of a representative democracy. The two are not incompatible but they raise separate issues. . . . These are held under the terms of the legislation governing them and do not raise special issues for the parliamentary process. But there are two types of referendum which do have a special relationship to the parliamentary process—electoral referendums and citizens'-initiated referendums.**"

Mr. Speaker, we are trying to allow by way of the Constitution to have citizens'-initiated referendums. There is no argument, no matter how convoluted it gets, no matter how confusing it gets, no matter how long winded it gets and no matter how legal it gets, that can prove that we should go by way of a referendum to ask the people whether they want this right.

Again, Mr. Speaker, just like the story I related about the child going to school with the lunch money. If we have to go and ask the people if they want that right it's the same thing as if I need to leave this Legislative Assembly and go to the Post Office and I decide to go through Eastern Avenue to get to the Post Office rather than walking straight up the street. Same Post Office.

The minister's amendment is asking me (and I know I need the exercise, but that's not the point) to jump into my car drive through Mary Street, go down School Road, up to Eastern Avenue, come down Shedden Road to get to the Post Office, when all I would have to do is jump in the car and drive straight down the road, past CIBC and go to the Post Office. That's exactly what the minister's amendment is doing.

Let me move on to the second amendment. First of all, I need to explain this point. The minister mentioned on more than one occasion during his debate those of us who abstained from voting on his two amendments. He tried to insinuate—and he cannot say that he did not try because up until this morning I heard him trying, until he got caught. He has tried to insinuate that if we abstained from the vote for his amendments that meant that we did not want to go back to the people to find out from them if they wanted constitutional change. He tried to say that.

The minister has been here forever compared to me. But that is one piece of black polish that he knows he can't polish me with. I believe that the people of this country do not know me to stand up on the floor of this House to try to mislead them or to lie to them. I firmly believe that. If that were the case, I would have known about it a long time ago because the people who I represent have good sense.

When we abstained from that vote it was simply because we were not convinced that the affair was one which was in the best interest of the country. And some of us firmly believed that (whether intentionally or inadvertently) these amendments were succeeding in derailing the process we had set out upon when we brought the original motion. I firmly believe that this next amendment I am going to address should stand on its own. I believe that it takes the intent of the original motion much further than the original intention.

You know Mr. Speaker, I have to stand here and wonder what a level playing field is. I am going to tell you what happens in times like these. There are those of us with full knowledge of what people's intentions are, and they understand that there is no ulterior motive, not even a political motive looking for kudos, as they call it; it's something that you believe should be right. They sit down and get a bunch of books about legal this, and that pile of thing that, to build a case to confuse the whole thing forgetting totally what they want to achieve.

I don't envy them. I don't want to be like them, because as big as I am, I love me! But is it really in the interest of the people of this country to spend time trying to decide whether you can use a technicality to derail a process forgetting about what the process wants to achieve? I want people to seriously think about that. If we spend all of our time trying to circumvent situations and to show up who they want to show up because they have the ability to do so with words and referrals and books and all of that type of thing for political expedience, . . . I'd rather be me. They can have it!

I know there are times when that expertise is needed. And I respect that. I am not even saying this with a forlorn hope that they will stop doing it, because I know they will never stop doing it. But all they are doing is making people like me try harder and harder with my little limited two bits of sense between my ears. Do you know what, Mr. Speaker? My heart has never failed me yet, and it will not fail me this time. Numbers might fail me, but I will not have lost.

Down to the second amendment. This resolve was not a part of the original motion. It reads (before the amendment that we are debating now) as follows: **“AND BE IT RESOLVED that only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance; and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.”**

As I mentioned to you before, I still hold the view that this should have been a motion to stand on its own separately. Nevertheless, we find it as part and parcel of an amended motion. While I have no reason to change what I believe, understanding and accepting the process and finding it a part of the motion, it has to be addressed.

The amendment I am now proposing to this last resolve in the amended motion in my view makes it more acceptable, more reasonable, more palatable, and more in line with something that this Legislative Assembly can physically work with.

The key to it is this: Where the motion asks (and I won't repeat the exact words at this time) that the Constitution of the Cayman Islands should only be recommended for amendment after a referendum, that says to me that any amendment to the Constitution—any amendment whatsoever—that needs to be done must have a referendum. That's what that says to me.

I know that the experts are going to come back with a load of stuff, and they have a right to do so, but they are going to use legalese and that kind of stuff. Mr. Speaker, they can come with all they want to come with, I just hope there is logic to what they say. That's what is important in this debate. Not the ability to head something off because you can pick up on a Standing Order or draw some reference. This is not a court case.

Instead of leaving the amendment as it has been brought by the Honourable Minister for Education I am asking that we add *“any fundamental changes* to the Constitution should only be recommended by this honourable House after a referendum.” I am simply trying to qualify the type of amendment which will require a referendum to be taken to the people to seek guidance. That's what I am saying.

After struggling with the matter for many, many hours between yesterday and last night, the best description, the best adjective for the word “change” that I could come up with is “fundamental,” “fundamental change.” So what we are debating right now is whether or not this Legislative Assembly should leave the amendment brought by the Minister for Education as it is, which calls for any change whatsoever—

The Speaker: May I just call your attention to . . . this is part of the amended motion. It is not his amendment we are talking about, because his amendments stand as a part of the amended motion, the motion as amended.

Mr. D. Kurt Tibbetts: Mr. Speaker, I respect what you are saying, but I referred to it simply because he was the one who brought it.

The Speaker: I understand.

Mr. D. Kurt Tibbetts: It got absorbed into the motion, yes; but he brought it first for that to happen. But I hear what you are saying. There's no problem, sir.

The Speaker: I didn't mean to interrupt you.

Mr. D. Kurt Tibbetts: No sir, that's fine. I don't think your intention was to derail me. I would have thought that if it were someone else, sir, but not you.

What I am saying, Mr. Speaker, is that my amendment that I am bringing now (seconded by the Third Elected Member for Bodden Town, regarding this last resolve section of the amended motion) is asking for a qualification to be given to “changes” in the Constitution that must be referred to the electorate via a referendum. That's what I am saying. And in my estimation there is good reason why I have done this.

Contrary to what some people may think, this is not just a last ditch effort (as I sometimes refer to in this House). I have a serious problem being asked to vote for this type of resolution when it comes across as all encompassing. I have a problem with that because I don't have to hide behind what I think. I will tell anybody what I think, once I think it. I have a problem with what I perceive to be the minister's intention with the resolution, which is now a part of the amended motion.

I went through the Constitution over and over. I talked to some people. But I strongly believe that there are some types of consequential amendments which we may need to do from time to time, which in no way affect the structure of the governance of this country which we follow in the Constitution. I don't believe that we should have to go to referendum to recommend it to London. That is the basic principle on which I bring the amendment.

I nearly got caught in the trap, Mr. Speaker. I was going to use the argument that for instance the Chief Secretary advised us not so very long ago that in the very near future we are not going to be referred to as British Dependent Territory citizens, but as United Kingdom Overseas Territories citizens. I think that's correct. But there is a difference there.

Now, in the Constitution, there are several sections when it comes to qualifying as an elector which refer to BDTC's—British Dependent Territory Citizens. I nearly took the view that to try and prove to my learned friend, the Attorney General—because I can't prove anything to the Minister for Education. But the honourable Second Official Member (once I can get face to face) and I can dialogue with no problem. But I nearly brought the argument that a consequential amendment of this nature, that what the motion as it stands would do is cause for us to have a referendum to be able to make that change to UKOT's—United Kingdom Overseas Territories Citizens.

In other words, where the Constitution was going to have to be changed to BDTC's to UKOT's . . . and I did hold the view at one time that we would have to take that to a referendum and ask the people. So this whole thing was ludicrous. But I talk to people too. And I found out that it is quite easy, in fact the most likely scenario would be once Britain changes the British Nationality Act and refers to us and other Overseas Territories as United Kingdom Overseas Territories Citizens, then they would simply send down the necessary amendment to the Constitution to put it in the right order by Order in Council. So I am learning slowly, but surely.

I am not going to bring that argument, Mr. Speaker. And I know that the legal minds would have rolled over laughing had I brought it. But I am not afraid to tell anyone, including you sir, that there was a time when I was totally convinced that that was a good sound argument to bring—simply from lack of knowledge. But we know better now.

There is still the difference in what we are seeking in our amendment and the amended motion as it stands. There is still that difference. That motion as amended leaves no room whatsoever for any type of consequential amendment to be made.

Mr. Speaker, I am not taking tales out of school, and I may be running a small risk—perhaps a big risk—but I am going to relate something here now which is totally the truth, but I just want to make a point so that people will understand the purity of the intent of the motion.

When I saw this amendment being brought forward by the Minister of Education, I remembered that it was a short time ago when we were visited by the two representatives from the UK. I think Mr. Hoole is a Constitutional Advisor.

The Speaker: That is correct.

Mr. D. Kurt Tibbetts: And the lady's name was Dare, not Dear. That's right. I remember that. Miss Gillian Dare.

She was talking about when we had our little meeting with her, that is the elected members. Some of us were here. Some of us were off the island. When we met with them the lady was mainly concerned with issues in the White Paper. And we talked back and forth about certain things. The idea was to continue dialogue and start getting and passing information with a view toward our getting a clear understanding of the position Britain wants to take and what we can do to make it acceptable to both parties—so we would be happy with this new Partnership for Progress and that they are happy with it.

We understand that there is a responsibility on both sides, so we needed to talk this thing through. We were in the middle of all of that with Miss Dare.

Now when it was Mr. Hoole's turn to talk to us, he made it very clear that his role in these visits to the Dependent Territories was simply that of a Constitutional Advisor. And I am not going to leave it hanging to bend the argument one way. Nothing like that. I am going to explain . . . and there is relevance, Mr. Speaker.

What he basically said to us was that along with this thinking the British Government had where it wanted to explore this new Partnership for Progress to make sure there are straightforward responsibilities on both sides so that we know exactly what the relationship should be, what we can expect of them, what they can expect of us, and such the like, he said that Britain held the view that it was time for the Dependent Territories to review their Constitutions. And his term to us was with a view, if necessary to "modernise" our constitutions.

Mr. Roy Bodden: Tell them.

Mr. D. Kurt Tibbetts: We had some questions, Mr. Speaker. But no one should get frightened. We naturally asked our questions. The view was to look at the different constitutions in the different Dependent Territories with a view, if necessary—and I put that in because that was said to us—to modernise wherever.

He went on to explain that the Constitution of the Cayman Islands is by far the most modern constitution of the Dependent Territories. He told us that. And what he suggested to us (and in our talks with him we came to agree upon) is that in light of the fact that Britain might think that some of the Constitutions of the Dependent Territories might need to be modernised, then they must

have some type of reasoning that caused them to think that. So we asked him to use the good office of the Governor to give us some type of idea of what they were trying to say to us about this modernisation. We could examine our Constitution to see if there was anything left to be desired.

Let me make it clear that the modernisation Mr. Hoole was talking about was by no means pinpointing any advancement whatsoever. He was not saying that. We pointedly asked him that and his answer to us was, "Listen, Britain is not going to tell any of its Dependent Territories that they must become Independent Territories." He said, "Britain's position is . . ." and I can't quote verbatim, but I know what I am saying is the correct meaning. He said that Britain's position is that whatever the citizens of the country want, and when they examine the wishes comparing the facts, and they give their own advice, and at the end of the day whatever the country wants, that is what the country will get. That's what he told us, which is fine and fair, and to be truthful a relief—to me at least!

But, the point is that I know there is a checklist for us to make reference to. I haven't seen it because the way I understand it is that at the earliest opportunity the Governor is going to call all of the representatives together, lay out this thing to us and then we are going to begin dialogue and get opinions.

Because I don't know what it consists of, I have no idea whether some of the things in it are things that we will need to go to the public with, or if they are simple tidying up exercises. I have no idea. And I am not being fallacious—that's a new one I learned last night. I am not being fallacious about this. In other words, I am telling the truth.

Mr. Roy Boddén: Mr. Speaker, I don't know where he was last night, because I wasn't there.

[laughter]

Mr. D. Kurt Tibbetts: The Third Elected Member for Boddén Town wants to clear the air. He was not the one who taught me the word last night, Mr. Speaker. And that's the truth. We parted company early.

But seriously, Mr. Speaker, the point I wish to make about this is that this is an exercise that is going to happen very shortly. I don't know what its end result will be. It is possible that when we look at our Constitution and the "checklist" that Britain has supplied us with, we might be able to talk to Mr. Hoole again and say '*Listen, we understand exactly what you are doing, and we appreciate what you are doing. But we looked at this. Here is our position. This is our Constitution so we really don't think that we have to go into this any more.*' And he will shake hands with us and say '*Fine. My job is done here. I am moving on to the next territory. I am finished.*' That might be the case.

But what might also be the case is that . . . for the love of me, because I don't know what the list is I can't use any examples. I am not running from building my case, but because I don't know what that list is, I can't

use any specific examples. But it is very possible that there might be some simple amendments to the Constitution which do not infringe on the fundamental principles of our Constitution so it may not be necessary to take to the public (via a referendum) for us to make the simple recommendations.

This tightly wad situation that has emerged out of the turns and twists of the debate of what we considered at the beginning to be a simple motion is kind of funny. There are a few things that I believe for purposes of truth and clarity are necessary to say. No one—no one person, or no one group of persons—should ever try to use the people of this country as a playground, and use tactics for their own purposes to put fear in the hearts of our people unnecessarily. There are people in this House who do it. That is my opinion, sir. And they do it because that is the only method they have left; it is the last straw they are holding on to because everything else has been eroded because some people have a little bit of sense now. That's what's happening.

Talking about this modernisation, talking about this dialogue that we will engage in with this constitutional advisor, who, by the way, made it very clear to us that he was never ever going to be coming to us in the same position as the last set of constitutional advisors we had (which was the Wallace and Smith Commission I think). He referred to them specifically and said to us that he would not be coming as a representative of the Foreign and Commonwealth Office at any point in time making any suggestions to us. He was crystal clear about that.

Mr. Roy Boddén: True!

Mr. D. Kurt Tibbetts: So there's nothing to be uncomfortable about.

I go to the Post Office sometimes. I went there yesterday. As true as I am standing here, a sensible person stopped me, looked me dead in the eye and said "What are we going to vote for in the referendum? Independence or not?" And the man was serious. The man is not an idiot. But it goes to show that what we do, and what we say in this honourable Legislative Assembly affects the public. We must stop it!

It took me fifteen minutes. I took the time and I simply explained what it was all about. The gentleman was relieved. He gave me his opinion—and, by the way, I was very grateful for that because it gave me a little more heart—and he went about his business. But that is exactly why our responsibility is much more sacred than we hold it in here in my view.

I am certain, absolutely certain, that when that gentleman walked away from me (although I know he was relieved) he must have said to himself '*Kurt must think I'm an idiot for asking him that question.*' I don't think he's an idiot, Mr. Speaker, because I understand—I know what happens when people try to use the methods they use just to win. And for the love of me, to win what? Mr. Speaker, if I were a different hombre I would talk about winning, but I am not going to do that.

Getting back to the amendment we are proposing here. I want to just read a few definitions regarding Constitution—

The Speaker: Would you want to take the afternoon break before?

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker. That would be kind of you, sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.20 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 11/99 as amended.

The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: When we took the short break I was going to crave your indulgence to refer to a couple of definitions just to lay the groundwork. I hold the view that it is very important for the people of this country to have a clear understanding of the matter we are dealing with, and to not allow anyone to paint a picture of a situation which does not exist.

Before I read, just to recap and put things in perspective, what I am trying to argue here is my amendment to the last resolve in the amended motion where I am asking for a change. Instead of allowing as it reads now where it says "any change," I am saying it should be "any *fundamental* change" in the Constitution. That's where the crux of the matter is.

And for as long as we have been talking about the Constitution and the question of changes to the Constitution and the picture that some people chose to paint regarding advancing the Constitution, I think it is time for all and sundry to be very clear of exactly what we are dealing with.

In the *Encyclopedia of Parliament* there's a definition of Constitution. It reads, "**A constitution, in its widest sense, is the whole system of government of a country. The collection of rules which establish and regulate or govern the government, which rules are either part of the law of the land or are established by usage of convention. In its narrower sense, a constitution is a selection of these rules, which have been embodied in one document. All the countries of the Commonwealth, except the United Kingdom and perhaps New Zealand, and indeed most of the nations of the world have written constitutions.**"

"**The British Constitution is unwritten. In other words, its rules have never been coordinated into one or even several documents. New Zealand's Constitution is based partly on the New Zealand Act of 1852 as amended from time to time. But otherwise it is unwritten, so to speak, in the traditional British sense of the term.**"

"Dicey defines two types of Constitution: the flexible, as one under which every law of every description can legally be changed with the same ease and in the same manner by one and the same body; and the rigid constitution as one under which certain laws, generally known as constitutional or fundamental laws, cannot be changed in the same manner as ordinary laws."

I want to repeat that last sentence: ". . . **the rigid constitution as one under which certain laws, generally known as constitutional or fundamental laws cannot be changed in the same manner as ordinary laws.**" Mr. Speaker, I contend that that's the type of constitution we have.

In Jowitt's *Dictionary of English Law*, constitution is described as ". . . **any regular form or system of government. A constitution may be unwritten, resting mainly on custom and convention; or written, being drawn up in legal form. It may be flexible, that is, capable of being altered by an ordinary legislative act; or rigid, being capable of being altered only by special procedure.**"

We know that our constitution is, based on those two definitions, one that is rigid.

I want to quote two quick definitions of the word "fundamental." One of the definitions that I just read referred to the word "fundamental." The operative word in the amendment I am bringing is "fundamental." The first definition has "fundamental" as "**basic; serving as a foundation; essential; primary; important; that which serves as a groundwork; an essential.**"

The next definition has synonyms to the word "fundamental": "**primary, important, indispensable and essential.**" You notice the commonality there. In the definition of the word "fundamental" it reads: "**Leading or primary principle; rule, law or article which serves as the groundwork or basis; essential part—for example, of the Christian faith.**"

I read those definitions of "Constitution" which we can extrapolate from to know what type of Constitution we have. The definitions for the word "fundamental" are basically leading up to my argument regarding why I believe the amendment that is being brought now should be the one used in the last resolution of the amended motion. I am saying that we should have no problem saying to the people of this country that any fundamental change that we would want to recommend to London in our Constitution should not be recommended by us—"us" meaning this Legislative Assembly—unless we go to the people via a referendum and ask them what they think.

What the motion as amended is saying before the amendment I have just brought is that any change whatsoever to the Constitution—not any "fundamental" change, any change whatsoever—we must first of all go to the public, have a referendum, go through all of the motions before we make any recommendations to London. So I think I am establishing the difference between what we want to say with our amendment and how we think the resolution should read and how it reads at present.

As soon as we return I am going to go into citing some examples from the Constitution which I want to relate to being fundamental, and some that are not fundamental. I think where contention is going to be with my amendment is how we define "fundamental." But I believe that if we are not just looking for arguments that it is easy to work with the word "fundamental." When we return that is where I will be going next. But I think you are already to quit for today, as it is that time.

The Speaker: We have reached the hour of interruption. I would entertain a motion for the adjournment.

The Honourable First Official Member responsible for Internal and External Affairs

ADJOURNMENT

Hon. James M. Ryan: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Monday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.33 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, 27 SEPTEMBER 1999.**

**EDITED
MONDAY
27 SEPTEMBER 1999
10.25 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Minister for Tourism, Commerce, Transport and Works. There are no other apologies.

Moving on to item 3 on today's Order Paper, Presentation of Papers and Reports. The Agricultural and Industrial Development Board for the year ending 31 December 1997. The Honourable Minister for Agriculture, Communication, Environment and Natural Resources.

**PRESENTATION OF
PAPERS AND REPORTS**

THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR ENDING 31 DECEMBER 1997

Hon John B McLean: Mr. Speaker, I beg to lay on the Table of this Honourable House the Accounts of the Agricultural and Industrial Development Board Report for the year ending 31 December 1997

The Speaker: So ordered. Do you wish to speak to it?

Hon John B McLean: No sir.

The Speaker: We move on to item No. 4 on today's Order Paper, Other Business, Private Members' Motion. Is the First Elected Member for George Town in the precincts?

Mr. W McKeever Bush: Mr. Speaker, someone just went to get him. Can you give us a minute?

The Speaker: Thank you.

Private Member's Motion No. 11 of 1999 as amended, continuation of debate thereon. The First Elected Member for George Town will be continuing his debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

**PRIVATE MEMBER'S MOTION NO. 11/99
As Amended**

REFERENDUM LAW

(Continuation of debate on Amendment No. 2)

Mr. D Kurt Tibbetts: Mr. Speaker, when we adjourned on Friday afternoon, I was beginning to deal with the second amendment which was brought forth by myself and seconded by the Third Elected Member for Bodden Town. These amendments are of course in response to the first set of amendments that were approved during the debate prior to this. So, I am just to recap bringing these amendments to the amended motion.

This amendment simply asks that instead of leaving the last resolve section of the amended motion as is (where it says "**any change to the Constitution**"), we insert "**and that any fundamental change to the Constitution . . .**" I brought this amendment taking the view that if we left it to say "any change in the Constitution" it certainly could cause disruption for good governance. There may well be required consequential amendments to the Constitution—which are not fundamental changes to the Constitution—and it would be a waste of time and money to have to deal with these whenever they occur via a referendum to the people.

When I refer to "fundamental" change, I refer to a change of great or far-reaching importance, not "consequential." When we look at the arrangement of sections in our own Constitution, Part I [has sections 1 through 4] "The Governor"; "Emoluments of the Governor"; "Acting Governor"; and "Governor's deputy." Those are "fundamental," should I say, to the workings of our government.

Part II talks about the Executive Council and it has its various sections in there about the "Tenure of office [on members of Council]"; "Governor to consult the Council"; "Determination of questions as to membership"; "Assignment of responsibility." Those, too, are fundamental areas of the Constitution.

Under that same section it talks about the "Powers of the Attorney General"; "Summoning of Council and transaction of business," these all have to do with the way in which the country runs, the way the government functions. That is what I mean when I refer to "fundamental."

Part III talks about the "Legislative Assembly," likewise it talks about the "Qualifications for elected membership," that is fundamental. It talks about the "Tenure

of office of members of Assembly," the "Penalty for sitting or voting in Assembly when disqualified," the "Right to vote at elections," "Disqualification of electors," and the "Law as to elections." Mr. Speaker, while I presume that arguments can come forth about what would determine what is fundamental and what is not fundamental, I believe looking at our Constitution it is fairly easy to determine what is "fundamental" and what is "consequential."

Seeing as I do have the right to wind up the debate on these amendments I am not going to go into much more detail because I think I have made my arguments very clear as to why the amendments are being brought forward. But I want to explain a scenario, which presupposes that these two amendments are accepted. I want to prove that if these two amendments are accepted that there is absolutely no risk to this country of any government in the future—any 15 elected members (or whatever that number is in the future), any elected membership of this Legislative Assembly—being able to propose amendments to London that are "fundamental" and the people of the country not having the right to have their say in the matter. I am going to prove it like this:

If we allow the public the right to initiate a referendum (which is what the original motion proposed, and which is what the first amendment of these two last amendments that we are bringing is proposing), rather than spending a lot of money and wasting a lot of time we are presupposing that we are going to give them the right to initiate a referendum. If our second amendment is allowed, and if this last resolution is approved saying that any fundamental change to the Constitution will require that a referendum be held to get the people's input, and there is anyone from within these precincts or from without who argues the case, if our proposed amendment to the Constitution was going to be forwarded to London, and the announcements were made by this Legislative Assembly at whatever time in the future that might occur, if that were to happen and that change was considered by the Legislature not to be a fundamental change, therefore they did not have to go to a referendum with it, once the people of this country had the right to initiate a referendum, if there were enough people in the country who thought that that proposed change might be "fundamental" and should be done via a referendum, then they will have the right to initiate a referendum asking for that.

So you see, it is a safeguard if the original motion was allowed to move forward as presented. While we still argue the case that this very last resolve section is taking our motion further than what the intention was, the fact that it has been approved, all we are saying is rather than leave it saying any change whatsoever, we simply want wording that says any "fundamental" change. So, if there is a question of anyone not agreeing with any majority in the Legislature about whether or not a proposed amendment is "fundamental," then, if the public has the right to initiate a referendum, that is the safeguard right there. The public would then have the right to petition the Legislative Assembly and say, *'Listen, while you think that this is not fundamental, we think it is so therefore we want the public's input in the matter.'* I want realistically

for anyone to say to me which Legislature (should that have occurred) is going to deny the public the right to have an input in that.

Mr. Speaker, the original amendments brought forth to our motion have only served to complicate the effort. That is really all the purpose they have served. Now, if the Honourable Minister of Education has taken this opportunity because he feels strongly about the possibility of any fundamental change to the Constitution being able to occur without the public's input (and I am on all fours with him on that and he knows that), then the proposal that I am making will not change that.

All I am trying to do is avoid the possibility of any consequential amendments being needed for the Constitution having to go to the route and expense of a referendum when it is not necessary. I need to make it very clear that I am totally committed to public input whenever there are important matters and decisions to be made in this country—including any Constitutional change. But, we have to distinguish very clearly the difference between change and advancement.

The public is not greatly concerned about consequential changes to the Constitution. The public's concern is any advancement in the way in which the Government operates without being sure that is the right direction that we should be going in. I have those concerns myself. The Minister of Education knows that and the whole world knows that. So, this second amendment that we are bringing is not for a minute trying to prevent that safeguard being voted upon. It is simply trying to clarify the amendment so that we do not get stuck down the line with simple little matters having to wait for ten years when you have 20 or 30 different amendments that nobody wants to touch, but upsets the order of the good workings of Government before you are prepared to make the proposals to London. That is what we are saying. It cannot be anything but good reasons to that argument.

And, again, if there is a question as to what is fundamental and what is not fundamental, this safeguard will be there because the public will have the right to initiate a referendum if they are not convinced that that proposed change is a change that should be done without their input. That has to be a good argument being put forward Mr. Speaker. I really wish that we could avoid a battle over this and simply use the deductive reasoning that is being put forward, understanding and accepting it and let us move on.

Mr. Speaker, I could say more, but at this point in time I believe that the case is put forward. Others will have their own input into these proposed amendments and I hope and pray that this entire Legislature would not reconsider the whole affair. I want to make sure that I said the right thing. I really hope and pray that this entire Legislature would reconsider this whole affair using logic and reasoning behind it sir. I don't think that there is any vast difference in what we wish to achieve. I am just hoping that we can avoid any further arguments which really bear no relevance to what we want to achieve and let us just get on with it, get these amendments approved, get

the final amended motion approved and let us get it done.

Let us prove to the people of this country that for good governance it is our view that we should give them that right and if we want to continue to play it safe to ensure that the public will always have the right to input whenever there are fundamental changes being proposed to the Constitution. Then our amendment is quite in order.

The reason for the second amendment, as I said before, is simply so that we do not get bogged down with consequential amendments and not be able to make these simple amendments which might occur in the future without having to go through the costly affair of a referendum. I will wait to hear the arguments that come forth and hopefully we will get over this without too much time passing. Thank you.

The Speaker: The floor is open for debate. Does any other Member wish . . . the Honourable Minister for Education, Aviation and Planning.

Hon Truman M Bodden: Mr. Speaker, this amendment seeks to rescind the earlier decision of this House, at least a part of it seeks to do that, in the first resolve clause which was passed by eleven for with four abstentions. So this seeks to go back and reverse out in the first resolve clause what had been passed earlier.

Mr. Speaker, dealing with the first part of this resolve . . . Back in 1989, I put up a similar motion that was defeated, so government is on all fours with having the public of this country given the right to initiate a referendum. But I must say that one of the several problems with the original motion, if I may now raise this, is the fact that it is a very general motion without any particulars as to how to put into effect a referendum by the people. It has nothing in it that can show you or can guide the public as to what the effects of this motion will be.

Now, I support the referendum by the people. But I would like now (since this has been amended for the third time) to deal in depth with the problem of putting up a motion that does not have in it sufficient detail to create the clarity that the public requires from a House that makes the Laws of the country. I submit that it would be best for this Legislature to work out things such as the percentage of voters, who would be required to sign the petition . . . *[Members' laughter]*

There is laughter there Mr. Speaker . . . but I am going to show how ill-thought-out this motion really is.

[Inaudible interjection]

Hon. Truman M. Bodden: Well, apparently the First Elected Member for West Bay has seen exactly the same thing. So, we are both in the same position there, that the amendment is very general and does not have any details relating to it. It's just not good enough. There is not sufficient precision to just take and throw this out.

I point out again, government accepts the principle of this, the public should have the right to initiate a referendum.

Let us look at it in some detail. This first amendment is trying to shift the load away from this Legislature back to the government to then produce a Law. At present, the way the motion as amended is (without this amendment in it) . . . what would then happen was if the Constitution itself—now, not a law, the Constitution. . . and I need to make this clear. My original amendment said that if the Constitution of this country is to be amended to insert this, in which there would have to be some detail going with it . . . if you look at the present referendum you will see the machinery is put in there on the structure of the present referendum.

Any member of this House can bring a motion to have a referendum. No one has done it but that procedure is there. It is properly entrenched and the wording that is used carries with it some precision. Now to just go back and say that now government must figure out what this motion means, government must come up with the percentage, government must decide this, government must decide that, is passing the buck.

I am making it clear, Mr. Speaker. We agreed with this in principle but this Legislature must shoulder its burdens. It cannot just pass on a general motion and we be magicians to figure out what the mover, the seconder and the other two abstainers (along with the other two) to that original amendment meant. It is not good enough to just move this rescission motion to the amendment that was in there.

The way this would now work Mr. Speaker, . . . and let me say that I have no problem with the referendum for the public to initiate it, going in some way other than an amendment to the Constitution. But if it is going in to an amendment of the Constitution, it has to be looked at in depth. And I submit that whenever there is a move, and we heard quite a bit of what I am going to suggest is a move ultimately to review the Constitution of this country, then maybe at that stage is the time to get the details. But, at present, the first part of the motion that is seeking to remove the right to a referendum . . . you see, if this goes to the public in a referendum, then the specific questions will be asked. What percentage do you want? Ten? Twenty? Thirty? Fifty? What procedure do you want on this? How is the petition, if it is a petition, going to be certified?

And, let me say this Mr. Speaker, this type of referendum is one that is used in federal states, normally within the state area and not the federal area such as the States of the United States or the Cantons of Switzerland. I have to confess that this is not something that is found in the English books that is used in England. What is used in England now sits in our Constitution and there is a right to bring a referendum on that.

This type of referendum initiated by the people is something used in independent federal countries, in other words, countries that have a group of States or a group of Cantons or a group of semiautonomous parts to it. So, thought has to be given there.

And Mr. Speaker let me make it clear, I have very little problem at all with this part of the motion because I think that the public has a right to initiate a referendum.

That's Government's belief. I originally initiated this in 1989—ten years ago. Unfortunately, it was defeated.

So, I fully support this and I will support whatever is needed to bring that in, sir. If there is a worry on the referendum at this stage, well, that is something that can be looked at. And I don't have a lot of worry about this first part, let me just say, sir. What does worry me, Mr. Speaker, is the second resolve part. I now see a move to attempt to allow the legislature of this country, if it wishes to do so in secret, to recommend to the United Kingdom a change of the Constitution without going back to the public. And, I am going to point out the fallacy of the attempt of this motion to try to bring in fancy words, once again without the details. These motions have not, in my view, been as well thought out as they could have been because they are very general motions.

Now, if the four members who abstained on this are really of the view (as the original motion says, **"WHEREAS only the referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance"**) . . . if that is really believed, then there is no reason to introduce into this motion the words which will only allow for any change which is a "fundamental" change.

Mr. Speaker, experienced members of this House know that you don't change the Constitution of a country for minor amendments. It just isn't done. It is one of the highest, most serious documents. Every time there is a move to change the Constitution, there is a review, and then the changes—and if I need to show that I can go back and show it—have always been changes that are not consequential changes.

So, it is not a good argument to now try to say that the public should only have a say on a fundamental change. The position on this is really as the First Elected Member for George Town mentioned (words to this effect) who is going to decide what is a matter . . . I think, he may have said 'of substance,' but it is a fundamental change. Is this House going to sit down and decide what is a fundamental change and then to go back to the public?

Mr. Speaker, the blurring that you heard this morning by the First Elected Member for George Town sets out clearly the fact that that honourable member, with respect, realises that the word "fundamental" is not a totally precise word. It is left to the construction of the facts at the time. Now, who is going to decide that? This question was put by the First Elected Member for West Bay. It's a very good question. Is it the same House that may want the change to go through? What does the public think that the legislature . . . if they want to put a change through, do you think they are going to decide it is a fundamental change?

Mr. Speaker, with all due respect, you have then taken away the very right that has been given. Through a series of small amendments, you can ultimately achieve a major accumulative change, if you follow what I mean. Nothing has been said to even try to explain other than the First Elected Member for [George Town] who picked up the Constitution. . . and that itself showed the confusion that can arise. It is not just good enough to pick up

the Constitution and move down through it in a minute or two and say that the areas relating . . . (Pause)

I will find this in a minute.

That honourable member went through some of the different parts up front and tried to say . . . well, matters relating in the first part, say to the Governor, or collective responsibility or whatever, is a fundamental change. That is not good enough, Mr. Speaker. The people of this country need precision. This is not a document that should be left to be interpreted in here what is major and what is not. The time will come when the conflict will be between those who want something changed, and to get it through . . . knowing politicians (and I am not referring to any member in here), but knowing politicians, they will bend what is a fundamental change.

I know it, Mr. Speaker. I have the experience of seeing the way that that Constitution has been manipulated without going back to the public. They will do what is necessary as politicians to serve their purposes and if they want to get something changed then the simple approach is to say, *'It is not fundamental. Therefore, we can put it through and not consult the public.'*

Mr. Speaker, the Elected Member for North Side said words to the effect that the most major national issue is to change the Constitution of any country. I agree with that. Any change to the Constitution is a national issue and that in itself differs from what is a fundamental change.

I would just like to take a bit of time to show that the question of what is a fundamental change is open to interpretation, and it is a question of fact which presumably this legislature—there is nothing saying otherwise—will have to decide because we would be the people making a decision whether change should be made.

The question of what is "fundamental" has been dealt with through cases in court. I am reading here from Halsbury's *Laws of England*, under "Contract," because it was in a case on contract that this was dealt with. It is dealing with "fundamental" in relation to exemption clauses. Basically, the relevant parts are as follows: **"If there were a rule of law that no exemption clause, however, could exclude liability for fundamental breach, the nature of the exemption clause would be of vital significance."** The judge here—in fact, the House of Lords, the highest court of the land is dealing with two issues—one is fundamental breach and the other is a breach of a fundamental term.

I will show you, sir, the way different interpretations can produce different results. Think of it: Is there a difference between a fundamental breach and a breach of a fundamental term? And you may say that's semantics. Well, it is not.

It says, **"Where the clause went to define the extent of the promisors obligation, the possibility of fundamental breach would be pro tanto excluded since nothing can be a fundamental breach which is not first a breach. There was much academic discussion of the nature of the document and puzzlement to its content."**

So, what I am showing here, Mr. Speaker, is the fact that the word "fundamental" is an imprecise word that is

subject to interpretation. In this case, and other cases as well, the Court of Appeal of England (which is the second highest court of the country) was reversed out by the House of Lords which is the highest court of the land and which makes up the Judicial Committee of the Privy Council, which ultimately would interpret our Constitution in the final analysis.

I would like to read this again, **"There was much academic discussion [and Lord knows, Mr. Speaker, we have heard enough academic discussion in here] of the nature of the document and puzzlement as to its content [the word fundamental]. Were there two distinct doctrines (breach of a fundamental term and fundamental breach)? Or were they simply alternative formulations of the same doctrine?"**

I know this may be hard to follow, I see a bit of bewilderment amongst some members of the backbench, but it goes to show you what the court will look at and the way that words will be dealt with on interpretation of this word "fundamental."

"What was the relationship between fundamental terms and conditions? Could the doctrine be side stepped by quotes shrinking the core of the contract?" That is a very important part of this judgment because by shrinking the core, it allows flexibility of interpretation of the doctrine.

"In the Court of Appeal it was held that this exemption could not avail the defendants because they had been guilty of a fundamental breach but the House of Lords unanimously reversed this decision." This is the point I am making. We are not dealing with someone like me—a lawyer of thirty years. You are dealing with the highest judges of the land. The Court of Appeal probably sat with three House of Lords, it probably sat with five Lords of Appeal. The Court of Appeal made the decision on fundamental breach and the House of Lords reversed them out.

So, Mr. Speaker, if anyone in this House believes they can stand up (as the First Elected Member for George Town did), pick up the Constitution and read some parts out and say, *'Well, this will be a fundamental change, and this would be consequential,'* or try to interpret it in that way, we are kidding ourselves. In the real world it is not as simple as that. And if there is a division with the highest courts of the land, then the term "fundamental" is imprecise. That is the message that I would like to get on the use of this word.

I am not sure where the First Elected Member for George Town got this. Maybe it was another lawyer. But, if it was a lawyer, or if he consults a lawyer, he will find that this word is imprecise. Mr. Speaker, there is a saying: Where there is doubt, don't. The motion without these changes of what is a fundamental change is precise, there can be no doubt. The Constitution cannot be changed or should not be recommended for change without a referendum.

Now, I can say, Mr. Speaker, that the Motion that the government has put up is precise. There can be no doubt about it. In this House, it is a very simple thing. Everybody knows what a change is. But, Mr. Speaker, you introduce words such as "fundamental," and you are

then getting into an area where the public is going to suffer because of the imprecision of the words.

To go further and show that is a matter of construction, it will have to be this House (unless the First Elected Member [of George Town]) was expecting that the question of what is a fundamental change would be done elsewhere—I don't see how it could. It would have to be the House, this Legislature. "Fundamental right" has another meaning.

[Inaudible Interjection]

Hon. Truman M. Bodden: Sorry?

[Inaudible Interjection]

Hon. Truman M. Bodden: Well, I am dealing here with the word "fundamental" in relation to "breach" and "change" or "amendment." "Fundamental rights" is a different area of the law and there is a lot of judicial interpretation on it, but obviously the change of a fundamental right would be a fundamental change. It doesn't matter what it is called, whether it is a fundamental change or the change of a fundamental principle—I have shown where there is imprecision.

What I want to last read is part of the judgment in the House of Lords in the case of the *Suisse Atlantique Société d'Armement Maritime S.A. v. N.V. Rotterdamsche Kolen Centrale* in 1966. In that, Lord Upjohn, quoting from the *All England Reports* (All ER)—

Mr. Roy Bodden: *[Inaudible comment]*

Hon. Truman M. Bodden: And I really don't expect the Third Elected Member from Bodden Town to understand what I am saying but the public will understand the confusion and imprecision that can be brought in with a word.

Lord Upjohn in the House of Lords had this to say (pause) . . . The section is coming from . . . let me loose my train of thought here.

Mr. Roy Bodden: Give up!

Hon. Truman M. Bodden: Mr. Speaker, I am not giving up on this one because I know what certain politicians want to do with the Constitution, and so do the public. I say the word "politicians" okay? I know because I have seen this before and the public has to have a right to make a decision on the Constitution if there is going to be change.

It says, **"Whether such breach or breaches do constitute a fundamental breach depends on the construction of the contract and all the facts and circumstances of the case."** So if this word is introduced, every time there has to be a change to the Constitution, each part of a section that is being changed, this House will then have to make a judicial interpretation literally on what is a fundamental breach. Is it? or is it not? If it is not, then they can run to the UK and ask the UK to

change the Constitution. That I submit, Mr. Speaker, should not be left to politicians of this country.

I hope I am getting clearly through that what the government has put up, there can be no doubt about. There is not a question. The Constitution of this country has never been changed as they said, for dotting i's and crossing t's. That does not happen, Mr. Speaker, when there are changes, . . . in the past what has happened is that constitutional commissioners came down and the United Kingdom always asked what changes in general did we want? They are not going to go back and cross t's and dot i's, do minor changes, do consequential changes—this does not happen. We know that.

We are kidding ourselves here if we believe that the United Kingdom, through an Order in Council of the UK, which is a long, tedious process of Her Majesty the Queen sitting in the Privy Council and passing the Order in Council that makes up our Constitution.

Mr. Speaker, consequential amendments, I can assure the public, are not what they are going to have to worry about. What the worry is going to be And let me just say this, Mr. Speaker, a fundamental change is exclusive to consequential changes. I want to make that clear. A fundamental change is something that goes to the very root of the Constitution, a fundamental part of it, and therefore there is a question of construction, a question of fact as the Law of Lords stated.

Now, Mr. Speaker, the First Elected Member for West Bay said words to the effect (I think, he was probably referring to me) why wasn't there a question to entrench any change of the Constitution. The happiest thing of my life would be whenever the Constitution is being changed again—put in the Constitution that it should only be changed after referendum, entrench it. Mr. Speaker, other countries have entrenched these things and I can show (which I will now go on to do) that I am happy with that.

At least, the First Elected Member for West Bay and I fully agree with that point. If we want this put in a way that this Legislature cannot change it. Then, ultimately, it should be put as a clause in the Constitution that the people of this country would have a referendum before there is any change to it. So, if that proposition is one that is floatable—because I intend to move it at whatever time there is any attempt to change the Constitution . . . because entrenching it, means that this Legislature cannot then change what has been done.

[Inaudible comment]

Hon. Truman M. Bodden: Well, Mr. Speaker, at least one thing I got entrenched in 1993 is the right to have a referendum, even though the Third Elected Member for Bodden Town—who raised that—rejected (and I read that) my 1989 motion to have any kind of referendum, much less put in the Constitution. So, the Third Elected Member for Bodden Town should be the last one to raise this issue.

I read from the Minutes where that member voted against and spoke against my motion to bring in a referendum. I was lucky to get in the 1992 Constitution, sec-

tion 29 (2), which gives any member of this House who wishes to call a referendum . . . he can now get it and the public of this country can at least thank me for that. And, Mr. Speaker, it is clearly there. Any of those who are propounding about the referendum, the section is now in the Constitution.

So, while we did not get the part that says the public can initiate a referendum, I asked the Constitutional Commissioners for that—

Mr. D. Kurt Tibbetts: *[Inaudible comment]*

Hon. Truman M. Bodden: Mr. Speaker, with all due respect, the First Elected Member for George Town (I don't want this to get into an argument) was nowhere around. That honourable member doesn't know what went on in the *boiler room* in 1990, 1991 and 1992.

I know, Mr. Speaker! In fact, you, sir, seconded the 1989 motion for the referendum that was outright rejected—including the First Elected Member for West Bay who is laughing at this stage, who said, '*Throw the Referendum Law in the garbage can or in the rubbish can or something!*'

POINT OF ORDER

Mr. W. McKeeva Bush: On a point of order, Mr. Speaker.

Hon. Truman M. Bodden: Well, I will read it for you.

The Speaker: Let me hear your point of order.

Mr. W. McKeeva Bush: Mr. Speaker, the minister is misleading the House. In 1989, there was no Referendum Law before the House. There was a motion that he brought, which he already talked about. Now, he is going to say that we threw out a "law"—there was no law. And if we leave the public to hear that, he will certainly continue in that vein that there was a law. There was no law before the House!

The Speaker: He was talking about the motion of 1989 is my understanding.

Mr. W. McKeeva Bush: No, Mr. Speaker, he said the "Referendum Law." That's what he said. And, I am saying there was not "law" before the House at the time.

Hon. Truman M. Bodden: Mr. Speaker, it was a motion I am referring to. So, if there is anything I said that was trying to refer to a law, it was a *motion*. In fact, what I was referring to obviously was the motion that was brought.

Well let me just read it.

Mr. W. McKeeva Bush: Mr. Speaker, the minister has already read that point.

Hon. Truman M. Bodden: Is this a point of order?

Mr. W. McKeeva Bush: Yes, this is a point of order on relevance, Mr. Speaker. I would like to see where this has relevance in this particular matter.

The Speaker: This has relevance inasmuch as he is explaining to me what he was saying. Please let him do that.

Mr. W. McKeeva Bush: [Laughter] All right, Mr. Speaker.

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

Hon. Truman M. Bodden: Mr. Speaker, it was a Private Member's Motion that was brought in 1989 that was defeated in the House with five Ayes—Mr. John Jefferson Jr., Mr. Gilbert McLean, Mr. John B. McLean, you, and me. The Noes included Mr. Roy Bodden, Mr. W. McKeeva Bush. So I am referring to the motion, sir.

The Speaker: Thank you. Please continue, the Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The question of entrenching and making it impossible to change certain parts of constitutions is something that has existed over the years and has been in many of the Commonwealth countries Constitutions. In fact, the section "Entrenchment" in *Commonwealth and Colonial Law* by Sir Kenneth Roberts-Wray, page 410 that deals with this says, "**As a general rule, any law can be altered or repealed by a simple majority of the members of the legislature present and voting; and in the majority of Commonwealth countries with bicameral legislatures, the concurrence of the upper House may be dispensed with.**"

Then it goes on, "**But to safeguard important principles, minorities with special interests, the constitution or parts of it are frequently entrenched, and occasionally other laws of particular importance are included. Various devices have been adopted . . .**" This is the same section that says, "**Submission to popular vote prevents hasty action . . .**"

And, there is also a principle called "double entrenchment" that has been used in some of the larger countries' constitutions. One of the things that I realised in reading up on this area is the extremes that politicians in other countries have gone to to get around the entrenchment of these sections. The point I am making is that the Constitution of this country should not be left to politicians to have to decide what is a fundamental change and what is not.

Let me just read a section coming from page 417 of Roberts-Wray, under "Canada and Australia," "**The Commonwealth Constitution is deeply entrenched. In Canada, several attempts to find a method of amendment of the British North American Act acceptable to all the Governments concerned have failed and certain sections can still only be amended by the United Kingdom Parliament at Canada's re-**

quest." The public of this country should not believe that politicians wouldn't even try to get around entrenched sections of the Constitution.

That is why, Mr. Speaker, the one thing that politicians do not like is to have a precise section that leaves no flexibility as does the original section that the Government put up on this matter and to which this amendment now seeks to amend. There is no imprecision, there is nothing but certainty in the motion that I moved. It makes it very clear. And, I would just like to read what is being amended. It says, "**BE IT FURTHER RESOLVED THAT only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance . . .**" There is no controversy there because that was the original motion that we accepted and the addition was ". . . **and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.**" No doubt at all.

But throughout the years, politicians have tried in other constitutions, in other countries to even get around their own constitutions that tie their hands to going back to the electorate.

With all due respect, Mr. Speaker, I am prepared to accept what a majority of the public say, and to come in this House and do everything I can to implement it. The day any member reaches the stage that he feels he should not consult the public, or that he is not prepared to take the views of the public, then he ceases to represent the public. Politicians have always been afraid to get the views of the public. Do you know why? Because the public normally knows what is right and the public will not let them go off and do things with the Constitution—

POINT OF ORDER

(Misleading)

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

Mr. D. Kurt Tibbetts: The minister just said that politicians have always been afraid of taking advice from the public. He is making a general statement, and it is misleading, and I think he should withdraw it, Mr. Speaker.

The Speaker: I think you said it was a general statement.

Mr. D. Kurt Tibbetts: Mr. Speaker, my interpretation of that means it includes all of us who are sitting here, and I am saying that he should withdraw it. I think it is misleading.

Hon. Truman M. Bodden: Mr. Speaker, I excluded members of the Legislative Assembly, that's why I said politicians because these are members of the House. So, I withdraw that part of it. I don't want to have any argument on this. It's too important.

The Speaker: So you will withdraw that?

Hon. Truman M. Bodden: Yes.

The Speaker: Thank you.

Hon. Truman M. Bodden: I am happy to withdraw. But, Mr. Speaker, politicians outside of this House have always been afraid to go to the public and the only person, the only politician outside of this Chamber who is afraid to go to the public is one who wants to do what he wishes and not carry out the wish of the public.

There should be no fear in any politician outside of this House going back to the public and asking them, *'Do you want the Constitution changed in this way?'* In fact, Mr. Speaker, had it been done in 1992, there may not have been as many casualties in that election as occurred. And that's all we are saying—go and ask the public.

Now, we heard something [and] I was somewhat surprised when I heard it and maybe this has to be considered on this motion. It seems that when a Mr. Hoole was over here (and reference was made by the First Elected Member for George Town of talks with him and another lady from the UK) . . . I would like to just point out that the Financial Secretary, the Minister of Tourism, the Third Elected Member for George Town and I were in Europe. I am not sure whether we were in London or in Paris, because I don't know when the meeting took place. But we were not here and we were not party to whatever talks went on.

Apparently, as the First Elected Member for George Town said, he raised the question of looking and seeing what was desirable (I think, there may have been words to that effect) with changes to the Constitution. Another statement was made—

POINT OF ORDER

(Explanation)

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order. The [First Elected] Member for George Town is not in this Chamber. It is wrong for the Minister of Education to say that because (if I should explain) I was in that meeting and so were two ExCo Ministers. So it wasn't just the backbench as [he] might have been trying to imply. The [First Elected] Member for George Town didn't go there to raise anything about the Constitution, we were called and we were brought here to this Assembly because they were brought in here by the Government. They just didn't walk into this Assembly to meet with the Member.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, I take objection to that on a point of order.

The Speaker: It's a explanation and really not a point of order. Please continue.

Mr. W. McKeeva Bush: It's point of order, Mr. Speaker, that he is misleading the House. Now, I was explaining the point of order but it is a point of order. The [First Elected] Member for George Town did not say that he had gone to that meeting to talk about the Constitution. He didn't say that either, and I was here when he was talking, and certainly he did not come to that meeting to talk about the Constitution. And if I am not mistaken, the Speaker was there also.

The Speaker: No.

Mr. W. McKeeva Bush: You were not there?

The Speaker: I had a private audience with him.

Mr. W. McKeeva Bush: Oh! But he might have told you the same thing.

But, I should say Mr. Speaker, in explaining the point, that he told us that they were sent here by the United Kingdom Government. Now, if the United Kingdom sent two high ranking officials to this country of which two of the members of Executive Council who are colleagues of the Minister of Education attended, then the Government had to know. The Government had to be involved!

The Government had to invite those people here! But it is for those reasons I am explaining sir, why I think the [First Elected] Member for George Town was explaining about what took place.

The Speaker: Well, actually he did not say that government members were not there.

Mr. W. McKeeva Bush: He took great pains to say who wasn't but he would not say that two of his colleagues were in attendance.

The Speaker: I still do say that's not a point of order, that is a point of explanation.

Please continue, Minister of Education.

Hon. Truman M. Bodden: I did not say that the First Elected Member for George Town brought the people here or anything else. I am saying what the First Elected Member for George Town said that Mr. Hoole said.

Mr. Speaker, what's really happening with these explanations, is that at the rate it's going the explanation of the First Elected Member for West Bay is getting longer than my speech. If I may now go on sir?

The Speaker: Please continue.

Hon. Truman M. Bodden: Now, one of the things that the First Elected Member for George said that apparently Mr. Hoole said (I couldn't get a transcript of this yet) was that the Cayman Islands has one of the most modern Constitutions of the overseas territories. There should be no change in that good, modern Constitution without the public being consulted and giving their go ahead to change the Constitution.

Mr. Speaker, on many occasions in the past, I have sat and seen these changes put up and the necessary consultations to the public not done. So, all that the government is trying to do . . . and for the life of me, I do not understand how anyone could try to put in imprecision where there is total clarity. That is never the right way to go.

The amendment that was passed by eleven Ayes and four Abstentions cannot be questioned in this House on its clarity. There is no doubt with this. It says, if there is any change to the Constitution then you go back to the public on a referendum. I would hope that we are not going to get moves for any type of boiler room talks about changes in the future to the Constitution without consulting the public. I know the dictionaries are coming in.

But, as a lawyer, and having looked at the cases that involved the interpretation of the word "fundamental," there may be some attempt to say that what the House of Lords and the Court of Appeal were dealing with were the questions of fundamental breach or breach of a fundamental term. But it showed the way you could play with words as well. Therefore, the word "fundamental" should never be used. If that word was so important, section 29 (2) of the Constitution doesn't refer to having a referendum when there is a fundamental matter. It is something to think about.

The reason, I submit, the present Cayman Islands Constitution in section 29 (2) gives the right to a referendum—which I would call my referendum clause because I fought hard to get that in (others can call it theirs if they wish)—but in section 29 (2), which gives the right of any member in this House to call a referendum, does not restrict it to a fundamental issue. Mr. Speaker, the word "fundamental" as I have shown goes far beyond what is a national issue or matter of national importance. There is no reference in the Constitution to the word "fundamental." And I submit that the word is ill chosen and it is only going to create confusion because the people who are going to have to interpret it in this House, will all due respect, are not judges.

If the judges in the highest court of the land had problems interpreting the word "fundamental" in relation to breach and term, then don't expect the calibre of this House to do a legal interpretation with any precision.

So, I have flexibility. I only want to see in the sections of the first part, giving the public the right to initiate a referendum. And I have flexibility to do whatever is necessary to try to get that in. But, Mr. Speaker, I support the second part of this that deals with the whole principle of having the public, through a referendum . . . it's the best thing that this country could have. And, I will go even further, like I said earlier, Mr. Speaker, the best thing to do is to entrench it in the Constitution whenever change comes.

But we have to also be careful in relation to the timing of changes to the Constitution and as was pointed out by certain speakers how often that is done but the right must be there. That's why the percentage of the public to call it, we need to look at this and try to work out some of these matters.

So, I do not have problems with the first part, which gives the public the right, however that can be done. It can be done very quickly through a law, if that is possible then so be it, and later entrench it in the Constitution, so be it. I think it should be put in the Constitution as the First Elected Member for George has put up. That's the best way of doing it. Okay? So, I endorse that part. But anyhow the right can be given to the public then I have no problem with it.

Mr. Speaker, I don't think that the government should be given the task of working out all the details of a motion that really originated (this time) with the back-bench. I believe that this Legislature should decide on the terms of it and that they should not be trying to remove the words "Legislative Assembly" and putting "Government" in. Because what will now happen is that the motion would read, "**BE IT NOW RESOLVED THAT the Government take the necessary steps to cause the Constitution to be changed . . .**" This House knows that the government cannot change the Constitution. It is pie in the sky.

Whenever the Constitution has been changed, the United Kingdom is going to ask for every member of this House to express his or her view, so it cannot be right to pass the bat onto the government. If the five of us—

POINT OF ELUCIDATION

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of elucidation.

The Speaker: Will you give way?

Hon. Truman M. Bodden: Unless he will do that in a minute or so, sir, because I don't want to have a long explanation of . . . So, if he can do it in a minute or two, I have no problem.

The Speaker: Do you wish to make . . .

Hon. Truman M. Bodden: If the member would go ahead, I don't want to stop him. Five minutes then.

The Speaker: The First Elected Member for George Town on a point of explanation.

Mr. D. Kurt Tibbetts: Mr. Speaker, obviously, the minister thinks that I am using his tactic to try and derail him. I will reserve it for when I reply, sir.

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

Hon. Truman M. Bodden: Mr. Speaker, as I understand the motion, what this amendment is doing in the first part, one part of the amendments is saying that the government must take the necessary steps. And if I am wrong, the member should say so.

If this amending motion that we are speaking on goes through, the original motion would then be amended to say, "**BE IT THEREFORE RESOLVED**

THAT the Government takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993 to be amended to allow the electorate to initiate a referendum . . ." I don't think that's right. I think the full Legislative Assembly should take the steps to recommend to the UK . . . because I can tell you that the United Kingdom is not going to accept the views of five members of the Legislative Assembly on a matter of changing the Constitution. That is a fact!

Mr. Speaker, there can be no doubt. Look at the motion that went through in 1991, it is signed by all of the elected members other than the five of us who signed a minority report objecting to the Chief Minister—

POINT OF ORDER

Mr. D. Kurt Tibbetts: On a point of order, Mr. Speaker.

The Speaker: Let me hear your point of order.

Mr. D. Kurt Tibbetts: Certainly, no motion could have been signed. He must be referring to a report not a motion.

The Speaker: The Honourable Minister for Education, Aviation and Planning, would you reply to that, please?

Hon. Truman M. Bodden: Mr. Speaker, I am referring to the report here, not a motion.

But what I am saying, sir (and members of this House with experience know it) is that unless something comes signed from all members of the House indicating this, the United Kingdom is not going to act in relation to minority members. That's all I am saying.

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If the minister would allow me, I have changed my mind because he is going to spend another half an hour and perhaps that two minutes that he was talking about would clarify the issue with regard to the resolve section. If the minister would allow me.

The last amendment is seeking for that resolve section to go back to its original state where it would read, **"BE IT NOW THEREFORE RESOLVED THAT the Government takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993, to be amended to allow the electorate a referendum . . ."** That was simply worded out of courtesy because we fully understand that a resolution is going to have to be brought to this Assembly and we were simply saying if the government agreed with the motion, the government could bring the resolution for all of us to agree to it and then move on with the process. That's all it was for.

It wasn't trying to restrict that the five members sign it.

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

Hon. Truman M. Bodden: Mr. Speaker, I understood this to be the resolution. This is a resolution, which sets out clearly that ". . . **the Government takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993 to be amended to allow the electorate to initiate a referendum . . ."** This is the resolution that government would have to use and write the United Kingdom. Why would there be another motion? Let's try to give the people this right as quickly as we can because another protracted debate . . .

[Inaudible interjection]

Hon. Truman M. Bodden: Mr. Speaker, I am saying that it should be the Legislative Assembly taking the steps to cause the Constitution to be changed because it is no good of government now writing to the United Kingdom and saying the five of us, or whatever, are now writing to you asking you to take the steps to cause an Order in Council. I am saying the full Legislature should not only have that right, but it has that duty. It goes to show you that a motion like this has to be looked at clearly. In fact, I would never take away . . . the last thing I would want to do is to take away the right of this Legislature to make that recommendation to the UK.

The letter to do this, if it is in a motion like this, would be signed by all members of the House. If not, as happened with the report, sir, there would be some who say, '*we don't agree*' and there would be a minority part to it.

So, two things on the first part of the amending motion, Mr. Speaker, are that the Legislature should be the body to take the necessary steps to give the electorate the right to initiate a referendum by changing the Constitution. Secondly, and like I said, I only want to see the public with the right to do this and if there is a quicker way of dealing with this, then so be it. If not, whatever way can get this in place, the government fully supports the electorate having the right to initiate the referendum.

Now, the second part, which means we accept the principle in the second part, then what should happen, is there should be a referendum under the present provisions to deal with this amendment or any other amendment to the Constitution. That second part that was already passed eleven Ayes and four Abstentions states that any change to the Constitution should go to a referendum. Because it must be a matter of national importance to change the Constitution of a country and I submit, sir, that we cannot fudge the issue and make it imprecise by putting through this amendment that deals with only a fundamental change to the Constitution.

I have shown, sir, that that word "fundamental" is imprecise. I can tell this House that it goes far further than consequential amendments and this House will have the right to do far more than consequential amendments if the word "fundamental" is put in. The word is one that I would never have chosen. In fact, United Kingdom did not choose it. In the present Consti-

tution section 29(2) deals with giving the right to the public for a referendum . . . and let me read that section. It doesn't talk about any fundamental changes.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: Are you rising on a point of order?

Mr. W. McKeeva Bush: Yes, Mr. Speaker. He has said the same thing over, and over, and over again. So this has to be repetition. Please! And it is very tedious.

The Speaker: How are we going to understand what is being put across to us . . .

Mr. W. McKeeva Bush: No, Mr. Speaker, with all due respect. I don't want any arguments with the Chair but our Standing Orders say that a member cannot do what he is doing. It is recorded in our Standing Orders, sir, and I have seen you draw other members up on repetition before.

The Speaker: I will continue to do so, when it is.

Mr. W. McKeeva Bush: Please do so to him.

The Speaker: Will you please sit down? At this time, we shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.59 PM

PROCEEDINGS RESUMED AT 12.18 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 11 of 1999 as amended. We are speaking to the amendment to the [amended] motion. The Hon. Minister for Education, Aviation and Planning.

Hon Truman M Boddin: Mr. Speaker, I was dealing with the interpretation of the question of "fundamental" and merely comparing it with what the Constitution itself uses to trigger a referendum which is that the Legislative Assembly Members will pass a resolution on a matter which a majority of the Elected Members decide to be a matter of national importance. That is their words that I am fairly certain appear in the United Kingdom's Referenda Law. In other words, it need not be a fundamental matter or a matter of fundamental importance because that goes far further and is far more limited than what is a matter of national importance.

Just one other referral that was made in the case I referred to earlier which for short is referred to as the *Suisse Atlantique Société Case*, it says that fundamental and this part of a longer judgment are such has to go the route of the contract. So, it is not really just a matter which is important or of national importance, it has to go the route of the Constitution. As I read earlier (I won't read it again), that was the judgment then, I think of Lord Upjohn, in which it will depend on the facts of each case and a construction of those facts.

What has not been done (and really Mr. Speaker, what can't be done in this Legislative Assembly with all due respect) is for any one person, or the whole House, in fact, to go through this document—the Constitution, a very long and highly legal document—and try to construe what is fundamental in it and what is not. I submit sir, that this Legislature should not put itself in a position where it may falter on interpreting such an important matter. The word "fundamental" would have been looked at and opined on by the best jurists of the land over a period of years before the case would have moved through the lower court into the high court into the court—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order, a matter of relevance. The minister has traversed this ground several times in his speech. I am wondering how much leeway you are going to give him to continue.

The Speaker: That is a fact. But I believe he is summing up the fundamental position at this particular time. Hon Minister, please continue.

Hon Truman M Boddin: Thank you, sir.

Mr, Speaker, the matter is one that the Court of Appeal, House of Lords and the best jurists, the best judges in the land, found a difficult one to construe. But, in any event, this is new. There was once a statement made that the construction of a term (this would not relate to fundamental) when made by different Chancellors who are judges, differed with the length of the Chancellor's foot. It was an example of the way different people can take the same word, look at the facts, and come up with totally different conclusions. So the Legislature, I submit, should always be as precise as it can be.

In summary (and I am getting near to the conclusion), in relation to the first rescission part of the motion, which is the amending motion that is before the House now, firstly there is an attempt to remove the right of the public to hold a referendum to decide on the first amendment to the Constitution that would be going through, and that is to entrench the right of the electorate to initiate a referendum. Government fully agrees with the principle of this. However, if ways other than touching the Constitution (because that is a serious matter) could be found to more quickly and effectively (even if it was not entrenched) give the public this right, naturally, I would be all for that.

But, I believe sir, if there is a move to change the Constitution, we need to get this on the right footing at the beginning. I think that it is a matter of national importance to change the Constitution of the country that then there should be for the entrenching of a clause the public should have its say. I would expect, the public will say that that is okay, but then the public is given a right to decide on some very important issues. The public could be asked to question on the percentage, for example, of voters or the procedure provided the question can be simply put.

The second part of that first resolution, Mr. Speaker, I object strongly to because I think the Legislative Assembly should be the body to recommend to the United

Kingdom Government any change of the Constitution. That should not rest with the government. Indeed, as I said earlier, the UK is not going to accept the government putting forward a recommendation to change the Constitution. They are going to want everyone in here to give an opinion on it one way or the other, preferably not to abstain.

Now, for the life of me I don't see why, since all of these things that have been said about the government, suddenly we are going to be enveloped with the most power that any government can have and that is a right to recommend change to the Constitution. We don't want that power, we are happy to share that and continue to share that as it has always been. Now I am not joking on this Mr. Speaker. Those of us who have had to deal with constitutional change, it has always been done and recommended by all members of the Legislative Assembly, either in 1991 through the Select Committee, but there has been some indication from the full Legislature on how that should be done. I really think that that part of the motion should be removed.

If there is a feeling, and I do not have strong feelings on the first part of this, like I said, once there is some way that the public can be given the early right to initiate a referendum then there may be ways that can be looked at. I just want to mention those, sir.

The way the motion is now with the amendment is that the only time there would have to be a referendum to give the public the right to initiate a referendum is if it has to be entrenched in the Constitution. So the important part of what we are saying is that because the Constitution is being changed that the public should have the right to a referendum and that would only arise if there was a change to the Constitution. It may well be that that something should be given, details worked out if it can be done, and I don't know . . . through a law, for example and once it is refined and entrenched.

I should point out that once the Constitution is changed and it is entrenched this Legislature has no power to change the Constitution as such. We can only recommend. And the people who have drafted the Constitution in the past never ended up with consequential amendments and minor things. It was done carefully, it takes a very long time to do, probably nine months or so and it is very careful drafting not just by the Attorney General and/or the Constitutional Commissioners but also legal draftsmen in the United Kingdom.

I am happy with whatever flexibility needs to be done with that motion and if some other way can be sought, I know that is being looked at to give that right. But, I really think sir, if we are going to establish a principle that any change to the Constitution should go back to the public, then this should be something that would go back along with any other changes anybody may want to ask the public about.

In the second resolve part, in summary, at present with the amendment government has put up it says any change to the Constitution there must be a referendum with the public stating what the specific amendments are. This is very important. The way the section now reads is not that there would be a referendum which will ask us,

do you want the Constitution to be changed, but also it states clearly that—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order. I know you are going to tell me he is summarising but I have listened to him, this is about the second summary he has done of that section.

Now I know he is biding time but if he wants the House to adjourn, then do it. Let us not continuously break the rules for him—

The Speaker: That is not a point of order, please—

Mr. W McKeeva Bush: Mr. Speaker, I am calling on relevance. That is a point of order, repetition.

The Speaker: He is entitled to sum up his debate, and I am not ruling that as a point of order. Please continue Honourable Minister for Education, Aviation and Planning. We want to try to get on with this debate.

Hon Truman M Boddan: Thank you, sir.

Mr. W McKeeva Bush: Well Mr. Speaker—

The Speaker: The longer we are interrupted the longer it is going to take.

Mr. W McKeeva Bush: Well that is true. I just want to draw the Chair's attention to the fact that he has done this several times. Now, how much longer is the Chair going to allow it?

The Speaker: Until the summation is completed.

Mr. W McKeeva Bush: So he can continue to repeat himself over and over?

The Speaker: I am not here to be questioned.

Hon Truman M Boddan: Mr. Speaker, when the First Elected Member for West Bay becomes the Speaker he will have that prerogative. Until then, he must abide by the rules like I do. Most of the time that I have spent, unfortunately, has been with members of the backbench interrupting and breaking my train of thoughts. It is very hard. I am sure the public realises that to try to speak when people are making statements and haggling . . .

All I can say to the public is, it goes to show how effective what I am saying is and they can figure out from how many people—

Mr. W McKeeva Bush: Mr. Speaker, how much longer is the minister going to debate your point of order?

Hon Truman M Boddan: I am not debating any point of order. I am now going on and winding up. Would you please sit down?

So, Mr. Speaker, on the ...I don't even remember where I was now. This is the problem with—

[Inaudible]

Hon Truman M Bodden: You don't want to hear what I am saying but the public understands. They know.

Mr. Speaker, on the second part of the resolution, firstly, the amendment is seeking to add the words "fundamental change" to the section to permit only a right to go back to the public if there is there is a fundamental change. In summary, what . . .

You see, this is the problem. I have it very hard, I must tell you, Mr. Speaker I have been used to....no I'll sit down either when the Speaker tells me to or when I am finished. If members of this House—such as the First Elected Member [for West Bay]—had a bit more manners and would leave me alone, I would really appreciate it.

What I am saying Mr. Speaker, is all the haggling . . . when I stand up in a Court of Law people act like gentlemen and without any aspersions. It is a totally different atmosphere.

Anyhow, Mr. Speaker, In summary, the amendment is seeking to add "fundamental change" so that the public could then only have a referendum when there is a fundamental change. And—

Mr. W McKeeva Bush: Mr. Speaker, on a point of order, Standing Order 40 and 41, tedious repetition. Mr. Speaker, I am asking the Chair to pay close attention. I quite understand that the minister is summarising but he has done that several times. And, by God, don't tell me that the House does not understand what the minister is doing. If he wants to break [adjourn] this House early, then, let us do it. I know what he is doing, but please, these Standing Orders must apply at some point.

The Speaker: I will apply the Standing Orders as they are supposed to be, and I will again call your attention that the minister has complained that you are causing him to lose his train of thought, causing him to have to repeat. I concur that I am having the same problem. Please let us co-operate and let us get this thing over with.

Dr. Frank S McField: Mr. Speaker, on the same point of order. We have a certain amount of tolerance for what the minister has to say, but if he continues to offend by repeating and repeating the same points, he has not progressed one inch with his argument.

Now, if this is not tedious repetition, how can I sometimes be ruled when it is said that I am rambling? At least I do not repeat and repeat the same things.

The Speaker: You are making a speech.

I have said all that I intend to say about this, please let us co-operate. We are all elected here for one purpose.

Mr. W McKeeva Bush: Mr. Speaker, I have asked you to look at [SO] 40 and 41.

The Speaker: I am very familiar with those and I am watching those very carefully, but I am saying if you continue to break the thoughts of the speaker, he will have to continue to repeat. So, you are causing the situation. Please continue Honourable Minister for Education, Aviation and Planning, and please allow him to continue his debate. We will be adjourning at one o'clock, so please . . .

Hon Truman M Bodden: Mr. Speaker, I am wondering if we should not just take the adjournment now, I don't know where I am anymore. I am going to be honest. It is nearly a quarter to one, maybe . . .

The Speaker: I am in the hands of the House, and since the motion is moved I will put the question . . .

Hon Truman M Bodden: Mr. Speaker I move the adjournment of this honourable House . . .

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, in the interest of time, please sir, there is no reason why we cannot continue to the time you have set for the adjournment. Thank you.

The Speaker: I agree 100 percent, but I have appealed and asked honourable members to co-operate and I am not getting the co-operation.

Mr. W McKeeva Bush: Mr. Speaker, can I address you on that point please?

Mr. Linford A Pierson: Mr. Speaker, may I just make a comment?

The Speaker: The Third Elected Member for George Town.

Mr. Linford A Pierson: Mr. Speaker, our behaviour in this House is being heard by the listening public. We have a Standing Order to be guided by and we should follow proper parliamentary procedure. You are the Speaker of this House, and your ruling must be obeyed. We cannot have any member of this House arguing with the Chair openly. This is in bad taste—number one.

Number two, it is not in compliance with the Standing Orders. One has to wonder who would be able to sit in that chair and command the respect of the House? If something is not right, Mr. Speaker, I feel that it is your duty and responsibility to call that matter to the attention of the House and to rule on it. But when you rule nobody should be getting up and questioning your ruling.

Now, somebody might get up and say that I am out of line for saying that, but they are the facts. We have got to bring order back to this House. I have sat here and I have listened, you have made rulings and it has been questioned over and over again. You have to put your foot down, Mr. Speaker, and decide one way or the other. But in doing so, I would suggest that the argument

on both sides of the House be given equal consideration. Thank you, Mr. Speaker.

The Speaker: I wish to thank the Third Elected Member for George Town for that. I agree 100 percent, and that is actually what I have been asking for—not just today, but for a long period of time. Let us try to act like parliamentarians. I do not want to hear anymore, let us continue with the debate.

Mr. W McKeeva Bush: Mr. Speaker, on a point of order, Sanding Order 40 and 41. Now, in my opinion you have not ruled. If you rule and say he is not repetitious, then I will sit down but as long as you continue to allow him to carry on, it is my right as the First Elected Member for West Bay to question that. Now, when you rule, I will sit down, but up until now all you have said is allow him carry on. These two Standing Orders are specific and I know my Standing Orders—

The Speaker: I have ruled.

Mr. W McKeeva Bush: I know my Standing Orders as good as the Speaker or as any other member in this House, whether they want to say it is in bad taste or not. Standing Orders must apply for everyone.

The Speaker: I have said to you that I do not consider that a point of order inasmuch as the Honourable Minister speaking is winding up his debate. He is being interrupted, therefore he is losing his train of thought and has had to repeat. I have asked for co-operation and I once again say it is not a point of order and I ask for the co-operation of all members so that we can get through with this debate.

Do you consider that a ruling?

Please continue Honourable Minister for Education, Aviation and Planning

Mr. W McKeeva Bush: I would tell you what it is but—

The Speaker: We will both have a time later on.

Hon Truman M Bodden: Mr. Speaker, I was at that stage summing up on the second part of the amending motion and I would like to point out that the Elected Member for North Side had mentioned that the most major or national issue is to change....well I am summing up.... the Constitution of any country. I believe that any change to the Constitution

Ms Edna M Moyle: Mr. Speaker, if the Honourable Minister will allow a point of order.

The Speaker: Let me hear your point of order.

Ms Edna M Moyle: I don't think that my words were "any change" I think I said "any advancement of the Constitution."

The Speaker: I do not have a copy of the *Hansard*, so I cannot

Hon Truman M Bodden: Mr. Speaker, I guess that is very material. I had written down ". . . most major issue is to change the Constitution of any country." If I am wrong on that then I would naturally respect your ruling and reverse it. I did try to get these this morning. They are probably ready for Wednesday.

¹**The Speaker:** During the break, I will look at it and we will rule on it on Wednesday because I cannot get it now.

Hon. Truman M. Bodden: Sure. That would be good, sir.

The Speaker: That is with your satisfaction, Elected Member from North Side?

Mrs. Edna Moyle: [*Inaudible comment*]

The Chairman: The Honourable Minister for Education, Aviation and Planning, please continue.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. I believe that it is a matter of national importance to change the Constitution of any country to such an extent, sir, that the process for changing in many of the Commonwealth countries has been entrenched in the Constitution through a special process, whether that is say two-thirds of the Legislature or in bicameral parliaments that both chambers would have a say on it. Or in many other instances, the actual Constitution makes a specific provision on change so that this whole question has been regarded, I submit that any change is a change of national importance.

I have also shown that the word "fundamental" was interpreted one way by the Court of Appeal by the United Kingdom and another way by the House of Lords, which is the highest court of the land and of which the Judicial Committee of the Privy Council, which is our final appellate court on our Constitution is made up partly of the Law Lords and partly of other privy councillors normally from within the region. The word "fundamental" is a very restricted and narrow word, in that it only changes, which I think it was Lord Upjohn in the House of Lords said would have to go to the very root of the Constitution. So, it goes well beyond an important change or a matter of national importance.

It would only be in a limited number of cases of extremely fundamental changes that go to the route of the Constitution that a referendum would be necessary, if we support this part of the motion, which I believe is only going to cause a lot of debate in the future, whether there be a referendum or not. And, I am not referring specifically to members in here but it could be an area of mischief in its interpretation by anyone who may want to get certain provisions changed and to label them not to be fundamental.

¹ See "Speaker's Ruling on Point of Order," page 1119

Mr. Speaker, a fundamental change goes way beyond consequential amendments. In fact, consequential amendments are probably the least fundamental of amendments but as I said before, we would have to look at the Constitution and do a construction of it based upon the facts at the time.

Now, who will make the interpretation of what is a fundamental change? I believe that the answer to that has to be—since it cannot be the court—this Legislative Assembly, which would first have to decide on the specific amendments. I don't know whether the amendments could be cumulative or they would have to be fundamental on a specific change and perhaps the First Elected Member for George Town may wish to address. The difference being that an accumulation of changes may in itself trigger a fundamental change, whereas any specific one of the aggregates of changes may not in itself be fundamental. In other words, whether an accrual interpretation is to be applied to this or not, in which case the interpretations could be different.

The amending section to amend the present section that basically says that any change whether it is fundamental or not should be subject to a referendum before the Legislative Assembly, not the Government, recommends to the United Kingdom to change the Constitution, I submit is one that would be very precise and there could be no doubt about what was being done.

Mr. Speaker, another point is that constitutions are not amended for consequential amendments as such. In the past, when constitutions have been amended, it has been normally when any changes are requested by the United Kingdom and whether that was called, I think, as Mr. Hoole referred or as the White Paper referred to, as modernisation or not.

As members know, when members of the Legislature ask for a constitutional change, then normally there has been in the past, a look at any other area of the Constitution. It is really good and the White Paper bore that out. In fact, I will deal with the White Paper in summary further on but bore out clearly that what is important at the end of the day is what the citizens of the country wants, not necessarily what this Legislative Assembly wants. Surely, it has to be right, Mr. Speaker, that the citizens of the country should make the decision as to whether or not the Constitution should be changed, whether that change is one that is a fundamental change or not.

The importance in legal drafting of having a precise document is very important because it leaves no space for people to argue. There is no way that there can be any argument on the section as it now is, before this amendment is put into it that it is clear and precise and one that cannot be clouded with different interpretations.

Mr. Speaker, as the different views were listened to this morning, while my debate was going on, it was clear how many different view politicians can come up with when they decide that they either wish to support, or not support, or abstain, or whatever on the motion. I am all for seeing, as one member put, the people having the right to have a say in matters of national importance such as changes to the Constitution.

Lastly, I would just like to reinforce what the United Kingdom has said. The White Paper from the United Kingdom, sir, is not a matter of a document that if Cayman doesn't accept it, they have to go independent. Or if Cayman doesn't accept what the OECD has put forward, they have to go independent. That's utter nonsense! The United Kingdom statement on this is very clear and I think it is worthwhile repeating in my summary and I am reading from page 12. I will be very brief, sir. It says, **"Britain's policy towards the overseas Territories rests on the basis that it is the citizens of each territory who determine whether they wish to stay linked to Britain or not."**

Mr. Hoole when he was here, apparently said words to the effect that Cayman has a modern Constitution that works well or that it is good. Also, the White Paper has said that consultation with the territory showed a clear expression of their wish to retain the connection with Britain. What can break that wish of the people is only if this House is prepared to recommend constitutional change. Government says, Mr. Speaker, that the best way to ensure that the public of the country has its say on any constitutional change is to go back to the public on a referendum. Any politician who is not afraid and/or feels himself too big to go back to the public and ask them, then he has nothing to fear from the present motion before the House. I know that the question of the fact that there could be a [number] of minor amendments is really in the past has shown that, that is not so. When changes are made, there are changes of national importance.

Lastly, sir, on the Constitution itself, in section 29(2) now gives any member of this Honourable House the right to bring a referendum, which I will call my referendum clause because I struggled to get that in. [It] states very clearly that ". . . a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the elected members of the Assembly to be a matter of national importance specified in such law."

Nothing in this, sir, says that there can only a referendum when there is a fundamental matter before the House. What is used is a matter of national importance and I submit that, that catches up what in practice would be any amendment to the Constitution.

So, I am asking members of this Honourable House not to support the section of the amending motion that is going to try to restrict the public's right only to a referendum to a matter of fundamental change of the Constitution but to give the people the right in any change to the Constitution that the public should have a say on the specific issue in the Constitution for change.

Mr. Speaker, we cannot be wrong if we are humble enough to go back to the public, giving them the right and saying to them that as representatives of the public, we will not recommend a change of the Constitution unless a majority of the public in a referendum specifically say so. That stands, Mr. Speaker. It cannot be wrong. It is precise. There can no question of argument on it and

there can be no way, I submit that the democracy does not . . . the mandate and stand on all fours with it.

Lastly, Mr. Speaker, the question of the transparency and accountability—what can be more transparent and more accountable than for this Honourable House to humble itself to go back to the public in a referendum and ask them to give guidance on any changes to be made to the Constitution? The future of generations to come, the future of the young people of this country must rest squarely on that transparency and accountability because the day that the Constitution of this country is changed

I have maybe two minutes left, sir, and I think it may be better if we finish. The day the Constitution of this country is changed to the detriment of the public, the public has to understand that there is no going back. The United Kingdom is not going to allow the Constitution to be changed backwards. Once the change is done, advancements are made and the country is stuck with it.

I suggest a way to ensure that changes, if they are necessary, can be made. The proper way to do that, sir, is through a referendum. So, our motion is clearly on transparency and accountability and I submit, sir, that cannot be challenged. I have heard people who I know have never even supported me in my life, come to me and said, *'Truman, this is one time you are right. The public should have the right to have a say'*.

You must be transparent, you must be accountable and the way to do that is not to put through this amendment but to give the democratic right to the public in a referendum to decide on any amendment to the Constitution. Then our children are safe because there can be or there should be no change without a referendum to the public on the Constitution.

Thank you.

The Speaker: I would now entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. on Wednesday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

**AT 1.12 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 29 SEPTEMBER 1999.**

**EDITED
WEDNESDAY
29 SEPTEMBER 1999
10.37 AM**

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

The Speaker: Please be seated. Proceedings are resumed.

Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for late attendance by the Honourable Second Official responsible for the Portfolio of Legal Administration.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 130 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 130

No. 130: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state the number of persons aged between 17 and 25 years who have been convicted of criminal offences since January 1999, giving the categories of these offences.

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

Hon. James M. Ryan: Three hundred and fifty-four (354) persons between the ages of 17 and 25 years have been convicted of criminal offences since January 1999. Attached is a schedule listing the total number of males and females along with the offences for which they were convicted. *(See Appendix)*

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: What is the government's view of such a large number of persons in this age group committing these serious offences? I wish to ascertain from the honourable First Official Member whether or not government has any kind of policy or strategy that would

seek to arrest this increase in crime among this age group.

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

Hon. James M. Ryan: A considerable amount of work and discussion has taken place over the past year on criminal offences and on sentencing, and on alternative methods of punishment. However, it is difficult to curb crime. The police have been vigilant. There are community police officers posted in most of the districts and efforts are made wherever possible on prevention of crime.

I suppose the fact of the matter is that there are a certain crimes committed irrespective of the efforts that are made.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I know that that honourable member is always willing to cooperate when suggestions are made for the rectification of certain ailments in the society. I am going to ask for an undertaking that some kind of screening be put in place when these persons are apprehended to try and ascertain their level of education and the kind of skills they have; whether or not they have marketable skills, so as to ascertain what really is the cause of what I would consider, this endemic disease.

If we know they don't have adequate skills, we will be in a position to try to address that before it reaches the critical stage. If they have the adequate skills and they still continue to commit these crimes, then we know we have a far more serious problem in that we have to find out what is causing the criminal nature in some people.

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

Hon. James M. Ryan: I will be most happy to give the undertaking that a screening be carried out to try to create what I would call a profile on these persons, particularly first offenders and persons in this age group. As it stands today, we get very little information on them, as far as I am aware, until they are behind bars. I think the suggestion is a good one, and one that I am quite prepared and very happy to take on board.

I want to thank that honourable member for his suggestion.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I did a quick calculation. It appears that 57% of the prisoners were incarcerated for drug offences. In light of this fact, can the honourable member say whether or not they have a drug counselling programme in place at the prison? Can he give us some basic details as to what is involved in that programme?

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

Hon. James M. Ryan: Yes, there is a drug counselling programme in place at Northward Prison. For quite some time there was no building available at the prison to house such a facility. The prison director, assisted by my portfolio, went ahead and got a 40 foot container and equipped it so that members of the counselling centre could have an office to work from for counselling. Regular drug counselling is carried out.

There is no point in my standing here and saying that everything is adequate. There is always a greater need. But much is being done in the area of drug counselling and we have assigned a principal officer to this area, someone with expertise in this is supervising this area. Of course, the actual drug counselling is being carried out by qualified counsellors.

So I think much has been done. Still more can be done, but we are doing our best to offer drug counselling and, indeed, other types of counselling for inmates at Northward Prison.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: It is alarming that such a large percentage of our young people are being convicted of such a variety of offences in the prime of their youth—as 57% (according to my calculations) is drug related. I wonder if the honourable First Official Member would allow the minister responsible for drug prevention to update us as to where we are at with our rehab programme and other steps being taken to curtail this disease in our community.

Once our young people go to prison and get a criminal record, it is very difficult for them to become productive members of our society, and very difficult to find a job. I wonder if we could have some information as to what is going on with our rehab programme and other programmes that have been highlighted to arrest this disease among us.

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

Hon. James M. Ryan: I don't know whether the honourable Minister of Health is prepared to assist in this area. He may not have come prepared for this this morning. But let me say that there is a concerted effort being made by government through the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation toward dealing with this problem. I am sure that the minister will in due course, if not today, have much more to say about the drug rehab centre.

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

Hon. Anthony Eden: As indicated, I was not prepared for this question, but just to let honourable members know, the tenders have gone out and a person has been selected to commence the finishing work on the Breakers rehab centre. The programmes are in place. We have a new head at the Cayman Counselling centre which will become a department now. It's cosmetic changes.

With the appointment of the new National Drugs Coordinator we are really getting out into the communities. We met with the Chamber of Commerce to share ideas and get input. We have met with the Lions Club. Next week (or maybe later this week) we are scheduled to meet with the Rotary Club. We feel that the magnitude of this problem is so great that there has to be total commitment by the entire community to deal with it. Later on today with the approval of the House, one of the components that I want to share with you is the rehabilitation component of the secure remand where at this time there is literally no provision for juveniles unless we send them overseas. And that is becoming increasingly difficult because the United States does not support wholeheartedly these types of persons coming in. But it is a complete effort now, and I know that all honourable members of this House are on board.

But what is happening in Cayman, and I know the Fourth Elected Member for George Town [agrees] is a breakdown in the social fabric. We have gotten away from the recipe that made Cayman probably the most successful young developing society—the family sticking together, going to church, parents knowing where their children are. Until we get back to that, there will be many difficulties.

People are eager to try to make money. While the Chief Secretary can put in more prisons, and we can put in more counsellors, until we focus on the family—

[Inaudible interruption]

Hon. Anthony Eden: That is on it's way.

The Childrens Law, as pointed out by the Member for North Side, will go a long way to putting responsibility back on parents to know where their children are and what they are doing. It was actually pioneered by the First Elected Member for West Bay. I think this will go a long way, but it has to be a total, complete commitment by these islands to once and for all go head on with this drug problem.

We cannot tolerate the dealers and those who are making money out of it. When we look at the courts, emphasis is being put on putting some of these away for a long time. I know the commitment is here, that we deal with this head on, and I ask for the support as we go forward to work on this. It's a long hard road. By sticking together we can put a dent in it.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I just want to ask the First Official Member if, since the counselling has taken place, there has been a notice in a change of attitudes?

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

Hon. James M. Ryan: From reports there has been an improvement in attitude. But it's one of those subjective things that is pretty difficult to judge unless we have hard empirical evidence. But I believe, as do many people in this country, that if we keep working at drug counselling we will make inroads into the problem. If we even save one person, it is one person we have helped.

As the honourable Minister of Health said, there is a full commitment to work at all levels on the problem.

The Speaker: Are there any further supplementaries? If not, we move on to question 131, standing in the name of The First Elected Member for George Town.

QUESTION 131

No. 131: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to provide an update on the proposed Multi-Disciplinary Environmental Impact Study for the Cayman Islands.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: A steering committee has been established and is currently moving the project through the tendering phase. Some 26 consulting firms expressed interest in the project and submitted pre-qualification data for consideration by the steering committee. Six (6) firms have been short-listed and have agreed to submit detailed tender and financial packages to Central Tenders Committee by 30 September 1999. It is hoped that a contract can be awarded by early November 1999.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if the terms of reference (which I am assuming were established and accepted by the relevant authorities for this study) are for public knowledge? Or are they held under confidential package?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: (I apologise if I sound strange, but I have had a tooth extracted.) To answer the ques-

tion, I would say that in a short time it should be public knowledge simply because the tenders would have been awarded.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: As I am sure the honourable minister is aware of opposing factions regarding certain of our wetlands which at present would seem to be an issue under Planning. I am wondering if this study (as it is called, multidisciplinary) might include some assessment of these wetlands and the purpose they serve which might give a more reasoned approach to dealing with this matter. Can the minister comment on this?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: I am not 100% sure that this would include what the member is speaking of. However, I have taken note of what he said and I am endeavouring to speak to my colleagues to see if it can be extended here because I see his point.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I will turn this into a question, sir, but if you will allow me I need to make a further explanation.

The Speaker: Go ahead.

Mr. D. Kurt Tibbetts: The reason I brought it up is that while the issue seems to be dealing with the Development Plan, the area designated into the various categories we are talking about in the wetlands I am sure was done with input from the Department of the Environment which is spearheading this study. And I am sure that department came up with the terms and references. I just wanted to expand on that and ask the minister, while he said he is taking it on board . . . I want to seek a commitment because this is going to be an issue that is going to be a thorn in our flesh.

I am sure that everyone in authority would like the situation to be handled as fairly as possible and to get the best results which satisfies the most people. You know without my going into further detail what we are dealing with. Perhaps this would be a good opportunity to establish facts to deal with the matter further.

I am wondering if the minister would give a commitment to do everything possible to ensure that such information is gathered through this study rather than taking another whack at it.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: I will give the undertaking that I will try to have it included, if possible. I would only point out that what we have before us is in an advanced stage and would perhaps mean putting a hold on this to bring something else into it. But I will give the undertaking that I will have it looked into and, if possible, included.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: No, Mr. Speaker, I do not wish to seek that undertaking if it is going to hold it up. And if that is the case, then forget what I said. I will say this: I do believe that there can be other ways of handling it, even if it's (for lack of a better term) an addendum to what has been established and gone forth. I am sure it can be handled in that fashion.

So, in asking the minister for a commitment, I am asking for it to be one treated as an additive, rather than a stumbling block.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources, would you like to reply?

Hon. John B. McLean: I think the member would like for me to say 'yes.' I have already given the undertaking so I have no problem with that.

The Speaker: If there are no further supplementaries, we will move on to question 132, standing in the name of the Third Elected Member for West Bay.

QUESTION 132

No. 132: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what is being done to ensure that cruise ships are not continuing to discharge effluent while in the George Town Harbour.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources, before answering the question, I would appreciate it if you would move a motion for the suspension of Standing Order 23(7) & (8) so that Question Time can continue beyond the hour of 11 o'clock.

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

Hon. John B. McLean: I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

The Speaker: The question is that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: The "zero discharge" policy agreed several years ago between Government and the cruise ship industry remains in place. The Department of Environment is presently revising legislation to facilitate enforcement and prosecution of illegal discharges under the Marine Conservation Law. The anchorage areas are patrolled by Marine Enforcement Officers and by the marine section of the Royal Cayman Islands Police. In addition, watersports' vessels, passenger tenders and other vessels operating near the cruise ship anchorages have been encouraged to report violations and have been instructed in the procedure for making such a report.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer provided it says that the Marine Enforcement Officers and the marine section of the Royal Cayman Islands Police are patrolling the area. Can the honourable minister say how often these patrols are carried out? Is it daily? Is it while the cruise ships are in the harbour? How often is it?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: It is my understanding that patrols are done as often as equipment will allow, especially when cruise ships are in the area more or less strengthened.

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister can say if there were any subsequent incidents of pollution by the cruise ships after the big headlines some years ago when a cruise ship line was fined something like \$5,000 for polluting our harbours?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: It is my understanding that from time to time some problems surface in this area. Not to the extent the member mentioned. I think with the limited patrols we have and the presence of those mentioned it has actually curtailed this a lot.

The Speaker: If there are no further supplementaries, we move on to question 133, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 133

No. 133: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning what are the accomplishments of the Ministry of Education in the area of technical and vocational training over the last 12 months.

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

Hon. Truman M. Bodden: The Ministry of Education is not directly involved in training and the accomplishments in this area are achieved through those schools and colleges which fall under the Ministry's responsibility.

The technical and vocational courses offered through the George Hicks High School, the Cayman Brac High School, or the John Gray High School, are as follows:

Year 10	Years 11 and 12
Office Studies	Building Technology
Introduction to Accounts	Technical Drawing
Introduction to Typewriting	Woodwork
Introduction to Business	Traffic and Motor Vehicle Studies
Home Economics	Materials Technology
Information Technology	Electricity/Electronics
Craft and Design	Graphical and Material Studies
	Child Development
	Child Care
	Food and Nutrition
	Food Studies
	Information Technology
	Office Procedures
	Principles of Business
	Principles of Accounts
	Word Processing
	Business Studies
	Typewriting

We are aware that these curricula need updating and re-thinking, particularly in light of the expansion of offerings at the Community College at the certificate level. Having made significant progress on the core curriculum areas at primary level, my Ministry sees the revision of the vocational and technical curricula offerings at high school level as a priority for the Education Department during this academic year.

I would like to bring honourable members' attention to new courses introduced at the Community College during the last twelve months. In September 1998, five new programmes were introduced; four of which fall under the category of vocational and technical training, namely, the Legal Secretaries Certificate and a Certificate in Nursing, Office Administration and Condominium Management. This last course had to be cancelled because of nil enrollment.

During the 1998/99 academic year, the College offered nine technical and vocational programmes, 13 programmes at the Associate Degree level and 160 short-

and long-term courses through its Extension Services Department or evening classes.

The technical programmes were Accounting, Computing, Construction, Electrical and Hospitality. I am pleased to report that student numbers in these programmes increased in 1998. Enrollment also increased in all the professional programmes offered. These were Banking, Legal Secretary, Nursing and the Association of Accounting Technicians. The Associate of Applied Science degrees prepare students for the world of work as opposed to university transfer, and the offerings include Accounting, Business Administration and Office Administration.

With regard to the Tourism Training Initiative, interest in this is very low and only one student applied for the training grant and was sponsored by Government in 1998. This student subsequently dropped out. Honourable Members should note, however, that enrollment in the hospitality programme doubled in 1998. This is because the structure of these college courses allows every student in technical and vocational courses to work 50 percent of the time.

I do not think this fact is widely known by members and I wish to emphasise it. Our experience has shown that local employers are very supportive of this work/study programme, often picking up the tuition fees for the students. I would also point out that the fees for these technical programmes are very low—\$370 per year.

The College is always prepared to offer additional certificate programmes, and while it is reasonable for us to point out what is needed, in the end whether the programme runs or not is dictated by student enrollment. There have been several cases in the past where the College offered some of these programmes, employed overseas' lecturers and had to cancel the programme and the lecturer's contract because of very poor or nil enrollment which meant that the course could not run. Two examples of this were auto-mechanics and professional cookery.

A new and encouraging trend which we have seen developing recently is that businesses employ individuals and sponsor them to attend relevant courses at the Community College or contract the College to offer special courses to groups of employees.

Generally speaking, the take up on technical and vocational courses is low. The College has made every attempt to improve this, even, as I have outlined, offering a work/study requirement for all full-time certificate students. On the other hand, I should point out the outstanding success of the extension studies, or evening classes, most of which take place after 5 pm. In 1998, 1,512 students enrolled in the 166 courses offered through extension studies. I should also like to point out that enrollment figures from the College for the last academic year show that 80 percent of the total student enrollment was Caymanian, irrespective of level of programme.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In a rare departure from what is usual, sir, I wish to record my thanks to the minister for such an informative and mature answer. I wish the *Hansards* to show that it is certainly a departure from the usual response he renders to this member.

I see from his answer that there seems to be some area of encouragement to further promote the sponsorship of companies who sponsor students at the Community College and who undertake to underwrite courses for students at the Community College. And also, importantly too, where possible, particularly towards the end of the school year where students from the high schools may not have made up their minds completely as to what they want to do, would he give an undertaking to embark on some kind of PR programme and get the input of the students as well as showcasing what the Community College has to offer in these areas as other incentives for students to enroll in technical and vocational courses offered by the College?

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

Hon. Truman M. Bodden: I am so happy to know that I am improving in my answers now in the honourable member's sight. I know of his interest in education, that's why I tried to be as thorough as I could. Sometimes it gets a bit long, but I fully agree with what the honourable member said.

We undertake to increase the intensity of the promotion and gaining the interest of students in classes. I think as the honourable member appreciates the vocational and technical subjects are there, the problem we have is getting especially young people interested and into the courses and getting them to remain during that period.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, sir. Can the honourable minister state the number of students in the hospitality programme?

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

Hon. Truman M. Bodden: We don't have that available, but I would undertake to get it to the honourable member.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I just want to point out that the minister did say that the enrollment in the hospitality programme doubled in 1998. I just thought since he said it was doubled that he must have had a figure somewhere about.

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

Hon. Truman M. Bodden: I am just trying to find that information. I don't think we have it here, but, naturally, I would undertake to get it for the honourable member.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say what the difference is between the hospitality programme and the training initiative in tourism?

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

Hon. Truman M. Bodden: The tourism training initiative makes a payment to students to go to the courses, whereas the College does not.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: That I know. I thank the minister for that. I do know that. What I am trying to ascertain is the content of the programme. What is the difference?

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

Hon. Truman M. Bodden: If I may explain, because it's a bit complex how this . . . let me just explain.

The programme itself, the education part of the programme is the same for both. What happens is that tourism gives this initiative, or a payment is made to the students to attend. But it's the same course.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I just want to be clear on this, Mr. Speaker. I just want to know that the minister is being clear on it. The content, the subject matter for the tourism training initiative is the same as the hospitality programme, the only difference is that we offered an incentive for the tourism training initiative, a payment. If I am right, I would like for him to say that.

I would also like him to say whether students in the tourism training initiative are able to work part time as well.

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

Mr. W. McKeeva Bush: That honourable member has a point. With the tourism training initiative they can't work part time, whereas with the College part of the course they can work 50% of the time. So that is a difference.

I have the hospitality studies certificate . . . it seems there are 12 students registered under that. The subjects that make it up are: introduction to computing, life skills, customer relations, English for business communications 1, and commercial numeracy.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The minister is saying that we have 12 students. So that means that in 1997 we had six?

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

Hon. Truman M. Bodden: That's very good mathematics, sir.

Mr. W. McKeeva Bush: Yeah, very simple!

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the minister's substantive answer he said in the very last paragraph: "**Generally speaking** [and that lets me know that he prepared it!] **the take up on technical and vocational courses is low. The College has made every attempt to improve this, even as I have outlined, offering a work/study requirement for all full-time certificate students.**"

Right above that he speaks about "**A new and encouraging trend which we have seen developing recently is that businesses employ individuals and sponsor them to attend relevant courses . . .**"

There's a new thought in regard to technical and vocational training which addresses the marriage between the institutions and the employers. Understanding that there has been low enrollment historically to these types of courses, I am asking the minister if he would give a commitment to further pursue establishing a real marriage between employers and these institutions. I want to explain why I am asking that.

Many times the difficulty is that the individuals are not prepared to attend these courses not knowing what is going to happen at the end of the road. Perhaps if the marriage could be performed where individuals knew that if they set about such courses and applied themselves and did well that they were almost guaranteed employment, that might make a positive difference. If the employers are as interested as we think they are, perhaps a serious commitment could be given that better results could be reaped. I am asking the minister to consider that in pursuit of injecting more impetus into the results of these programmes.

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

Hon. Truman M. Bodden: At present the College has one person who liaisons with employers and whose duty is to promote. Indeed, we do run special courses tailored to the specific company.

I take the point as to the outcome at the end of the course. I would think that that person would liaise to that extent also to ensure that an incentive for promotion is in there, I could ask that more be done to ensure this. But what I should say is that I am reasonably certain that with the vast majority of companies, once there is a qualifica-

tion, or they pass the course, by and large they will get some increment in salary, or a promotion, or some acknowledgement.

I also know that some of the courses we have run. . . I have been, up until recently, to the banking and accountants for example, where they actually had a nice ceremony and awards were given out. It was quite a wide variety of companies from which those students came. There were about 30 of them. It was not that small of an amount.

I take the honourable member's point and I undertake to ask the College liaison officer to try to ensure that the outcome will be related to incentives for them to continue. We want them to go on and do as many qualifications as they can.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister's answer is fine, and it relates to the question. But just to re-emphasise the commitment I was seeking, it wasn't regarding people who are now employed and seeking to enhance their abilities, therefore gaining promotions in the workforce. It has to do with people who are not employed getting employment once they complete the courses satisfactorily. That's the point I was making.

So, in addition to what the minister said in his answer, I am asking for more. The reason I am asking is because I hold the view that many individuals don't have the desire to get involved with these courses because they don't have the confidence that they are going to go through (for want of a better word) that punishment to get trained and then not be sure that they will be employed afterward.

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

Hon. Truman M. Bodden: I know that the Education Department is strengthening the career advisory programme. We always continue to strengthen that, I should say. It is very important, and I did not address that to begin with, but also the incentives are there for people who are looking for work.

But, by and large, once a student has the qualification it's quite easy, or reasonably easy, for them to move into a post commensurate with that position. But the careers advisory is critical to students like that in ensuring that they are ultimately placed at a proper level in a proper job.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to go a little bit further with this line of questioning, I am addressing that group of individuals who have finished secondary school and are in between leaving school and acquiring a job. Many of them are untooled for any specific type of job. There are a considerable number of individuals who from year to

year find themselves being added to that category. When the minister said there is low enrollment for these courses, these people are not likely to take it upon themselves to better themselves. Whether or not government wants to say that it is government's responsibility to engage in actively getting these people into the workforce, the fact is that if we don't it spells trouble. That is the commitment I am seeking in that specific area. Perhaps I wasn't quite clear in what I was speaking about, but that is the catchment area I am talking about.

If we had statistics, I am sure that every year the number increases. I think that's where much more emphasis has to be placed. These people who are not able to be categorised, by and large are people who are going to take it on their own initiative to get enrolled and move on. We somehow have to find the right incentives so that they wish to do so.

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

Hon. Truman M. Bodden: An in depth report has come to me from a Commonwealth Secretariat Advisor that deals with this along with several other things. What we are probably looking at is a careers advisory centre that would cater to persons who are out of school and give the advice necessary. It would obviously have to be liaised with and be complementary to, like a labour board. But its focus is different in that it will be giving professional and specific advice to these people on placing them in jobs and also in training them for jobs and advising on the areas that would be best if they were filled locally.

Within a few months I think you will see information on this coming out.

The Speaker: Are there any further supplementaries? If not, we move on to question 134, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 134

No. 134: Miss Heather D. Bodden asked the Honourable Minister responsible for Education, Aviation and Planning if there is an increase in students diagnosed with Attention Deficit Hyperactive Disorder (ADHD) and, if so, what is being done to address this matter.

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

Hon. Truman M. Bodden: It would be fair to say that there has been an increase in the number of *reported* cases of Attention Deficit Hyperactive Disorder in Cayman. The number of actual children diagnosed with Attention Deficit Hyperactive Disorder as defined by Statistical Manual of Mental Disorders (DSM-IV), the internationally accepted guide for the diagnosis of Attention Deficit Hyperactive Disorder is as follows:

Year	Males	Females	Total Cases
1992	4	2	6
1993	2	0	2
1994	1	0	1
1995	1	0	1
1996	7	0	7
1997	5	0	5
1998	32	5	37
1999	6	3	9
Total	58	10	68

The increase in 1998 was due to the decision to include children with attention problems (Attention Deficit Disorder) in the same category as children with Attention Deficit Hyperactive disorder.

The following strategies are being implemented to address the problem:

1. Identified students are formally assessed by multidisciplinary Evaluation Team consisting of three education staff and a medical professional (medical doctor) to determine the specific needs of the child and to recommend the most appropriate programming.

2. In-service training has been provided by Special Needs staff and overseas consultants for regular education teachers and parents to inform them of current research and best practices in assessment and management of Attention Deficit Hyperactive Disorder and other disorders that affect learning and behaviour.

Over the past academic year, workshops on Attention Deficit Hyperactive Disorder and Attention Deficit Disorder were organised and conducted in various Government schools in Grand Cayman and Cayman Brac. These workshops were attended by administrative staff, regular and special needs teachers, and some parents. Some issues addressed were assessment and identification, organising home and school environments, academic programming, behaviour management strategies, medical therapy and research data on the role of diet.

3. Case conferences are conducted by a multidisciplinary evaluation team made up of regular medical doctors or psychologists to discuss the child's progress with family members and to offer additional support as necessary.

4. Special Needs staff and Educational Psychologists staff visit schools regularly to help teachers improve general classroom management skills as well as provide specific techniques to manage and teach children with Attention Deficit Hyperactive Disorder.

5. Special classes are provided, or students are withdrawn from regular education classes to provide more individualised programming. The focus is on improving the child's academic skills while teaching self-management and social skills.

6. Counselling is provided to assist children in improving peer and sibling relationships.

7. A Parent Support Group has been organised to give parents the opportunity to share their experiences for working effectively with their children.

8. Medical intervention is provided as agreed by parents with the medical doctors at the Government Hospital as well as overseas' medical services. Some students are sent overseas for further evaluation by the Mental Health Services at George Town Hospital.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The honourable minister spoke of "Special Needs staff and Educational Psychologists staff visit schools regularly. . . ." Can the honourable minister give us a breakdown of where these students are per school; how many educational psychologists we have on staff, how many special needs staff; and how often are they able to visit each individual school?

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

Hon. Truman M. Bodden: We have two education psychologist staff who visit all the schools. The actual breakdown in the schools I do not have now. But I undertake to get this to the honourable member fairly shortly, sir.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The honourable member said we have two educational psychologists. The other part of my question was how many special needs staff do we have?

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

Hon. Truman M. Bodden: We have four peripatetic staff. We have one assistant education psychologist and we have special education teachers throughout the schools.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the honourable minister can tell me then, should there be children with this disorder in the district of North Side Primary School, how often is a special needs staff or an educational psychologist at that school?

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

Hon. Truman M. Bodden: I understand that the teachers go on demand. But they do not limit the time when they go. They remain for whatever period is necessary. That's what I have been told.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: If I understand the honourable minister, should there be a student in the district of North Side Primary School with this disorder, it is possible that one of these staff members may only visit that school for two hours per week, maybe three hours per month? If that is the case, does the honourable minister feel that that is sufficient time given to this student, or students, in the North Side Primary School? I am not aware of any students in that school that may have this disorder. I am just asking the question.

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

Hon. Truman M. Bodden: I understand that we do have a specialist who would visit there some days. I can only rely—and I must say this clearly—on the specialist's advice I have been given on this. It is a topic which obviously has the attention of this honourable House. By all means, if upon review, because we do have a new intake of students now, if it becomes necessary to increase staff, by all means in this coming budget I would know and be making an application for those.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: That was the answer I was looking for. If we have sufficient staff members to deal with 68 cases of Attention Deficit Hyperactive Disorder and he has more or less said that if there is a need for additional staff it would be brought in the budget. I can assure him that if there is a need for anything in education my colleagues on the backbench will give him 100% support.

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

Hon. Truman M. Bodden: I thank the honourable member for those kind budget words.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: In dealing with part (8) of the substantive question, can the honourable minister say who pays for the overseas evaluation?

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

Hon. Truman M. Bodden: This is paid for, I understand, through Social Services, through government.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the honourable minister say when the department recommends overseas evaluation and this is sent to Social Services, on what basis does Social Services authorise overseas evaluation?

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

Hon. Truman M. Bodden: On the recommendation of the doctors at the Mental Health Department.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I understand that. What I am trying to ascertain from the minister is what sort of process an individual goes through at Social Services after the evaluation has been processed by the Mental Health Department.

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

Hon. Truman M. Bodden: The process is that once the Education Department identifies the need, they are then referred to the Mental Health Department. They then take it on from there. I would assume the needs test is applied—I think that's what the honourable member was getting at. The normal means test would be applied. I don't know for certain, but I would . . . Sorry. It is applied, I have been told.

The Speaker: The First Elected Member for West Bay, do you have a follow up? Because other members have indicated that they want to question.

Mr. W. McKeeva Bush: Yes, sir, I was waiting for quite a long time now. Can the honourable minister say who . . . now you've gone and broken my train of thought.

[laughter]

Mr. W. McKeeva Bush: Sorry. Can the honourable minister say whether parents are allowed on these overseas evaluation trips?

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

Hon. Truman M. Bodden: The reason I am a bit vague on some of this is because it is in the Social Services Department. But we know that parents do support it.

[Inaudible comment]

Hon. Truman M. Bodden: Sorry. Well what—

[Inaudible comment]

Hon. Truman M. Bodden: Yes, they do travel. I am sure they do.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: The reason I brought this question to the floor of the House was because I had

received a package of information from a concerned parent whose child was diagnosed with this disorder. I would just ask the minister to give an undertaking if he would read this information that I will provide to him, and if he would inform us of what he thinks should be taken as far as these children going overseas. It is from a young boy who is in a school in Tennessee called Advent Home Youth Services. I will provide the honourable minister with this information.

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

Hon. Truman M. Bodden: I thank the honourable member for that. This is a very important question. That's why I tried to deal with it comprehensively. But, by all means, I am happy to read what the member has. I also have my support staff here. I will get them to go through that also. Thank you.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state exactly what procedure determines that a child falls into this category of mental disorder? In his answer he mentioned an internationally accepted guide. I am wondering if it is brought to the attention of the professionals by the teachers, or maybe a parent and then the child is tested. I am trying to understand exactly how it is determined.

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

Hon. Truman M. Bodden: Both by the parent and the teacher. Once it is brought to the attention of the department the testing set out in this statistical manual of mental disorders, which is a standard manual I understand, is then applied. The decision is then taken by professionals as to whether this exists or not, and which one of these categories they fall into because there are slightly different categories.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: You might think this is loaded, but it's not intended to be. Can the honourable minister state if the department is satisfied at present that there is not only sufficient staff to effectively deal with the problem but that the scheduling of staff to the various institutions will bring the best possible results given the number of cases that have been identified in the public school system?

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

Hon. Truman M. Bodden: I have been instructed by the department that at present they are able to cope with the staff they have. However, I will be asking for that re-

view and in November it is quite likely another staff member will be asked for.

I would just like to point out one thing that I didn't make clear in the answer. The 68 cases are actually government schools and private schools. It's a service that goes to any child that needs it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For those of us who may not be entirely familiar with exactly how long this disorder lasts, or if it can be cured or continuously treated, can the honourable minister state if this service that he just said extends into the private school system also extends into the secondary schools?

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

Hon. Truman M. Bodden: Yes, sir. In fact, some of these 68 cases are in the secondary.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If the minister is almost sure that he will be asking for additional staff in the November budget, how can the minister state that they are coping quite nicely at present?

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

Hon. Truman M. Bodden: I didn't say they were coping quite nicely, I said they were coping.

Let me just say this: With this type of disorder the more on a one-to-one basis things can be, the better. To be very honest, sir, you can never have enough staff when it comes to this. I think you have probably seen the activity of some of those children. The most I can say is that I am sure we will be asking for more staff.

I would also like to point out that we do have a new school year. As soon as . . .well, I will get a better assessment of the new intake because remember, some of these children may well have come in new to the system too. They might not have been in it before. But I can basically only answer the best I can. I take the member's point, though, sir.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The information says that we have 68 cases, can the honourable minister say how many new teachers he employed this year in this particular area?

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

Hon. Truman M. Bodden: In 1998, when we had this increase, we had three extra LBD specialist and one psychologist added. The department does not have the assessment for the extra nine for this year yet. Remember, we combined the two disorders and we got an extra four staff members then, one psychologist, three LBD.

Mr. W. McKeeva Bush: What I am trying to ascertain, Mr. Speaker, is whether or not the department anticipated the large increase in 1998 because we had some 32.

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

Hon. Truman M. Bodden: First let me mention that the high increase in 1998 was when we combined the Attention Deficit Hyperactive Disorder together with Attention Deficit Disorder. What I have instructed by the professionals is that this type of activity can't be anticipated. It is something that happens. It's a mental—

[Inaudible interjection]

Hon. Truman M. Bodden: Yes, it's hard to tell how many will have it. But I am sure you don't want to get me into it—

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: On a very serious note, and the minister has mentioned that this is a serious issue, I have had representation from parents of children who have been identified with this disorder indicating that they are by no means satisfied with results. That is, they don't see any positive changes over a period of time.

From the little bit that I have been able to glean I understand that it is not something you might notice very positive results in the immediate term. But it seems to me that it is an area that needs to be (and, as the minister said, you can't spend too much time on it) looked at.

I am hoping that with the audit of the department that I understand is going to take place that special note will be made to examine and assess what the needs really are to try to accommodate those needs with proper staffing. I know it involves money, but it is a very crucial issue and I believe that all must be done to try to get these people back to normal as far as possible. Obviously, if they go through the primary and secondary school system and end up just as they were, they will only be a problem to society afterwards. We can't just displace them and figure they will disappear.

I am asking for a commitment to look into it, and not just bring numbers of staff so that it looks good, but really have a clear assessment done to try to satisfy the needs so that quality time can be spent with these children to bring about the best results possible.

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

Hon. Truman M. Bodden: I can well understand how parents can get frustrated with this. And it is a joint effort between the school and parents. But there is a support group that will assist the parents through it.

I would just like to mention that the statistic (having 75 diagnosed) is 1.88% of the total school population; whereas in North America the prevalence rate is somewhere between 3% to 5%. So, thank God, we've been lucky not to have that large an amount of children.

But they are special—

[Inaudible interjection]

Hon. Truman M. Bodden: Reported. I mean, yes. I think that at this stage children who are in the school system, the teachers are sufficiently aware that they do diagnose and report. So I don't think we are missing a lot.

But, obviously, more has to be done. It is a long-term medical solution that has to be dealt with and it is critical that parents, teachers and the support groups are in there to deal with each child on a joint basis.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, sir. I know we have asked a lot of supplementaries on this. I appreciate this one, sir. I would like to ask the minister that when all the professionals have completed their examinations and determined overseas evaluation, it is ensured that a parent—even though they do not have the funds—be allowed to accompany the child. I have had some experience in this aspect where the parents were told they couldn't go. It was quite a traumatic experience for them and they came to me as their representative.

I would like to have some assurance that the parents can accompany the child.

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

Hon. Truman M. Bodden: I understand that normally a parent can accompany. The most I can do . . . this is Social Services. I can't give an undertaking, as such. But by all means the ministers from both the medical and social services, . . . the ministers from all the areas are here. I will pass it on. I can give an undertaking on behalf of education . . . and they don't directly do this I am sure they must recommend it.

I take the member's point and I will pass it on.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Perhaps the minister can—since this seems to be more an educational situation and it is only sent to social services for evaluation—do an assessment when they are going to go overseas. Get the minister for social services more involved so that you can make this determination about those parents be-

cause as I said, I did go through it and it's quite traumatic for the parent and the child.

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

Hon. Truman M. Bodden: I take the honourable member's point. I will ask for this to be gone into and try to correct any problems that arose in the past. I am happy to apologise on behalf of the minister if they did arise. But the main thing is that from here on we get it corrected.

The Speaker: Are there any further supplementaries? If not, we move on to question 135, standing in the name of the First Elected Member for George Town.

QUESTION 135

No. 135: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning if there is any policy regarding parents who cannot afford the increased school and book rental fees now being charged by Government.

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

Hon. Truman M. Bodden: Since 1994 it has been the practice of the Education Department to offer parents of school children the facility of staggered payments over the school year if they found it difficult to pay school fees in one lump sum.

Over the summer this year, the facility was extended to include parents of all school children having regard to the increased book rental and school fees.

For persons working with government, this was enabled by weekly wage deductions for group employees and monthly salary deductions for civil servants. Other persons were encouraged to enter into agreements to pay the outstanding sums in regular payments over the school term.

Parents of students with large outstanding balances prior to 1 September 1999, and to whom this courtesy was extended previously, were requested to make a substantial payment on account before another agreement was made.

Parents with whom agreements were made for the current school year were encouraged to pay at least half of the current term fees.

If parents felt they were financially unable to enter into these agreements they were referred to the Social Services Department for assessment and eventual referral to the Financial Secretary for waiver of book rental and school fees.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state by category and by school (primary schools, George Hicks and John Gray High Schools) exactly what the old fees were and what the new fees are? Can he say what the percentage of increase is for each category of fees levied?

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

Hon. Truman M. Bodden: The book rental fees were \$5 for Years 1 and 2, and \$10 for Years 3 to 6, and that went to \$50. The primary went to \$50

The George Hicks moved to \$100 from \$12, and to \$150 in the John Gray High School from \$14.

That is still way under the cost of the rental fees per year that government bears. So it is still subsidised to that extent.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister has not quite answered the question. He has given me the former figures and the new figures. I am asking him what the percentage of increase is per category.

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

Hon. Truman M. Bodden: I would have to work that out. All I can say is that what was \$5 went to \$50; and the \$12 went to \$100 in George Hicks, and \$150 in John Gray. Let me just say that it is way below the private schools and it is way below the cost to government.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say how many applications for assistance in the payment of fees he received this year? What kind of problems did they experience in the payment of these fees?

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

Hon. Truman M. Bodden: I don't have that. But I understand it's a small amount.

[Inaudible interjection]

Hon. Truman M. Bodden: Well, it is \$50 a year in Primary Schools. What I am saying is that there were only a small number of applications for the relief.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say if he can still recall the debate we had here on the budget

when he said that he would make sure that anyone who could not afford the fees were exempted?

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

Hon. Truman M. Bodden: As I stated then, and as I mentioned, the policy of this government—and it was brought in in 1994—is that something is worked out for those who can't pay, or the exemption is applied. That has been this government's policy since 1994 and it continues, sir.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am quite sure that quite a few of the affected parents are listening. I would like the minister to say what criteria is used to arrive at need in regard to assistance.

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

Hon. Truman M. Bodden: That aspect is done by the Social Services Department. I think the minister answered earlier questions on that. But, for example in the primary school, the book fee rental is the equivalent of \$1 per week. In the middle school it is \$2 per week and in the high school \$3 per week. If they can't afford that then Social Services will assess and it goes back to the Financial Secretary who then waives.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I don't think the minister answered my question. I am asking from the point of view of the Education Ministry, what criteria is used by them to refer persons to the Social Services Department? If someone comes in and says they can't afford to pay, do they do an assessment themselves, or do they just automatically send the people to Social Services?

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

Hon. Truman M. Bodden: As I understand it, if parents say that they cannot pay then they are sent to the Social Services Department. The honourable member will recall that sometime back the auditor general wrote quite a bit on this question of other departments trying to deal with assessments. But the answer is that we do not do the assessment. The actual waiver is by the honourable Financial Secretary.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I told several of my constituents that the Honourable Minister responsible for Education, Avia-

tion, and Planning had promised in the debate on the budget that anyone who could not afford these fees, or were having difficulties . . . as a matter of fact, I think he said with the fees, would be assisted. I sent quite a few people, when they came to my office to complain about the fact that they could not afford the fees. I am asking then, if the Education Department sends people to Social Services, does the Social Service Department then have a separate system of arriving at how to give assistance in direct relationship to education and the inability of people to pay for education because they have not budgeted for those educational needs of their children.

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

Hon. Truman M. Bodden: They would obviously assess it on a case by case basis. They have been doing this for a long time, for example with uniforms where parents can't afford it, and for school lunches. So the system of assessment is in place.

Let me just say that the children are not in any way disadvantaged as a result of that system. The children are taught. I can tell you that there are times when teachers actually take money out of their own pockets if somebody needs breakfast. I have heard teachers say that they get what they need. So we look after the children and Social Services does provide lunches. I have answered that question before, I think. It provides uniforms and a similar service for this.

But that isn't under my ministry and the most I can do is assure you that the undertaking I gave has been agreed upon by the minister in charge of social services. He will see that through. So that undertaking stands, sir. I would like to stress that to the honourable member.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The First Elected Member for George Town asked a supplementary that had to do with the percentage of increase. I think that is a relevant question to my supplementary question because I am saying to the minister (and I will put this in question form) that it is perhaps because of the increase that we have this difficulty. But could he say, or could the Education Department give exactly the number of people who at they least attempted to assist with some type of waiver for these fees?

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

Hon. Truman M. Bodden: I give the honourable member an undertaking that I will get that information. We don't have it at present, sir.

The Speaker: The Fourth Elected Member for George Town, we will have to move on. I will allow three more supplementaries.

Dr. Frank McField: Mr. Speaker, I was just raising . . . I mean questions have been asked here all morning. This is the first time I am asking any questions.

The Speaker: I am not asking you for a desertion on this.

Dr. Frank McField: I was just getting up to ask if the minister—

The Speaker: Please ask your question.

Dr. Frank McField: Can the honourable minister at least see that in the future when people come to the office to ask for assistance that even if they don't get it they are referred, that at least some kind of record or statistics are kept on this because it would be very useful in the future.

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

Hon. Truman M. Bodden: I understand that we do have the statistics and I will get that for the honourable member.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if he is aware of any students who have not returned, particularly to George Hicks or John Gray High School, because their parents were not in a position to pay the new book fees, and they are not aware of where they can go to seek assistance?

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

Hon. Truman M. Bodden: Whatever children need to go to those schools go to them. If there are any parents who are under any misapprehension about that then by all means ask them to call me, or somebody in the ministry or department. Children are not turned away, if that is really what the honourable member is getting at, on the basis that they haven't paid for lunch or book fees, the \$2 per week or whatever it is.

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

Mr. D. Kurt Tibbetts: Since this is the last supplementary, perhaps the minister better get pen and paper because I will have to try to put all of them together into one.

First of all, when I asked about the percentage of increase, I need to tell the minister what they are and then I can ask the question, since he seemed not to have them. For Years 1 and 2, the increase was 1000%; for the following Years, up to Year 6, the increase was 500%; for Years 7 to 9, based on the figures I was given,

the increase is 833.3%; and for Years 10 to 12 the increase (while not exact) is in excess of 1000%.

Regardless of the fact that these fees may not actually cover the costs, regardless of the fact that these fees in the public system are much less than those in the private school system, the fact is that these increases which range from 500% to over 1000% are certainly shocking to say the least.

My questions to the minister are as follows: Why is it that these increases were left to the point where there had to be such a drastic percentage of increase? I understand it has been many, many years since this was addressed. And in regard to the revenue package which this was a part of, if my memory serves me correctly the total anticipated increase in revenue for this was just over \$200,000 compared to the entire package of \$11.8 million which puts the percentage of this at a bare minimum in regard to actual percentage of increased revenue.

Why then did this have to be addressed in this fashion? If it was a situation where everyone was convinced that the matter needed to be put more in line, why not in graduating stages so that people would know for the next five years this is going to be the increase so that individuals who don't have the latitude to find this money . . . and the truth is, we all know that many of them don't plan it until it faces them square in the face. Why not take these factors into consideration and deal with it in a more palatable manner?

Hon. Truman M. Boddén: Mr. Speaker, I guess the fees were not increased from 1983 because, quite clearly, of all the politics around it. But government's undertaking is clear, and you can play with percentages as you wish. If one increases from one cent to one dollar, you have a 10,000% increase, but it's still only 99 cents. What I am saying is that the fees are presently \$1 per week in the primary school, \$2 per week in the George Hicks School, and \$3 per week, approximately, in the high school. Reality is reality.

What is happening, I submit, is that to talk about an increase from 14 cents per week to one dollar per week is a 1000% increase. But in reality it is only a difference of 86 cents per week. And government has given an undertaking for those who cannot afford it, that the children will not suffer and it will be waived.

Now, if the honourable member is trying to say that no one out there can afford to pay one dollar per week for books, out of the children going there, the vast majority of people can pay for this. To try to blow it out of proportion they talk about a 1000% increase when we are talking about \$1 per week is the reason why nobody since 1983 has increased it. Everything that's brought here, political mileage is taken out of it.

The Speaker: This concludes Question Time for this morning. Is it the wish of the House that we take the break or continue on until 1.00? We shall take the break.

Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 12.29 PM

PROCEEDINGS RESUMED AT 12.56 PM

The Speaker: Proceedings are resumed. Item 4 on today's Order Paper: Other Business, Private Members' Motions. Private Member's Motion No. 11/99, as amended.

SPEAKER'S RULING ON POINT OF ORDER

Raised by the Elected Member for North Side

The Speaker: Before we speak on amendment number 2 to the motion . . . before we adjourned the Elected Member for North Side raised a point of order. I want to make a ruling on it.

Quoting from the *Hansard* of 24 September 1999, the Elected Member for North Side said: "**Certainly, the most major issue of any country is to change the constitution of that country. That could have been included in a Referendum Bill, that this be one of the national issues to give the people the right to initiate a referendum.**" [1999 Official Hansard Report, page 1078]

In a paragraph before that she made it clear: "**I have never advocated advancement of the Cayman Islands' Constitution, and I will never advocate advancement of the Constitution—unless it is the desire of the people of these Islands.**"

If we look at the paragraph that I read first, she did not say "advancement." She said "a change to the Constitution." But, certainly, reading it in its full text it is clearly understood that she was speaking about advancement. The honourable minister did say that he would withdraw that, and I thank him.

We shall continue. The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: I am happy to withdraw that, and I apologise.

Mr. W. McKeeva Bush: [off microphone] That should be struck from the record.

The Speaker: Moving on to debate amendment number 2—

Mrs. Edna M. Moyle: Mr. Speaker.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Could I request that that statement be struck from the *Hansards*? if that is in order with the honourable minister.

The Speaker: I didn't quite follow you. Would you repeat that?

Mrs. Edna M. Moyle: Will this be struck from the records once it's withdrawn, as it has been by the honourable minister?

The Speaker: If you so wish, that can be done.

Hon. Truman M. Bodden: If they strike that out, then the apology would make no sense. It is up to the member. Otherwise the apology makes no sense.

Mr. W. McKeeva Bush: Strike it out Edna.

The Speaker: The Third Elected Member for Bodden Town, continuing the debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate on Amendment (No. 2))

Mr. Roy Bodden: I would like to begin by expressing disappointment and regret that the motion which was brought out of purely altruistic intention has become so twisted and turned that it has now come down to this.

I say again that I believe if we wish to resort to the boiler room that the matter can be settled amicably. From all I have heard, I have come to the conclusion that there is not a world of difference between the position advocated by the Minister of Education, who is leading the government charge, and the position of those of us who support the motion in its original version.

But I suppose that this is a year away from election and such is the nature of the political beast. What I don't want to happen is for the public to be so confused, so misled and so discombobulated that they become frustrated, disillusioned, disinterested and completely turned off, with an effective tool such as a referendum. This is a House of politics. So while I say that on the one hand, I have to bear on the other hand that there are certain members who will feel that they were not earning their keep if they didn't exercise their tongues and their intellect to a certain extent. But I have to say again that the motion in its original motion was brought out of purely altruistic intentions.

Quite frankly, I don't believe that anyone in his right mind would like to use this as a pretext for advancing the Constitution into independence. I believe that if the truth were known, no Caymanian in his or her right mind would wish to alter the status quo that radically. Many Caymanians, from the humblest to the most able, realise that our economic condition and standard is inextricably linked to political stability. So I want to distance myself from those arguments.

The Third Elected Member for Bodden Town has said over and over again, in spite of all the charges laid, that he is not an advocate of that. But if I were, Mr. Speaker, I would not be ashamed or afraid to express it. As a politician I would be—as I have been—prepared to take my stand even when it's unpopular. But I have

never had any reason to advocate that. So I want to clear the air on that once and for all.

I am concerned that in his presentation the Honourable Minister responsible for Education, Aviation, and Planning gave the impression that I am still not in support of the referendum. He cited his 1989 motion, which I agreed I did not support at that time. What the minister did not say was that when we were reviewing the Cayman Islands (Constitution) Order, 1972, that I was one of the foremost supporters of the referendum. Contrary to what the minister said—that he was the mover—the minutes of those meetings tabled in the Legislative Assembly of the Cayman Islands on 28 October 1991, on page 3 where it talks about "Voters' referendum" didn't list the honourable minister as the mover. It says "**Mr. Truman Bodden supported a provision of a referendum and suggested that the government had a fear of its introduction.**" It did not say that he was the mover. It said that he *supported* it.

And reading on down it says, "**Mr. Roy Bodden suggested that the issue could not be taken in a frivolous light** [that is the issue of a referendum]. **A referendum should not be conducted on everyday issues, but rather to the extent of major national issues regarding the introduction of** [for example] **major revenue measures i.e., that is income tax (not the budget), and not on issues such as the composition of Finance Committee; nor to block legislation. He illustrated the use of referenda within the territories during the proposed establishment of the Federation of the West Indies.**" [*Minutes of Meeting held 4th January 1991, page 3.*]

Interestingly enough, by that time even the present the First Elected Member for West Bay—whom the Minister of Education linked with me as being against the referendum in 1989—had changed his position. The minutes, which were tabled, said, "**Mr. McKeeva Bush advocated that there are certain issues which should be put to a voters' referendum.**" [*Ibid. page 3*]

So if the Honourable Minister responsible for Education, Aviation, and Planning is still trying to say that we are against referendum he needs to go and read these minutes.

Mr. W. McKeeva Bush: Whew!

Mr. Roy Bodden: And since I am on the matter of exposure, Mr. Speaker—

Hon. Truman M. Bodden: Mr. Speaker, I don't like to interrupt, but I never imputed—

Mr. Roy Bodden: Mr. Speaker, does the minister have a point of order?

Hon. Truman M. Bodden: On a point of order, then, Mr. Speaker.

POINT OF ORDER
(Misleading)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: The honourable member is misleading this House if he is saying that I am saying that that member and the First Elected Member for West Bay were still of the view that they did not support a referendum. I did not say that.

I said in 1989, and I read from it what they said against it. If we keep those facts straight I would appreciate it.

Mr. Roy Bodden: Mr. Speaker, there's an old Jamaican saying that goes—

The Speaker: Let me rule on this now.

I do not have the *Hansard* here, but I remember him saying they had a change of heart. So that means that they had to have been against a referendum at that time and that now they are for it, if I remember correctly. So, he does have a point of order.

Please continue the Third Elected Member for Bodden Town.

Mr. W. McKeeva Bush: What he was saying was that we shouldn't change it.

The Speaker: But he did say that you had a change of heart.

Mr. W. McKeeva Bush: But he was saying that we shouldn't change it.

The Speaker: Please continue Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I have known for a long time that that minister can give but he can't take. I don't want to be petty because, trust me Mr. Speaker, I have what he said here. I can substantiate that he didn't say what he just said.

But, you know what? I know he's twofaced. I know he's like the Roman god Janus—he has two faces.

Before I am finished, he's going to get up on a couple of more points of order. In this business if you give you have to learn to take. And when he was speaking I sat down, like a diplomat of the United Nations, and listened and took all that he had to say. Now I want to find out how many more times he's going to get up on a point of order he dreamed up and interrupt what I have to say.

But here he says it on page 6. **“Well, Mr. Speaker, at least one thing I got entrenched in 1993 is the right to have a referendum, even though the Third Elected Member for Bodden Town—who raised that—rejected (and I read that) my 1989 motion to have any kind of referendum, much less put in the Constitution. So, the Third Elected Member for Bodden Town should be the last one to raise this issue. [Official Hansard Report, 27 September 1999, page 1094]**

Mr. Speaker, I want to find out where he said that I had had a subsequent change of heart in the speech, sir. I will sit down and let him tell me.

The Speaker: Well, it is my understanding that it was the intention of the House to adjourn for a meeting to be held in the Committee Room at 2.15 pm.

I will entertain a motion for the adjournment of this honourable House.

Mr. W. McKeeva Bush: On a matter of procedure. The member speaking has raised a point or order. What is going to happen to that?

¹**The Speaker:** He raised a point and I said that I did not have access to the *Hansard*. I will get the *Hansard* and make a ruling when the House is resumed.

Mr. W. McKeeva Bush: Oh. I didn't hear you say that.

The Speaker: I will take that on board.

The Honourable Minister responsible for Education, Aviation, and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: Before putting the question, I have been asked by the Elected Member for North Side, under Standing Order 11 (6) which says, **“On a motion moved under paragraph (5), a Member who is not a Member of the Government and who has obtained the right to do so, may raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of the Government responsible for the matter. After not more than twenty minutes, the Member of the Government shall be called on to reply.”**

The Elected Member for North Side.

RAISING OF PUBLIC MATTER Standing Order 11(6)

AMENDMENTS TO THE DEVELOPMENT PLAN

Mrs. Edna M. Moyle: Mr Speaker, this Honourable House is no doubt aware of a series of meetings held by concerned property owners from the North Side and Bodden Town districts in response to proposals in the latest amendments of the Development Plan.

These meetings (two of which were attended by the Third Elected Member for Bodden Town and myself) are called to galvanise objections to having large areas of the two districts zoned “environmentally sensitive” and “environmentally protective.” The landowners contend that they hold absolute titles to these areas and insist that they be spared any restrictions which would prevent them from developing these properties to their benefit.

¹ See “*Speaker's Ruling on Point of Order,*” page 1129

Mr. Speaker, this a critical issue and if the precedent set by events of the 1975 Development Plan instructs us successfully, then these landowners should be given the freedom and encouragement to develop or dispose of their lands to their satisfaction.

I wish to state on behalf of the Third Elected Member for Bodden Town, other Honourable Members who will identify themselves in due course, and myself, that we support the landowners in their quest for freedom to develop or dispose of their property to their satisfaction. We feel that there is a disparity between what has been done along the West Bay peninsula and some areas in South Sound and what is now being proposed for the wetland/swampland in Bodden Town and North Side.

We can see no good reason why lands vested in the hands of our people by government are now being proposed to be rendered practically worthless to these owners. We urge the government to listen to the concerns of our people and to try to arrive at an amicable and satisfactory settlement. In this initiative, the government has our full support and encouragement. However, we consider it unfortunate and regrettable that government should encourage the National Trust or any other entity to deprive our people of their legal right and wish to distance ourselves from any such moves.

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

Hon. Truman M. Bodden: I did mention to the member that I would get a copy and do a reply, since we weren't sitting this afternoon. If I can, tomorrow. If not, maybe after.

The Speaker: You defer replying until tomorrow morning?

Hon. Truman M. Bodden: Yes, sir, if you will accept that.

Mr. W. McKeeva Bush: Before you do that, Mr. Speaker, in regard to the response tomorrow morning, it would be at a different point in the orders. I am wondering if the Elected Member for North Side will have a chance to reply in that regard.

The Speaker: We will take that under consideration.

I will now put the question that this honourable House do adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 1.11 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 30 SEPTEMBER 1999.

**EDITED
THURSDAY
30 SEPTEMBER 1999
10.42 AM**

[Prayers read by the First Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Third Official Member who will be arriving later this morning, and also, from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture as well as the Second Elected Member for Bodden Town who is not well.

Item number 3 on today's Order Paper, Presentation of Papers and Reports. The Royal Cayman Islands Police Service Annual Report. The Honourable First Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**ROYAL CAYMAN ISLANDS POLICE SERVICE
ANNUAL REPORT 1998**

Hon. James M. Ryan: Thank you, Mr. Speaker. I beg to lay on the Table of this Honourable House, the Royal Cayman Islands Police Service Annual Report 1998.

The Speaker: So ordered. Do you care to speak to it?
The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, I think the report speaks for itself so I will not elaborate on it.

The Speaker: Thank you. Moving on to item number 4 on today's Order Paper, Questions to Honourable Members and Ministers. Dealing with deferred Question 129, standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**DEFERRED QUESTION 129
(Deferred on Friday, 24 September 1999)**

No. 129: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and

Works if the Department of Vehicle and Equipment Services maintains all government vehicles and equipment?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

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

The Department of Vehicle and Equipment Services (DVES) is responsible for the maintenance and repair of vehicles, mobile equipment, and emergency generators for all Government Departments Units and Sections, excluding the Fire Service in Grand Cayman. In 1985, the Fire Service was given approval to provide the required maintenance for the Department's vehicles and equipment.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if the Department of Vehicle and Equipment Services has a mission statement? And, if it does, what is that mission statement?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that they do not have a mission statement.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if at present the said department handles the maintenance and repair of police vehicles?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I think the answer to the member's question is, yes, there are one or two, or maybe more than one or two instances where the Police in an effort to get some matter [repaired] quickly do use a private mechanic.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state categorically that the vast majority of repairs and maintenance required by the Police Department on their vehicles is done by this said department?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I would hesitate to say categorically, but I would say the major percentage of the repairs are done by the Department of Vehicles and Equipment. As I mentioned earlier, there are times when the Police take their vehicles to the private sector mechanic.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state which department is the largest customer of the Department of Vehicle and Equipment Services?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to the member's [question] is that Environmental Health is the largest department receiving services from DVES.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Minister say what sort of apparatus is used for determining when maintenance and repair is necessary on any given department vehicle and whether those vehicles are used for departments? Or are they used privately also?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it, there is a maintenance schedule on all pieces of equipment at DVES and the methodology used is the number of miles or the number of hours. It depends on what type of vehicle—it may be a truck or it may be a piece of heavy equipment, and heavy equipment cannot be dealt with in miles but it is the number of hours it is worked in terms of deciding when to service.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: What kind of mechanism is used to ensure that government vehicles are used as little as possible for private purposes?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think the member is probably like the rest of us—we see vehicles at times that we think should not be on the road. But there is a section under the General Orders that deals with the usage of Government vehicles and the control of those vehicles is under the direction of the Head of Department. So, it is the Head

of Department to ensure that these vehicles are used only for Government purposes.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is there a policy in place in that regard?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Perhaps, I wasn't as clear as I should have been. The General Orders that speak to the policy in relation to the usage of Government vehicles.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Getting back to the original line of questioning that I was pursuing, can the Minister state if it is a fact that the amount of maintenance that is being done by the Department of Vehicle and Equipment Services for the Police Department has dropped over the past two years?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am advised, Mr. Speaker, that the answer to the honourable Member's question is, yes, it has dropped.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If that is the case, as has been put forth by the Minister, can the Minister explain why this is the case?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, as I mentioned earlier (and this is not answering directly to the question of the First Elected Member for George Town) it is the Head of Department that really takes most decisions in this regard and is required by the General Orders to follow a particular methodology of getting repairs done to their vehicles. If you are going to go outside, then you obviously need Government's permission to change it.

The DVES has met with the Commissioner of Police, in terms of resolving this matter of reducing the number of vehicles that are coming to DVES for servicing and the matter, as I understand it, is improving.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, with the greatest of respect, sir, I do not think that my question was answered.

I heard what the Minister said. My question is: Can it be explained why the amount of maintenance done by the department for Police vehicles has dropped over the past two years? I heard what the Minister said but I do not believe that that answers my question. If possible, I would like the question answered.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, as I understand it, the Police do take vehicles to a private mechanic, not necessarily one private mechanic for service to be rendered to it without reference to DVES. Unless, we talk to the Commissioner and understand his side of the story, it may be difficult for me to answer the question to the level that the Member is expecting.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just prior to this, the Minister said that the Director of this department and the Commissioner were meeting to resolve the situation. If that is the case, then surely the Minister must know what the situation is, that's what I am asking. Is there a situation which has to be resolved? What is the situation?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, the situation is that all vehicles should be brought to DVES for servicing, and in this case, some of the Police vehicles are not. That's the situation and that is the situation that the Director of DVES is meeting with the Commissioner of Police to resolve. I am not in those meetings so I cannot say to the Member exactly what the details are.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, surely, if prior to this the vehicles for the Police Department were being serviced by DVES, and subsequent to that, the Police Department started farming their maintenance and repairs out elsewhere, there must have been a reason why. I am quite certain that the department must have been told why, and the Director is here, and the Minister has conferred with the Director on every supplementary question that has arisen from this substantive question. Surely, the Minister can confer now, so that we can understand why. That's all I am asking.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, as I understand it, some of the repairs that are being referred to the

private sector mechanic(s), the view of the Police is that they can get it done faster and cheaper.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am not a dentist but Lord I just had to pull some teeth, and that is no reflection on the Minister, he is just answering the question at present. In fact, it is not meant to have any reflection on anyone. I am looking for answers.

That being the case, can the Minister state if there have been any other situations similar to this that have arisen whereby other departments have cited that the speed in which they can get their repairs, and the cost of getting those repairs, can be better done by the private sector? And has this been made known to the Director of that department?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: If I am remembering the question of the First Elected Member of George Town, as I understand it there are no other departments that are taking vehicles to private mechanic. I think what is worthy of note as well, is the comment that it is cheaper—not necessarily refuting the faster—to go to the private mechanic than DVES. I believe that is subject to verification. I don't think the department has verified that that is so.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I was only going by what the Minister said. When the Minister answered the supplementary—

[Inaudible comment]

Mr. D. Kurt Tibbetts: He did say at a better price. So, I was only going by what the Minister said. However, if that has to be verified . . . That's not really the question that I want to lead into now. Since this is established, whether it's limited to the Police Department or whether it extends further, there are some problems with the operations of that department and obviously, this leads to the question of efficiency.

Can the Minister state, having recognised that there may be a problem one way or the other, and this is not casting any aspersions but just understanding that these things might happen—sometimes the bus leaves us for a while. Can the Minister state if anything is being done about rectifying the situation and what is being done to rectify that situation? I am not referring to any meetings with the Police. I am talking about the actual workings of the department to try to maximise efficiency.

The Speaker: Before asking the Honourable Minister to answer the question, I would appreciate a motion for the

suspension of Standing Order 23(7) and (8) in order that Question Time can continue beyond 11.00 a.m.

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

Hon. Thomas C. Jefferson: Mr. Speaker, I move the suspension of the relevant Standing Order to allow the other questions and supplementaries to be asked.

The Speaker: The question is that we suspend Standing Order 23 (7) and (8) in order that Question Time can continue beyond the hour of 11.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continuing.

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, we have moved forward to effect a significant change, I believe, by ensuring that the department is fully computerised in order to upgrade a number of services that it does produce. I believe the system that we are putting in place would assist not only with the scheduling of vehicles but also the financial reporting that comes from it and the necessary administrative work that needs to be done within it. Sometimes without it the efficiency suffers and that's how we are trying to address this. There is much more work to be done but that is the first step in the process of dealing with it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, can the Honourable Minister say whether the loss of business from some government departments stems mainly from the fact that the services offered by DVES are uncompetitive in comparison to what can be obtained privately? Has any attempt been made to get the prices that the private sector entities charge with a view to seeing whether DVES can adjust the prices for the services they offer to make them more attractive and competitive to the government departments, their customers?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I don't have all the details but there is another question set down for income and expenditures of the respective department—I propose to answer that probably tomorrow or Monday. But I do know that from a labour point of view in dealing with the repairs to vehicles and equipment, the labour cost at

DVES is substantially less than what a mechanic in the private sector will be charging. So, while I am not in a position to answer it fully, I do know that the 50 percent side of it, the spare parts, I think would be equal to what you would find in the private sector because they are all coming from somewhere in the United States in most cases.

So, although I don't have the figures at hand, I do believe that the cost element of it would be cheaper from the DVES servicing than the private sector in the majority of the cases.

The Speaker: Are there any further supplementaries? No further supplementaries, we will move on to deferred question 120 standing in the name of the First Elected Member for West Bay.

QUESTION 120

No. 120: Mr. W. McKeever Bush asked the Minister responsible for Tourism, Commerce, Transport and Works what the Honourable Minister is doing (a) to arrest the downturn in North American stay-over visitors to the Cayman Islands; and (b) to address the negative effects caused in the country to businesses by this downturn.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The answer to question (a) is: The slight decrease in stay-over visitors in 1999 compared with 1998 has caused the Department of Tourism to take the following initiatives:

- Two special programmes were put in the market (meaning in the United States), Chillin' in Cayman and the Family Summer Programme were designed to generate new business.
- Regular monitoring of the international and regional issues has been undertaken by the Department of Tourism to allow response time to any issue to be proactive rather than reactive.
- Co-operation efforts with Cayman Airways Ltd through seat sales and promotions to generate business southbound from all gateways utilising their code share with United Airlines. It is reported that forward business is growing from beyond the gateways well into the year 2000.
- Recent development of travel packages for Pirates Week to bring visitors down to the Islands for that event.
- Significant increase in the USA promotions by the regional sales staff.
- During the fall we are increasing our marketing of the Chillin' programme which runs through to early December.
- Intensive Sales promotions ("Sales Blitzes") being carried out by all regions in the United States and Canada.

(b) The Ministry has been successful so far in attracting a significant increase in cruise ship passengers, 690,801—

over 121,648 more the same period January through August 1998 or an increase of 21.4 percent.

The Ministry has encouraged and supported the construction of more rooms at the Hyatt Regency, new tourist accommodations such as the Sunshine Suites, Comfort Suites, Holiday Inn and Ritz Carlton in an effort to replace the loss of approximately 300 rooms as a result of the closure of Holiday Inn and the Grand Pavilion in 1998.

The Ministry and Department of Tourism works closely with the Cayman Islands Watersports Operators Association to attract visitors interested in watersports, particularly diving.

SUPPLEMENTARIES

The Speaker: Supplementaries. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say what are the results of the seven items he has outlined?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The result of the seven items really dealing with the stay-over visitor to the Cayman Islands is that there are more people coming to the Cayman Islands and the early amount that we said we were down by has now been fairly significantly reduced.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is it not a fact that the statistics showing the position are down now and by the end of the December, I guess when the year has ended, will be down further in stay-over visitors as compared to last year?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I think it is important for us to put the matter in perspective. In May of last year, Holiday Inn with 300 rooms closed its doors and was later demolished. In August of last year, Grand Pavilion closed its business as a hotel accommodation and was renovated to office accommodation so it means that 300 rooms were lost by August of 1998. It also means that in our peak period of visitor traffic, we have lost 300 rooms for every night from January 1st until April 15th.

And when we total that number up, it is a significant figure. Therefore, the fact that we are down results from the lack of 300 rooms for three and a half months as compared to the figures for the same three and a half months—and I am thinking, three and a half months meaning January, February, March and half of April in 1998.

So, the fact that you have lost the rooms, the fact that those particular organisations were in the marketplace in the United States and in Canada attracting visitors to their doors, we lost that element of it too. The advertising that is

done by the Department of Tourism is creating an awareness of the Cayman Islands and what it offers. We are not marketing rooms. We leave the marketing of rooms to the hotels, condos, and others who provide that service.

I believe, Mr. Speaker, that when we look at it from that perspective, the Department and the staff working in the United States has done a marvellous job to be down only by the amount that we are down. Realising as well that American Airlines in the peak of the winter season in February had a pilot sick-out for ten days, where 6,000 flights of that airline were cancelled, Cayman Airways, also had sick-out. All of that affected the movement of persons to our shores.

I think we need to put this whole picture into some perspective. Yes, we are down. But how much are we down by? At the end of August, we were down less than 77,000 people. I don't believe with a loss of 300 rooms or 600 beds that that is a significant thing to be too concerned about. Concerned, yes, and that's why we have been doing the additional "sales blitzes," going from one city to the next, to the next, in a period of two weeks at a time to ensure that the message gets out, that the marketing is done, that we work in conjunction with the local partners to make sure that they are present when we are carrying out this function that they can market their respective hotel or condominium. I think we are doing well.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Minister say what is the percentage of occupancy in the other hotels in the period of loss he is talking about?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I thank the Member for the question. When we took office in November 1992, the occupancy rate in the hotels at that time was 61%. By 1993, it rose to 71.3% and by 1994, it had risen to 77% (not to go through all the details). By the end of 1998, we were at 73.1% and for the first seven months of this year, we are at 78.5%. So, from the hotel point of view, the occupancy is the highest that we have received so far, although I am not comparing the full year, I am comparing the seven months.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Those percentages are they for all the hotels in the island and condos as well?

Hon. Thomas C. Jefferson: No, I was just giving hotels. You asked for hotels, I was just giving hotels.

Mr. W. McKeeva Bush: Well, Mr. Speaker, what I am trying to arrive at, condos make up room rentals as well. That's part of the tourism product. I would think that the ministry would give a figure that would include (since he

says the percentages are so big) the condos as well, since that is the tourism product.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, I am very pleased to answer the Member along those lines, but his question was really what is the percentage of the hotels and that's what I was trying to stick to.

I will use the same reference point. The percentage when we took office in 1992, the condominium occupancy rate was 8.5%. By the end of 1993, it was 52.6%. By the end of 1994, it was 55.5%. I don't want to quote all the figures but if we go now to 1998, last year, the percentage was 52.3% and for the first seven months of 1999, the occupancy percentage was 53.2%. So, for the seven months, it was higher than it was for the twelve months in 1998.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Could you say what the percentages were for 1995, 1996 and 1997? And I am glad that the Minister is pleased to answer the question. The question has been here since May.

Mr. Speaker, part (b) of the question would be: In regard to the sick-outs by American Airlines and Cayman Airways, which did not affect the flight . . . that is, Cayman Airways did not affect passengers, the flight continued in any event. What number of flights did American Airlines have in at that time?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, what I was referring to is that this sick-out period for American Airlines, they cancelled over 6,000 flights within continental United States, according to my memory when I read the article.

Now, we know that some of those passengers were trying to get to the Cayman Islands and never arrived during that sick-out period. We even saw on CNN that a couple who were recently married wanted to spend their honeymoon in the Cayman Islands and they were somewhere in the area of Cincinnati or Ohio. We actually tracked them down, they did finally get to the Cayman Islands (I think it was five or six days later) and ended up at the Hyatt Hotel. We, meaning the Ministry and Department of Tourism, did pay some respect to them as a result.

But when we look, for example, at the American Airlines figure, it is down by 47,000 passengers and that's the result of it. When we look at the figure for American Airlines coming to Cayman Islands and delivering passengers, it is down by 4,718 passengers.

The Speaker: Are there are further supplementaries?
The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Part (a) of the question was figures for condo occupancy for 1995 - 1997. I will turn that into part (a) of this question and part (b) would be: What did the Minister do to alleviate the problem of the American Airlines sick-out and the result of loss of the 44,000 visitors or passengers, let's say?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, we put a special programme in for families travelling to the Cayman Islands. The Cayman Islands is a significant family vacation designation and we did put in place a programme that allowed kids under the age of 12 to fly free with one parent. That produced a fairly significant number of people coming to the Cayman Islands.

Rather than trying to do promotions all over the United States, for example, the region of Houston that covers a multitude of states from Houston going as far north as Minnesota and as far west as Colorado, did a series of "sales blitzes" in the state of Texas as well as Nevada. That produced a pretty significant number of people coming to the Cayman Islands. We, together with Cayman Airways . . . I want to give reference to Cayman Airways for this programme that we came up with—that kids under the age 12 fly free and kids over the age of 12 but not older than 17 also got a significant discount percentage.

In addition, Cayman Airways has put on other sales in August for visitors coming south from the United States. I am not trying to say, Mr. Speaker, that we couldn't have done more. I think we can always do more if we get the tools to do more and if we have the money to do more. But the approach we took was to create the greatest effect in the shortest period of time. And we settled on the items that we have recorded in the answer to this question.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the question on condo occupancy for 1994 - 1997.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am happy to provide it, Mr. Speaker. In 1994, the occupancy rate for condos was 55.5%. In 1995, it was 53.9%. In 1996, it was 58.2%. In 1997, it was 48.2 percent. At the end of 1998, it was 52.3% and for the first seven months of 1999, it was 53.2%.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for today. Would honourable members want to take the morning break at this time before we go into Private Members' Motions?

We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.28 AM

PROCEEDINGS RESUMED AT 12.04 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 5 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 11/99 as amended, the Referendum Law. We are continuing on the debate on the amendment to Private Member's Motion No. 11/99 as amended.

SPEAKER'S RULING ON POINT OF ORDER

The Speaker: When we adjourned yesterday, I indicated to the Third Elected Member for Bodden Town that I would do some research into the *Hansards* and rule on a request that he had made in which he said, "**Mr. Speaker, I want to find out where he said** [referring to the Honourable Minister for Education, Aviation and Planning] **that I had had a subsequent change of heart in the speech, sir.**"

I want to say that I have researched the *Hansard* and there were numerous occasions where the Honourable Minister for Education, Aviation and Planning indicated in Private Member's Motion No. 11/99 that the Third Elected Member for Bodden Town had not supported that motion and yet he was seconding Private Member's Motion No. 11/99, and it did not incur consistency.

I want to state what I said. . . and I quote what the *Hansard* records that I said, "**I do not have the *Hansard* here but I remember him saying they had a change of heart.**" [1999 Official Hansard Report, page 1121]

Well, the choice of words, "change of heart" was actually my phraseology, and not a quote. I did not say that I quoted the honourable Minister for Education, Aviation and Planning; and, in fact, he did not say that. I concur with the Third Elected Member for Bodden Town that the Minister of Education did not say that he had a change of heart, but he has stated in his speech a lack of consistency.

I hope that that will satisfy the Third Elected Member for Bodden Town. I apologise for the misunderstanding, that I said that the honourable Minister of Education had said that.

Debate continuing, the Third Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

REFERENDUM LAW

(Continuation of debate on Amendment No. 2)

Mr. Roy Bodden: Thank you, Mr. Speaker. I full well expect, sir, that you would know that I have had a change of heart. A man of your experience would know that, sir, but that still escapes the Minister of Education. But we will leave him alone.

Mr. Speaker, when we reached the adjournment [yesterday] I made a statement asking you for that clarification. I said that the Minister of Education reminded me of the Roman god Janus, who had two faces. When I say these things, I don't say them lightly. And I wanted to say something when he raised the point of order, but I wouldn't say that either and I am going to tell you why. When it was used in here on 27 November 1996 by his colleague, the Minister of Agriculture, it really hurt me. That was the expression about when you throw stones in a pig-pen and "he that squeal is he who got hit."

I said then that I considered that out of order to use in the Parliament because nobody in here is a pig. So, I wouldn't use it on the minister. Even though I sometimes get hit hard—I stop short of that. I just said that the minister can give but he cannot take. I still remember that, and believe you me, Mr. Speaker, I am just waiting until the opportunity presents itself and I am going to give the Minister of Agriculture a taste of his own medicine because I am still smarting from that because he called me a pig—and I am not a pig.

I said that the Minister of Education has two faces because in the same Minutes of the Select Committee (when we were reviewing the Constitution)—and check this out—the Minister of Education opposed the view that official members should vote, knowing that on page 4, sir . . . "**Mr. Truman Bodden, in opposing the view that Official Members have a vote, noted that the Elected Members of the House are elected by the people and in turn it should be the Elected Members to decide upon which matters should go back to the people.**"

Mr. Speaker, that was his position then. I am going to show you how the two-faced business comes in.

When he was on this side, he didn't want them to vote. He is on that side now. And I noticed what he did the other day when he was in a quandary, Mr. Speaker, he rustled them all over the place—he sent for them. My former college mate, the gentleman who was my senior at college and now the First Official Member, was sitting in the dentist's chair when he got a call to come and bolster the Minister of Education who was in trouble—come and save him!

So, Mr. Speaker, you tell me. These people who accuse me of being inconsistent should find some other label. They should find some other tactic, because I believe that if push comes to shove, the instances that I have been inconsistent . . . as far as they are concerned, their inconsistencies equate to mine or may even be more if we were to check it out. Maybe that's an assignment I will give myself one of these days when I have more time than I have now, and it would be interesting to bring that to the House.

I believe that proves the point of my saying that the Minister of Education has two faces. It justifies my calling him Janus, the Roman god that had two faces.

Mr. Speaker, there is another point I wish to bring because this comes out in debates and I am really worried about this. The Minister of Education (in speaking to the amendment) said on page 1091, "**I am going to show how ill-thought out this motion really is**" and he made

some reference to the motion being ill-thought out again, where he says (on the next page) **"And, I am going to point out the fallacy of the attempt of this motion to try to bring in fantasy words, once again, with the details."**

Now, Mr. Speaker, when someone says that a motion—which has been approved by the Speaker—is ill thought out, that really doesn't convey a sense of respect for the Speaker. If I approve something as the authority and someone challenges the approval, they are also challenging my authority. So, if we brought the motion to you and you approved the motion, and Minister of Education says that the motion is ill-thought out . . . that, to my mind sir, is not only a reflection on the mover and the seconder but it is also a reflection on the Chair and that is not to be tolerated in the Westminster system of Parliament.

The minister is out of order for making such a statement on this motion because that is not so. Quite frankly, I am surprised that that minister—who preaches decorum and good behaviour—would cast aspersions on the Chair in that way.

Mr. Speaker, the minister went on (at page 1094), **"We are kidding ourselves here if we believe that the United Kingdom, through an Order in Council of the UK, which is a long, tedious process of Her Majesty the Queen sitting in the Privy Council and passing the Order in Council that makes up our Constitution . . ."**

Mr. Speaker, when the honourable minister says those kinds of things he is misleading the public because the Privy Council does not function that way.

Her Majesty the Queen does not sit in the Privy Council as he implies, and I am going show that. I am surprised that someone who says that he is so learned does not know how the Privy Council functions!

Mr. Speaker, I would like the Chair's indulgence to draw reference to the *World Book Encyclopaedia*. Under "Privy Council" it says, **"The Privy Council is an honorary council appointed by the Crown of Great Britain. Members of the Privy Council include cabinet members, other political leaders, judges, and scholars. Privy Councillors are selected from all countries of the Commonwealth of Nations that recognise the British Monarch as their symbolic head of state. The title of Councillor is honorary in most cases. Council members become salaried officials only when they are given a place in the Cabinet. The Lord President of the Council is a Member of the British Cabinet. Council members serve during the life of the sovereign who appointed them and for six months after the sovereign's death. The full Council meets on rare occasions such as the beginning of a Reign or when the reigning sovereign announces his or her marriage."**

"The administrative work of the Council is carried on through state departments, each department is headed by a Minister responsible to Parliament. The Judicial Committee is the highest judicial authority in the British Commonwealth."

It goes on to say that **". . . members of the Privy Council use the title, Right Honourable, before their**

names and the letters "PC" standing for Privy Councillors after their names."

Quoting from a text called *The Rule of Law*, page 326, **"An Order in Council is made by the [Queen] by and with the advice of [her] Privy Council and those persons who are present at the meeting of the Council at which the Order was made bears responsibility for what was done there. The Sign Manual Warrants or other document to which the Sign Manual is affixed bears in general the counter signature of one responsible minister or of more than one though it is not infrequently authenticated by some one of the Seals for the use of which the Secretary of State is responsible"**.

So, Mr. Speaker, I hope that clarifies the little misleading venture that the minister left the House with—the impression that Her Majesty sits as Chair of the Council. Mr. Speaker, you know, for someone who claims superiority, he must do better than this—because I will be on him like a pit-bull every time he makes a mistake. I'll be right at his heels to force him to correct the mistake or I will correct it myself. Now, you have to understand that that minister holds a special responsibility to this country because he is also the Minister of Education. How can he mis-educate?

If the Minister of Education is mis-educating the people and misinforming them, what kind of country are we going to have?

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Hon. Truman M. Bodden: The honourable member is saying that I am misinforming the country and mis-educating. That is misleading. It's untrue.

The Speaker: I need to understand just how you are using that . . . are you referring to what you have just said about the Privy Council or—

Mr. Roy Bodden: Yes, Mr. Speaker, that's what I am referring to. Because he is misinforming the honourable members of the House who represent the people of the country.

The Speaker: The point of order is referred to as the Queen rules the Privy Council and the orders are made by Her Majesty, because it is my understanding that she signs them and it is under her signature. Therefore, whether she is present or not, it is given under her authority. So, I think there is a right on both sides.

Mr. Roy Bodden: Thank you, Mr. Speaker. I will be satisfied with that.

The Speaker: What I am really saying is that the decision of the Privy Council is not a decision of the Council unless it is signed by Her Majesty.

Hon. Truman M. Bodden: Mr. Speaker, I don't have my Constitution with me . . . I will run and get it . . . but if the honourable member looks on the front, it says, "**Her Majesty in Privy Council.**"

I don't know what the member is trying to say I misled on, but there can be no doubt. Now, there is a different Privy Council that deals with appeals. That is called the Judicial Committee of the Privy Council and that is sat on by Law Lords.

Mr. Roy Bodden: Mr. Speaker, do you know what the problem is sir? The minister can give but he cannot take!

I want to read what the minister said. And I am going to leave this. I don't want him to explain anymore. I am going to leave him with this and he will understand what I said. "**We are kidding ourselves** [this is the minister speaking on page 1094, 27 September 1999] **here if we believe that the United Kingdom, through an Order in Council of the UK, which is a long, tedious process of Her Majesty the Queen sitting in the Privy Council and passing the Order in Council that makes up our Constitution . . .**" Mr. Speaker, that is self-explanatory. I will leave that with honourable members. They know that I am right, and I appreciate your ruling and thank you for being a peacemaker.

Now, Mr. Speaker, on that same page, the minister went on, and this is how he put his foot in his mouth. He was talking something about some case that he had lost the Parliament about fifty years before he got to this—about some case with the *Suisse Atlantique Société*. He went on to say, "**And I really don't expect the Third Elected Member for Bodden Town to understand what I am saying but the public will understand the confusion and imprecision that can be brought in with a word.**"

How true, Mr. Speaker! How true that the public will understand the confusion and the imprecision that can be brought in with a word. What he should have said was, that can be brought in by his words, because the confusion and imprecision in this whole debate has been brought in by his words.

Now, Mr. Speaker, I admit that I don't understand legal jargon because Heaven knows I have never been a legal scholar and Heaven forbid that I would become one if I had to use that honourable minister as my motivation and incentive. But—

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, on a point of order. That was raised because the member persisted in this. The front of the Constitution of the country (and this is where he misled) states, "**At the Court at Buckingham Palace, . . . Present, The Queen's Most Excellent . . .**"

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order.

Hon. Truman M. Bodden: Well, let me finish—

The Speaker: Let him finish his point of order then I will take yours.

Mr. D. Kurt Tibbetts: But, Mr. Speaker, you have already ruled on it, and he is bringing it up again. I don't mean to cause any disruption in the House, but who is he?

You have ruled on it. It has moved on, so what is he trying to jump into the argument for? The Third Elected Member for Bodden Town is speaking!

Mr. W. McKeeva Bush: Oh yes!

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I was saying, sir, that the Minister of Education has every right to say . . . and I concur with him that I don't understand legal stuff because I have never studied law. But for the Minister of Education to say that I lack basic understanding . . . I am going to set the record straight. I am want to ask him if he holds a master's degree which was gained by dissertation and oral examination of four hours in which he was grilled by the most eminent professors of the university?

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

Hon. Truman M. Bodden: Mr. Speaker, I hold a Bachelor of Law degree with Honours from the University of London; I hold an Associate of the Chartered Institute of Bankers in London, which is a degree in banking; I hold a Fellow of the Institute of Credit Management, which deals with credit management; I am also a Fellow of the Institute of Arbitrators in London; I am a fellow of the Institute of Commerce in London; I also attended the Honourable Society of the Inner Temple; I am a qualified barrister; I am a qualified attorney. I also did a post graduate course in Law at the Inns of Court Law School.

If the member is trying to say that I don't know how to do a legal interpretation, I believe my qualifications in law are somewhat better than his are.

Mr. Roy Bodden: Mr. Speaker, I thank the honourable minister. I was proving the point that the minister said I didn't understand what he was talking about. Now, I will leave him with this: Add up all of those degrees he just named out and they still don't equate to a master's degree. He still doesn't have a master's degree. So, if he, holding an inferior position, can say that I don't understand him . . . Mr. Speaker, he is living in a topsy-turvy world.

I proved my point because what he just demonstrated is that he is a jack-of-all-trades but a master none! So he still, Mr. Speaker, as far as I am concerned is a little behind. But let him live in his world. I am not trying to convince him.

Mr. Speaker, that is why we have to be careful what we say when we get intoxicated by arrogance, because these things will come back to haunt us. And the Minister of Education must realise that his position can make him arrogant but it doesn't make him safe because I will challenge him any day with wit—and he cannot outwit me. He cannot! Not even when I am sleeping.

Mr. Speaker, the minister went on to say (at page 1095), "**The day any member reaches the stage that he feels he should not consult the public, or that he is not prepared to take the views of the public, then he ceases to represent the public.**" I wonder if that honourable minister would care to say when last he held a public meeting or any other forum in which he met with members of the public.

You know, Mr. Speaker, unless they had to chase him down and meet him at the back door of the Glass House . . . when you live in a Glass House, you really shouldn't throw stones. That minister comes here term after term and doesn't hold a public meeting. What is he talking about now? I find it paradoxical, sir, that he should set himself up as the paragon of knowledge, virtue, and enlightenment on the referendum when his record shows a reluctance to deal with the public in terms of public meetings or forums of that nature. Mr. Speaker, two faces!

And then he talks about the Third Elected Member for Bodden Town being inconsistent. Mr. Speaker, far be it. The facts speak for themselves.

He went on to say, ". . . **the public normally knows what is right and the public will not let them go off and do things with the Constitution . . .**" The public will not let them go off and do things with other things as well. But, do you know what the problem is with the Minister of Education? He wants to be boss of everything and everyone and that just does not work anymore. So, if his record is any indication, he cannot set himself up as the great communicator because his record is as poor as a church mouse, as the old adage goes.

If we read the newspaper yesterday, the only grade he has in communication is the communication with an X before it—a great "X-communicator."

Mr. Speaker, this business of sowing fear about politicians . . . he went on (at page 1096), "**But, Mr. Speaker, politicians outside of this House . . .**" Mr. Speaker, are there politicians outside of this House? I don't know of any. All the politicians in the country are right inside this House.

You see? He must be careful. "**All of the politicians outside of this House have always been afraid to go to the public . . .**" No, Mr. Speaker, I don't believe that. I don't hear anyone outside of this House calling themselves politicians. They may hold public meetings and hold public forums but I don't see any registered politicians outside of this House as of now.

This business of creating fear by repeating over and over that people want constitutional change when they advocate certain things to improve the social contract doesn't hold water anymore. And I am going to show by an examination of his record that the minister really did not exert as great an effort as he could have exerted to have the referendum. If he were as conscientious as he is trying

to let people believe he is now, he would have done so long before now because that honourable minister was first elected in 1976.

He was a Member of Executive Council, but we didn't hear any talk of referendums then. Then he came back in 1980 and he got buried. He came back in 1984 and [again] in 1988, and when he did try to bring it in 1989, when he was on the opposition—he was like I am now: unable to do anything except talk. But in 1992, he got back on Executive Council and the whole referendum talk went dead again till we brought the motion. And now he is trying to take it out of our hands.

But do you know what, Mr. Speaker? He is not getting that because the First Elected Member for George Town has it well within his grasp and he has plenty of help on the backbench. So if he is trying to find a little piece of plank to float in on, it is just like I told him, he had better join up with the First Member for George Town, the Third Member for George Town and the Fourth Member for George Town, or else, when the storm comes he is going to be without political refuge.

He can go and talk to them. I don't have to know. I won't even ask them. And they are so discreet that they are not going to tell me.

[Laughter]

Mr. Roy Bodden: Mr. Speaker, the minister also said that the motion was shallow because we didn't give sufficient detail of what should have been done. I want to just make a brief reference here from a book called *Parliamentary Practice in New Zealand*, the Second Edition, authored by David McGee. It says on page 132 in regard to motions, "**The inclusion of facts or supporting matter in the notice is limited to essentials and this is a reminder that the proper place to argue the case for the motion is in the subsequent debate, not in the motion itself.**"

I am going to say that this motion and the last amendment we brought is but an attempt to deliver to the people of the Cayman Islands a social contract enabling them and empowering the people to hold a referendum. To cause a referendum to be triggered by a certain percentage of the electorate being able to petition the government, requesting them to put the necessary measure in place is but one blank in what I call this social contract. The other blanks being Freedom of Information, the Bill of Rights and Fiscal Responsibility, one blank in the social contract.

And civil society going into the 21st Century will demand and expect no less of the representatives of the people than to set this social contract in place. I am happy to have been associated with people of like minds on the backbench who see that our society can only be improved by having a social contract that is understood by all of our citizens, which is accepted by all of our citizens, and which all of our citizens can willingly participate in when the time comes.

Mr. Speaker, this is not about the First Elected Member for George Town, the Third Elected Member for Bodden Town, or the Minister of Education. This about em-

powering and enabling our people to have a social contract which will allow them to participate fully in the political, social, and economic life and, by inference, the development of their country. Until the late 1980s nothing had been done to illuminate or inform our understanding of politics and how the country is run, and how best we as a country may address these issues and to instruct us as to how civil society in the Cayman Islands should evolve.

Now, Mr. Speaker, I am not longest tenured member in here. There are those who held ultimate responsibility and had ample opportunity to put these things in place. They never did it! And so the move has to come from enlightened persons on this side.

Mr. Speaker, whether you like it or not, the leaders of the future in this kind of thinking are going to be people who are currently on the backbench now—the three members for George Town, the Member for North Side, the First Elected Member for West Bay, myself and others. These people are going to be the spearhead of this business. If the government, in particular the Minister of Education, wants to stand in the way, all I can say is that history will be the judge.

Mr. Speaker, before I leave this, I want to make one comment made famous by Machiavelli, that instructor of princes, and advisor of politicians and kings, who said, "**There is nothing more difficult to . . . conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.**"

As I have been reading and researching, I have found that to be true. It is most difficult to try to get through some improvement by what Jean Jacques Rousseau talked about (that famous Frenchman who coined the expression "the social contract") the enlightenment of society. There is nothing more dangerous than to try to get that through—even, Mr. Speaker, when one uses perfectly legitimate means. And we have an example of it right here, where we had to bring an amendment in order to rescue the motion from being twisted, contorted, and convoluted by the Minister who holds responsibility for Education.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, on a point of order it is unparliamentary saying that my motion is convoluted, twisted and whatever word he used, and I am asking him to withdraw that, sir.

The Speaker: The Third Elected Member for Bodden Town, I would ask that you withdraw those three words. They are unparliamentary.

Mr. Roy Bodden: Mr. Speaker, out of deference to the Chair, I am going to withdraw the remark. But I would like to draw the Chair's attention to this fact: When the Minister of Education spoke, Mr. Speaker, and you can check the *Hansard*, sir, I sat like a diplomat, like a gentleman—

Mr. W. McKeever Bush: He is not going to do it, though!

Mr. Roy Bodden: —like a gentleman, and listened to all he had to say. Now, why is the minister interrupting me at every inopportune moment? because he is not breaking my train of thought.

The Speaker: I just ask you to withdraw the unparliamentary words. That's all, please.

Mr. Roy Bodden: Yes, Mr. Speaker, I have bowed to your ruling. You know that I have the utmost respect and deference for you, sir. I withdraw.

The Speaker: Thank you very much. Please continue.

Mr. Roy Bodden: Okay, sir. But, Mr. Speaker, I will say this now—and I hope this is unparliamentary since I am on the business of quoting now—I am going to quote from Erasmus who was the sixteenth-century Dutch humanist. He said, "**Man's mind is so formed that it is far more susceptible to falsehood than to truth.**" I am saying that we have a tough job. Those who are promoting truth will have a tough job, according to Erasmus.

Mr. Speaker, the minister has a last chance. We can go to the boiler room, and I take this upon myself to make the suggestion and talk this out because I believe if we resort to that, we might be able to strike a compromise. I believe that the minister indicated that he had a problem in that section of the motion which read, "**AND BE IT NOW THEREFORE RESOLVED THAT once this amendment is achieved, the Government takes immediate steps to bring to the Legislative Assembly a Referendum Bill setting out the terms and conditions under which referendums may be conducted.**"

I believe he may have had one other point where he said there was a little difference. Mr. Speaker, believe you me, we are convinced that we are right, but we are not so inflexible or fool hearted that we won't talk—and we have been talking, I believe, for long enough.

When we held a little informal discussion earlier, it was suggested by the Third Elected Member for George Town that this should have gone to a Select Committee. I believe now . . . and the First Elected for George Town conveyed it to him. Well, I indicated that that might not have been the best route and I gave some reasons, but in hindsight, I believe that would have solved a lot of the obstacles and the icebergs that we have since come up against.

Mr. Speaker, the motion that was brought originally was the way we should have gone. The amendments now are the way we should go, and if those of us who are supporting those amendments would lose the vote, we have not lost a battle because I believe that honourable members know (including those on the Government Bench) that the amendments proposed by the mover and second order are correct, and can effect what should be effected without the inconveniences that would occur if we go the alternative route proposed by the Minister of Education.

My position is just as Martin Luther King Jr. said, "**The ultimate measure of man is not where he stands in times of comfort and convenience but where he**

stands in times of challenge and controversy." I seconded the amendment, Mr. Speaker, and I seconded the motion. I have argued sincerely, I believe, in the principles we sought to establish. I am happy to be associated with this effort. It comes from purely altruistic intentions and our objectives are clear.

Certainly, Mr. Speaker, nobody can label the First Elected Member for George Town "unstable," "inconsistent," or "irrational," as I have been labelled. I am happy to have been associated with his efforts and the efforts of my other colleagues on the backbench with regard to putting this motion where the people can truly benefit from the referendum.

Mr. Speaker, I categorically and unequivocally identify myself as one who would like to see a modern social contract put in place in the Cayman Islands where our people have the right to trigger a referendum; where there is a Bill of Rights; where we have transparency and accountability and where we have fiscal responsibility. It is the route our country should go in the 21st Century.

I stand by my position and I will end with this: I would like the hard-liners on the other side to believe that there is a chance for both sides of the honourable House to save face, by considering the option I laid out.

Lastly, I want to dispel any notion that may have been left by the Minister of Education that he is the only saviour the country has when it comes to certain things. Mr. Speaker, the record of honourable members in this Parliament will show that all honourable members here live up to a high code of social, political, and economic responsibility. And, there is no honourable member who is so ill-informed or so power-hungry—to use the famous words of the Minister of Education—that they will take this country down any path that the people wouldn't want to go, or that they will try to take the country there without informing the people.

Mr. Speaker, I want to end on one final note. When it comes to consulting the public, the Minister of Education certainly does not wear the crown because his term in office is characterised by an absence of holding any public forum, either on the television or in public meetings, as we know them. So, when that subject is being discussed, he should discreetly leave the environs. Thank you, sir.

The Speaker: I think this would be an appropriate time to take the luncheon break. We shall suspend until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 3.00 PM

The Speaker: Please be seated. Proceedings are resumed. The First Elected Member for West Bay.

RAISING OF MATTER OF GRAVE NATIONAL IMPORTANCE

EXISTENCE OF A SERIOUS SITUATION AT HER MAJESTY'S PRISON, NORTHWARD

Mr. W. McKeeva Bush: I crave your indulgence to speak to a matter that I feel is of grave national importance.

Since yesterday, we have been hearing about problems at the prison—and again this morning. We have all seen on national television that a serious situation exists at Northward Prison.

We would propose that we take a break, if necessary, or the Honourable Chief Secretary could inform members on the floor of the House of the situation as it exists. As I said, either from the floor of the House or in camera if he feels that is necessary. I believe it is significantly important to take a break.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, as you know I had already asked your permission to raise the matter of the Prison under Standing Order 11(6).

The Speaker: I would prefer raising that on the adjournment, if that is satisfactory. I think this is a matter of urgency. I would like to get guidance from the Honourable First Official Member responsible for Internal and External Affairs whether this should be done in committee or what.

Dr. Frank McField: Mr. Speaker, would you please allow me to say what I was saying? You cut me off in my sentence. With all due respect, please allow me to complete my sentence.

The Speaker: With all due respect, as Speaker of this House I told you that I would give you permission under Standing Order 11(6) to raise the matter on the adjournment.

Dr. Frank McField: Mr. Speaker I am not asking that, but stating that. I was coming to what the First Elected Member for West Bay was saying, if I am allowed to express my thoughts completely.

The Speaker: Please do it briefly, Fourth Elected Member for George Town.

Dr. Frank McField: It is my position that a break is not necessary for me to be briefed in regard to what is happening at Northward Prison since it is quite obvious to anyone who has watched the television for the last hour and a half what is happening at Northward Prison.

I would be interested in hearing what steps will be taken to create a permanent remedy to the situation at the Prison. I would be pleased if the Chief Secretary was able to re-establish communication with me, as a member of this House, in regard to that specific Portfolio which I think has broken down.

I do believe that I do have, and have had, a point of view to offer that would assist the Chief Secretary and others responsible for their jobs there. I must remind the House of the private member's motion I brought on Crime

and Recidivism, which was not even debated by the government.

So, if I am going to take the time of the House to deal with this particular matter I need to know that my position will be treated very seriously. In other words, my call for specific answers in regard to what has caused the crisis at the Prison and what is being done to solve the problem.

The Speaker: The Honourable First Official—

Mr. W. McKeever Bush: Mr. Speaker if I could before the Chief Secretary speaks—

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you sir.

Rising under Standing Order 12(1) when I asked that the Chief Secretary give an explanation, I would expect that he would inform us of the situation and then perhaps if he is already informed, to inform us of what their plans are. If he can do it here on the floor of the House, as I said, that's okay with me. I think it would be okay with all members. But if it has to be in camera, I have no problem with that.

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

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER

SITUATION AT HER MAJESTY'S PRISON, NORTHWARD

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

Let me begin by stating what is already known to all members of this House and indeed to the general public in the Cayman Islands—those who have been watching CITN—and that is that a serious incident occurred at Northward Prison this morning.

It began with inmates in one of the prison blocks forcing their way out of that building and into the exercise yard. This was resolved during the course of the morning and then trouble began in one of the other cellblocks, and has escalated to three different areas, at least, within the Prison.

As you know, like other members I have been here today trying to keep abreast of what is going on. During the luncheon break, I instructed the Acting Commissioner of Police to take command of the prison situation. In fact, the Director [of Prisons] had already handed over, as would be the normal case, but I have instructed the Acting Commissioner of Police to take control.

We have all seen a fair bit of what is going on and during the course of the day a fire was started in the laundry area and this has spread to adjacent buildings. I am unable at this stage to say what the damage is. What I can say is that the Acting Commissioner of Police will remain in control pending the outcome of the incident and pending

an independent investigation of the circumstances which caused today's incident.

At this stage, I am unable to give specific details. In the meantime, the Director of Prisons and one of the principal officers have been relieved of their duties in the sense that the Acting Commissioner of Police has taken over. The Acting Commissioner is confident that he and his officers, with the cooperation of Prison staff, will bring the incident under control.

I will shortly be leaving the Legislature to return to the Administration Building for continuing meetings. It is therefore difficult to give much more information than this, and I realise that what has been given is very sketchy. However, what I can say is that no inmate has escaped from the Prison. The Acting Commissioner does have the perimeter of the Prison surrounded and every effort is being made to bring the matter under control as quickly as possible.

To my knowledge, there have been no injuries to anyone and we trust that that situation will continue.

Mr Speaker, I am not sure how much more I can add at this time simply because the situation has been ongoing. Thank you.

DEBATE CONTINUES ON PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED

The Speaker: Continuing with debate on Private Member's Motion No. 11/99 as amended. Speaking on amendment number 2, the Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker it is not easy to be speaking while the Prison is burning. But since it is obviously a separation in terms of function by way of the Constitution, it is important that the people of the islands know that we are not the ones who are answerable for that particular department.

In regard to the amendment, to the amendment, to the amendment, the people have been asking what this debate is all about. What has caused the debate to prolong itself beyond a week? Why is it that members seem to be speaking two or three times in regard to the same debate?

The Honourable Minister responsible for Education, Aviation, and Planning mentioned when he first got up to speak on this amendment brought by the First Elected Member for George Town that this amendment was in fact seeking to reverse the first resolve clause that had been passed earlier. I have been known to agree with the Honourable Minister responsible for Education, Aviation, and Planning on many occasions. And I am going to agree with him when he says that perhaps this amendment we are debating at the moment should not really be on the floor of this House because according to Mays [page] 347, it says specifically that the amendment to the amendment is only possible if the first amendment was not voted on yet.

Anyway, you haven't ruled, Mr. Speaker. I will begin to look at the issue as we now have it in front of us—again.

The Honourable Minister responsible for Education, Aviation, and Planning spoke for a very long time. I was of the opinion that he was being very tedious in terms of his repetition because I felt that he wanted to get one point across—not to the members here so much as to the general public. That is the point he has been making in this country for the last twenty years or so.

The point is that there are certain persons that mean no good for the society. There is a possibility that some of these people are politicians; that these people would want to change the Constitution of the Cayman Islands and the only way they could change the Constitution of the Cayman Islands would be without the people knowing because the people would never allow the Constitution of their islands to be changed in certain ways.

I happen to agree with part of his logic. I agree with the part that says that the people of the Cayman Islands will not allow their Constitution to be changed in certain ways.

I also understand the logic of the First Elected Member for George Town when he brings a motion calling for a referendum, or calling for the people to have the ability to initiate a referendum without having the referendum initiated by any Member of Parliament. In doing this it means that the Constitution of the country cannot be changed without being challenged by the public. The public is now being empowered with the right to challenge any issue that is of national importance that the elected members would like to carry through.

So, spending all of this time confusing people about people's intentions must have a greater purpose. In other words, it must have a political point. And it's the political point that I will deal with; what I think are the political motives behind the minister's taking so long to deal with this to create the fear and suspicion in the minds of the public in regard to the intentions of those of us who abstained or were absent when his amendment to the motion was voted on.

If we can agree that it is or was the intention of the First Elected Member for George Town and the Third Elected Member for Bodden Town in bringing this referendum motion to give the people the instrument to hold their elected government accountable and in check, then it is not reasonable for anyone to assume that those persons would want to see the Constitution changed in any back-room or in any secret position.

So the "politicians" that the Minister of Education must be talking about are certainly not those two politicians. He must be talking about other politicians. Since he didn't mention me, I trust that he was not speaking about me. And I do believe that he is talking about politicians on the outside—future people who may be elected to the Legislative Assembly.

But I believe that the fear he has can be taken care of in regard to the motion giving the people the right to initiate a referendum if something is being passed by the Legislative Assembly that they do not agree with. I believe that that can be dealt with. Let's be reasonable. We are all on the same wavelength. The reason it is being portrayed to the public that we are not on the same wavelength is be-

cause of the fact that politics in the Cayman Islands for a very long time has relied on the ability of certain persons to see themselves as saviors, while portraying others as villains as regards the stability of the country.

As I said, as we speak in here, the Prison burns. And we wonder why.

Those persons who are responsible for the government of this country ought to be paying more attention to what is happening in the country, rather than trying to be Sophists in regard to debates, trying to construe as if the intentions of members of this House are not honourable intentions.

Why is it that we get 75 people going to the Glass House to meet the Governor to make complaints in regard to overcrowding at the Savannah School, when we are in here debating a referendum motion that we all agree to? Why are we debating it for so long? Why are we not trying to solve the problems in regard to the roads in this country and the education in this country and the prison situation in this country? We are sitting here debating a referendum motion and the country is burning!

We have heard members of the government say many times that they would prefer to be at the Glass House doing their work. Why, then, did the Minister of Education in coming back to discuss this referendum not discuss it in five or ten minutes? Why did he take a whole two days extra, basically, to go through this if all the work he has is so important?

Is it so important that he score a political point in regard to debate here that he plants seeds for his year 2000 political campaign by going back to the people to say to the people that he is the only one in this country who will not change the Constitution?

That minister has agreed and recommended constitutional changes in this country already. The Third Elected Member for Bodden Town read that to us. We saw that in 1991 he was a member of that particular committee that looked at the recommendations which were to be made to the United Kingdom for constitutional changes—and he signed and agreed, and recommendations were sent to the United Kingdom and changes were made to the Constitution in 1993.

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER **(Misleading)**

Hon. Truman M. Bodden: If the honourable member is saying that I signed the majority report for those recommendations, those changes, that is misleading. The report will *show* my name, but "SGD," meaning signed, and that is not on it. I put in, as you well know sir, a minority report that did not agree with the majority report. If he is saying that, that's a very serious statement, sir.

The Speaker: Fourth Elected Member for George Town, are you referring to the main report of the committee, or to the minority report? He did not sign the main report.

Dr. Frank McField: Mr. Speaker, I am referring to the report. This is the report.

The Speaker: Dated what day?

Dr. Frank McField: Mr. Speaker, I am referring to the Select Committee's Minutes on the Cayman Islands (Constitution) Order 1972. I am referring to the minutes, which were tabled on 28 October 1991 in the Legislative Assembly.

The Speaker: What particular page are you quoting that the signatures are on?

Dr. Frank McField: Mr. Speaker, basically what I am saying here . . . it's a big report. But the gist of what I am saying is that it is in the report and the minister did say that he was the one who wanted to put the referendum law in the Constitution, that he was responsible for the fact that we now have a referendum law in the Constitution. Did he, or did he not say so?

The Speaker: That is not a question, that is a fact. What you said was that he *signed* the report. I was present at that particular time, so I know that he did not sign the report—he signed a minority report along with other members. Please withdraw that.

Dr. Frank McField: I withdraw that. I can only deal with one person at a time. I can only debate one person at a time.

The Speaker: I am not asking you to debate me. I am only stating facts.

Dr. Frank McField: My point is that the Honourable Minister responsible for Education, Aviation, and Planning agreed to constitutional changes in 1991 and that he has admitted in this Legislative Assembly that he so did by saying the reason why we have had a change in the Constitution in regard to there being a referendum law in this country was because he pushed it.

The Speaker: That is fact, no question. But he did not sign the report.

Dr. Frank McField: Mr. Speaker—

The Speaker: Facts must be real.

Dr. Frank McField: I am just trying to prove the point that the Honourable Minister responsible for Education, Aviation, and Planning has been involved with the process of changing or recommending the change of the Constitution already. And that is important to portray because it goes to show that by being involved with a process to change the Constitution you are not necessarily an evil person. You don't necessarily have to have slimy terrible motives to

change things in the backroom to take away the rights of the people. That's all I am trying to say.

So he has been involved in the process.

There is a possibility that other people will be involved in the same process in the future. But he is saying that if they are going to be involved in the same process that he was involved with in the past, without having a referendum to decide whether or not those Constitutional amendments should be sent to England, that were sent to England back in 1991 to get the constitutional changes we got in this country, that you should have a referendum.

I am asking why there is a need for change in procedure. I am not saying that there shouldn't be, I am just basically asking why, since he is the one who seems to be motivated to suggest that there should be this particular precaution taken because of these dangerous people who lurk on the outside waiting to change the Constitution and take the country towards independence. That is the kind of feeling that he wants to give the people. Why?

What I am saying is that the people know that in this country you can't do very much without them knowing. You would be surprised at the extent of the peoples' knowledge in regard to what goes on in here; what goes on in the Glass House; and what goes on elsewhere.

Now, if the people find out that the elected members of the Legislative Assembly desire to recommend constitutional change today, the people could not do very much. Do you know why? Because Mr. Truman did not bring in a referendum bill that gives the people the same rights that he was giving the members of the Legislative Assembly. And that's important.

But now, the First Elected Member for George Town, and the Third Elected Member for Bodden Town are doing exactly what Mr. Truman should have done back in 1989 or—

The Speaker: Can I ask you to refer to him as the Honourable Minister responsible for Education, Aviation, and Planning?

Dr. Frank McField: I was basically referring to the minutes as it is in the minutes. I do realise that he is the Honourable Minister responsible for Education, Aviation, and Planning, and I do realise why it is necessary for me to refer to him in the debate by his position. But the point that I am making is that if you had the opportunity to do something, and you failed to do what you had the opportunity to do; and then you turn around and criticise the efforts of someone who is doing exactly what you should have done, then there is something wrong with that logic.

The Honourable Minister responsible for Education, Aviation, and Planning had the time, the ability and the possibility to have given the people the right to initiate referenda if he thought it was such a good idea. He had that possibility back in 1991 and in 1993—

Mr. D. Kurt Tibbetts: He had the support too.

Dr. Frank McField: And he had the support too if he wanted it. But it was never done.

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

POINT OF ORDER
(*Misleading*)

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: The honourable member is misleading the House. What I said in my debate was that I asked for the right for the people of the county to initiate an election and that the United Kingdom would not put it in.

But I definitely asked for that. Obviously I did not have the ability to put it in; it's an Order in Council of the United Kingdom. So he has to be careful going into this area if he does not know what went on at the time, and I would ask for some caution on that so that I do not have to keep taking points of order on saying something that is not true.

The Speaker: Fourth Elected Member for George Town I realise that you were not present in the House at that time, but you are familiar with the process by which the Constitution was amended. But not everything that was said in that Committee was recorded in the Minutes. I can assure you of that. Let us be cautious how we place our words.

Dr. Frank McField: I guess I wouldn't want to use that expression. So let me stay away from other people's phrases.

Mr. Roy Bodden: No, no. That's not nice. You can't do that.

Dr. Frank McField: What I mean to say is that obviously what I am saying here is that it took the Minister of Education—and I think we can prove this by way of public records—this long to get excited about giving the people the right to initiate a referendum. Unless he can show me evidence to the contrary, I believe that my position is a credible one. That's all I am saying.

Hon. Truman M. Bodden: Mr. Speaker, I think here, there is once again an attempt to mislead the House. I put a [private member's] motion in 1989. That is a fact. I also asked the Commissioners for it in 1991 and, therefore, it is incorrect for him to say that I am only now trying to bring this in. I have tried in the past, sir. And if he says things like that to the contrary, I would ask him to please not go into that because it's not true. I know he wasn't there, but those requests were made then.

The Speaker: Fourth Elected Member for George Town, having been present, I know what went on in the Committee. I beg you to be factual. The amendment that is in our Constitution was made by Her Majesty in Council and that is what we have to live by.

Dr. Frank McField: With all due respect, I know that the amendments are made by Her Majesty. Thank you very much for letting me know this. But I think that I have exhibited already a sufficient knowledge of this process to be aware of that. But because I was not in a room—

The Speaker: Just sit down a minute and let me tell you what I was saying so that you will understand clearly.

What I was saying is that the request for a referendum to be put into our Constitution was made by Privy Council under Her Majesty who made the decision how it was to be worded and it was submitted back to us as a finished deal.

If you are saying that he had from that day forth . . . that is a different story. But, at that particular time, the request was made and the result of what is in the Constitution was what the United Kingdom Government granted.

Dr. Frank McField: Yes, Mr Speaker, that is what I was saying from then until now is that there is no evidence to show that this is the case. Thank you, Mr. Speaker, for assisting me in conceptualising this very awkward situation.

Mr. D. Kurt Tibbetts: Come on, Tru-Tru. You can't find any more points of order now, or what?

Dr. Frank McField: Anyway, Mr. Speaker, what I am trying to demonstrate to the listening public—because that's what he did—is that we are no more of the desire that we should disobey the wishes of the people than he or anyone else for that matter.

We are politicians (and I will not say that I am not a politician). My goal is to see that people approve of me sufficiently for me to get a sufficient number of votes at the poll. If I don't do what they want me to do then they are not going to vote for me and I will lose my job. I don't believe there is anything that I want to do so badly that I will do it in spite of the fact the people don't want me to do it. I believe that the system works in that sense that we are dependent upon the people, we have to go before the people to get new instructions, new mandates, and that is best done if you give the people the indication that you are willing to serve them and not disobey them.

I believe that the Honourable Minister responsible for Education, Aviation, and Planning knows that no one in this honourable House intends . . . or that the mover of this private member's motion (the First Elected Member for George Town) did not intend to bring this motion in order to give the people less power, but in order to give the people more power. I think that principle has to be established.

I think the fact that the Honourable Minister responsible for Education, Aviation, and Planning got involved with the motion and accepted the motion in part—because all he did was bring amendments to the motion—also proves the good intention of the First Elected Member for George Town. It also proves that the motion was not brought without due thought, consideration and clarity. It was not something that was not thought out or worked out as the

Minister of Education suggested, because otherwise he would not have accepted the major principles of the motion.

If you bring an amendment, you cannot change the principle of the motion. That has to remain. And what he did—according to what I understand—was try to strengthen the principle the First Elected Member for George Town was trying to have enshrined in the Constitution. Now, that's an important point.

The First Elected Member for George Town is interested in changing the Constitution, recommending that the Constitution be amended for the specific purpose of giving the people the power to watch over the whole system, rather than just allowing the elected members to watch over the system. So he is saying, '*Yes, in the case where I am giving you the people more power, I will make the assumption that you would agree to the amendment of the Constitution. So I won't have to put a referendum before you because you have already indicated to me that you would like to have the same right to initiate a referendum as we the people you have elected.*' So he has made that assumption.

The Honourable Minister responsible for Education, Aviation, and Planning came along and threw that out. He said you can't assume that the people would want that. But I am for it. The Minister of Education says he is for the referendum, but he will not assume that the people want to be for a referendum. Why does he see the wisdom of his being for a referendum, when he can't see the wisdom of the people supporting us in bringing this referendum?

He wants to then hold a referendum to determine whether or not the people want the referendum. Why is his wisdom superior to the wisdom of the people? If his wisdom is that a referendum is good for the country, which means that the principle of the people being able to initiate a referendum is good for the country . . . if his wisdom suggests that, then it would follow that the people's wisdom would not be contrary to that wisdom.

We also have to understand that if the people had the good sense to elect him, then the people might also have the good sense to realise the goodness in what he is suggesting here—which is that they have the right to initiate a referendum. So there is no need to go to ask the people whether or not they want that right. And the amendment which the First Elected Member for George Town brought back to this motion again goes back to dispute the need for a referendum to be held in order to give the people the right to hold a referendum. That's all the amendment tries to do, because the Minister of Education created a situation by way of his amendment that would require going through a process that would probably take more than a year—which is longer than the life of this parliament.

We won't be here. There will be new people. There will be new elections. We don't know where we are going to be.

Why, then, if we see the sense of something, do we create a process in order for that something to exist that might not make that something possible? I don't want to be rhetorical, but when the good minister went over his points—like a good lawyer, over and over again—the point

is that this is a good principle but the process could destroy it. So we want to make sure that we don't handicap the good process of saying that people should have the right to initiate referendums by creating a process that will destroy the possibility of it happening.

There won't be anything too wrong with arguing that if the good Minister for Education, Aviation and Planning is saying that he believes referendums should be held if there is to be any kind of recommendation for constitutional change or amendment, that there should be a referendum. Why is he then making it so difficult to establish the referendum system by calling for a referendum to establish the referendum system? He is calling for a referendum in order to establish this referendum system, yet he is saying that if there is to be any change there should be a referendum. That means that the referendum would have to be called by the elected members, it could not be called by the people.

The good First Elected Member for George Town is saying '*Hey, give the people the possibility to call a referendum, regardless.*'

Mr. D. Kurt Tibbetts: You think you alone can do it? Watch this!

[laughter]

Mr. Roy Bodden: Spielmeister!

[laughter]

The Speaker: Perhaps this would this be a convenient time to take the afternoon break. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.13 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Private Member's Motion No. 11/99 as amended. Debate on amendment number 2. The Fourth Elected Member for George Town, continuing.

Dr. Frank McField: Mr. Speaker, it is interesting that on page 1091 of 27 September 1999 *Hansard* the Minister for Education, Aviation and Planning said, and I quote: "**Now, I support the referendum by the people. But I would like now (since this has been amended for the third time) to deal in depth with the problem of putting up a motion that does not have in it sufficient detail to create the clarity that the public requires from a House that makes the Laws of the country.**"

Knowing that this is a motion and not a law, therefore there is no need for the kind of clarity in the motion. The motion would actually activate the law. The clarity would come from the bureaucracy being set at work to do the necessary investigations to create the kind of legislation that would be understandable and consistent with other principles of law and government.

The motion does not have that ability and he knows that that was not the intention of the motion. The motion was intended to create the debate to get a resolution, a commitment to a particular course of action. So we see how his particular speech on Monday was used to go here and there with the type of argument.

He said, **“Let us look at it in some detail because this first amendment is trying to shift the load away from this Legislature back to the Government to then produce a Law.”** Well, the Legislative Assembly is actually part of the government. And the government part over there that we elected in 1996—we elected the members of Executive Council—they are responsible for policy. We are responsible for initiating legislation. And what we are doing here is to initiate it and they would then be the ones responsible since they have all the civil service and all the millions of dollars and legal draftsmen and all those people. They would put it together. No one expects that members of the backbench would have the same resources to work with in regard to forming legislation.

So it is again to give the public the indication that we are a little bit sloppy back here and not paying due attention to what it is that we should be paying attention to. In fact, the suggestion would be that we are bringing motions and that we are not bringing the details that should go along with those motions. When in fact, the details will come with the creation of the laws. And that is the job of the government once it has accepted the motion.

Now, I think from a historical point of view we want to mark this particular moment because I think that the Minister for Education, Aviation and Planning has represented a traditional logic which has been his logic—that logic is the idea that he knows best, that he is the good guy; that he is the one who’s logical, that he is the one who is educated, he has the degrees.

When we really look at the actual motion we are arguing about, we find that the entire discussion wanders away from what one might have considered important if there were to be disagreements. The disagreements could be, as the Third Elected Member for Bodden Town mentioned, whether or not the results of the referendum would be mandatory or advisory; what are some of the pros and cons of referendums we have observed historically in countries that have used them. How often have the people used them? What are the costs associated with this particular system? These are issues of finance and management that could have been taken into account in the debate here, but as we saw, the Minister of Education did not bring these types of relevant issues into his debate.

In fact, he is admitting in most of his recent debate that although he supports the concept of a referendum, he doesn’t really know that much about the system. He says on page 1091 of the same *Hansard* **“The way this would now work Mr. Speaker, . . . and let me say that I have no problem with the referendum for the public to initiate it, going in some way other than an amendment to the Constitution, but if it is going in to an amendment to the Constitution, it has to be looked at in depth. And I submit that whenever there is a move, and we heard quite a bit of what I am going to suggest is a move ul-**

timately to review the Constitution of this country, then maybe at that stage is the time to get the details.

“And, let me say this Mr. Speaker, this type of referendum is one that is used in federal states, normally within the state area and not the federal area such as the States of the United States” . . . and so on and so forth. But here he is saying that he understands the whole question and use of the referendum, and that the particular types of constituted states it is used in all play a role in the particular function the referendum will have. In other words, we cannot just use the word “referendum” and say it’s good or bad by itself. It has to operate within a particular environment—a constitutional environment, a political environment, an economic environment—and therefore the outcome of what a referendum will produce from a point of view of the democratic system will be determined by factors other than by the principle of the fairness and democratic nature of the referendum.

I suggested that I had apprehension because I had not gone through all the details, and I still felt that my agreeing with it was based more on the fact that it had become obvious to me that this was what the people wanted, rather than my having been able to examine the system of referendum to make sure that it was perfect enough for me to recommend strongly at this particular point.

The point of saying this again is because the Minister of Education said that he supports this. But the amendment brought by the First Elected Member for George Town has deleted the requirement of a referendum in order to change the constitution, in order to give the people the right to initiate the referendum.

This is where the Minister of Education seems to be making his play. He is saying that if you are going to change the Constitution then you need to have a referendum to change the Constitution. I think it is also important why you are changing the Constitution, how you are changing the Constitution, what kind of change you are making; and these very abstract uses of the word “change” and things like that do not serve us well in the political arena. Just as he took the word “fundamental” and said that the First Elected Member for George Town used the word fundamental “an imprecise word” (as if any word is precise) . . . any word can be imprecise depending upon the person who is responding to the word. The Sophists are not dead. Words that you thought meant one thing could mean something completely different, depending upon the interpretation of the person using the word.

If he is saying that to change the Constitution you need to have a referendum, and his big disagreement with the First Elected Member for George Town is that he would agree to a change in the Constitution only after a referendum, . . . I believe that the First Elected Member for George Town is saying that it is so obvious that the people want a change in regard to their right to initiate the referendum, that the people would want a change in the Constitution to allow this to happen to entrench it and to make it permanent.

That gives the people more rights. That expresses a trust from the point of view of the First Elected Member for George Town of the people that is so immense and so

complete that he is willing to have it entrenched in the Constitution. Just like his right as an elected member to initiate a referendum is entrenched in the Constitution, you are making the people and their elected officials equal in regard to their right to initiate a referendum, without holding a referendum.

That is all that has been debated in here over the days, and days, and days, and days, and people have cast aspersions and suggested things and created fear. But basically, that is the crux of the matter. That is the source of this dispute. One side is saying that they would like to have the referendum. But if we have it it has to be entrenched in the Constitution. But to entrench it in the Constitution we have to amend the Constitution and we will not do that until we ask the people whether or not we should do it, and this will have to be done by way of a referendum.

The other side is saying it is so obvious that the people want the right to initiate the referendum that we can change the Constitution to allow them to initiate the referendum without holding a referendum.

That side is saying, simply because of the length of time that process would take could destroy the possibility of us being able to entrench in the Constitution the right for the people to initiate the referendum, it could do it simply because this House only has 13 months left. It could do so because it would cost a lot of money to go through the whole mechanics of establishing the register of voters' names, and basically the referendum process would be in terms of people voting, in this particular case very similar to a general election.

The country would have to afford that at a time when the country needs to build a new prison, at a time when the country needs to spend money on education because the schools are overcrowded. The government has all kinds of expenses in regard to roads that need to be built, and people are talking about low-income housing. And the government is talking about spending money in a case where it is obvious that the people want something!

If it's so obvious that the people want something, why are you going to take the badly needed resources to spend to establish the fact that the people want something?

What would happen? Would people campaign against the people saying "yes" to the idea that they want the right to initiate a referendum? And in order for that to be a permanent right it would have to be enshrined in the Constitution, and in order for it to be enshrined in the Constitution the Constitution would have to be amended.

It is not as if the Constitution has not been amended before, and it is not as if the Honourable Minister responsible for Education, Aviation, and Planning was not involved in a process that led to the Constitution being amended before. So to find that there is something suspicious about the amending of the Constitution is to really get fish out of flies.

I would like to refer to his minority report in this [Minutes of Meetings of the of the Select Committee. . . to Review the (Constitution) Order, 1972] report of the 1991 Session of the Legislative Assembly. He said that others

signed this, but they said: "**We remain committed to the recommendations made by the majority of Members of the Select Committee and presented to the Constitutional Commissioners on 10th January 1991, as 'Recommendations on Changes to the Cayman Islands (Constitution) Order, 1972, to the United Kingdom Constitutional Commissioners.'**"

In this recommendation the members decided, "**Ministerial Form of Government: The Committee wishes to see a 'gradual moving into a ministerial system of Government, and considers it prudent to make provisions in the Constitution.'**"

"**We feel that it is sufficient that the Members become Ministers with administrative responsibility for the departments under their portfolio. Section 9(1) of the Constitution should include the words 'including responsibility for the administration of any department of Government' similar to that provided in the Turks and Caicos Islands Constitution section 12(1), and British Virgin Islands Constitution section 18(1).'**"

Now the Honourable Minister responsible for Education, Aviation, and Planning cannot deny the fact that he is a signatory to this recommendation which talks about a constitutional change that would also mean ministerial responsibility—

Mr. Roy Bodden: To administrative responsibility.

Dr. Frank McField: To administrative responsibility.

Mr. Roy Bodden: It's not a fundamental change and he didn't need a referendum for that.

Dr. Frank McField: So there was no document in this suggesting that he was advocating any kind of referendum for that to happen at that particular time. So why is he advocating that there be a referendum to give the people the right to hold a referendum? Why didn't he advocate that there should be a referendum to give the members of the Legislative Assembly the right to initiate a referendum? Why is he only advocating that there be a referendum to give the people the right to initiate the referendum?

I think at the end we can see that we on this side are with the people and will take every opportunity to correct the misunderstanding that might be created by these lengthy debates which are primarily used for political one-upmanship.

Mr. Speaker, I think that you have come—

HOURLY OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of interruption. I would entertain a motion for the adjournment.

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: Before putting the question, I indicated earlier that I had given permission to the Fourth Elected

Member for George Town under Standing Order 11(6) which reads: **“On a motion moved under paragraph (5), a Member who is not a Member of the Government and who has obtained the right to do so, may raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of the Government responsible for the matter. After not more than twenty minutes, the Member of the Government shall be called on to reply.”**

I call to the member's attention that the Honourable First Official Member responsible for Internal and External Affairs is not in the Chamber and I don't know whether you would want to go ahead with this motion or not. But I gave you permission so you may proceed.

The Fourth Elected Member for George Town.

RAISING OF PUBLIC MATTER **Standing Order 11(6)**

SITUATION AT NORTHWARD PRISON

Dr. Frank McField: Mr. Speaker, when I spoke to you this morning, I had decided to, with your suggestion, not to mention what was happening at the prison today. Of course, at that time what was happening at the prison was mild compared to what has happened at the prison. The entire country knows and therefore my saying what is happening there doesn't give them any more information than what the television has been continuously giving them all day. I think that most members of our society are conscious of what is happening there.

But I am not going to talk about what is happening at the prison. I am going to talk more about what has to happen as the prison in that I believe that when I brought the private member's motion regarding crime and recidivism it was a good opportunity for us to sit down and begin to discuss how we are going to deal with the question of crime; how we were going to deal with the public outrage regarding crime.

What happens is that public outrage with a particular behaviour causes punishment to be initiated by the judiciary and causes persons to be sent to Northward to be incarcerated. The rate in which it is happening today, because of the good police detection we have in our society they are apprehending people much faster. So more people are coming before the courts. And if we look at the statistics we received from the Honourable First Official Member responsible for Internal and External Affairs, we see the number of persons aged 17 to 25 committing crimes involved in possession of ganja . . . numerous persons involved.

We know that certain people suggest that this is not just a crime that is loosely considered bad behaviour, but this is a crime that is also associated with a sub-cultural type of behaviour pattern. It is not as easy to get rid of as we think because we do not attack the culture which causes it to happen, we basically extract the person who has committed the crime, incarcerate the person at Northward where they find what they were smoking before and continue to do it. So the cycle continues.

We have not found a way to challenge the way in which the person is continuously returned to an environment that continues to fuel their desire and ability to break the law.

What should we change? Should we change the law? Should we change the person's behaviour? There are two fronts we can work on, Mr. Speaker. But it is important that the government of this country realises that regardless of what the prison can accomplish, unless our society accomplishes more than it has accomplished until now, we will have problems.

If the judicial system is not given the possibility to be flexible and imaginative in regard to its sentencing policies, we will have the entire system clogged up. What it appears to me has happened is that there seems to be a lack of foresight. If we are going to have the police organised as well as they are, and equipped as well as they are; and if we have these patterns in our society where people will commit these crimes and will be sent to court, and from court will be sent to Northward . . . after a while we will have overcrowding at Northward.

There are about 308 people at Northward today, and it was built to house 168. I would just like to read a brief thing about the negative social outcomes of overcrowding: **“Overcrowding in general, and multiple bunking in particular, has negative impacts on the social relations and interaction within the prison environment. Perceptions about fear and consistent rule enforcement and intimate satisfaction are less favourable following double bunking. The tendency for higher levels of aggression and violence is increased in crowded surroundings. There is stiffer competition for resources in crowded institutions. Such resources include wash-room availability, library books, television lounge seating, and recreational materials. As a result, tension, boredom, conflict and violence all increase.**

“Rule and disciplinary infractions increase as social density increases. [The number of inmates living in an area is considered to be the social density] **Inmate assaults on inmates, and inmate assaults on staff increase as overcrowding increases in an institution.”** There, in a nutshell is part, of the situation we are dealing with.

I have tried on some occasion on my Public Eye programme to register my concerns in regard to Northward Prison. I have tried, by bringing this private member's motion on crime and recidivism, to say that I wasn't trying to criticise or chastise anyone but I felt that unless we understood the dynamics involved in creating the criminal elements in our society, and perpetuating those particular elements in creating a subculture out of those elements that could challenge the authority of the society as a whole we were going to be in difficulties.

I am therefore asking that members of the Legislative Assembly, that members of the government, that those persons directly responsible for the administration of Northward Prison take into view the breakdown of social control which has led to the breach of order in this country, and that something be done to repair this, and that the

persons who are punished for this should not just be the people who are punishing in Northward at the moment.

This member can say that he has tried to bring to the attention of the relevant authorities—on many occasions—the fact that this breach was going to occur.

Mr. Speaker, I thank you very much for giving me this opportunity to air my feelings.

The Speaker: In view of the absence of the Honourable First Official Member responsible for Internal and External Affairs, if he cares to reply I shall reserve his right.

Also, yesterday afternoon the Elected Member for North Side moved a motion on the adjournment. The Honourable Minister responsible for Education, Aviation, and Planning has advised me that he received it late and will make his reply at a later date.

ADJOURNMENT

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 1 OCTOBER 1999.

**EDITED
FRIDAY
1 OCTOBER 1999
3.20 PM**

[Prayers read by the Honourable Third Official Member responsible for Finance and Economic Development]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable First and Second Official Members who are engaged in other official business.

Item number 3 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 11/99 as amended, entitled the Referendum Law. Continuation of debate on amendment (No. 2). The Fourth Elected Member for George Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

**PRIVATE MEMBER'S MOTION NO. 11/99
AS AMENDED**

REFERENDUM LAW

(Continuation of debate on amendment No. 2)

Dr. Frank McField: Mr. Speaker, I tried before the adjournment yesterday to assist in clarifying misunderstandings that may have developed with regard to the motives behind the bringing of Private Member's Motion No. 11/99 to the Legislative Assembly, and with regard to the present amendment to this motion, which calls for the people to be given the right to initiate referendums without there having to be a referendum to establish this right.

I had taken the position that on both sides of this honourable House there seemed to be agreement with the principle that the more the people can be involved with the democratic process the more fulfilling that process. The attempts by the Minister for Education, Aviation and Planning to suggest that there are some divisions with regards that particular principle by using the present amendment to the motion to suggest this—by implying, in fact, that those of us that would want to support this present amendment to allow for referendums to be called in cases when fundamental changes were being made to the Constitution only.

Mr. Speaker, the fact that the first part of the motion would give the people the right to initiate referendums means that they could initiate referendums in any case, including when the elected members of the Legislative Assembly were initiating changes to the Constitution, be they minor or major changes, which means fundamental changes or minor changes. So, by the first part of this resolution, the people would be enabled and empowered to make decisions by way of the referendums whether or not they were [minor] changes or fundamental changes. So, to say that it is the attempt of anyone here to suggest or cause it to come into being that the Constitution could be changed without the people being consulted takes away some of the sense of this entire exercise.

I think it is important that we realise that if the people want to initiate a referendum—once they are given the right to do so with regards minor changes to the Constitution—that they can do so. What is important here is that this does not tie the government down in cases where there might be minor changes to hold a referendum in order to make those minor changes. But it certainly does not mean that the people cannot hold a referendum with regards minor changes to the Constitution if that is what they wish.

This clarification is a necessary part of what we need to understand and look at, and forget about the political rhetoric and the attempt to create fear and suspicion. Let us look at what this motion really is saying as it is amended. The motion is saying, first of all, that it wants to give the people the right to initiate a referendum, but in order to achieve this it has to amend the Constitution to put that possibility in there.

The original motion when it was amended by the Minister of Education was saying that the people should have the right to initiate referendums but only after there was a referendum to decide if they wanted that right. He was basing his arguments on the premise that because this would go in the Constitution that in order to change the Constitution we should have a referendum, which deviates from his previous principles of recommending constitutional amendments as in the case of 1991 and 1993. So, he has a new position and he needed to have explained to the country why that position is been taken up this time.

It would appear that the reason why he is taking up this position is that he is suspicious that there might be forces in the dark background that [might] be lurking to change the Constitution without consulting the people.

The most important empowerment of the people, the most important consideration of the importance of the people is the suggestion by the First Elected Member for George Town that the people be given the right, and that right be enshrined in the Constitution, that they can call a

referendum when they so desire to do so within the guidelines of the law that will be later developed. This is more important to the people because they are given the instrument by which to scrutinise and to curtail, if necessary, acts by elected members that are considered to be against the will of the people or against the good sense of their conservative tradition.

Now, let us therefore see that to use the word "fundamental" (as the Minister for Education says) . . . how would we be able to decide when the change to the Constitution is fundamental? In other words, he is saying that all changes to the Constitution are "fundamental" changes. Therefore, if all changes to the Constitution are fundamental changes, it doesn't make any sense to say that there should be a referendum when the change is fundamental. But what we are seeing is that there are two parts of the motion and when put together it creates the same language.

In other words, take the first resolution, "**BE IT NOW THEREFORE RESOLVED THAT the Government takes the necessary steps to cause section 29(2) of the Cayman Islands (Constitution) Order, 1993, to be amended to allow the electorate to initiate a referendum . . .**" So, once that resolution is placed with the third resolution, "**AND BE IT FURTHER RESOLVED THAT only the referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance and that any fundamental change to the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments**" It doesn't say after a referendum initiated by the people, it says after a referendum. And since the Legislative Assembly is making this particular pledge, it would mean that they would be pledging to initiate a referendum to make any change to the Constitution that would be fundamental. But the first part of the resolution, which gives the people the right to initiate a referendum anyway, would allow the people to be able to initiate a referendum if the government did not initiate the referendum itself.

So, what we seem to be arguing is the easy part of the entire process. We should have been talking more about the substance of the referendum procedures and we have failed to do so. We have, therefore, taken away from the concrete and dynamic issues and we have taken certain principles, abstracted them and have begun to use these principles to beat up on one another to show that somehow some of us are less worthy than others.

Mr. Speaker, I think that I have made it clear that the amendment which has been brought by the First Elected Member from George Town is a cautious, conservative approach to solving the predicament which we are attempting to solve. We are attempting to give the people more power without tying the system down rigidly where it would have no ability to move on its own. Where the Legislative Assembly would give up its independence to be able to do certain things.

Democracy does not mean that one institution must give up its independence but that we realise the interdependency between the different institutions. There is interdependence between the people and their Parliament. Parliament could not exist without the people; the people could not exist without the Parliament. But we are not saying that in order to safeguard the rights of the people that we should take away the independence of the Parliament in order to do certain things that the Parliament should have the right to do and the Parliament has had the traditional right to do.

Traditionally, the Legislative Assembly has been allowed to make recommendations regarding amendments to the Constitution. For the Minister of Education to now say that this tradition should be changed, is a very radical and what I consider a very irresponsible suggestion.

The Speaker: I would ask you to withdraw "irresponsible."

Dr. Frank McField: Mr. Speaker, I withdraw that. I wasn't so sure about the word.

The Speaker: It is unparliamentary. Thank you. Please continue.

Dr. Frank McField: You are welcome, sir.

So, if the tradition has been to allow this, departing from a tradition without giving good reasons why that tradition (that has worked so well in the past) can now longer work. . . I would call on the members of government who feel that they would like to support this amendment, to support this amendment in good faith.

They are giving the people maximum rights, maximum sovereignty, maximum ability to police the parliamentary system. But at the same time they are not tying the parliamentary system down to go to the people and ask the people each time for the right to do what under the agreement, under the social contract with the people, should be acceptable in the first place.

I am saying that the social contract between the people and their elected members implies politically, morally, legally and otherwise, that the people who are elected should be able to make minor alterations in any aspect with regard to the institution that they are in charge of without consulting the people. This is already a mandate that is given to the people by the election process—and there can be no more democratic process than the election process—that the same referendum process must be using the democratic process, anyway.

All we are doing is duplicating repeating and wasting resources, especially at a time when we so badly need our resources to upgrade our social infrastructure. We should not become so paranoid and so fixated on these political points that have been delved into for so long by the Minister of Education with regards this whole concept of constitutional change.

I am asking, therefore, that people look at the argument in logical perspective. Remember their tradition and remember that there is a trust between the people and the elected representatives—that the elected representa-

tives have for umpteen years in this country attempted no changes that were not approved by the people, and that there is no good reason to assume that this will be the case now. Therefore, to put in the motion, the way in which it was amended by the Minister of Education, would only create and institutionalise a division and distrust between the people and its elected representatives and will curtail the independence of the Parliament.

I am, therefore, asking that this point be given serious consideration and that we vote in favour of the amendment brought by the First Elected Member of George Town to his original motion because this amendment has given us the possibility to put this motion back where it belongs. Thank you.

The Speaker: The floor is opened to debate. Does any other member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I don't intend to be long on this amendment. I think I put my case as best as I could have in speaking earlier. But the Minister of Education has thrown so much irrelevance into the debate that it behoves me to say a few things at least.

Mr. Speaker, the Minister of Education put forward an amendment that has said that even for any consequential amendment that may be needed, we must have a referendum. It's no question what he is trying to do. His motion is very precise but I believe it's impractical and unnecessary to get what is desired.

The Minister of Education went pretty far to set out his case about judicial interpretation of the words "fundamental" and "consequential." But everyone knows when we say consequential . . . when we talk about a consequential amendment what it means. A consequential amendment would mean, for instance, if we had to change the words from "British Dependent Territory" to "Overseas Territory," British Dependent Territory being the wording of the Constitution, and the United Kingdom Overseas Territory will be what the new wording is. That would be consequential, and those words are in the Constitution and will have to be changed.

But if the danger in doing what the Minister of Education is asking is that we would have to go to the referendum to formulate a referendum whether on the old voter's list or on a new voter's list (because you could not disenfranchise anybody), you would have to go through all of that to get a referendum to say whether these consequential amendments would be necessary and whether the people agreed for us to change the Constitution on those items—just the wording.

A fundamental change would be where the Leader of Government Business appoints his Ministers rather than they being elected. That would be fundamental to the working of the Constitution because when you use the word "fundamental," and you use the word "consequential," it is to the working of the Constitution that you are talking about—nothing else. But you see, the whole thing is that the United Kingdom would know that and it is they who would have to agree. It is they who would have to do the amendment.

The people in this House are not judges to interpret laws with precision, as he said. We make laws and the honourable court interprets those laws. But what is true is that you cannot compare the Courts and the Legislative Assembly in this instance. You cannot! I believe (and this is my opinion) that no court should encroach on the legitimate discharge of the constitutional function of any legislature. As much as any legislature must exercise responsibility and restrain in the exercise of its powers so as not to encroach also on the legitimate discharge of constitutional function by any court.

Mr. Speaker, the United Kingdom, the supreme power of these islands, is the authority that will say, "Aye" or "Nay" on whether something is consequential or fundamental—not a court. It is the United Kingdom that we would go to, not a court. They would have to agree to the changes and know full well if the changes that are being asked for are of something of a consequential or fundamental nature. When they are asked to make changes to the Constitution, they put everything together and they come up with the amendment. We don't formulate it; they formulate it. Nobody down here formulates the amendment; it is the United Kingdom that will formulate the amendment. Or, if you even submit something, they will certainly tell you whether it is right or wrong or whether they agree. They will put it together and they will come up with an amendment.

So, I stress, Mr. Speaker, they would know when something is fundamental or consequential. I had to listen to the Minister of Education as he went on and on about the judicial review. **"The Representatives of the Commonwealth Parliamentary Association, the Commonwealth Magistrates' and Judges' Association, the Commonwealth Lawyers' Association and the Commonwealth Legal Education Association, meeting at Latimer House in the United Kingdom from the 15 to 19 June 1998, recalled the renewed commitment at the 1997 Commonwealth Heads of Government Meeting at Edinburgh to the Harare Principles and the Millbrook Commonwealth Action Programme . . ."**

This is what they said, **"The legislative function is the primary responsibility of Parliament as the elected body representing the people. Judges may be constructive and purposive in the interpretation of legislation, but must not usurp Parliament's legislative function. Courts should have the power to declare legislation to be unconstitutional and of no legal effect. However, there may be circumstances where the appropriate remedy would be for the court to declare the incompatibility of a statute with the constitution, leaving it to the Legislature to take remedial legislative measures."**

So, Mr. Speaker, in spite of the reading of the court cases that existed for fifty years, it tells you that the modern thinking in the Commonwealth is as I have said, no court would encroach on the legitimate discharge of the situational function of any legislature and we must not do the same.

So, Mr. Speaker, I don't believe that what he put forward as any legitimate concern about judicial review

would hold water in this day and age, not the way that legal minds are thinking in the Commonwealth. I believe that the problem the Minister of Education is finding himself in is that with the reforms that are taking place, certain changes in the Constitution will have to take place as we have been told. Does he want that? I believe that he realises that. Not saying and giving him his due that he hasn't been against serious constitutional advancement because he has, but I believe that's the problem the Minister is facing.

We might as well come out and tell the public the truth. I listened to the Minister and I had to say that the Minister . . . you could see how much he was in trouble and he was at sea in putting forward his views because he back-pedalled several times on his different points in his contribution. He got so frightened when he started talking about serious changes in the Constitution, and politicians being afraid to ask the public, that when he was challenged, he said he was not talking about politicians in the House, he was talking about politicians outside and that's who we will have to be concerned about. That was one of the most hypocritical statements that he has ever made in his life because he knows that he was talking to this Honourable House and it was us—everybody in here—that he was throwing that at. But when he was challenged he could not stand up. If he could, he would have said, *'look I am talking to you or I am talking to the next man'*.

I don't believe that anybody in his right mind is going to do anything that is of danger to this country when it comes to constitutional changes. But it is obvious, Mr. Speaker, from all that has taken place in this country—and it is obvious what has taken place right now that we are faced with that we need certain constitutional changes. If that makes me lose a vote, so be it. But I have a conscience to live with and I have always been honest to the public I serve and I have always tried to be a practical person because I do not have the university education that they like to boast of, so I have to practical.

[Inaudible comment]

Mr. W. McKeever Bush: Yes, I don't have all those 30 something degrees.

But the truth is, and let's use an indication, whether the Minister likes it or not . . . what we are facing now is because we have been told so often that we have to be humane in our approach in dealing with the prison. We have to do this; we have to do that. And, why do we have to do so? Because the United Kingdom does it. But if we have the *cahoonies* that we are supposed to have, and should have stood up a long time ago and talked about, Mr. Speaker—

The Speaker: I think that, that is an unparliamentary word. Please withdraw that.

Mr. W. McKeever Bush: Which one, sir?

The Speaker: Cahoonies!

Mr. W. McKeever Bush: All right, sir. If they had the gumption, we would have stood up long time ago and put our feet down as men and women, and said, *'look, this is our island and our home and we have to do what we feel is best for us'*. If that takes constitutional advancement or if that takes a "consequential" amendment then it would have to be done.

Just suppose, Mr. Speaker, that the Constitution was framed so that we could not do anything about the uprising in the prison and his motion had gone through—do you know what we would have to do? You would have to go to the public via referendum and say, *'ladies and gentleman, do you want me to do something about this situation at the prison?'* The public would have to come out in droves and say, yes or no. That is why I have always been concerned about his resolution.

I say again to the Minister, I understand what he is saying but I am not going to vote for it because it is impractical, costly and unnecessary. We don't need it. And, I am not going to be a hypocrite. I cannot support that and I am not going to vote for it, sir, and I hope that when we get to that point you will put those different resolve sections—if that is where we get to. I am not going to support that because it is not right for this country. The only people that are going to be hurt out of this shenanigan that the Minister of Education [proposed], is the people of this country.

Mr. Speaker, I said I would be brief and I believe I have covered the areas I needed to cover. The amendment as proposed by the First Elected Member for George Town is saying that for any fundamental change, we would have to go to the public. The amendment as moved by the Minister of Education has said for even any consequential amendment we must have a referendum—any change whatsoever. Whether the prison is burning down or not, we had to go referendum.

Now, Mr. Speaker, does this House want to bind itself? Each Member of this House has to ask himself that question. If there is something that is happening and you don't know what will ever crop-up in the life of a government—we all know that. We never expect certain things to happen. But if something was to come up that we needed to put right immediately but couldn't because of that amendment—is that what members would want? I don't believe that members want that.

Mr. Speaker, as I said, the people are asking to have more say in the affairs of the country. They want to be able to say yes or no on certain issues, and we want to give them that authority through a referendum. If the Minister of Education is supporting that (and that's what he said he is doing) then why not give it to them without cluttering up the process?

The Speaker: The floor is opened to debate. Does any other member wish to speak? (Pause) If no other member wishes to speak does the honourable mover of the amendment to the motion wish to wind-up?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I have some points that I wish to address before I wind up

meaning winding up on the two most recent amendments.

The Speaker: Amendment (No. 2).

Mr. D. Kurt Tibbetts: Mr. Speaker, the first point that I want to make is this: Ten minutes ago, if this backbench were minded to do so, there was a quorum in this House and we could have wound these amendments up in very short order, where you would have had to because of procedure—

The Speaker: I would have.

Mr. D. Kurt Tibbetts: You would have had to because of procedure—

The Speaker: Not had to, but I would have.

Mr. D. Kurt Tibbetts: Yes, sir. Okay, sir. You would have called for the vote for these amendments and these amendments would have passed.

Now, I make the point simply to say this: It is not just about these amendments passing, sir. We are convinced that there is merit to the amendments. We are also convinced that it is important for the electorate of this country to have a full understanding of what is happening right now. While we are not totally convinced, we are hopeful that the government on their own volition will see the good sense that we are trying to put forward, sir.

So, it is not just to be able to walk from these hallowed halls and say, *'we won a victory'* because we are taking the view that while the government has taken a position, we want for this to end in a manner that is satisfactory and in the best interest of the people of this country.

Let me explain so that we can try to get to where it is all at. The only real argument that we have about the motion and its amendments, and its further amendments to those amendments, is this argument: For whatever reason (and I have to have a long prayer while I am talking to decide how far to go and what I do and what I say but I will eventually decide) the Minister of Education has chosen this opportunity to try to arrive at a point in this legislature where certain fears that he, and perhaps other, have had with regard to constitutional advancement in this country can be allayed through the second amendment that he put forward, the last resolve in the amended motion.

Mr. Speaker (and he doesn't have to get nervous because I am going to be fair), given his experience he believes that there are individuals who, if given the opportunity of being part of a government, might wish to put forward amendments in the Constitution to London, which will call for certain advancement of the Constitution. That is the minister's fear. Now, if he was careful about talking about it and if I was at the beginning, I believe the time has come to lay it on the line. That is his fear. And, I want to give him his just due by saying that maybe by his experiences, his fears are not unfounded. No problem! I understand all of that.

Now, he played around a little bit, Mr. Speaker, as he cannot resist on most occasions. But as I just said, I firmly believe that it is for those reasons why this last resolution has been pitched into the fray here. So, the minister also knows that I respect his fear, and that he and I will never do battle based on the principle of his fear—the minister knows that. But, you see, the minister and whoever and whatever he has access to because of his legal background needs to sit in on the stand that even without a legal background there has to be room for us to talk.

Now, let us come down to compare what the minister is saying and what we are saying. We have brought into the last amendment of the minister's last resolve in the amended motion where instead of simply saying (and I won't even bother to look for it to find the right wording because I know what it means), *'Any amendment whatsoever that may be proposed to London with regard to any change to the Constitution, before any such thing is done, we must take whatever we wish to propose to London to the people'*. The minister is saying, *'whatever that is, that's what we must do.'*

Now, I am saying to the minister—and I am sure with all the papers in front of him that he is still listening, I am sure of that—right now, listen, I understand you. I do not have a problem with what you want to achieve but from where I sit . . . and, Mr. Speaker, this is nothing to do with legal jargon or referrals or whatever, but I want him to understand and hear what I am saying because we might be able to solve the problem.

The minister is basing his argument, as far as I can see through the wording of his amendment, on the principle that any amendment put forward to London to be made in the Constitution would be perfect at all times. Not only well thought out but also thought out perfectly at all times. For him to say that any amendment has to go to the people, he has to be basing his argument on the premise that whenever you propose an amendment, you wouldn't make a mistake. And if you even made a mistake between here and London, it is going to be cleared up. He has to be basing his argument on that because otherwise he would never want us to be in that kind of position.

Now, perhaps in his own experiences (and he has said so in his debate) whenever there has been any amendment to the Constitution, it has been well thought out, it has been properly done and there has been no problems with it. Perhaps, if you check back historically every one that has been done was done in that manner. But I am still saying that it is not impossible that a mistake can be made. That's all I am saying—a mistake can be made.

I cannot work on the premise because my God has told me from a long time ago that I am [not] perfect, neither is any other man. So, to roll it up, you see, it seems—

The Speaker: I am trying to understand.

Mr. D. Kurt Tibbetts: Sorry?

The Speaker: I am trying to follow you.

Mr. D. Kurt Tibbetts: Okay, I am sure the minister does at this point in time.

You see, Mr. Speaker, there is an argument coming forth that because I have chosen the word "fundamental," instead of simply leaving it to any amendment whatsoever. . . . Now, let me explain after all that has been said about the word "fundamental," what I mean by "fundamental."

I am going to explain now and I am going to see whether the intention is genuine or not. I am going to put it to the test right now. Regardless of who looked up in the book and how many court decisions and how many references they drew to this thing and that thing, and all that the minister mentioned, I am going to tell him and rest of the world what I mean. I am going to use it by example.

In 1992, amendments to the Constitution that were proposed and accepted by London (under which we operate right now in this Honourable House) were two items done in February 1992. They came into effect in September 1992. The two amendments were (1) that the number of elected seats in this Honourable Legislative Assembly be increased from twelve to fifteen. That means in the 1992 elections, instead of having twelve seats available, we had fifteen seats available. Now that, sir, in my view, given all of our arguments, could be termed a "fundamental" change.

But as a result of that, automatically the second change that was proposed At that time, we had twelve elected and three official, meaning fifteen total in the House. With the new amendment proposed in 1992, it meant that we would have had fifteen elected and three officials bringing the total to eighteen. When we had our fifteen members in the House, our quorum was seven but the minute that we talked about eighteen, automatically we realised that we couldn't have a quorum of seven anymore because there would be a minority forming the quorum, so that changed to eight. Okay? Now, that was done.

I am speaking hypothetically now. What happens if in the future when we look at the workings of the government, Mr. Speaker, we see where the Ministry of Education has become so huge and the demands so great that no matter how good that person is, one minister cannot handle Education, Aviation and Planning? You also have your Ministry of Health, which has grown tremendously and you might find that circumstance also. You realise that five elected members are insufficient for the government to operate and work properly and you need to have six elected members so that you can create another ministry, so that you can have more staff and for administrative purposes you can be more efficient. Because you are operating in such an inefficient manner that the little bit of money that it would have cost you for more staff or whatever else, you are losing ten times as much as that because of inefficiencies.

So, the country decides that it needs to increase its membership in here. Again, I am speaking hypothetically. We move then from fifteen to eighteen members and we

and we go through the whole process. We decide to go to the people and ask them, because we have explained our case and we sold the idea to public and we asked them, *'Does the public agree that we should increase the membership to eighteen because we need six elected members?'* We went through all of that process.

The public agrees, and we go through a referendum and the public says, yes. We go to London, and London says, yes. So, we get a sixth ministry. We have eighteen elected people at that point in time and the next election we get eighteen people elected and we elect six ministers at that point in time. But for some ungodly reason unknown to any one of us, no one remembered that our quorum has to change. Unlikely, as I said, but not impossible, Mr. Speaker. I am just using that as an example.

Now, all I am saying, Mr. Speaker, is if that were to happen (as unlikely as it may seem) is anybody telling me then that just to be able to correct that measure (because our membership increased automatically our quorum will have to increase) we have to go back to have a referendum for the people to tell us, *'yes, you need to increase your quorum?'* That's what I am trying to say. Unlikely but not impossible.

Perhaps, I am not good enough to think of ten other hypothetical situations like that, but I am sure given the time and if I really wanted to wait until next year and argue it through, I could do it. But I don't really see the need to have to go through all of that.

Now, with what I am saying, Mr. Speaker, if we accept that, as unlikely as it may seem, it is possible. All I am saying whether they want to argue "fundamental," or whether they want to do whatever they want to do, or say whatever they want to say, all I am saying is that I would like to see it. And others are arguing the same case. They would like to see it, as I would, done in such a way that you are not tied with those kinds of circumstances.

The minister must admit that the way his wording has it, that's what would have to be done because his thing says "any changes." There are no conditions whatsoever attached that would allow for any types of change that does not warrant a referendum to be done without having a referendum. That is my argument.

Now, Mr. Speaker, if what I just said is understood Well, I don't really need to tell you because I know you are going to be listening but if what I just said is understood, Mr. Speaker, then let's not fight over it. If the minister needs for me to stand up on the floor of the House and say to the rest of the world, *'Look, he can word a motion or an amendment better than Kurt,'* I will do that. I don't have a problem with that. Because, you see, Mr. Speaker, I don't boast anything except a heart and I know even he cannot beat me for that!

All I am saying, Mr. Speaker, is that if there is a way for us to accomplish that so that we are comfortable we would not be tied in that fashion then we can agree to do it. How it has to be worded I am not standing here and saying, because they can word it better than I can. If he wants to take the position that they know better, they can use all the legal terms in world they want, but we are going to be here a long time over this because I have one

more time at it. That is not a threat. But I mean that from the bottom of my heart because I believe in what I am saying and nothing that has been said has told me that I am wrong. Nothing!

The first amendment (from listening to the minister) . . . and was a bit wise in asking you from the very beginning to deal with the two resolutions separately. But it appears to me like there is no fight with the very first one really, so mission accomplished. The government just didn't want this thing to fly because they needed a little bit of time to try to get this other thing in it. Cool. No problem!

After using the case to get it going now, the minister realises that while he will argue a principle and we could be back and forth for days over it, the logistics of it really don't make . . . not too much to fly with. The public understands that one quite easily. I know they do. I believe I may be wrong, and it can be proven, but I believe that at this point in time the first amendment could be satisfactorily voted on and go like it was at the beginning.

Now, the Third Elected Member for Bodden Town and others may have already mentioned about the word "government," where the minister has argued the case that it should not be left to the "government" to bring a bill outlining the terms and conditions under which the public can initiate a referendum. I will just quickly say to the minister and to the government, there was not a lack of thinking why the word "government" was used. There was no intention to put pressure on the government why the government was used. It was simply, sir, because the process (as we saw it would be) . . . no matter how much you talk about it, you send it through the Legal Department, the draftsmen word it and bring it back and we debate it. So, it was not for a minute trying to say that we would not have input into its genesis.

If the minister wants to come back and change that to "the Legislative Assembly," no problem. Just like he doesn't have a problem, it appears from his debate about empowering the people to initiate a referendum, we don't have a problem with changing "government" to "legislature" or "Legislative Assembly." The intention is the same.

But the very last one, Mr. Speaker, is simply something that I believe. They understand what we are saying. If they have a problem with how we have worded it and if the motives are genuine, and we understand what they want to achieve, then tell us how we can do that without leaving it as it is. But we cannot accept it as it is, Mr. Speaker. As far as we are concerned, while we understand what wants to be achieved, it is wrong and not responsible—I didn't say irresponsible—of us to vote in that fashion and there should be no need for it to come to a showdown.

Now, two things have been established, Mr. Speaker. Whatever happens with the vote, I now know (especially since I have one more time with it) that God will help me. I am confident that before it is over the public is going to understand fully what is going down. So, any thought about confusion will not work. From that point of view, we are even, if we are talking about the

sides. If we really believe that we all want the same thing to happen, let us make it happen.

Now, I have taken this route with this first shot, knowing there is another shot. But whether there is another shot or not is not up to me anymore. I could stand and debate for much longer.

Mr. Speaker, this is not normal procedure, sir, and I am going to seek your guidance. Where we are at now, if the government by nod of their heads without stopping anything want to say to me, *'Listen, you do what you have to do because we are going to do what we have to do'*—that's fine with me. But I know that I will have done what I had to do in the best way I know how. I need to know whether we are going to try for this thing to work because we all have the same intention, or whether we are not going to try for it to work.

Let it clearly be known that I am not asking for any favours. I just want an indication as to how we should proceed. Perhaps, sir, at this point in time I am willing to stay the afternoon to finish with it although we only came back at 3.00 p.m. If we want to take a quick five [minutes], I am fine with that.

Mr. Speaker, I sincerely want to be fair, really. Again, if I simply was dealing with the numbers . . . and I run a risk right here now, Mr. Speaker, because maybe they might carry me in one corner and fix me up for good. But I want to do this thing right. I really want to do it right.

The Speaker: Could I recommend that since we are so near to the adjournment that we adjourn and—

Some Honourable Members: No! No!

Mr. D. Kurt Tibbetts: Mr. Speaker, we are getting somewhere, sir, and we won't be very long, I can assure you. We don't intend to stay here very late but I am winding up, and what I have just said (and I will quickly say it again) it seems like there is only problem and it is simply a matter of being able to accommodate what we are saying. If they have a way of doing that, I want to know.

Mr. Speaker, do you know what I am going to do, sir? They understand our position and I am going to say to you now that I am through with winding up this amendment that has been put forward—this amended motion. We are prepared, if they wish to quickly say what their wishes are, if you will allow it, sir, before you take the vote. But if there can be no decision on their part then we will simply take the vote and whatever has to happen, will happen, sir. I am finished.

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

Hon. Truman M. Bodden: Mr. Speaker, a motion like this is important. It is always best to try to get unanimity and agreement on it. It's too major a motion to fall on politics.

What the member, as I understand it, is basically that what they would wish to exclude from going to refer-

endum would be consequential and similar amendments. In other words—

Mr. D. Kurt Tibbetts: *[Inaudible comment]*

Hon. Truman M. Bodden: The word “fundamental” goes to where it can allow far more than the consequential. So, I think it would be worthwhile if we could have an early adjournment to give an opportunity to talk on this. Because if we are sticking to consequential, excluding consequential amendments, that’s different from saying the “fundamental” because the “consequential” would follow upon the recommended In other words, it would have to be—

Mr. D. Kurt Tibbetts: Just use the example that I used and that’s the kind of things *[inaudible]*

Hon. Truman M. Bodden: Okay, I think we need to talk a bit. Consequential has a specific meaning and—

Mr. D. Kurt Tibbetts: I don’t care if you use the example that I gave.

Hon. Truman M. Bodden: I understand what you said and I think it is always worth talking because this is a motion. If it can be dealt with unanimously, it is really best for the country. So, whatever it takes to do that, sir, the government is prepared to do. If we could break now, sir—sorry, if we could just adjourn because I think it is nearly 4.30 p.m.

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may, sir? I heard what the minister just said. But, for safety sake, I need to hear it a little bit better than that. There is another scenario, sir, and I want just to explain.

If time is needed to simply try to find the wording that will conquer what the minister wanted to achieve and what we have just explained, we don’t have a problem with that. But we need to hear that. Is that what the minister wanted to achieve with his amendment? having listened to what we have said and the example I just used, understanding why we don’t want the amendment to be so all encompassing. Is the minister saying that we are going to get together to find a wording that is acceptable—that what he wants to achieve and what we are saying can be accomplished? That’s all I want to here from him.

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

Hon. Truman M. Bodden: That is correct, sir. I think the aim here has to be a meeting of the minds to get unanimity on this. It is just too important not to do otherwise. So, it will be towards achieving somewhere in between what we both want, finding a wording that can deal with excluding “consequential” but ensuring that anything beyond that area—

Mr. D. Kurt Tibbetts: *[Inaudible comment]*

Hon. Truman M. Bodden: Yes, because if we go with the exclusion aspect rather than the inclusion it’s specifies what can’t and I think that is the better way to go. Okay?

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. We are just about there now.

Can we understand about the first part of the motion? Is that something we can put to bed fairly easily—the first amendment? I see other ministers shaking their head so just take the cue.

Hon. Truman M. Bodden: Mr. Speaker, what is being done there is first to see whether there is a quicker and simpler way for the public achieving the right. If recommendations to change that section have to be made to the United Kingdom, we would not want that to come from government, nor would the United Kingdom. I think the full legislature would have to express its wishes.

Mr. D. Kurt Tibbetts: *[Inaudible comment]*

Hon. Truman M. Bodden: We have had some quick talks on the second part, which is the more worrying. The first part is less worrying to us because it is less important than that general section. So, let’s talk about both of those sections.

But I just wanted to mention to you that the way the motion is worded, that motion is what would be going forward from the Legislative Assembly because we don’t have to bring a law to send it to the UK, they will take the motion. So, I think we need to talk about that. Okay?

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, you are very kind this afternoon and we are going to get somewhere, sir. Thank you very much.

We understand the technicalities of what you are saying and we understood it from the beginning. Since we are not arguing now, we can let you know that we understood all of that. However that has to be done, once we can achieve what we are looking for, we are happy with it. We are only seeking the commitment because, as you said, we totally agree. This is not one of those things that we should pitch the tents and go to the bitter end with.

Now, I think I need some signal so that we can close this off. Are we satisfied with going this route?

[Inaudible comment]

Mr. D. Kurt Tibbetts: Okay, well— Mr. Speaker, obviously—

[Inaudible comment]

Mr. D. Kurt Tibbetts: Well, Mr. Speaker, there is concern but I did what I did, the way I did it this evening for a good reason and I am going to accept the government's intentions now, forgetting about the numbers but knowing full well that tomorrow is another day and I don't believe at this point in time that there will be any deceit.

I don't think that and we will simply run that risk, knowing full well that if it happens, it is not going to be nice but I don't think that's going to happen, sir. I think, we can have a good weekend and come back here Monday morning, take a little bit of time and get the matter sorted and move on. Is that the plan?

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

Hon. Truman M. Bodden: Mr. Speaker, I fully trust the member with this and the other members with the statement they made—that they are genuine about this. So, is the government. I would hope that we enter into the talks on that basis of truth.

The Speaker: I would also like to say that I am approving it in the same way. This has not been normal procedure and I will probably be criticised for going outside of the normal rules—

[Inaudible interjections]

The Speaker: But I am doing this in the interest of the country. I think too this is a very important motion and unanimity will certainly achieve what we all want. So, I now entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this honourable House until Monday at 10.00 a.m.

The Speaker: I shall put the question that this honourable House do now adjourn until 10.00 a.m. on Monday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. on Monday.

AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 4 OCTOBER 1999.

**EDITED
MONDAY
4 OCTOBER 1999
12.49 PM**

[Prayers read by the Third Elected Member for George Town]

The Speaker: Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: First of all, I would like to apologise for the late start this morning. It was unavoidable.

I have apologies for late arrival by the Honourable Minister for Tourism, Commerce, Transport and Works, and from the Fourth Elected Member for West Bay.

Item 3 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 11/99, as amended, Referendum Law. Continuation of debate on amendment number 2. But before we go to that, I recognise the Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

I was just going to thank you for giving us time this morning to permit us to get together. I think we have been able to save the House a lot of time in achieving substantially an agreed motion.

What we will be asking is to withdraw the amendments, and then I will move to rescind the earlier amendment to go back to the original motion. You have approved the circulated amendment to the original motion, which would then be the only amendment on the floor.

The Speaker: Would you wish to move your rescinding motion before the First Elected Member for George Town? Or should he go first?

GOVERNMENT MOTION NO. 5/99

**MOTION TO RESCIND AMENDMENT (NO. 1)
TO PRIVATE MEMBER'S MOTION NO. 11/99
REFERENDUM LAW**

Hon. Truman M. Bodden: I move, "BE IT RESOLVED THAT this Honourable House rescind Amendment (No. 1) to Private Member's Motion No. 11/99 entitled Referendum Law." That, along with the withdrawal of the amending motions will remove all amendments to the motion, and permit the new one to come on.

The Speaker: I have waived the five day notice on that. I shall now put the question—

Mr. W. McKeever Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: May I understand what has taken place? I understand that we are rescinding the first amendment.

The Speaker: That is correct. The amendment moved by the Honourable Minister responsible for Education, Aviation, and Planning.

Mr. W. McKeever Bush: But, Mr. Speaker, what we have to rescind is the resolve section of the motion.

[Inaudible interjection]

Mr. W. McKeever Bush: That is no longer an amendment, that is now part and parcel of that motion as a resolve section of the motion.

The Speaker: What we are attempting to do . . . the amendment which will follow is amending the substantive motion.

Mr. W. McKeever Bush: I understand that. What I am saying is that this motion as moved by the Minister for Education, is saying that we rescind the "amendment." But that amendment was passed. What we have to rescind is the resolve section of the motion. It is no longer an amendment, it is the nitty-gritty of it. I would submit that that is the proper way.

The motion as it stands was amended. So that amendment falls away. It is included, but the wording falls away and what it stands as, in our parlance, is the resolve section.

The Speaker: In my judgment you are both saying the exact same thing, only doing it in a different manner.

Mr. W. McKeever Bush: Mr. Speaker, what I would submit is that the motion should read: BE IT RESOLVED that this Honourable House rescind *the resolve section that we are trying to rescind* in Private Member's Motion so and so. But we are saying to rescind an amendment that was passed. You have to rescind the resolve section.

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may. . .

(pause)

The Speaker: First, what I would like to say is that I granted leave to rescind the motion under Standing Order 24(5), and that required five days. So instead of two days, I waived the five-day notice with the substantive motion. If that motion carries, that will remove what has been amended in the substantive motion and the original motion will stand.

Mr. W. McKeeva Bush: Mr. Speaker, perhaps we are on different tracks in that last part. I agree with all the other parts you mentioned. But, as I understand it, this particular amendment that we are rescinding already amended the motion—it became part and parcel of the motion. Therefore, under the Standing Orders what we should be rescinding is the resolve section in the motion.

Maybe it's only the wording that I am not in agreement with, because I understand what we are trying to do. But the amendment was already passed. The amendment became the resolve section in the motion, and under the Standing Orders you have to deal with the resolve section and take the resolve section out.

It's just a change in the motion.

The Speaker: That is not my view. I have moved in what I think is the [correct] procedure.

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I know that part of what we are trying to do is not just communicate with one another, but also to communicate with people outside of this House, and also to communicate with future generations of parliamentarians. If we bear this in mind, I think we will look at what the First Elected Member for West Bay is saying.

He is only saying that it is a question of wording. We know what the intention is. But he is saying that the specific wording should be to rescind the *resolve* section of the motion because once the amendment on a motion has been made and approved, the motion then exists as *amended*. In other words, the amendment does not exist as an independent part of the motion once it is passed. The amendment integrates itself into, and becomes part and parcel of the original motion.

The Speaker: I agree with what you are saying, if we had voted on the motion as *amended*. We are still in the amendment stage. For instance, if the motion that is now on the floor moved by the First Elected Member for George Town had passed, that would have automatically removed the motion moved by the Honourable Minister responsible for Education, Aviation, and Planning. So we are simply doing it by the leave of the House.

Mr. W. McKeeva Bush: Mr. Speaker, we are on all fours with what we are attempting to do, but I am at grievance with the procedure. Mr. Speaker, if you would guide me in this, the amendment that we are trying to rescind is which one.

The Speaker: The motion moved by the Honourable Minister responsible for Education, Aviation, and Planning.

Mr. W. McKeeva Bush: Can you read that sir?

The Speaker: It says "In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Minister responsible for Education, Aviation and Planning, seek to move:

"BE IT RESOLVED that Private Member's Motion No. 11/99 be amended as follows:- 'BE IT RESOLVED that the fourth recital (paragraph) be amended by the addition of the following words at the end thereof 'and that the Constitution of the Cayman Islands only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.'

"AND BE IT FURTHER RESOLVED that the first operative part of the said resolution being the penultimate sentence be amended by the removal of the word 'Government' and the insertion of the following words: 'subject to and after a referendum under section 29(2) of the Cayman Islands (Constitution) Order 1993 whereby the electorate vote for a referendum to be initiated by the electorate, the Legislative Assembly.'

"AND BE IT FURTHER RESOLVED that the following be added at the end of the Motion: 'AND BE IT FURTHER RESOLVED that only the referendum makes it possible for the electorate to give a clear judgment on a single issue of immediate relevance and that the Constitution of the Cayman Islands should only be recommended for amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments.'"

Mr. W. McKeeva Bush: And the date, Mr. Speaker?

The Speaker: The date was 10 September, 1999.

The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: The same principle that applies to this applied to the motion that the First Elected Member for West Bay brought. The authority to rescind is found at page 368 of *May's Parliamentary Practice*, 22nd Edition. It says: "There is nothing in the practice of the House to prevent the rescission of a resolution or discharge of an order of a previous session, where such is held to be of continuing force and validity, or of a standing order."

You brought out a very good point. At this stage it is still a motion—it is not a resolution. Therefore, the amendment itself does not become a part of the resolution until the overall motion has been passed. So my position would be no different from that of the First Elected Member for George Town when he moved a rescission motion to parts of the same motion earlier.

I think it is in order, Mr. Speaker. I think you are correct on it and we should try to—

Mr. W. McKeeva Bush: I think you need to read the entire paragraph. Can I read that entire paragraph?

The Speaker: Certainly, First Elected Member for West Bay.

Mr. W. McKeeva Bush: “There is nothing in the practice of the House to prevent the rescission of a resolution or discharge of an order of a previous session, where such is held to be of continuing force and validity or of a standing order. Technically, indeed, the rescinding of a vote is a new question, the form being to read the resolution of the House and to move that it be rescinded and thus the question which has been agreed to is not again offered, although its effect is annulled.”

And on page 369, Notice necessary to rescind a resolution, “Notice is required of a motion to rescind a resolution, or to expunge or alter an entry in the Votes and Proceedings of the Journal, and in no circumstances may the House rescind a resolution during the sitting in which the resolution was agreed to. However, notice is not required of motions brought forward as matters of privilege.”

This is not a matter of privilege.

Mr. Speaker, you are the Presiding Officer. But we are on all fours with what we are attempting to do; it's a matter of how we get there. I believe that I am right in what I said.

The Speaker: Honourable Second Official Member, can you help us at this stage?

Hon. David Ballantyne: Mr. Speaker, Members of the House, I am not sure that I can. I am looking at Standing Orders in relation to amendment to motions. Rather than treat it as a rescission of a motion of a resolution of the House, if it were treated as an amendment to the earlier amendment to the effect that it deletes that earlier amendment, there is a provision that could be used.

Standing Order 27(1) says, “An amendment to an amendment may be moved and seconded at any time after the question upon the original amendment has been proposed, and therefor it has been put . . .”

Sorry, that actually won't help us. But what we could do, that's before the question has been put. The question has been put in this case and we are trying to get back to where we were. I think, rather than view it as a resolution and rescission of a resolution—which I think will lead us into difficulties because there are provisions in Erskine May that suggest that we cannot rescind a resolution in the same session—it might be better to regard it as a motion to amend the earlier amendment by deleting the wording of that amendment, if that were acceptable to the House.

The difficulty is that we are trying to get back to a position now where there have been two sets of amendments proposed. And all that we are seeking to do is to get back to the original motion, and then amend it again.

The other way that we could go about it (which is more complicated) is to take all of the amendments that have been proposed to date, and amend them all in one go back to the final version of what we want.

I take the view that there has been no final resolution of the original motion. If the House shared that view, whether we use the word . . . I don't think it is helpful to use the word ‘resolution’ in relation to this amendment. If the word ‘rescind’ is causing a difficulty perhaps we could simply amend the original amendment number 1 so that it is either to no effect, or to the effect of the amendment number 3 that is now in front of us. That would be the alternative.

You could, in effect, substitute the present wording of amendment number 3 for the wording of amendment number 1 if it's a problem in rescinding what is seen as a resolution. That's an alternative practical suggestion that will get us to a position where we at least have a live issue in front of the House.

The problem is that amendment number 1 was voted on and has been dealt with. I think there has to be a procedure for getting back to the point before that if the House has changed its mind on that particular amendment. I would recommend that we take the view . . . although technically the vote on that amendment number 1 might be seen as a resolution, it's not a resolution in relation to the original motion. Therefore I feel that the House is master of its own procedure. If the House wants to get the result of effectively negating the original amendment, then perhaps that's the way in which it could be regarded.

I hope that may be of some help. All we are seeking to do is to negative the effect of the original amendment before the entire motion has been dealt with. I feel that if it is competent to amend an amendment before the question is put on the amendment, it should be competent to go back and alter an earlier part.

I can refer you to this: 25(7) says: “When the question upon the amendment to a motion has been proposed by the Presiding Officer, an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn or negated.”

I know that's not directly in point here because I don't think we have a provision that's directly in point. But it does seem to say that what we are seeking to do now is to amend an earlier part of the motion, something that has become part of the motion. If that's right, I think it is competent to do that by means of an amendment now.

So the net effect is that we have an amended motion, because the vote was put on amendment number 1. Why don't we go back and amend the amended motion to delete the amendment that was made by virtue of amendment number 1? That's perhaps an easier way of looking at it rather than rescinding the resolution.

Mr. W. McKeeva Bush: I would think that that could be a way out. And I think that May's would provide for that because it says, “The power of rescission has only been exercised in the case of a resolution resulting from a substantive motion, and even then sparingly.”

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am going to indicate at this particular time that I have some difficulty with the proceedings. I would like to read on page 370 where it says that—

The Speaker: What book are you reading from please?

Dr. Frank McField: Erskine May.

The Speaker: The 21st or 22nd Edition?

Dr. Frank McField: The 22nd Edition.

The Speaker: What page again?

Dr. Frank McField: Page 370, the last paragraph under “Reversal of decision” says, “**The reason why motions for open rescission are so rare and the rules of procedure carefully guarded against the indirect rescission of votes is that both Houses instinctively realise that parliamentary government requires the majority to abide by a decision regularly come to, however unexpected, and that it is unfair to resort to method whether direct or indirect to reverse such a decision.**”

I am going to stand by this. In other words, the amendment that was brought by the Minister of Education was already approved. I think I understand what we are trying to do here, but I believe that we have to do it according to the precedent and we don't want to set any kind of precedent that would suggest that we can make a decision in one sense and then go back and make another decision because it seems to be convenient.

I think consistency has to prevail.

The Speaker: I fully understand all that we are discussing. But if the House, with the leave of the House, can rescind the amendment that is now before the House (which in essence does exactly what the Honourable Minister of Education has moved a motion to do—because the amendment moved by the First Elected Member for George Town in essence reverses the amendment to this motion made by the First Elected Member for George Town—if you all understand what I am saying), and with the leave of the House, if that motion should carry that would then reverse the substantive motion back to its original position.

But through an abundance of caution I am now going to suspend this House for lunch and I will further research it. When we come back I will make my decision.

We shall suspend until 2.30.

PROCEEDINGS SUSPENDED AT 1.15 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 11/99 as amended.

The Honourable Minister responsible for Education, Aviation, and Planning.

**GOVERNMENT MOTION NO. 5/99
WITHDRAWN**

Hon. Truman M. Boddén: Mr. Speaker, I wish to withdraw the motion to rescind amendment number 1 to [Private Member's Motion No. 11/99] which I moved earlier.

The Speaker: I put the question that [Government Motion No. 5/99] be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 5/99 WITHDRAWN.

The Speaker: The First Elected Member for George Town.

**AMENDMENTS 1 AND 2 TO
PRIVATE MEMBER'S MOTION NO. 11/99
WITHDRAWN**

Mr. D. Kurt Tibbetts: As a result of our deliberations, I seek permission to withdraw the two amendments which are now being debated on the floor of the House, that is the two amendments we were seeking to make to Private Member's Motion No. 11/99 as amended.

The Speaker: In accordance with Standing Order 25(6) a motion has been made to withdraw the amendment . . . do we have a seconder?

The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Mr. Speaker and honourable Members, I am lucky that I don't have to write the Editorial on this one, I second the motion for the withdrawal.

The Speaker: I quite understand!

In accordance with Standing Order 25(6) a motion has been made to withdraw the amendments to Private Member's Motion No. 11/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENTS 1 AND 2 TO PRIVATE MEMBER'S MOTION NO. 11/99 WITHDRAWN.

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

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/99

REFERENDUM LAW

AMENDMENT NO. 3

Hon. Truman M. Bodden: I wish to move amendment number 3 to Private Member's Motion No. 11/99, The Referendum Law.

"In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Minister responsible for Education, Aviation and Planning, seek to move that Private Member's Motion No. 11/99, as amended, be amended by deleting the amendment and substituting the following:

- "(i) by deleting 'Government' as it appears in the first resolve clause and by substituting 'Legislative Assembly';
- "(ii) by deleting the figures '1993' where they appear in the first resolve clause and substituting therefor the figures '1972';
- "(iii) by deleting the full stop at the end of the second resolve and substituting a *semi-colon*;
- "(iv) by inserting the following new two resolves at the end thereof:

'AND BE IT NOW THEREFORE RESOLVED THAT the Cayman Islands (Constitution) Order, 1972, shall only be recommended for further amendment by this Honourable House after a referendum whereby the electorate vote for the specific amendments other than minor consequential amendments necessitated by electorally approved amendments to the Constitution and the first resolve clause of this Motion for the electorate to initiate a referendum;

'AND BE IT FURTHER RESOLVED THAT, subject to the approval of the electorate in a referendum, the Constitution be amended to entrench the principle that the Constitution should only be amended after a referendum whereby the electorate vote for the specific amendments, other than minor consequential amendments necessitated by electorally approved amendments to the Constitution.'

The Speaker: The amendment has been duly moved. The question is that Private Member's Motion No. 11/99 be amended as in the amendment circulated to members. Does the mover wish to speak to it?

Hon. Truman M. Bodden: I will be very brief. Basically what this motion will do is remove the amendment that was made earlier to the motion by deleting all of those

words in that amendment. And in the first resolve it will state that the word "Government" will be replaced by "Legislative Assembly." So the Legislative Assembly would take the steps to cause the Constitution Order to be amended, for the electorate to initiate a referendum.

All that has happened with that change from 1993 to 1972 was just a consequential type of amendment or a tidying up.

The original motion goes back to what it was except that "Government" is changed for "Legislative Assembly." And added to that are these two sections that I just read. What the first one does is state that members of this honourable House would not recommend a change to the Constitution until after a referendum, except they could recommend without a referendum minor consequential amendments and they can recommend the first part which relates to the electorates' right to initiate a referendum. So the first part of that really says that the House would not recommend changes to the Constitution without a referendum on the specific points unless it's a minor consequential amendment.

The last part that I read basically says that subject to the approval of the electorate in a referendum that there be an entrenchment of the principle that the Constitution should only be amended after a referendum.

So the first part establishes that members of this House would not recommend a change of the Constitution without a referendum. The second part would ask that that be put into the Constitution at whatever time it is next looked at, but after there has been a referendum.

Presently what the motion as amended now would say is that, firstly, the Legislative Assembly take the steps to amend the Constitution to allow the electorate to initiate a referendum. Okay? And there needs to be no referendum on that, I have withdrawn that part of it.

Then, once that has happened, the government take steps to bring a referendum bill to the House.

The third part (which is these two new sections) would then say that the House would not recommend a change to the Constitution until after there has been a referendum. And the last part says that at some time in the future the referendum should be entrenched in the Constitution by an amendment to it after the electorate gives its approval. That, in a nutshell, sums up what this is all about.

The Speaker: Does any other member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: I am indeed happy to see that reason has prevailed. It took a while, but I must say that Private Member's Motion No. 11/99 seems in a much better state now than it was previously.

I would like to give the Minister of Education credit—actually post graduate credit—for his attempt to use the negotiation process as a means of putting himself back in check with the consensus of the day. It was quite obvious to me (and I said this on the many occasions that I debated this one motion) that the people of this country wanted the right to initiate the referendum, and that there was no need for us to hold a referendum to decide this;

and that it would be quite in keeping with our conservative practice in regard to constitutional amendment to ask for this particular clause in the Constitution to be amended so as to give the people this superior power.

Although we heard arguments against this particular logic, we come to find that the logic of the arguments being brought by this particular side has prevailed in that particular sense.

The other point I would like to mention is in regard to the second resolve, where we have mention made to minor or consequential amendments necessitated by electorally approved amendments. In other words, where we have a situation talking about “fundamental,” it was said that “fundamental” was not a precise concept or precise word or term. But, as I said, whatever word or concept it is it can be changed. The point is that it be allowed to be changed when it is no longer useful as a means of communicating what is intended.

I believe that any word used in a reasonable, intelligent and conservative manner, will have the function of giving the real meaning of the word rather than what we might imply by way of our particular prejudice or attempt to deceive. It is important for me at this particular point, because in the last debate I made on the floor of this House in regard to this amendment (the last amendment, the second amendment brought by the First Elected Member for George Town—because this is now the third amendment) I was able to lay the scheme on its head. I was able to say that all the time we were speaking about the same thing and it didn't seem reasonable to me for us to continue with politically charged debate.

Although there is an opportunity, I am not going to take too much of the time of the House to rub salt in the wound I see has been inflicted in the intellectual discourse of a particular member of this House. I am going to move away from that because I was saying that the people would now realise that we all have the capacity here in this House to debate. And if we pay attention to one another's contribution, we will find that these types of compromises are very possible and it doesn't take two or three weeks to make these types of compromises.

I congratulate the First Elected Member for George Town for his attempt to get something reasonable out of this, something that would not be taxing on the peoples' purse. I feel that the fact that the ability to initiate the referendum can be made to the Constitution without a referendum has saved the country a tremendous amount of money and has created the opportunity for this to be worked into the Constitution at a much faster rate.

I think that we all agree that no major amendments should be made to the Constitution without consulting the people, and I do believe that the best way to consult the people—the most thorough and democratic way—is by way of a referendum.

I have no problems with this motion at the moment, Mr. Speaker, and I trust that the people will understand that a lot of criticism made in the original debate on this motion was not founded upon good reason, and that now we have the opportunity to see that all members of this Legislative Assembly are responsible, intelligent and are for what is good for this country.

The Speaker: The floor is open to debate. Does any other member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I will be very brief.

I just want to say how much I appreciate being able to get together to get to this point. It is a pity that we have had to go to East End from George Town to get to West Bay. It only shows that there are those of us on this side who can be reasonable. We know our Standing Orders and we know what the country wants.

I think the Fourth Elected Member for George Town put it quite well. I am glad that reason—if that's what it is—has prevailed.

The Speaker: Does any other member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I want to use this opportunity to say that my respect for honourable members has been enhanced by this exercise. I wonder why it takes us creatures of politics such a long and tedious process before we realise that many of us err, and that it is human to err, and that we need to be a little more trusting and open-minded with other people.

I am happy to have been associated with this effort and I hope it can be a learning exercise. As I have said before, all honourable members are trustworthy; there is no one so irresponsible as to want to take the country down paths it should not be taken—especially when they do not inform their constituents and their electors.

I hope for our sake and for the sake of posterity that this will be the last such exercise of this nature, not only for this period in history, but also into the coming millennium. We don't need anymore exercises of this nature.

The Speaker: The floor is open to debate. Does any other member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, bear with me sir, I simply need to ask a question to make sure. When we vote on this amendment as it is now, the motion as amended still has to be wound up?

The Speaker: That is correct.

Mr. D. Kurt Tibbetts: Thank you, sir.

The Speaker: Is that your debate on the amendment?

The floor is open to debate. Does any other member wish to speak on the amendment? If not, would the mover like to exercise his right of reply?

Hon. Truman M. Bodden: Yes, sir, very briefly to really endorse what members said, the time here has been very productive. It has produced what is the consensus of the House and it shows how progress can be made on very important matters such as this.

I would also like to mention that most of the time on very major issues it is rarely a difference in principle with members here when it is in the interest of the country. I would like to thank all members for their input and support on this amendment.

The Speaker: I shall now put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion stands amended accordingly.

AGREED: AMENDMENT NO. 3 TO PRIVATE MEMBER'S MOTION NO. 11/99 PASSED.

The Speaker: I think that this would be an appropriate time to adjourn, rather than go into the debate on the substantive motion.

Mr. Roy Bodden: Mr. Speaker, let's try to finish this business this afternoon and bury it once and for all.

The Speaker: I am game if everyone else is.
Is that the wish of the House? Okay.

Does the mover of the substantive motion, Private Member's Motion No. 11/99 as Amended wish to exercise his right of reply? The First Elected Member for George Town.

There's no turning back!

[Member's laughter]

DEBATE ON PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED (No. 3)

Mr. D. Kurt Tibbetts: Thank you Mr. Speaker.
I am assuming your terminology of "no turning back" means stick to the game plan, and I won't say any more about that.

The Speaker: Go to the finish!

Mr. D. Kurt Tibbetts: I will stick to the game plan. I won't allow temptation to even come by thought, much less by deed.

The Speaker: I thank you very much for that.

Mr. D. Kurt Tibbetts: Having accepted these amendments—and being able to say now that these are the final amendments to Private Member's Motion No. 11/99—I am really happy to be able to be looking at us moving forward in this honourable Legislative Assembly to the other business of the House.

I want to say that this could have ended in a different way, never mind all of the things that have happened in between. But I am happy at this point in time to know that the original intent of Private Member's Motion No. 11/99 will have been served (once we vote on it), not-

withstanding the fact that other thoughts will have been achieved by the vote also.

For the benefit of the listening public, and because I think it is my responsibility as mover to explain a little bit (I will do it as fast as I can, but I think it is necessary).

Once the motion has passed, we are going to be seeking the authority from London to be able to amend our Constitution by adding a section (whether it be section 29(2) or it becomes section 29(2)(a), I am not sure of those technical details) which will say that the electorate of the Cayman Islands will have the right to initiate a referendum.

Once that is completed then there will be a bill brought to the Legislative Assembly which will outline the terms and conditions under which—

The Speaker: Can I interrupt you just one moment?

Mr. D. Kurt Tibbetts: Yes, I understand what you are going to do, sir. I will pass it up.

The Speaker: I would ask the Honourable Minister responsible for Education, Aviation, and Planning to move the suspension of Standing Order 10(2) in order to continue beyond the hour of 4.30.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 10(2) in order to continue beyond the hour of 4.30.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: The First Elected Member for George Town, please continue.

Mr. D. Kurt Tibbetts: Thank you.

As I was saying, that bill will be brought which will outline the terms and conditions under which the electorate can initiate a referendum which is basically exactly what the original motion sought to achieve.

The other two resolve sections are basically addressing (in my view) a separate but nonetheless important matter. So that it can be clearly understood, when the initial amendment was brought where it was said that any amendment to the Constitution must be done via referendum, and I brought back the subsequent amendment where it used the words "any fundamental change could only be done via the referendum," what this new wording does is, instead of trying to say what changes can only be done by a referendum, the wording reverses itself to say what can be done without a referendum.

So what we have basically done, to use the Queen's English, is to go about it in a different fashion to accomplish the same thing. At this point in time we have dispelled any thoughts about how specific or clear the word "fundamental" is. As I explained what I was trying to achieve, it was finally clearly understood, and that is what we are backed to.

I don't have a problem with that. I want to say that the way the last two resolve sections read in the newly amended motion, my understanding is that any thought about that being entrenched in the Constitution will stand separately and apart from getting the first resolve taken care of via whatever the procedure is to get the Constitution amended. I think reading it altogether now it is clearly subject to that since the very last resolve is calling for a referendum to be able to ask for this to be entrenched in the Constitution. The other one is not. So the other one can move forward. This other one won't address the Constitution until a referendum is held.

While it has been rough sailing in between, what we have ended up with is something that I can not only live with but that I can support.

I too, Mr. Speaker, am going to totally resist the temptation to do any critique on what has transpired from the day the motion was moved until this time. Just before I close I will say to the government—especially to the Leader of Government Business—that notwithstanding our differences at times, if proper reasoning is put forward we can talk and end up with the right results. But let him not take this as a lesson that he can somehow or the other find ways to do as he pleases in the future because that will not happen.

Having said that, just to get a little quick one here without going very far, I am certainly happy that we could all come to this point. Without going into anymore talk about it I would hope that we could simply take the vote. I urge the government and the rest of members here that as the motion is passed—as it is obvious it will be—let us get on with following through with what else has to be done with regard to this so that it does not become just a shallow promise but that it becomes something real that the public can be happy with, so that they can retain some confidence in their elected representatives.

Thank you.

The Speaker: I shall now put the question on Private Member's Motion No. 11/99 as Amended. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed, and I thank you all very much.

AGREED: PRIVATE MEMBER'S MOTION NO. 11/99 AS AMENDED PASSED.

The Speaker: That concludes the business for this afternoon. I will now entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.41 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 6 OCTOBER 1999.

**EDITED
WEDNESDAY
6 OCTOBER 1999
10.20 AM**

[Prayers read by the Honourable Minister responsible for Agriculture, Environment, Communication and Natural Resources]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Honourable First Official Member who, due to unforeseen circumstances, will be absent from the Assembly today.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I rise to seek whether the House would be so disposed, sir, as to consider going beyond our normal hours so that we can dispatch the business left on the Business Paper. Certainly, it would strike me that the government must be preoccupied with important matters and we are running the risk of being here until the budget is about to be delivered. So, I am asking you, sir, to try to ascertain what is the disposition of the House so that, if possible, we can go beyond the normal adjournment hour this afternoon, tomorrow afternoon, and possibly Friday.

The Speaker: I thank the Third Elected Member for Bodden Town for that. I think it is a good idea and we can discuss that informally at the break. Thank you very much.

Moving on to item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 136 is standing in the name of the Third Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 136

No. 136: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Environment, Communications and Natural Resources: (a) what is being done to control the number of persons visiting the Sandbar daily; and (b) what is being done to protect the stingrays.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: The (a) portion of the question may be better addressed by the Ministry or Department of Tourism as the issue is more related to overcrowding at the site and the subsequent quality of the experience. While the number of visitors potentially may impact the environment, there is no inherent environmental degradation resulting from the number of visitors. The only environmental threats stem from the actions of the visitors while they are at the site and these problems are addressed in the second part of this question.

(b) The Department of Environment and the Marine Conservation Board developed a guideline document for protection of stingrays at the Sandbar and Stingray City. The guidelines were presented to both of the local watersports' operators associations and gained acceptance by both groups. These standards are currently voluntary and operators are asked to enforce the guidelines on their members. The option for legislation is available if the guidelines cannot be met voluntarily.

SUPPLEMENTARIES

The Speaker: Supplementaries, The First Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the Minister say whether or not the number of boats anchoring on the Sandbar is an inherent environmental problem?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: I would say that there is a great concern that has been expressed by the department with regard to the number of boats and how they are anchored at the Sandbar. It is my understanding that buoys have been positioned in such a way as to try to assist with this, if need be I think we will do more.

Also, we have had some co-operation from the individuals that I mentioned in the answer with regard to policing how and where they anchor on the Sandbar.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say why he has said in the (a) part of his question that this question would be best directed to the Department of Tourism, when he, in fact, in the answer says that there is no inherent environmental degradation resulting from the visitors?

In other words, he is saying that there is no problem with the amount of people that are visiting at the moment. So, why would he then suggest that he has not answered this question sufficiently and took up a position in saying that there is no danger being created by the number of visitors there at the moment?

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: What I have said in the (a) part of the answer in no way is saying that I should not have answered the question. The fact remains that it is somewhat of an overlap between the two ministries. However, I would say to the House that I have cleared it with the Minister concerned and rather than the question not being answered, we agreed to handle it this way.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In the answer given, the Minister referred to the guidelines. I wonder if he can say what the guidelines entail with respect to the handling of the stingrays, which is a concern.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: One of the things that we have been trying to instil in the minds of the visitors to the Sandbar is the fact that while the stingrays are quite interesting and beautiful, at the same time they are not to really and truly handle the stingrays. I think that is where the problem comes and it is sort of hard for this to be policed because you would need a marine officer for each tourist there on a daily basis.

However, as I said, the boat operators there have been assisting with it and we have been trying our best to make sure that none of the animals are hurt.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I would suggest that maybe as a part of the guidelines—

The Speaker: You will turn this into a question, please.

Mr. John D. Jefferson, Jr.: Yes, sir. As a part of the guidelines can the operators be instructed to tell their passengers as they are going out that they are welcome to visit the Sandbars but we would appreciate if they wouldn't handle the stingrays physically?

I wonder if the Honourable Minister could give us an undertaking that that will be done, because I think that is one of the main concerns that we have in regard to the continued popularity of Stingray City and the Sandbar.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: I am pleased to say that this has been done, and as I mentioned in the (b) section of the answer, the guidelines were presented to both the local watersports operators associations and gained acceptance, and they have been working along with us.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Question (a) stems from a resolution in the House, which the minister answered on behalf of government. While he says here that it's the Ministry of Tourism that should be addressing it, at the same time he is responsible for the environment. I would like some undertaking if he cannot say—and he obviously cannot—as to what is being done about the situation. If he could liaise, since it is a problem between the [Ministry] of Tourism and the [Ministry] of Environment, and come up with at least an answer as to if it's going to be addressed or not.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: Mr. Speaker, I have no problem in giving that undertaking. As a matter of fact, it is an ongoing discussion between the minister and myself, and of course, the department will have to be brought into it. So, definitely, I give that undertaking that I will continue.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, one of the concerns that I have heard being repeated by the operators in that area is the lack of a sufficient number of buoys or moorings at the Sandbar and also at the other popular dive sites. I wonder if the honourable minister can say if there are any plans to maybe add additional moorings.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. I think, I covered that a while ago, but yes, there are plans to continue to monitor the situation and if need be, we will put in more.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will move on to Question 137 standing in the name of the First Elected Member for George Town.

QUESTION 137

No. 137: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning to give an update on the implementation phases of the 1995-1999 Strategic Education Plan.

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

Hon. Truman M. Bodden: The Education Development Plan was not arranged in distinctive phases in 1995, rather it was placed on a timeline and various activities were scheduled to commence each year. Copies of this timeline were distributed to all implementers.

The first annual update of this plan took place 18–19 April 1996. At this update, the Planning Team was satisfied with the progress being made in implementing the action plans. However, three strategies were sent back to action teams to be expanded. A follow up session was held on 30 September 1996.

The second annual update of the Education Development Plan was held on 15 October 1997. Progress was noted and recommendations made to write personal plans for students and plans that address the professional development of teachers.

The Planning Team did not meet in 1998 as it was decided that with the creation of the Vision 2008 plan it was necessary to merge the recommendations from that plan with the one for the Education Development Plan.

The next update of the Education Development Plan is scheduled for 25-26 October 1999 at the Community College. This update will be facilitated by Dr. William Cook.

SUPPLEMENTARIES

The Speaker: Supplementary, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Yes, sir. Can the minister state when this plan was completed (and was it called the Plan 1995 - 1999)? Was it envisaged or did the plan profess that the implementation would have been completed by 1999?

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

Hon. Truman M. Bodden: Mr. Speaker, it is a rolling five-year plan, that is, the plan is updated annually. It missed one year's update due to the Vision matter. But it is a rolling plan that will continue its implementation over the continuing five-year period.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state specifically, by whatever method he needs to use now, whether the implementation phases of this plan were envisaged to be completed by the year 1999 when it was originally created in 1995, or rather in 1994 to begin in 1995?

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

Hon. Truman M. Bodden: The phasing that came out with it, dealt with the first five years. I think that is what the member is referring to. In that the specific implemen-

tation plans, the action plans were phased to be done in certain years. But it doesn't mean that the whole plan was to have been completed in five years and then a new plan come in. Each year it would be reviewed. Sometimes action plans may be dropped, they may be amended; new ones may come in and as the Planning Team sent some plans back for further matters.

It is quite an extensive thing. If the member wants, I can sort of say when the different plans were scheduled to have come in but it is quite long.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Swimming along with the minister here . . . my understanding of what the minister has just said is that while it was not anticipated for the entire plan and its complete implementation to be done within the first five years, seeing as it was envisaged to be a roll-over plan, can the minister then state exactly where we are at now within what was projected to be implemented within the first five years?

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

Hon. Truman M. Bodden: Mr. Speaker, the review as I mentioned is coming up October 25 -26. That will then review what has been done, what needs to be done, what needs to be verified, if anything needs to be stopped or any new areas perhaps should come under the plan. So, I would be happy to answer that once that review is done (actually, it will be done this month) in another three weeks time at which time I will be in a better position to give an update.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the minister then saying that in reality, the answer to my substantive question should simply have been that it cannot be answered until this review is completed?

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

Hon. Truman M. Bodden: Yes, Mr. Speaker, because the review is done by the Planning Team, not by me or my ministry. So, once I have that . . . in fact, I am sure we will. With our good transparent attitudes these days this will go out and I will also be able to let the member have it, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I wish to seek your guidance, sir. It is obvious from what the minister is saying that because of timing, he is not in a position to answer the question as it was put. It is my understanding

also that if these questions are answered, it is a six-month period before they can be asked again as substantive questions.

Given the circumstance that it has been impossible for the minister to answer the question, is it possible for me to withdraw this question since it is not completed sir? I may be able to ask the question in the November sitting.

The Speaker: I would say that it is not possible to withdraw it because we have already had supplementaries on it. But the Honourable Minister can give you an undertaking that he will give you a report in writing, if that is satisfactory with you, after the Planning Team has met.

Mr. D. Kurt Tibbetts: Mr. Speaker, I understand exactly what you are saying. My only reasoning behind the whole thing was that, although we had five paragraphs of answers, there were no answers. Perhaps, if I have to accept the disadvantage of an answer in writing, I will do so. But I am only explaining to you why I asked what I asked of you because in truth and in fact, and with no disrespect and not wanting to cause any arguments, the question has not been answered—because it could not have been answered, obviously so.

The Speaker: That's all I can really say on it. That's the ruling I have to make.

Are there any further supplementaries? If not we will move on to Question 138 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 138

No. 138: Mr. Roy Bodden asked the Honourable Third Official Member with responsibility for Finance and Economic Development what is government's policy regarding the granting of full autonomy to the Monetary Authority?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The government's policy regarding the granting of full autonomy to the Monetary Authority is that this is a necessary step to which the government is committed.

To this end, the Portfolio of Finance and Economic Development in conjunction with the Authority is currently carrying out an operational and legislative review of the Authority to ensure that all the required features are in place to enable it to be successful as an independent entity and to be in compliance with international norms in this regard.

SUPPLEMENTARIES

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

Mr. Roy Bodden: Can the honourable member tell the House whether there is a timetable established for this

procedure, and, if so, how far along is the arrangements on that timetable?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: We are hoping that the review will be completed at the end of the year. But as the member will appreciate at this time, he would have had sight of the White Paper that has been submitted by the United Kingdom. This is looking at various aspects including the operations of the financial industry. It is not that we are seeking necessarily to use the White Paper as a guide, but we are taking into account all of the legislative requirements, all of the components that are required to ensure that we have an effective regulatory administration established by way of our monetary authority.

This review is presently being carried out under the direction of the Managing Director of the Monetary Authority, together with the Assistant Financial Secretary and other members of the Board. What is happening at this stage is that the entire operation of the Monetary Authority is being looked at (examined from an operational point of view, looking also from a legislative reform point of view) and we are hoping that by at least the middle of the year 2000 that this review and the necessary legislative amendments and other reforms would have been established. More importantly, to ensure that accountability exists between the Monetary Authority and the government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member say—bearing in mind what the answer has been—when the Monetary Authority was first created what was the government's policy regarding any autonomy it should have had?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: When the Monetary Authority was established, the government's intention at that time was that an agency should be established with full autonomy. The actions of the government up to this time are very much consistent with that policy.

If the First Elected Member for George Town will recall that in 1992, we had separate regulatory regimes. We had the Inspector of Banks and Trust Companies, and we had the Superintendent of Insurance. That was subsequently rolled-up into the Financial Services Supervision Department.

The government, on its own accord and initiative, took the view that the Monetary Authority should be established, thus putting in place a stronger regulatory regime. Since that time, Mr. Speaker, that process has been very much in train. Based on the commitment by the government, it will be seen through to its satisfactory conclusion.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The Honourable Third Official Member will appreciate that members like me do understand that the intention for autonomy to exist is there. But it just strikes me funny . . . and I am really sorry to be asking the Third Official Member the question but that's where it has to be directed. If the intention was for the Monetary Authority to retain autonomy, why then was it the thought that it be best for the Third Official Member to be the Chairman while at the same time being a Member of Executive Council—bound by collective responsibility? Was that not a conflict of interests?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, since I hold the position of Financial Secretary and the Third Official Member, it could be viewed that the response that I will be providing will be self-serving but this definitely is not the case.

Mr. Speaker, if it is not myself, it would have to be another Member of Executive Council. There has to be linkage between any regulatory regime that is set up in the Cayman Islands and the government. The government is responsible for the formulation of policy.

The Monetary Authority as an independent agency is responsible for the regulation of the financial industry. If the Monetary Authority is responsible for the regulation of the financial industry and complete independence is, for example, established on the basis that a person not connected with the government is to be put in the position of the Chair, this creates somewhat of a difficult situation from a technical point of view, the work will be done.

But from the point of view of ensuring that there is linkage and flow of understanding, for example, if there was someone independent of the Portfolio of Finance and Development that was in the Chair, Mr. Speaker, two things could be done. The question would be who exactly would the Authority be reporting to. And secondly, the knowledge base that needs to be there in terms of the policies that are flowing down or the desires of the government to be enshrined. It is very important for the government to be in touch with all independent and statutory bodies that are established, especially, where we have a significant section of our economy that is very much wrapped up in the process of the financial services activities.

The Speaker: Do you have a follow-up?

Mr. D. Kurt Tibbetts: Yes, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps, this is not one of these things that we need to go into in great length, but I cannot let this opportunity pass. I understand exactly what

the Honourable Third Official Member has said, and I am confident that I have a grasp of the justification for someone from Executive Council being the chairman. But does not this in itself immediately say that autonomy cannot exist?

If there is a qualified autonomy that needs to remain at that level because of other reasoning, that is another matter. But, surely, if policies and linkages (as the Honourable Third Official Member has just stated) are very important in the whole operation, and these policies are coming from Executive Council, and the direct linkage has to be there that it does not pass down by a paper trail, then, certainly, one cannot say in the same breath that the intention is for full autonomy to exist, because it cannot happen.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I differ with the member on this, and I think he should understand why I will differ. I will explain the reason why.

It is quite possible and practical to have an independent Monetary Authority with the Financial Secretary (this time I am going to speak of myself in the third person) being in the Chair. When the Monetary Authority is established as an independent body, it will take decisions on licensing independently. It will have an Executive Committee that will be comprised of members of the board of the Monetary Authority. They will sit and they will review applications.

The linkage between the Monetary Authority and the Financial Secretary or Executive Council, is that the Financial Secretary (being a Member of Executive Council and being the Chairperson of the Monetary Authority) will be able to apprise the Monetary Authority of developments that are occurring within, let's say, the international forum—such as what is happening with the White Paper—and for such to inform the activities of the Board.

The Financial Secretary (or the Chairman) should be professional to recognise that the basis for separation of duties should be achieved, because at the end of the day it is not a conflict of interests, where we have somebody operating and exercising independent judgment in his capacity as a Chairman of the Board. At the end of the day, the Chairman of the Monetary Authority must recognise the importance of the Monetary Authority to the regulation of the financial industry.

This question was put on several occasions in the past, and it goes to another logical conclusion that I will not get into. If the Financial Secretary, or let's say for example, the linkage with the Monetary Authority is minimised, the question is, Who will the Monetary Authority be reporting to? The question is in terms of the flow of decisions from the Monetary Authority up to such linkage, exactly whether it will be the Cayman Islands being in control of what goes on within our financial services activities.

Mr. Speaker, we have very able and competent members of the Board. We have Sir Vassell, Mr. Michael Austin, Richard Chalmers from the Bank of England, the Managing Director, and I. When we look in terms of

these individuals, the Financial Secretary as a member of Executive Council, cannot sit down and wield such authority in the board in order to override the decisions of the other board members. We sit and we look at issues objectively. But what is very important, Mr. Speaker . . . and I was looking for an article that I found some time ago that I wanted to bring for the benefit of this Honourable House. There is a question as to the newly regulated body or the regulatory authority, Financial Services Authority (FSA) in the United Kingdom.

The question has been raised about that in terms of challenging the wisdom—how independent should an independent body be. So, Mr. Speaker, if it is a question in terms of sitting down and believing that this cannot be achieved without arriving at a situation of a conflict of interests, I will defer on that issue. I think, it is very important . . . and in light of what is happening now, if it is not me [then] there should be a connection where there is a Member of Executive Council either sitting on the board or sitting in the position of Chair. But I do not believe that that linkage should be severed because at the end of the day if the people of the Cayman Islands can vest this level of trust in order to elect members to put them in this Honourable House, where decisions are taken governing national issues and the running of this country, if it comes down to a point where a member cannot be trusted to sit on a board without leading into a situation of conflict of interests, we will have to examine our ethics very carefully.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I wonder whether the member can say whether the licensing of financial institutions is still carried out by Executive Council? And, if so, whether those members in Executive Council who are directors or shareholders of other institutions have to extricate themselves from the proceedings or do they still hold sway over which bank is licensed and which one goes under (that means put into liquidation)?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the decision of licensing is taken by members of Executive Council. It was understood that this would be a transitional arrangement with the establishment of the Monetary Authority, and I outlined what took place from 1992 to the present, to where the Monetary Authority was established.

It will have to be borne in mind that was a very short timeframe. Up to that point in time, we will have to look in terms of the cumulative expertise that exists in Executive Council. I think that member is very much aware in terms of the intentions that were known when the Monetary Authority was established. As soon as the Monetary Authority had been through the learning curve situation, Mr. Speaker, it was understood that Executive Council would gradually relinquish responsibility in terms of the licensing of these entities. As soon as the operational structure becomes entrenched, this will be done.

At present, there are members of Executive Council who have interests in other financial institutions. But as that member is aware, they are required to declare their interests in Executive Council—and this has been done. I must say that sitting there and observing what is going on, these members have the capacity to be objective in the decisions that are made. Invariably the applications that are put forward for licences, these are normally the recommendations of the Monetary Authority and normally accepted unless there is a need to seek further clarification.

When it comes on to taking a decision in terms of, for example what institutions are put in liquidation (with the exception of the mutual funds section) the recommendation of the Monetary Authority is normally made and Executive Council acts upon these recommendations. So, it is not a question that Executive Council acts without any regard to the recommendations that are made by the Monetary Authority. The Monetary Authority normally initiates the action and it follows through whereby Executive Council is invited to take the decision.

The Speaker: Do you have a follow-up? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I have a supplementary question.

The Speaker: The Third Elected Member for George Town was next.

Mr. W. McKeeva Bush: Is that right?

The Speaker: If you don't have a follow-up. . . he gave way, so go ahead.

Mr. W. McKeeva Bush: Mr. Speaker, it is a follow-up. I just want the member to clarify—and I would like to say that, yes, I was a Member [of Executive Council] from 1993 to 1997 and I do remember the intentions in the formation of the Monetary Authority and that has been some years hence.

I just want to understand clearly whether members in Executive Council who are directors and shareholders still hold sway over which banks are licensed or which licences are pulled?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I responded to that earlier by saying—

The Speaker: I think that is somewhat outside of the ambit of this question but if you care to answer it, you may.

Hon. George A. McCarthy: Yes. But I am not going to respond to the question in terms of a sway or pull. Applications for the granting of licenses or the revocation of licences or any other variations, these are normally sub-

mitted to Executive Council. Members having an interest in other financial institutions are required to declare their interest—

Mr. W. McKeeva Bush: *[Inaudible comment]*

Hon. George A. McCarthy: Yes, they are required to do this, Mr. Speaker. On this basis, then once this is done, it is accepted and Executive Council collectively to review applications. If it gets to a point where it involves a financial institution in which a member has a direct interest, this member would not normally participate in discussions.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. It seems somewhat strange that the (and I will turn this into a question) Third Official Member appears so defensive on this issue because I believe that the First Elected Member for George Town was really trying to obtain information regarding the need for the independence of the Monetary Authority as having full autonomy with the Cayman Islands.

Mr. Speaker, I wonder if the Honourable Third Official Member would give the undertaking that he would look at the policy of government with a view to reviewing this because it would appear that the logical extension of his argument is that all statutory authorities should have the chairmanship by a Member of Executive Council and this cannot be what he is trying to suggest. So, I am wondering whether he would give the undertaking that this whole matter would be looked into. Perhaps, government members or those listening to what I am saying would also consider this particular point.

Mr. Speaker, I am mentioning this on the basis that as far back as 1988 (to 1992) when I was a Member of Executive Council, the view was taken that Executive Council members should try hard not to Chair statutory authorities for the mere purpose of trying to leave the authorities as independent as possible. Since we are trying to grant full autonomy to the Monetary Authority, perhaps this policy should continue and be developed. I am wondering whether he would give this undertaking.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it is unfortunate that the Third Elected Member for George Town has read my response as being defensive. It is not defensive. It is a clarification that I intended to give and I trust that this also would have been read into it.

On the question of full autonomy, I do not believe that it is necessary to have total disassociation of Executive Council with any statutory authority to achieve independence. Let us use the word “independence.” If it is a question where the view can be held that the member of Executive Council is put in a position to exercise undue influence over the affairs of an organisation, this will have to be looked at. But, this in itself has not been estab-

lished to be the case.

If it was a question that the view . . . and I know that I am not the fountain of all knowledge and I will not pretend to be. But I do believe that where an organisation exists with specific regulations, rules and procedures establishing its independence, and you have a member of Executive Council, which will include me in this instance, sitting in the Chair of the Monetary Authority, I do not believe that the objective of this entity being regarded as independent would be absent. It can operate and it should operate, and at the end of the day, what is very important is to have an organisation with the required expertise on its Board—members with the requisite competence in order to discharge their responsibilities effectively.

As I said, Mr. Speaker, the review exercise is presently being carried out. It is not a question of trying to protect my position in terms of being in the Chair or protecting, let's say for example, future financial secretaries. But I do believe where we have a Board that is so important to the financial industry that there be a direct linkage [to] Executive Council—not to influence the decisions being taken in regard to the granting and revocation of licences; and not for this person to sit there and dominate the proceedings because obviously the other members who are professionals would strongly object to this, but to just ensure that whatever broad international conventions are impacting upon the government of the day, it is very important for this to be conveyed to the Board. And, also, for the concerns that would be fed through the Board from the wider community to be fed back to Executive Council as to what these concerns are. It is from that point of view, so it is a question of expediency.

The Speaker: Before taking the next supplementary, I would ask that motion be moved for the suspension of Standing Order 23 (7) and (8) that Question Time can continue beyond 11.00 a.m.

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

Mr. Roy Bodden: Mr. Speaker, I beg to move the suspension of Standing Orders 23 (7) and (8) so that Question Time may continue beyond the hour of 11.00 a.m.

The Speaker: Do we have a seconder?
The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I second that motion.

The Speaker: The motion has been made and seconded. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues beyond 11.00 a.m.

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I have a last supplementary, sir. Can the Honourable Member say what would be the significant difference between the operation of the Monetary Authority, once it is granted full autonomy, and the Monetary Authority as it presently operates?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Monetary Authority, as an independent, body will take decisions on the granting of licences, the revocation of licences, the development of rules and [part of tape missing] . . . to Executive Council and to appraise Executive Council as to the issues which would have been dealt with by the Monetary Authority, to give an overview of the financial industry.

Essentially, Mr. Speaker, the weekly applications that are now being submitted to Executive Council for consideration would be dealt with by an executive committee of the board. The Executive Council would be informed periodically as to the activities of the Monetary Authority.

The Speaker: Are there any further supplementaries? If not, we will move on to Question 139 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 139

No. 139: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development what provisions are in place at the Monetary Authority to protect investors from fraudulent or suspicious practices in mutual fund management and administration?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Under the Mutual Funds Law (1996 Revision), prior to obtaining a mutual fund administration licence, it must be demonstrated to the Monetary Authority's satisfaction that the applicant has:

- sufficient expertise to administer regulated funds;
- a sound reputation;
- provided proof that the administration of the regulated mutual funds will be done in a proper manner;
- a net worth of at least CI \$400,000.

For funds not administered locally, such as those in the "registered funds" category, to qualify for registration a fund either has to be listed on a recognised stock exchange, which ensures that all information investors would require is publicly available and that the fund itself is subject to the regulatory regime of an exchange, or a fund must be restricted to qualified investors only, defined as a minimum investor subscription of US \$50,000.

SUPPLEMENTARY

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

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member state whether there is any ongoing monitoring of these managers and administrators of mutual funds or whether once you are qualified then that is the only criteria to be met?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, monitoring takes place on an ongoing basis. This is normally done through scrutinising the half-yearly reports that are normally provided to the Monetary Authority. These are being looked at. And anything that comes to light can trigger an investigation. Based on the information that is filed, this will indicate to the Monetary Authority if the fund is operating in a satisfactory manner.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Member state if any application for a mutual fund administration licence has been refused thus far?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Several applications would have been refused up to this point in time because as I said, at the end of the day, probity will have to be demonstrated [on] all relevant information, or that the necessary wealth or asset backing is in place in order to ensure that the fund is viable, and that the necessary expertise exists to ensure that it operates to the highest standard, thus providing the necessary protection to investors who will be investing in such funds.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If any of these applicants are aggrieved at the decision not to grant their licences, is there any method by which they can make any type of appeal or any body they can address in order to try to rectify whatever the circumstances are which prevents from acquiring that licence.?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, if an application is made and refused by Executive Council, then the recourse would be to go to a judiciary review. But normally, dialogue takes place between the Monetary Authority and the applicant in order to remedy any outstanding issue. At the end of the day, if a licence is not to be granted, it would be hoped that once the requirements have been outlined—which will be ably done by the Monetary Authority—that decision will be a mutual decision that will not be taken solely by the Authority or

by Executive Council but the applicant will be made to understand why the application would not have been allowed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the member explain what role Executive Council plays in this process?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The role by Executive Council would be the initial consideration of the application as recommended by the Monetary Authority, and then, if it is a question where more information is required, this will be sought. It is very likely that Executive Council will follow the recommendation of the Monetary Authority because the Monetary Authority does not in all instances recommend that a licence be granted. They will consider all the facts. Often time, they will make the recommendations that the licence not be allowed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just for purposes of clarity, can the Member then say who actually grants the licence?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The licence is granted by Executive Council upon the recommendation of the Monetary Authority.

Mr. D. Kurt Tibbetts: Finally, Mr. Speaker, again for purposes of clarity. . . so at this point in time, the Monetary Authority is not empowered with the ability to grant such licences?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: No, Mr. Speaker. But what is very important is that Executive Council recognises that the expertise for the consideration of the applications and weighing all the facts rests with the Monetary Authority. It is on this basis that Executive Council is guided by the recommendation of the Monetary Authority.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I promise this will be the final one. If the Monetary Authority is not in a position to grant these licences, does this imply full autonomy on its existence?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I will use an analogy and I trust you will permit me. The good Lord could have made the world in one day. But He took six. This is to establish an object lesson to humanity that when an intention is expressed, it is much better for us to go along on a timely process to achieve the end result.

The government has established an objective to grant full autonomy to the Monetary Authority. This is not one in which the government was forced into; it is one that was initiated by the government. I outlined the steps that have been taken since 1992—the amalgamation of the Superintendent of Insurance Office, the Company Manager's Office and also the Inspector of Banks and Trust Companies into the Financial Services Supervision Department. That was subsequently rolled up in the Monetary Authority.

What the government is now doing is going through and satisfying itself that the necessary operational procedures backed up by legislative requirements will be fully satisfied to ensure proper accountability and for the Monetary Authority itself to go through the learning curve. Based on the progress up to this point in time and the intentions expressed by the government, there are all indications that the Monetary Authority is on its way to becoming a fully independent entity.

The Speaker: Are there any further supplementaries? If not, we will move on to Question 140 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 140

No. 140: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development what arrangements are in place at the Monetary Authority for investors or shareholders to seek recourse in the event of allegations of fraud, abuse of authority, mal-administration or misappropriation of funds.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Mutual Funds Law (1999 Revision) addresses these risks by empowering the Monetary Authority to take any or all of a broad range of enforcement actions, if the Authority is satisfied that a mutual fund:

- 1) is or is likely to become unable to meet its obligations as they fall due;
- 2) is carrying on or attempting to carry on business or is winding up its business voluntarily in a manner that is prejudicial to its investors or creditors; or
- 3) is carrying on or attempting to carry on business without complying with any condition of its Mutual Fund Licence.

If the Monetary Authority becomes aware of the existence of any of these conditions, it may take any of a broad range of enforcement actions in an attempt to preserve the rights of investors and creditors of the fund. These actions include:

- 4) revoking any mutual fund licence the mutual fund holds;
- 5) imposing conditions or further conditions on any mutual fund licence the mutual fund holds and to amend or revoke those conditions;
- 6) requiring the substitution of any promoter or operator of the mutual fund;
- 7) appointing a person to advise the fund on the proper conduct of its affairs; and
- 8) appointing a person to assume control of the affairs of the mutual fund.

The Monetary Authority may also apply to the Grand Court for an order to take any other action it considers necessary to protect the interests of investors and creditors.

Enforcement actions are initiated from the Monetary Authority's application of its normal supervisory procedures or from credible information provided by the investors, creditors, or other members of the public. In all circumstances, the Monetary Authority conducts a thorough preliminary investigation before commencing any enforcement actions.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Whenever the Monetary Authority takes any of these broad range of enforcement actions in an attempt to preserve the rights of investors and creditors of the fund, can the honourable Member state whether the Monetary Authority acts on its own volition? Or does it have to seek authority through the Board or take instructions from Executive Council?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Under the Mutual Funds Law, the Monetary Authority is empowered to take any of these actions without referring to Executive Council or to the Board.

The Monetary Authority (depending on the nature of the review that is underway) may find it necessary to consult the Board to apprise of its actions, and if it is one that could, let's say, have an impact upon the financial community. It is very good for the members of the Board to be apprised as to what is being done by the Monetary Authority in order to address a range of questions that may be raised by, let's say, members of the Legislative Assembly, members of the public or just to be satisfied that the Monetary Authority is on top of all of these issues and pursuing the right course of action.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Through you, Mr. Speaker. The Member just outlined what would normally take place depending on the exact circumstance. But he stopped short of addressing what role might be played by the Ex-

ecutive Council. Would the Member state if any role at all in this process is played by Executive Council?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: There is no role to be played by Executive Council in this process. The Monetary Authority independently pursues its investigation and, if need be, going even to the Courts. The Monetary Authority exercises its judgment in this regard.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House whether the extreme sanction of revoking a mutual fund licence disqualifies the person from gaining any further licences from mutual funds in this jurisdiction?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, it would preclude the person from qualifying for a licence to administer a mutual fund because as the Monetary Authority, as just pointed out . . . and we have on hand, the Head of the Investment Section, Mr. Don Seymour, together with the Managing Director, Mr. Neville Grant. The Monetary Authority looks at the regulatory record, that is, the expertise of the individual in question. And where a licence has been, revoked such a person will not be authorised to administer a mutual fund in the future.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for today.

Moving on to item number 4 on today's Order Paper, Presentation of Papers and Reports. Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year 1997 was tabled at an earlier sitting and is now open for debate.

The Honourable Third Official Member, do you care to speak to the Minute before debate commences?

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON THE AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 1997

Hon. George A. McCarthy: Mr. Speaker, I have been made to understand from the Deputy Financial Secretary (who was acting as the Third Official Member at that time) that the report has been tabled. So, it is now open for debate. At this point in time, Mr. Speaker, I don't think I would want to add anything in addition to the content of the report, which would have been already advised to this Honourable House.

The Speaker: The floor is now open for debate. Does any honourable Member wish to speak? (Pause) If not, maybe this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.30 AM

PROCEEDINGS RESUMED AT 12.05 PM

The Speaker: Please be seated. Debate continues on the Government's Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the Year Ending 1997. Does any member wish to speak?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: It has been so long since I tabled my report on behalf of the Standing Public Accounts Committee (PAC) on the Auditor General's Report for 1997, and there is so much water under the bridge since that time, that it's difficult to recall what was being discussed.

With the lapse of time, I am sure that a lot of those issues we were concerned about at the time of the report have been addressed by government. However, I would like to make some remarks on comments made in the Government Minute on both reports, that is, the Auditor General's Report and the Public Accounts Committee Report. I would like to follow the format of the report.

The first area that I would like to deal with is on the Audit Opinion—Accounting for Overseas Medical Expenditure. What it addresses here is the concern the Public Accounts Committee and the Auditor General had for indigent persons who had to be sent overseas for medical attention. Experience has shown that this expenditure amounts to about \$2 million per year.

If that is the experience then it makes sense to recognise that expenditure and account for it by making a budgetary provision for that purpose. I am pleased to see that government recognises the value of this recommendation and has agreed that this will be done.

The other concern raised by our reports was the use of advance accounts for expenditure in the area of medical expense. I for one, support the position taken by the Auditor General in that it is important for government to account for expenditure in the year it is incurred. If government incurs \$2 million in overseas expenses for 1999, every effort should be made that that expenditure is recognised in 1999. Otherwise you get a distorted position as far as government's financial position.

Government has finally recognised that this should be done and mentioned that this will be done in the 1999 accounts.

Also on the medical services is an ongoing concern regarding delinquent medical fees. This goes back some eight to ten years. The point raised by the Public Accounts Committee and the Auditor General is that the

longer these accounts are allowed to remain outstanding, the greater the risk that they will become non-collectable.

I am very pleased to see that in August 1998 a Debt Collector was appointed at the Health Services Department with specific responsibility to follow up overseas medical accounts. I am also pleased to see that results are being realised in regard to collecting some of these outstanding fees. On page 2 of the Government Minute it says, **"The repayment plans provide for the repayment to Government of CI\$1,406,650 over the next five years."**

It is important for our people to recognise that government needs money to operate, just like any business. But there is a certain feeling that if it's government, it has to be free. I think some time early this year we were finally in a position to open our new hospital in George Town. All I have received since it has opened is very, very positive feedback on the quality of the facility, the quality of the service. People must be prepared to pay for that quality of service. So, I am very pleased to see that efforts have been finally put in place to start collecting some of the outstanding fees owed.

It is my opinion that the health services can be put in a financial position to carry itself with a small subsidy from government. This would put us in a position where we'd have funds available for other needs.

The next area I would like to comment on is the Customs Department. We highlighted the deposits in our report, as did the Auditor General in his 1997 report. I am pleased to see that these accounts have finally been reconciled. I trust that the committee's recommendations that autonomy should be given to the Customs Department—which is probably the largest revenue collecting department—in regard to its bank accounts and the handling of its financial affairs.

I am also pleased that a qualified person has been appointed to address these areas. I trust that efforts will be made to ensure that it doesn't regress back to the situation we found it in, as mentioned in our report.

The next area I would like to comment on is the grant to private schools. I would first like to comment on the proposed scholarships mentioned on page 6 of the Government Minute. It was the committee's feeling that because government provides a substantial amount of money annually to the private schools of this country (which I totally support) that the private schools should have a scholarship programme in place to accommodate students in our society who are interested in attending a private school but who are not in a financial position to do so.

I believe that the ministry was a little confused as to what we were requesting. Our information was that some of the private schools hold a number of spaces open for children of persons on work permits rather than making space available for Caymanians who may not be in a financial position. I would like to read the response to our request, because I think they misinterpreted our request. It says: **"The PAC's recommendation calls for Government to set up a system of scholarships to private schools, presumably at primary and high school**

level. This system is common in jurisdictions where private school education is superior to public school education, and is a way of encouraging and ensuring that very bright students reach their academic potential. In our system, such a scholarship scheme could be perceived as detrimental to the continuing development of the public school system."

Mr. Speaker, I agree with what is being said here, but that is not what we were requesting. All we were saying was that because government subsidises all private schools they should have a scholarship programme in place to cater to students who may have a desire to attend the school, but are financially unable to do so.

Our other recommendation was that on an annual basis the private schools should provide the ministry with accounts of the schools to reflect how the money given by way of a grant was spent. I think that is very fair. We did not insist, as I recall, that those accounts had to be audited. Mr. Speaker, you and I are both aware that audits can become very expensive indeed.

I think that if the private schools are required to provide some semblance of accounts that they would be more conscientious because they would have to account for whatever comes in. I don't see this being a problem, because even on a monthly basis private schools (at least the one I am associated with in West Bay) provide financial statements so they can see exactly what is happening in regard to the school. It would be very easy for them to provide a copy of the financial statement at the end of the year to government when requesting the release of the subsidy from government. I would not insist that these accounts be audited because of the expense involved.

The other issue raised by the committee and the Auditor General was in regard to the lease of the Prep School property of the old First Baptist Church that was bought by government some time ago. There was a contract or an agreement between government and the Prep School, and it called for a payment of \$2,000 per month. We expected the Prep School to honour that commitment, or if they could not afford that to come back to government and ask that it be reduced or waived. If that had been done, we'd have no problem. I think it's important whenever government is part of an agreement, that government sees that the terms are complied with.

The committee also recommended that the lease payment charged should reflect the commercial value of similar property. Maybe in hindsight that would not have been a very popular recommendation, but the whole reason behind that was that if the lease reflects current positions as to rent, then we could see the real cost of the transaction.

I am pleased to see that government is working on changing the formula in regard to the grant to private schools, and basing it on the number of Caymanian students who may be attending that institution. I think that it would encourage private schools depending on government subsidies to give preference to Caymanians who may want to attend those facilities.

The next area I would like to look at is the comments in relation to Pedro St. James. This project has

been talked about and debated for a very, very long time. It is a project that cost us a great deal of money. I think that there is still the possibility that this project will be able to pay for itself. And I am sure the ministry and the department are working toward that objective. It provides another tourist attraction. That is very important because here in the Cayman Islands we are very limited as far as activities.

One weekend my wife and I decided to go out and do a little touring. We went through the Botanic Gardens. I had not been there since Her Majesty Queen Elizabeth II officially opened it. I was quite impressed by what I saw. I really was. Provided the management is in place, these projects will be able to pay for themselves.

The Auditor General and the Public Accounts Committee were concerned about how the project was financed and the tendering process. I realise this is a specialised area, but I firmly believe that more could have been done to give the impression that everyone who was interested had a fair opportunity to bid on providing the services for this project.

I am not talking about the restoration part of it. And even there, it was important to put a bid out and get tenders from establishments with experience in that area, and to secure not only the best professional service but the best available service at the best price.

From reading the Government Minute, it appears that one of the reasons these were not tendered is that there was one major project manager, the outfit out of Canada. It appears that all services ran through them. It might have been okay, but it didn't look good because on some of the services there were no competitive bids. The way to handle the different phases of the project would have been to do a bid for a major contractor and say *'okay you're in charge'* and whatever the figure, government secures the best position or the best value for its money. That particular project manager or contractor then has the authority because the overall figure has already been covered through the tendering process. They would then be in a position to have secured those services needed through subcontractors.

Another area of concern was that proper financial controls were not in place at the time of the report. I am very pleased to have learned, subsequent to that, that the Pedro Castle project has employed a full time qualified accountant to provide the financial statements that will be required not only for government but for the Caribbean Development Bank. Those are the parties responsible for financing the project.

One potential I see for this project is securing some agreement with cruise ship lines in regard to tours (and I am not saying that the minister and the ministry are not working on this), maybe a combined tour that includes Pedro Castle and the Botanic Gardens. If we get the cruise ships involved, and they make money on it, believe you me, they will promote it. From experience, I have learned that if the cruise director says this is what you need to do, 90 percent of the passengers will do that. They take advantage of the cruise director's recommendations.

Those are the comments that I wanted to make in regard to the Government Minute. I am pleased that the majority of the areas of concern highlighted by the Public Accounts Committee and the Auditor General are being addressed or have been addressed. I trust that in the future some of the mistakes that we highlighted really do not have to be repeated. At the end of the day, it's public funds and we are the stewards of the people. It's important that we provide the confidence they need to ensure that public funds are well spent.

I thank you for your patience. Those are my comments. Thank you, sir.

The Speaker: Does any other member wish to speak? The floor is open for debate. (Pause) Does any other member wish to speak? (Pause) Last call, does any other member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I was just giving the government opportunity to make any reply they might have wished to on the comments of the Third Elected Member for West Bay.

Mr. Speaker, it is going to be a little bit difficult at this point in time to sensibly make comments on all three documents that are before us. The truth of the matter is, we are now dealing with an Auditor General's report for the year ended 31st December 1997. By now—in October 1999—it is difficult for us to know if any of the problems which have been pointed out in the report and commented on by the Public Accounts Committee Report, and consequently commented on by the Government Minute, have been addressed. So, because there is no other method for me to employ that I can see, I have to work on the premise that this is the state of affairs and, of course, the government will have to reply and say what has been done. I am sorry that that might seem to be a procedure which may take a while for certain things but I have no other method of dealing with it.

Let me be very critical, regardless of excuses that may be made. I find it almost untenable to be debating the Government Minute on the Public Accounts Committee Report on the Auditor General's Report of December 31st 1997 of the accounts of the Cayman Islands exactly one year and ten months later. To be fair to the process as I understand it, the norm is that probably within six months of the accounts being prepared, the Auditor General's Report is prepared and then the Public Accounts Committee meets and, of course, then the Government Minute is laid after the Public Accounts Committee report is completed.

The norm is, as my experience has told me in the past, you would normally have found this debate taking place almost a year ago. I do not know truthfully why this is the case. I wish someone would tell me, truthfully, why this is the case. But surely, when our procedures were being crafted and when the way the government operates was being put together, and when the role of legislatures was being envisaged, there was purpose to all of the supposing madness why these procedures are the way they are.

I hold the view, until someone can prove different to me, that some persons somewhere in the chain of command have total disregard for accepted procedures and time lines under which this legislature operates. If anyone is going to start to tell me about all of the extraordinary circumstances that have befallen us in recent times, I don't want to hear that. Mr. Speaker, the government has to function and every agency within that government has to function.

I understand what pressure is. I too live with it. And I am not being unsympathetic towards that so-called pressure. I am simply saying that we need to be doing what we are doing in a better fashion.

Here we are now, going to spend hours, and hours, on this debate. And because of the timing that has fallen upon us, probably by the time members speak to the Report and the Government Minute, and replies are made to us, we will find that the greater portion of what we are debating has already been taken care of. But the difficulty we have, Mr. Speaker, is that we cannot presuppose what is taken care of from what is not. That clearly shows that there is some malfunction in the system.

I want to be careful because people might take offence. This is not being pointed at anyone in particular. What I would really like to know is why this is the case? That's what I would like to know. The Honourable Third Official Member is who will have to reply to all of that and I can only say that I know him to be a truthful person. I just wish that his collective responsibility didn't bind him so that he cannot tell us where the blame lies, if there is to blame to lie. I don't know.

Be that as it may, perhaps while we are here debating the Government Minute on the Public Accounts Committee Report of the 1997 Report of the Auditor General, we might have handed out to us the next Auditor General's Report for the accounts ending December 31st 1998, and we will see how long it will take for the process to allow that one to be debated. We will see.

But just to make the point very clear: Even though we will have new document in hand, which is confidential, I am saying that it is very likely that the next year's report will be handed out to us while we are debating it. That really doesn't make any sense, Mr. Speaker. It makes no sense whatsoever. The real problem with it is that the purpose of legislators in this regard, sir, is totally thrown through the window. Obviously, the reason for these documents being tabled and debated is so that legislators have an opportunity to give their input, and for the relevant persons in authority take on board whatever makes sense to them and put that into the works with whatever they are doing to remedy any circumstance or situation these reports may have pointed out in the system.

So, whether done by design or by accident, it certainly puts the representatives of the people of this country in circumstances that are not conducive for them to perform their duties properly.

Now, Mr. Speaker, it is also going to be difficult at this point in time to relate to issues that have been addressed in all three of the documents because what we

will find—and this is not peculiar to this specific setting—is that there are issues addressed in the Auditor General's Report, which will either not have been addressed, or only partially addressed in the subsequent reports and the Government Minute. I am not really seeking your guidance here but I am saying to you that the way we have to debate (if we are going into any depth) is that we may well have to talk about the Auditor General's Report isolated to itself in some instances. We may have to talk about the report of the Public Accounts Committee in isolation, and we also might have to refer to the Government Minute in isolation because all three documents are not lined up in sequence with regard to what has been addressed. I just wanted to explain that, sir, because I am not suggesting there is anything wrong with that. I only want to make sure that the Chair understands the line of debate that may follow.

Mr. Speaker, there are many areas that I think need to be addressed. Had we at this point in time had knowledge of what has been done and what hasn't been done, we would have been able to do it. But to do our jobs properly, we have to raise the questions and get the answers and that is what this exercise is going to entail.

Mr. Speaker, at this point in time before I get going, perhaps, it might be convenient [to break] and then when we return, I will start on the various submissions I will make from these reports, sir.

The Speaker: If that pleases the House, we shall suspend proceedings for lunch until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on the Government Minute continues. The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, thank you.

While I might not be taking the issues in sequence, as I mentioned earlier it is very difficult because each document has its own character and identity. I want to address in the Auditor General's Report on page 15, unallocated stores and fuel advance accounts. I am not going to dwell on that issue because I understand what the Auditor General is saying and I think those matters are being dealt with. But in [paragraph] 1.23 of page 15 the Auditor General says, "**During the first ten months of operation the new refuelling facilities computer system has experienced many hours of down time forcing staff back to manual accounting system. Unfortunately, manual records have caused many disputes with client departments over their fuel costs. The department is working with Texaco to install a replacement automated fuel management and billing system which it hopes will be operational in 1999.**"

I do not know what has been done regarding this, sir. But I know that attached to the problem identified in this report are also some other problems. My understanding was that this fuel facility was created to solve all

of the problems to ensure that there is proper record keeping, and to ensure proper billing so that at the end of the day everything could be accounted for. I don't know if this is the position as of now, I doubt it very much. And it is also my understanding that this refuelling facility has been placed under the direct supervision of the Department of Vehicle and Equipment Services (DVES). I don't know where it stands now, but I think it is an issue that needs to be clarified. I would like to hear exactly what the situation is with this facility.

In speaking about DVES, there are some issues also not attached to the refuelling facility, but to the operation of that department itself. On page 35 of the Auditor General's Report, when addressing various issues regarding this department, I found something a bit strange. A few short days ago there was a question posed to the Minister of Tourism during Question Time. His ministry is in charge of this department and he is the minister responsible. It was regarding the vehicles and heavy equipment owned and operated by the various government departments.

The answer was that the Department of Vehicle and Equipment Services was responsible for the entire fleet. There is a conflict here immediately because in the Auditor General's Report as at December 31 1997, on page 35 he says, "**Government's fleet consists of approximately 400 vehicles plant and equipment and the Department of Vehicle and Equipment Services is responsible for supporting approximately 370 of these.**"

If that department is responsible for all of these vehicles, how come in the very next line it says it is only responsible for some? It can't be responsible for all and only be responsible for some. That leads me to the main thrust of my argument, Mr. Speaker.

Before I begin to discuss this issue I want to make it very clear that the position I take in discussing any of these departments is not meant to look for faults, but to simply understand what we are not doing right, and for government to develop a policy to correct all of these things rather than having us battering them morning, noon and night for years on end.

What I am going to be talking about now is nothing new; it has been repeated over and over. If we go back to the Auditor General's Reports of three or four years ago, we will find him addressing the same issues. But we don't get anything done. In a nutshell, as of now (to the best of my knowledge) the way the Department of Vehicle and Equipment Services operates is that it gets a subsidy and it goes through the whole year doing what it can do in regard to servicing and maintaining the government's fleet of vehicles and equipment. Whenever they need more they come and ask for it. On most occasions in the past it was given via a contingency warrant and then it comes to Finance Committee after the money has been received and spent. The Finance Committee simply has to rubberstamp such contingency warrants.

For the life of me—and now I address this to the government—I want somebody to tell me how a government can stand by and simply accept that a department that bills for its services and for whatever parts it has to

buy . . . how can a government accept that this department must operate with a subsidy all the time? That makes no sense whatsoever! But it is typical of what has been happening in several areas.

To be fair to all concerned, it is something that so many people have grown into that it seems to me that the majority of the world just decided that *'Okay, that's how it is.'* So, we just leave it like that.

I want to go into a little more detail. If the Department of, let us say Planning (just to use any department off the cuff), has six or eight vehicles and the Planning Department staff know that these vehicles need to be maintained and serviced regularly, they set up a schedule with Department of Vehicle and Equipment Services (DVES), and the work goes on. They take the vehicles in and if parts are need they are ordered.

Throughout all of this, DVES is supplying a service at a price. So I cannot understand how, when you know that your operating loss at points in time exceeds \$.5 million when you are providing a service for a fee, this can be acceptable. The private sector would declare bankruptcy, unless they were rich and could just keep pumping money into it. Something has to be wrong!

Here is where manifestation of the wider ramifications frightens me. That place has staff who have worked there for many, many years. If you go through the Auditor General's Reports—not just this one, but previous reports—you will find that there are implications that of inefficiencies in the staff. I am going to tell you where it is frightening and why we need to look these things squarely in the eye and address them properly.

Some of those staff members have been there for 25 years and more. Now, who is going to tell them that they no longer have a job? It is not going to happen. But we preach about government efficiency and all of that. What we are doing is allowing situations to proliferate within the system and we are killing the potential of individuals. That's what we are doing.

If you talk to those staff members, you will find that because of the way it works many of them are simply saying *'I will do what I have to do to remain in my job to be secure.'* There is no incentive whatsoever for them to perform within the system—none! But if you ask the powers that be, the answer will be, *'Well, our staff is so inefficient.'* Mr. Speaker, that is hogwash! Don't just look to place blame, look to find solutions.

Now they are going to come back with a whole pile of fancy stuff about what they are doing, but they have plenty to do to convince me. Plenty!

Regardless of our system, and we say that government creates policy and the civil service implements the policy under the guidelines they can operate, and the legislators vote for the money, the truth of the matter is (and, Mr. Speaker, I am using this one example) that this country cannot—CANNOT!—afford to continue to operate the way it has been operating.

When any reply comes about this or any other issue that is raised in this specific debate, I know that ways and means will have been thought up to couch the whole circumstance. But the truth of the matter is that for too long the government has simply accepted things that

have been inherited and the mindset has been *'This is how it is, so this is how it must remain'* and we just simply work within whatever that is and do the best we can even if there is greater loss next year. That's how it has been. That has to go through the window!

I grant that the Portfolio of Finance and Economic Development is spearheading financial reform in many areas. My arguments are not in any way coming forward to question the intention of those reforms. My arguments are meant to spur those reforms on, and to change the mindset of the people who have the authority to do something about it. The Financial Secretary and his staff cannot do it alone. This has to be a total buy-in from top to bottom, and from bottom to top with no gaps in between.

When we look at departments, . . . and I want to go back to that same question that was asked in the House. Mr. Speaker, I frankly don't care who takes it personally. I am not cynical, but for the seven years I have been in here the only way I can do my job is to forget about who's who. And I have decided that I am going to do that.

When we asked the question about certain departments taking their maintenance and repair services out into the private sector because they were dissatisfied with the functions of the government department responsible for maintenance and repairs, we got a whole pile of couched answers. Answers that didn't really answer which I am sure put the minister on the spot.

We talked about the police who probably have one of the largest fleets in the government. The minister has taken over responsibility for that department since January. This is November. And when I posed that question, it was the first time that the minister knew that DVES was not servicing the vast majority of the police vehicles.

Mr. Roy Boddén: Preach, preach, preach. Tell them all to go home.

Mr. D. Kurt Tibbetts: This is not brought up to be funny, but the principle I am discussing here (and my debate may overlap into other areas, Mr. Speaker, but you will bear with me because it is relevant) . . . I am going to tell you what we face. Right now (without going into details), in almost every area that we can think of that affects every citizen in this country—the area of education, the area of even health, the area of national security . . . and I could go on, and on, and on—we are looking, not in the distant future but in the immediate future, at engaging in huge capital expenditure.

I used health, not meaning that we have created a new facility for health, I am talking about the other things that are going to be needed outside of that main facility which have not been addressed yet. We are looking at major capital expenditure. History will have proven (and the honourable Third Official Member can address this as he wishes) that at least for the past five years the gap between recurrent expenditure and recurrent revenue is on a continuously narrowing trend. What that means is that if it continues as it is expected to continue, and everything stays constant as it is, in a very short time our

recurrent expenditure is going to exceed our recurrent revenue.

That may sound like a heavy statement. But any facts and figures will bear me out. The minute we get into that position—before we even talk about capital expenditure—we then operate in deficit.

Here's the scene: We have a recurrent expenditure increasing. Our recurrent revenue is not increasing proportionately because we can't be bringing these tax packages every year the way we have been in the recent past just to catch up without having some sort of sense to the whole affair. Are we, as a country, going to be brought so low that we have to borrow just to exist?

Government will say that I am an Opposition member so I have to preach that way because it suits my argument. That is not why I am saying what I am saying. Government can only look me squarely in the eye and say, *'If the formula stays how it is, you are perfectly right. That's what is going to happen.'* Because every indicator says that. I say that they cannot, after doing all the shaving where they have shaved right down and blood has started coming that their recurrent revenue as it is, meet expenditure as projected. They cannot get together in three or four days and bring another tax package. It's not going to happen. Politically, it is unwise and unacceptable—and it will not happen. But the reality of the situation is that it's possible that that is what they will be faced with.

The point I am making is this: Regardless of the system under which we operate, regardless of where we say the buck stops, we have to understand and accept, and be willing to tell the public exactly as it is—that we cannot continue to do business the way it is. The government cannot leave the Financial Secretary to get up and talk at length and in detail about financial reform when in their various ministries the will from them . . . that's the challenge. Let them one by one come and defend themselves. The will from them does not exist. I say that because as of now I see no proof. I am talking about the elected ministers who find themselves responsible for the various ministries.

People like me with no college degree, who try to deal with issues like this, are probably looked at like not having any ability to put a case forward. That's all well and good. But even in seven short years, I can quote examples of what a little bit of common sense thinking can do. And the Honourable Minister responsible for Education, Aviation, and Planning knows exactly what I am talking about.

The Honourable Minister responsible for Education, Aviation, and Planning knows what I am talking about when he has 75 parents up at him about no space at the schools and not enough teachers. For five years I have been telling him that! Not only me, but every time I bring something like that up (because it comes from the wrong corner) it's either a ten page document or a lambasting about who doesn't know about education, who's defunct, and who's full of this, and who's full of that.

Mr. Roy Bodden: Preach, brother, preach!

Mr. D. Kurt Tibbetts: Yeah.

In fact, during the 1996 campaign, from the court steps I read out a list of things that needed to be done to the physical educational facilities in this country. I said then—in 1996—that at best, if we started immediately, we were looking at \$45 million.

Mr. Roy Bodden: Preach brother! He's running. Preach some more!

Mr. D. Kurt Tibbetts: In a short time after that he brought us a list of things—after a continuous bombardment of questions—that needed to be done that totaled \$54 million. Now we see in the papers about this \$50 million . . . Mr. Speaker I will be a French chicken if, after it's all over, it's not \$65 million.

Mr. Roy Bodden: I'm glad you didn't say Chinese chicken because you'd get eaten in a hurry!

[laughter]

Mr. D. Kurt Tibbetts: But while these little things I am saying may be seen to be political, and may be seen to be straying away from these three reports, the point I am making is that the time for arguing about the preaching is over. It is late enough in the day as it is.

Do you know where the real problem is going to come in? I am going to tell you where the real problem is going to come in. When we talk about two primary schools that need to be built, another high school; we are talking about additions to the other primary schools that have to be done by September coming (otherwise the children are going to be standing up on top of one another again), what will happen to us because of no forward planning—none whatsoever on the part of the elected policymakers—is that it is all going to come upon us at one time. Then we poor members on the backbench are going to be faced with the tough decision of having six slices of pie to share between 36 people, and won't know which way to turn.

That is the perfect scenario for (I can't say it how I want to say it, but . . .) a mess up. Any time you are under crisis management you cannot perform to your ability. You have no control over what things cost because you need it done yesterday, and not tomorrow. And nothing happens right, and you cannot get value for money then. That's what we will be facing. But, without seeking absolution from the whole affair, what I am doing now is all I can do. And I am doing that to the best of my ability. Others do the same. That's all we can do.

Mr. Speaker, this business about "Father forgive them for they know not what they do" does not work in this scenario. The Father has to forgive them twice—for they will know what they do, and what they don't do!

Let me finish up with this DVES situation. When we look in the Auditor General's Report under "Financial Performance of the Department of Vehicle and Equipment Services," here is how the Auditor General sums up the financial performance of this department. He says: **"Although DVES is an internal service department, it**

budgets and accounts for cash revenues and expenses in the same manner as other government departments. The traditional emphasis is on remaining within budget. There is no operating requirement for the department to breakeven, and no performance standards or targets—financial or non-financial—are set. The audit office would expect that internal service department to recover all cash operating costs at a basic minimum. However, the department is operating well below a breakeven position. On average, it appears to be recovering only about two-thirds of its cash operating costs. Figure 2.2 shows that in four years (from 1994 to 1997) the Department of Vehicle and Equipment Services recorded total operating losses of \$2.12 million.”

How many classrooms could that build?

How many miles of road could that build?

If it seems like I am jumping all over this one department, that is not the case. This is but an example. I will even go so far as to say that no one person can be blamed. But we have to understand what is happening and do something about it. And this business . . . how is it the minister puts it again? You can't pick the apple until it's ripe or something to that effect. Mr. Speaker, there are no apples left on the tree. The tree is bare. That's what happened.

The Auditor General says, **“It is not possible to provide a quantitative explanation of why DVES has consistently failed to break even. However, the following factors are all relevant: Labour inefficiency including excessive idle time; unbilled direct labour time; variable performance by direct labour; operating constraints caused by budget deficiencies; poor management information systems; high ratio of indirect staff to direct staff resulting in high overhead; in appropriate financial accounting and reporting base.”**

Mr. Speaker, there are another three pages of relevant information. Don't worry, I am not going to bother to read that.

Let me tell you where leadership and motivation is important in these instances. The first thing the Auditor General mentions is “labour inefficiency including excessive idle time.” Let me tell you where I differ from some others in the thought process. When I see “labour inefficiency including excessive idle time” it doesn't come to me that the staff at DVES are idle and lazy. Do you know what comes to me? That management is poor, and/or the system is poor.

Never let anybody think that we are stupid enough to grab hold of the thought that everything that is wrong with DVES is because of the staff. The staff will only function as well as the system under which they function. And if there is idle time, it must mean that the system is idle. If there is labour inefficiency, then the system must be inefficient. Perhaps, Mr. Speaker, we might hear some good news forthcoming in regard to the plans. Not just with this, but in other areas.

Mr. Speaker, we have a serious responsibility here. Our responsibility is not just to keep everybody happy and quiet; our responsibility is to get things done the right

way—raise arguments, raise Cain. If they won't do anything about it, keep hammering at it. That's our job and we are going to keep doing it until something is done.

When we preach transparency, when we talk about real clarity, when we talk about accountability, we need to get it on, we need to make it happen. For lack of these my country suffers. My country is smothering. It is dying. We can preach all the good news we want to preach, but the facts do not lie, they betray the truth. And the truth is, with the best intention in the world, if the whole system is not addressed I am afraid we are going to fall by the wayside.

We have peaked with our financial performance as a country. I take the view that many areas at this point in time, have levelled off (at least for a period of time), and I don't see in the immediate future any great growth in leaps and bounds. That is not unnatural. And those things are not necessarily caused by internal problems. They can easily be caused by circumstances over which we have no control. But understanding that historically these things happen, we have to be prepared. And we are not prepared.

I am not going to talk about it for very long. I mentioned earlier six slices of pie to feed 36 people . . . when we know what has to happen with the schools—and look at what happened up at Northward recently. When we stop arguing about who was right or wrong and get about doing what has to be done to correct the situation; and having learned all of the lessons and understanding what has happened, where is the money going to come from?

Then the Honourable First Official Member responsible for Internal and External Affairs is going to find himself in another shooting match for the demands of the few little paltry dollars that are there to get what. Anyway

Perhaps on a Wednesday afternoon at 3.15 the thought is that I should not be preaching like that, that I should be preaching happiness. I am not happy! In fact, it goes beyond sadness, Mr. Speaker. Every time I think about it, it gets me riled up. When I think about the years I have tried to get points across, knowing that people understand me, and watching them do nothing about it . . . it eats my soul out.

This report as of December 1997 (and I am sure the government and the relevant agencies have had possession of this document now for quite some time, even though it is now just being debated) . . . I would like the minister responsible for this to get up during this debate and look in the Auditor General's Report and see where on pages 37 to 39 there is a slew of possible reforms for this department. I would like for him to go through that checklist of recommendations, which are probably not all of the possible recommendations, and let us know what is in train, what's being done, and how it's being done.

Do you know something else, Mr. Speaker? This one can't pass me at whatever risk it is, but I have sat in my little corner here that I like so very much, and I have listened to ministers reporting. I am not standing here to judge whether they are reporting on their own volition, or from information passed to them. But I have heard information that was such misinformation that it's not funny.

And I stand here with knowledge of that. Anyone who wishes to challenge me can do so at any time. And I can prove it!

Misinformation disseminated disrespectfully to the people of this country to either save themselves from an embarrassing circumstance or to protect others. I am not out to get everybody. But until we change our way of thinking and accountability becomes the order of the day, everybody is going to operate like that. It has to stop!

If we don't take the bull by the horns now there will be no hope for us. Those of us in here who haven't quite gotten to that point yet are going to fall right into that trap and become just like that and spend the rest of our days being the same way it has been forever—and to no avail.

Knowing full well the risks involved when I speak like this, I only pray to God that people can understand what I am trying to say. I don't want to hurt anybody. But we have to change the way we do it. The ministers find themselves in untenable circumstances sometimes. I know that. And sometimes it's vice versa, because I am not absolving them either.

If there is any light at all at the end of the tunnel, I make my points and I state my opinions with no intention to castigate or cast aspersions, but knowing full well—I know it, and the people who do it know that I know it! And they know that I know who they are. I don't want to say any more. I want to see it done different. That's all I am saying.

One of these fine days patience is going to die. And then there is going to be another war, and we don't want that to happen. I want to be as candid and as truthful as I can be. We understand that many people go into a system that exists, and to survive they find themselves having to operate the same way in order to fit into the system with no ability to change the system because they are afraid that they will not survive. We want everybody to understand that unless we all get together and do something about it right now . . . everybody will feel good and see the result. I don't think that's an unfair comment.

Moving on, I want to take a few minutes to deal with a topic that has brought controversy not only to the floor of this House but to the country. I think many opinions have been formed not based on fact, but on what people hear. I am talking about the Pedro Castle situation.

There was a private member's motion lodged here several months ago. But we don't have any control over the Business Committee, and it seems like the Business Committee has decided that that motion will not be dealt with until the Auditor General's Report on Pedro Castle is complete. My understanding of that is the Auditor General's Report on the Accounts of the Government of the Cayman Islands for the year ending 31 December 1998 is nearly completed.

The irony of that is that when we go to debate that report, it makes no sense to deal with the motion because all of that will be there. It is not to say that the motion won't come and not be debated, but it is because of this reasoning that I decided to address a few issues which were addressed in the Auditor General's Report today.

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

Mr. D. Kurt Tibbetts: Yes, sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.33 PM

PROCEEDINGS RESUMED AT 4.04 PM

The Speaker: Please be seated.

Debate continues on the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the Year Ending 1997. The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: When we took our break, I was just about to go into the Pedro Castle issue, which is reported on in the Auditor General's Report.

Before I debate the issue, out of an abundance of caution sir, I want to make sure before I do anything that I do it in the right manner. On a previous occasion, if memory serves me right, there was some issue about matters involving the courts on the Pedro Castle restoration project. My debate will not surround any individuals. I just want to ensure that you do not have any problem for me to continue.

The Speaker: You may comment on the Auditor General's Report. If you get out of line, I shall stop you.

Mr. D. Kurt Tibbetts: Thank you. And you know, once we have dialogue before you will not have a problem with me being out of line. I might be out of shape, but I won't go out of line sir.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: On page 45 of the Auditor General's Report he first addresses the start-up fee for Pedro Castle. He said, "**A total of \$307,261 was spent against this vote in 1997, but only \$150,000 relates to the start-up expenses for Pedro St. James. Of the remaining \$157,261, \$114,000 relates to payments made to a contractor for the acquisition and installation of plants at Pedro St. James, that amount being \$47,000; and the Queen Elizabeth II Botanic Park, \$67,000.**"

He says that "**these expenses have been misclassified and should have been charged to separate capital votes.**" Then he went on to say that there had been problems with Caribbean Development Bank making reimbursements to cost against the loan agreed on with Caribbean Development Bank because the bank's tendering procedures were not complied with.

He relates other areas also where certain expenses should also have been classified as capital and were not. But one of the important aspects here is the fact that

payments, which dealt with two separate projects, were bunched into one.

Before I go any further with my debate on Pedro Castle, I want to draw attention to some information that is public knowledge and simply collated from the various budget documents over the years of the life of this project.

In a substantive question regarding the total costs of the Pedro St. James project, if memory serves me right, the total cost outlined to this honourable House was \$8.71 million. Here is where we need to get certain facts established. When the representatives from the Caribbean Development Bank visited in 1996, a total cost of the project was established. After these representatives dealt with the various agencies and got enough facts together, they themselves produced what they thought was a valid projected cost of the project given the terrain under which it was to be developed. Again, if memory serves me right, that amount was established to be \$8.67 million. And I am not getting right down to the one-dollar and cent, Mr. Speaker. So let no one get misguided and think I am going to get too technical here. Anyway, it has been said that the project was supposed to cost \$8.67 million, and government answered a substantive question saying it has cost either \$8.68 [million] or \$8.71 [million]—very close to what the projected cost was supposed to be.

Now, the Auditor General has said in his report that his best estimate of the project was somewhere in the region of \$9.5 million. On top of all of that, when we pull these figures that I just referred to from 1995 through 1998 (and I wasn't sure I had this document, but I do have it in my possession), the government's answer to that substantive question said that the total cost to government for research, planning, feasibility, restoration and construction, land acquisition, stamp duty, start-up cost, and pre-operating expenses was \$8,677,071. For ease, we can refer to that as \$8.6 million. The projected cost was \$8.67 [million]. For all intents and purposes, those two figures show the project spot on.

But the Auditor General says while there are certain unclear amounts his best estimate is \$9.5 [million].

When we take all of the various figures from the various budgets, what we have is that in 1995 there was \$1 million in the budget that was supposed to be taken out of local revenue for the project. But when it comes under the actual expenditure (which would have been in the budget subsequent to that—because the 1996 Budget should have indicated what was actually spent from 1995) the note from the government agency says, **“It appears that expenses from both Botanic Park and Pedro St. James Castle projects were charged to this vote. The total budget was \$1.692 million and the total expenditure was \$1.609 million.”**

In 1996 there was nothing in the budget for it, but payments charged to local revenue appear to be for both Botanic Park and Pedro St. James Castle—even though the estimates show no budget for Pedro St. James Castle. There is a budget of \$917,000, which obviously was under the Botanic Park. The actual expenditure was

\$740,415. There was also a section with an amount of \$400,000 and the actual was \$380,574.

So what we are seeing here is very clear, and this is where I really have a problem . . . we see that the government—in answer to a substantive question—outlined specific amounts dealing with the restoration: visitors' centre construction; furniture, fixtures and multimedia; external works; architecture and engineering; construction management; commitment fee; loan interest; land acquisition; start-up cost and pre-operating expenses to come up to \$8.67 million.

Given the cost of the project by the government, I am assuming that the minister and/or his ministry had access to the information which would give them the entire cost. Yet, from the Budget documents that are available, there is no clarity in the amounts. Several amounts have been listed—\$1.6 million; \$740,000; \$380,000—all mixed up between the Botanic Park and Pedro Castle, and no one can tell me how much of each amount was spent on the two projects. That's what is coming to me, information-wise.

When we get down to 1997, there was a budgeted amount of \$1.5 million. The actual amount spent was \$1.2 million. That would have been part and parcel of the draw down of the Caribbean Development Bank Loan. In 1997, under recurrent revenue, there is an amount of \$295,000 budgeted. But the note says, **“The estimates show this amount as government's contribution to Pedro St. James Castle project cost. However, this vote also includes payments made for Botanic Park as well as Pedro St. James Castle.”** The total budget was \$1.6 million; the total expenditure was \$1.34 million.

For those who are listening, it is probably a boring exercise. But the point in the whole effort is simply to outline that the government's books cannot tell me exactly what was spent on Pedro St. James. I understand that there was work going on on both projects. I am not even questioning the sense in doing that because it is very possible that it was more economically viable with labour and expense to have both things going on. My argument is not based on money being wasted in doing it that way. My question is where are the records so that we can know exactly where the money was spent.

We have three instances where the Portfolio of Finance cannot give information outlining exactly how these funds were proportioned; they only have the total amounts. It is obvious that they were spent between both places. I would assume that if the ministry knew what it was, so should the department. I don't know, but it raises questions in my mind.

Also, if we add all of these amounts up, and take away the portions that are supposed to be part of the US\$5.79 million loan (although these are CI figures), when we convert that US loan to CI dollars at .82, subtract the amounts that were drawn down from that amount, and add all of these put together, we come up with more than \$8.68 million. In truth and in fact we come up with more than \$9.5 million—bearing in mind that we don't know how much out of it was not spent for Pedro Castle. I am not trying to confuse the issue. I am just trying to lay it down as it is.

Also, the figures that were pulled from the 1995 Budget do not include any monies spent . . . or, rather, all the figures I have added up—which started from 1995—do not include any money spent prior to that. And the figure of \$8.68 million includes buying the land and start-up costs. There had to be expenses before 1995 in purchasing the property and also when this person was hired to do the conceptual design. There had to be costs incurred there.

I don't have those exact costs. But when we talk about adding those figures plus those costs, there is certainly a marked difference between the answer given by the government as to the exact cost of the project and what all of these figures (which were supplied from documented budgets) add up to, along with the cost of the land and whatever other initial costs there were prior to 1995.

Mr. Roy Bodden: Tell us how much it comes to.

Mr. D. Kurt Tibbetts: All of that seems a bit confusing. But it is not my intention to confuse. What I want to establish here is that it is obvious that something is not correct information-wise somewhere.

When you want to deal with something fairly, you try to get accurate information. When you find yourself with a situation like this, it leaves you hanging in the air. I don't want to stand on the floor of this House without any knowledge whatsoever and say that the Pedro Castle Project cost \$10 million or \$12 million. If I wanted to incense the minds of some people, I could get up and yell, '*Yes! I bet you it cost \$12 million!*' I don't want to do that.

But with everything that I have before me, I can't decide how much it was. But I do know that it was more than \$8.68 million—and not by one or two dollars either!

When we deal with reports like this, and we conscientiously try to gather all of this information, and we are left with what we have before us—which no matter how you try to put it together you can't come up with a figure you believe is accurate or that you can agree on—what is left to do?

In synopsis, just dealing with these costs, I am saying that it was established that in 1996 the Caribbean Development Bank worked out a projected cost for the entire project of \$8.67 million. In answer to a question just weeks ago, the government said that was exactly what it cost. The difference between the Caribbean Development Bank projection and what government said it cost is only \$7,071.

If this was so, and that is how my government was doing such a sterling job with its capital projects, I would be on the government's side today because I'd be a happy man. But I stand here this afternoon and say pointedly that this cannot be so! As to exactly what the difference is, I do not have the information to accurately say. But from the information that has been given to me, I can say that the exact cost of the Pedro Castle project cannot be \$8,677,071. It physically cannot be!

If it is so, then every budget document from 1995 to 1998 is wrong.

To clear the air, I would like to have the answer to that Parliamentary Question to take the various amounts, not only from 1995 to 1998, but any other previous amounts that were budgeted and accounted for in the estimates and add them up. I would like to add all of those figures and if it comes back to the same figure the government is giving, I will be satisfied.

The four notes done by the Portfolio of Finance indicate that they cannot separate the total figure into how much was spent at Pedro Castle and how much was spent at Botanic Park. Unless every cent of those four different amounts, which total millions of dollars—not thousands of dollars, but a couple of million dollars . . . in fact, more than a couple of million dollars, but, anyway—unless every cent was spent at the Botanic Park, the figure we have cannot be accurate.

I am asking for that situation to be cleared up before this debate is over. I do not want to be part and parcel of any misinformation. I am being careful how I deal with this. I am not standing up here making any wild accusations as to how many more million dollars the Pedro Castle Project cost than what the government said it cost. I am saying to the government that with the information I have before me, their figure cannot be accurate. If I am wrong, let them do as I ask—prove me wrong. But I know that I will not be proven wrong.

We want to know! For months people have been saying that Pedro Castle cost much more than what they said. Let us finally have it proven.

For the benefit of the minister, and whoever else is interested in what I just said, I am going to look up the budget documents (because I have them) and see when the land was purchased, and whatever other monies were spent during 1991, 1992, 1993, and 1994 on this specific project.

The history of this project began in 1991. There are eight budget documents that would refer to some money being spent. I say eight not being 100% sure that in 1993 and 1994 any money was allocated and/or actually spent. But between the years 1991 and 1998 inclusive, there are eight budget documents. The total amounts which were not only budgeted for but actually spent need to be outlined and totalled. If, out of those amounts, any specific amounts were not actually spent for Pedro Castle, they need to be separated and then we can get a final figure. That's the way I see it.

I think the onus is not only on the ministry but on the government to do so, and for them to do so in a manner which satisfies all curiosity.

HOURLY OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of interruption. I would entertain a motion for the adjournment.

Mr. W. McKeever Bush: Mr. Speaker, on the matter raised by the [Third Elected] Member for Bodden Town in regard to the work before us and our attempt to clear it up. Aren't we going to start that this afternoon?

The Speaker: I said that it would be discussed in an informal manner. I was advised that it would start on Monday of next week.

Mr. W. McKeeva Bush: It wasn't discussed with us.

The Speaker: I would entertain a motion for the adjournment of this House.

Hon. Truman M. Bodden: Mr. Speaker, before I do that can I just mention that I spoke with as many members as I could. I agree that that honourable member may not have been in there, but the view was that we would probably be finished by Friday in any event. If not, we would extend to later hours on Monday.

Mr. W. McKeeva Bush: Mr. Speaker, we still have another debate which will probably be a very lengthy one. We yet have a Finance Committee meeting tomorrow morning. And as far as I am concerned, we made provision to be here for this evening.

The Speaker: I have a problem with that. I was told that I needed time to advise the Legislative Assembly department. They have not arranged for it. So, we will adjourn. If you want to go late tomorrow afternoon, I will stay here as late as any member will, or come as early as any member will. But I have not advised the department to make the necessary arrangements so we will adjourn at this time.

The Honourable Minister responsible for Education, Aviation, and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until after the completion of Finance Committee tomorrow morning.

May I just do a very short reply to a statement that the Elected Member for North Side made?

The Speaker: Before I put the question, I had given permission to the Honourable Minister responsible for Education, Aviation, and Planning to reply to the Elected Member for North Side.

REPLY BY THE HON. MINISTER FOR EDUCATION, AVIATION, AND PLANNING TO THE PUBLIC MATTER RAISED BY THE ELECTED MEMBER FOR NORTH SIDE ON 29 SEPTEMBER 1999 REGARDING AMENDMENTS TO THE DEVELOPMENT PLAN

Hon. Truman M. Bodden: Just to say that I thank the Elected Member for North Side for her statement. It is being carefully looked at by the government. We hope in the not-too-distant future to make a statement that will deal with her statement in relation to this.

I thank her very much for her interest in her district and the people of the Cayman Islands.

The Speaker: I shall now put the question that this Honourable House do now adjourn until the completion of deliberations in Finance Committee tomorrow morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until the completion of deliberations in Finance Committee tomorrow morning.

**AT 4.37 PM THE HOUSE STOOD ADJOURNED UNTIL
THE COMPLETION OF DELIBERATIONS IN FINANCE
COMMITTEE.**

**EDITED
FRIDAY
8 OCTOBER 1999
10.21 AM**

[Prayers read by the First Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who is off the island on urgent personal business. Also, the Fourth Elected Member for West Bay is sick and will be absent.

Item 3 on today's Order Paper, Questions to Honourable Member's/Ministers. Question 141 is standing in the name of the Third Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 141

No. 141: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources to provide an update on requests for amendment to the Marine Park Law to allow handline fishing in the Northwest Point Marine Park area, as called for by Private Member's Motion No. 16/98.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: Government has asked the Marine Conservation Board to take the comprehensive list of recommendations to update the Marine Parks Law and Regulations to the public for feedback and comments. The Marine Conservation Board has also been requested by government to include the proposal referred to in Private Member's Motion No. 16/98 in their public presentation.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say how quickly the Conservation Board intends to bring this to the public?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: The Marine Conservation Board is currently considering government's request. It is my hope that in a very short time they will be presenting it to the public.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: It was suggested some time ago that members of the Conservation Board sit with Members of the Legislative Assembly and other interested parties to thrash out some of these issues that we have brought to the attention of this honourable House. I wonder if this is the kind of forum that is anticipated.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: Yes, I would think that it would be an ideal time for any MLA who would like to meet with them, and if I can be of assistance in putting it together I would be happy to do so. They could air whatever questions or problems they have. I would be happy to do that.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: In regard to the last question and the answer given by the minister, in correspondence from the Marine Conservation Board to the minister dated 24 September, 1999, they are saying that "the Board will not consider holding any further public meetings, but would instead request a meeting with all members of the Legislative Assembly." Is that the meeting he just referred to?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: Yes. As I said, if the MLA's would care I would be happy to put it together.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The answer given to the substantive question says that government has requested the Marine Conservation Board to take them to the public for feedback. These are all the requests that have been made in various private members' motions in recent times. As I said, their answer states that they will do that.

Is he going to organise such a meeting? The Marine Conservation Board's answer to the minister on Friday 24th September states they are not going public, but instead would come to members. Is that what he's talking about?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: As I said awhile ago, I will try to have that arranged to suit the times that the MLAs would be prepared to meet.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I would support that meeting because all of the requests we have brought here by way of private members' motions have been as a result of requests from constituents. I would urge the honourable minister to organise that meeting as quickly as possible and I would ask how quickly he thinks he can have that meeting organised.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: I think somebody just answered it—as soon as we can get out of here and everybody is available. I will be more than happy to try to set it up.

The Speaker: If there are no further supplementaries, that concludes Question Time for today.

Moving on to item number 4 on today's Order Paper, Presentation of Papers and Reports. The continuation of the debate on the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year 1997.

The First Elected Member for George Town, continuing.

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON THE AU- DITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 1997

(Continuation of debate thereon)

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

When I was last speaking, I was going through some issues regarding the restoration project at Pedro St. James. To continue on, I wish to address some of the main areas of concern that were pointed out by the Auditor General in his report.

The first statement made by the Auditor General was: **"Project financial records are inadequate and confusing. Many invoices and supporting information could not be located and there was no financial profile which would facilitate audit."**

And this is very interesting, he went on to say: **"It has not been possible to determine either the total cost of the restoration or individual contract elements. It appears that the final cost of the project may be in the region of \$9.5 million."**

This is the Auditor General, and we all know the job description of that post. There is supposed to be a certain amount of total autonomy. And his remit is to this Legislative Assembly through you sir. What the Auditor General is saying is that while he is supposed to have access to any and all records, using all of his resources he found it physically impossible to determine the cost of the project. At best, he is waging a guess.

The purpose of my addressing this issue is to simply try to address what we should not be doing. I want to make it very, very clear that I am not addressing this issue with any knowledge of anything underhanded occurring. That is not the direction my line of thought will be pointing in. It would point that way if I had information that made me believe that there was. I am not going on marl road talk, or rumours, or anything Mr. Speaker. I am going by the facts that I have. I believe there are some important issues that need to be addressed.

A fair amount of time has transpired between the Auditor General's investigation, this interim report, and the present. I am not suggesting that other matters may not have been discussed between the relevant parties and that they may not have gotten some of the things sorted out. But, when we deal with matters like this, my question is, has the lesson been learned. Did we discover that there was a lesson to be learned?

The other thing I am going to address is this funny way we have that where there is a chain of command and something goes wrong we look for the quickest scapegoat to try and pin the wrongdoing on. That doesn't work in my books. I am going to address that.

The Auditor General goes on about these funny things he found himself. He said: **"Technical and financial oversight of the restoration element was vested with the Ministry of Tourism."** That is the way he couches his statement, **". . . was vested with the Ministry of Tourism."** I am sorry the minister is not here.

I am in the middle of my debate and I can't change what I am saying, sir. I only wish that someone would take notes for him because I want these things addressed. I don't have a problem if there is a reasonable answer, and a reasonable explanation. But as of now these answers have not been forthcoming and we want them.

I want to know whose decision it was to vest this technical and financial oversight of the restoration element with the ministry. This is a capital project. I know that it has been said about all of the technical aspects, all of the expertise and the reason why this was done. But somebody made a decision to vest that authority and responsibility directly in the ministry. The Auditor General goes on to say, **"In hindsight it is evident that ministry personnel were untrained and ill-equipped to deal with such a complex project."** Mr. Speaker, that is the crux of the matter.

As I go on, we will see that in 1997, when it all blew up in their faces, Public Works was finally called in to deal with the project. Now, I might have problems with the methodologies of Public Works sometimes, but it is not only safe and fair comment, but I think it is obvious that the Public Works Department would have been much better equipped than the ministry to deal with this project.

The ministry's staff members are not used to dealing with matters not only complex, . . . it's not about having the brains to do something, Mr. Speaker. It's not a question of whether or not they were intelligent enough to do it. But if you are a doctor and I am a lawyer . . . when I am sick, you come to you. And when you get sued for malpractice, you come to me. You, the doctor, don't come to me when you're sick. And this is what has happened. I have never been able to determine on whose authority it was decided that this project be handled directly through the ministry.

Procedures are normally followed. The procedures regarding such capital projects are also laid out. There are no unknowns where people have to argue five or six days as to who should do what. Nothing like that. It's only if you are looking to do something different that you get into those types of discussions. Obviously, someone wanted to do something different. I don't know who it was, but I want to know who it was.

The Minister [for Tourism] served as the Financial Secretary of the Cayman Islands for some ten years. The Auditor General goes on to say, **"Many of the financial records, including tenders' bids and purchase commitments are held by the consultant in Canada and were not available to support the audit of payments charged to the ministry's votes."** Perhaps that issue has been addressed by now.

He says: **"The main consultant was appointed on a non-competitive basis. The proposal for professional fees for this phase of the work amounted to \$1,022,000 including \$367,000 for expenses. There appears to have been no independent technical assessment or input into the fee proposal."**

As we go through the sequence of events here's where the real problem shows up. The Auditor General says: **"Subsequently, the consultant was awarded six further non-competitive contracts worth about \$1.7 million for various things (furnishings, landscaping, interpretation supervision, labour, stationary, and multimedia). It is the opinion of the audit office that the award of these contracts created a potential conflict of interest because the consultant was empow-**

ered to authorise invoices from his contracting work."

It's all about checks and balances. This is what the Auditor General is saying, and this is what I am saying. I am not saying that anyone did anything that was a criminal act; I am saying that the project was handled in such a way that the normal checks and balances that should have been in place, fell by the wayside and the government's money, the country's money—the people's money—was at risk and it should not have been. That's what I am saying.

The Auditor General goes on to say, **"Certain payments made against these contracts are not consistent with either the contract sum or the defined scope of work. This is a highly complex area and the audit office has engaged specialist assistance to advise on the interpretation and execution of certain contracts."**

I am going to refer now to the Government Minute, because I am not going to debate this lopsided. In the Government Minute, on page 10 (and this is referring to the Auditor General's Report about the Pedro St. James restoration project), it reads: **"The policies detailed in the Auditor General's report regarding the awarding of contracts without competitive tender were not developed purely out of mismanagement and financial imprudence. Commonwealth was awarded six contracts, this was partly due to the specialised nature of these tasks coupled with the fact that they offered a full range of services related to the conservation, design, research, planning and interpretation of cultural and heritage resources. With this mind the Ministry felt that CHRМ with its full spectrum of services would provide the continuity that enables a vision to be carried through to a final product."**

Here is where the problem is, or was, or maybe still is in my view: If you have an entity which has knowledge based expertise, and you need that expertise to see a project of this nature to completion, the safe way to deal with that is to retain that knowledge base at a level of consultancy. But the same thought about this knowledge base being there and nowhere else *'so we're going to let them handle the whole thing'* is where the problem was created. In doing that, everything was put in one single kit-and-caboodle and there were no checks and balances to see if there was value for money, or if what was supposed to be done was really done. That is where the main problem arose.

When the minister went to Executive Council to convince them to waive the regular tendering procedures because of this . . . in my view, that was a mistake. I also take the view that it was a mistake for Executive Council to allow him to convince them. I mean that. In that ministry, an administrative officer who was trying to deal with the paperwork on the project . . . all that administrative officer was at the end of the day was a facilitator.

Invoices came through the Ministry; the Ministry passed them on to Treasury and the Treasury paid them. The only thing of substance done through the Ministry was to make sure that two plus two equalled four. There was no ability in the Ministry to look at what was before

them to say *'Is this value for money? Is there a profile developing so that we can compare and see that we are getting it all right?'* All that physically could have been done was to make sure that there were no invoices that did not add up correctly; but all of the other checks and balances—which are only natural for something of this magnitude—were not in place. That's the view I take because that's what I gather thus far. If it is different, someone must tell me different. But they can't just tell me; they will have to prove it to me!

God knows that I would like to believe that we all will find out. But in my view, there was too much exposure, too much risk regardless of the zeal to get this project done. There was too much risk in the manner in which it was set about.

The Auditor General goes on to say: **“Audit examination subsequently revealed that contracts worth \$2.8 million had been placed with a locally registered company that only had \$100 worth of paid up share capital. The audit office considers that government's interests were not adequately protected through contracting with this small company. For example, in the event of a dispute, the ministry might have had difficulty in recovering any excess or inappropriate payments.”**

The Auditor General goes on to say: **“There has been no control over the various advance accounts opened to account for Pedro St. James project expenses pending reimbursement from CDB. The advance accounts have not been reconciled so that non-reimbursable elements are charged to expenditure. The government accounts for 1997 had to be held open until the end of September 1998 so that the ministry, with the help of the Public Works Department, could determine what should be charged to 1997 expenditure.”**

I know that some of this has been sorted out after tedious procedure. But they talk about the cost of this project . . . no one, but no one, has the ability to calculate the amount of man hours the relevant departments have spent trying to make sense out of what was done with the project. If you are really going to get technical, that too was a part of the cost of the project. If it were done right from the beginning, all of that time wouldn't have to have been spent. But that's what happens when you don't do what should be done.

I am saying here this morning that I don't care who takes offence, but the powers that be at whatever level knew better—they had to know better!

This is what else was done, Mr. Speaker. Work was done at the Pedro St. James restoration project. Other work was done at the Botanic Park. And I really don't doubt that this was all done in good faith, but that is why you have managers, controlling officers, ministers and all of that, to make sure that things are done right. Money was voted in the budget on more than one occasion, and it all came under one heading. The money was spent between the two different projects and to this day it seems that no one can say how much was spent on one project and how much on the other.

How can you develop any kind of financial profile for each separate project if this is done in this manner? It just doesn't work that way.

One might say that this is picky, but if the country did business like that in every form and fashion . . . and let me tell you where the real problem is. Some people might think this is not worth addressing, but I consider it to be very important. In this day and age I predict that in another two or three years it is going to be of the utmost importance for government to know what each and every service it provides costs. We are going to have to maximise the efficiency within those services so that we at least recoup the cost of providing those services. If you mix it all up you will never be able to find what costs what because all you are doing is throwing all the revenue into one thing and you keep writing the cheques. But you will never know where you are losing or what you need to address.

There can be no thought that it didn't matter. It also matters because when the minister answers a question and tells us that the total cost to government for research, planning and feasibility, restoration and construction, land acquisition, stamp duty, start up cost and pre-operating expenses is \$8,677,071 . . . that is telling me in black and white that that's what it cost. But they can't know how much it cost because on more than one occasion money was mixed up and there was one amount spent between the two projects and it doesn't seem that anyone can determine what was spent where. So how can they know how much it cost?

What else is there that we don't know anything about? If doubts are to fall away, the evidence must be produced.

I can go on more about the project, but I don't consider it necessary to go into more detail because I believe that I have raised enough questions about the project to establish the understanding that the ministry needs to accept that some methodologies employed were at least erroneous, and also we need to somehow establish the true cost of this project.

When you find examples like these . . . and I have to admit that I do the best I can. I don't think that my mind is evil. But when I find instances like these, something clicks in my mind about everything else that happens. *'I wonder if that's how this one was done?'* Do you understand what I am saying? Perhaps the best thing is not to think—but I can't do that.

I would like to move on to speak a bit about contributions from statutory authorities. I know from the time I mentioned that topic that it raised eyebrows and all the defence mechanisms kicked in. But that's cool. I am going to state my opinion, and whoever wants to say something after that is free to do so.

It was probably three years ago when the same Minister for Tourism gave me a commitment that Executive Council was going to sit down to develop some type of firm policy with the relevant authorities, namely, the Water Authority, the Port Authority, and the Civil Aviation Authority, regarding their annual contributions to general revenue. The argument has been put forward . . . and I don't limit this principle to these three that I mentioned

because I don't know if others fall into this category. Perhaps one of these days we might get the surprise of our lives and Pedro Castle might actually make a profit. I hope so.

Anyway, the argument that has been put forth on more than one occasion is that the government owns these authorities. So once these authorities turn a profit they should hand over the money to government. Let me point my difficulties with that theory.

Without quoting (at least not yet), it is safe comment to say that in the recent past government has commandeered these authorities at the very last going off in the year and told them about specific amounts, and demanded that these amounts be paid into the government's coffers to ensure that there is no deficit at the end of the year. No one can look me in the eye and tell me different. It was to balance the budget; to make sure that government did not have to come back and report to the country that there was a yearend deficit.

Let me make it very clear that I am not suggesting for one second that there should not be a policy which dictates that a certain level of operational profit from these authorities not be handed over to government. I am not saying that. I am arguing the way in which it has been done in the past. And to this day no one has been able to tell me what the policy is for each of these places. If it is not twenty times, then it must be forty times that we have gone over this and the best we have heard thus far—and keep hearing—is that *'we are meeting to decide'*, or that *'we are developing . . .'* I am sick of developing! Develop it!

Here is what happens to these authorities when it is done in this fashion: These authorities are always, forever continuing to have to expand their services because the country is growing, the demands are growing and they have to meet these demands. The Civil Aviation Authority has several projects in the pipeline—a terminal or airport in Little Cayman, the Cayman Brac runway resurfacing . . . all of these things need to be done.

The Water Authority is expanding into the eastern districts on a continual basis. The Port Authority is just now selling the idea to this country about a major expansion of the port facilities (between \$12 million and \$14 million I understand). I don't see the sense if at the end of the day the government is responsible for these authorities. In other words, regardless of whether or not they engage in loans it is termed "self-financing loans," if they can't pay it the government has to pay it, no questions asked. So, as far as I am concerned, it is simply passing the buck.

If you are taking the money that these authorities earn to balance the budget of the country, and they in turn have to engage in much more borrowing than they would normally have to; you are still responsible for it. You're only passing the buck. If you left them alone and let them get on with the business, your contingent liabilities would be less and perhaps (to use the term of the honourable Third Official Member) we would be better equipped and we would be more willing to cut the cloth to suit than we are doing now.

The way we are doing it is that we are living in hope. And because we know these things exist, when it doesn't work out we say, *'All right, let's call them and tell them to send us \$1 million. Let's call the other one and tell them to send us \$1.5 million.'* I don't care how many degrees they have, they cannot tell me that's right! If they do, I am not going to agree with what they say. I repeat, I am not suggesting that money should not be contributed to general revenue by these authorities, but not in the manner in which it is being done.

Mr. Speaker, do you know what nearly happened one time? I am going to tell you. Because of the sheer inability of Cayman Airways to pay the Civil Aviation Authority, it had built up a landing fee debt of nearly \$3 million. I am going to tell you how the plan nearly went. They were going to put the \$3 million in the budget for the next year for Cayman Airways to pay the Civil Aviation Authority, but at the same time Civil Aviation Authority must agree that their contribution to the revenue was going to be the \$3 million. That's how everything was going to get smoothed out.

I don't know if I made that point, Mr. Speaker—

The Speaker: I understand.

Mr. D. Kurt Tibbetts: The simplicity of that is that they would have taken the \$3 million out of their left pocket and put it into their right pocket, but it still would have been just \$3 million. In my estimation, there is a risk in dealing with life like that, and it must not be done.

Mr. Roy Bodden: Single-entry bookkeeping!

Mr. D. Kurt Tibbetts: We keep hearing about these contingent liabilities ever rising, and we keep hearing about the Mother Country having great concerns about the contingent liabilities of her Dependent Territories (now called Overseas Territories). I am not suggesting that London has hammered our heads over our contingent liabilities. But our contingent liabilities have been rising continuously.

And, Mr. Speaker, when they keep borrowing more and more money and they keep talking about this "accepted norm" once your debt service does not exceed 10 percent of your recurrent revenue you're in good shape . . . do you know what's that like? That's like eating candy every day of your life. They keep telling you to stop that because otherwise you are going to lose your teeth. And because you haven't lost your teeth you keep eating them and by the time the day comes when you lose your teeth, you can't get them back—at least not the real ones.

That's the same principle employed, but until you lose them everything is fine. That's exactly how it is. It keeps rising, but because it hasn't passed that magic 10 percent everything is fine. So who's going to stop it when it reaches the 10 percent and goes over it if you don't try to do it before? I can drive good, tell me about it after I meet with an accident.

Mr. Speaker, I raise these points to say to government that while some may think that I should be more

patient about things in the pipeline (various reforms that are ongoing), because I believe that I have gotten to know enough about how things really work, I consider it incumbent upon me not to stop applying the pressure until I see the results. Every time you talk about things and they say give it time, give it time, give it time, the time is still going and we're still giving and nothing has happened yet. So, when it happens, if I am still around I'll stop then. Until then, I am not stopping.

If it sounds like a broken record, I am sorry. It will have to keep breaking until they do something.

Mr. Speaker, the country is not in the gloomiest of circumstances. But I have long contended that when we hear about prudent fiscal policies, prudent financial management . . . and that's the favourite terminology of the Minister of Education. He gets up and talks about this \$60 million recurrent profit and how prudent the government is with all that's its doing. He says that all that all the time.

Mr. Roy Bodden: You better bring it up now, because they need it!

Mr. D. Kurt Tibbetts: I remember us having a big argument up in here about that misleading business. But I want you to know that I feel as strongly about that as anything else in this world.

The Speaker: Let's not revive that, please.

Mr. D. Kurt Tibbetts: No, I won't do that, sir. No problem. I am just saying that I feel stronger today than I felt then. So I guess I must get some little kudos because I am doing it the right way now. Okay?

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: Mr. Speaker, yesterday (and I won't engage in this for a very long period, but it is going to send my message) we understood that the projected revenue for the first eight months of this year for this country was down in excess of \$11 million. Now, some people might not want me to talk about it, some people might not want any people to know about it, and I am not suggesting that it's the end of the world, but let no man fool anyone else—especially me!—that that is not cause for serious concern, because it is.

If we examine our budgets for the last seven years that I have been here, every year—barring none, to the best of my memory—the recurrent expenditure has been creeping ever closer to the recurrent revenue.

When we do a budget and we have recurrent expenditure and recurrent revenue the recurrent revenue put into that budget is a projected figure based on the history of what has happened in the past. I have to admit that usually those figures are very accurate. But we all know that there are external circumstances, over which we have no control, which can affect that. They can also fix it however they want to fix it, but if we didn't continue borrowing we would have to admit to this country that we are operating in deficit.

They have the capital projects on one side, and they deal with the recurrent revenue and recurrent expenditure. Once the recurrent expenditure does not surpass the recurrent revenue you are not in deficit. But if you only have \$6 million over your expenditure to put towards your capital projects and you have to borrow \$25 million to do your capital projects, which I am not suggesting is not a sensible approach, Mr. Speaker, don't get me wrong . . . but I am saying that if you actually dealt with it without the borrowing you'd be operating in deficit.

Put aside the capital projects, put aside the borrowing. The Honourable Third Official Member especially in the last two budgets has gone to great pain to explain that the recurrent expenditure side of the budget has been back and forth, and slashed, and talked about, trimmed and cut . . . you know how when you're going to cook a salt beef pot you cut all the fat off of it? That's what has basically been done. So there is no room to cut any more. If you keep cutting now, you're going to cut the flesh. And I understand that.

What that means, Mr. Speaker, is that when you get a budget that tells you what your recurrent expenditure is going to be you can almost bet that it is not going to be any less than that. In fact, more than likely—and if you go by history you can almost say *for sure*—you are going to have supplementary requests during the course of the year which will make your recurrent expenditure more than you actually budgeted for. And if you put out your forecast for your recurrent revenue and the signal in the first eight months that you are in excess of \$11 million short, . . . that doesn't worry you sir?

So, Mr. Speaker, I am going to give members a chance to deal with the other areas of these reports that they may wish to. I have said what I have said in an effort to ensure that eyes are open, ears are cocked, and we are doing everything we can to make sure that we keep sailing the right course.

I was going to bring up the Medium Term Financial Strategy and the Public Sector Investment Programme, but I am not going to do that. I know for a fact that the Honourable Third Official Member and his staff have been doing all that they can to deal with this. I just hope and pray that they won't be stifled any more and will be allowed to do what they do best so that we can get better results than we have.

I do trust that the questions I have asked about certain areas are not left unanswered, because I can assure all and sundry that if they are not answered in a reasonable time they will be raised again. We are a year late in discussing all of these things we are talking about now. The next one is just about ready to be put out and hopefully will not be a year late.

So it is very possible that we may be discussing the Auditor General's Report for two different years within a three month period. I hope that that doesn't extend itself. But that report will prove to us if anything has been done to address these problems that have been raised. For that we will have to wait and see.

I trust that my comments have been taken in the light they were intended, and I hope that we will hear the

relevant individuals on the government bench address the questions that have been posed.

Thank you.

The Speaker: I think this would be an appropriate time to take the morning break. We shall suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.22 AM

PROCEEDINGS RESUMED AT 12.01 PM

The Speaker: This is the final call, the floor is open for debate. Does any other member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am not going to be that long, Mr. Speaker, but I do have something to say.

There seems to be some confusion on the part of government as to who is going to wind up. The person laying the Government Minute cannot be the person that winds up the debate because the debate on this was moved by the Third Elected Member for West Bay who is chairman of the Public Accounts Committee. He said there would be a debate when the Government Minute was laid on the Table. So I hope there will not be any more confusion.

I have been very disappointed and disturbed by the government's response to the probing carried out by the Auditor General on various departments and, in particular, Pedro Castle over which there has been a lot of controversy. Further, on the matters of Pedro Castle, I think it's a shame and a disgrace that that motion calling for clear answers to the situation, and for no confidence in the Minister's [for Tourism] handling of the project has not yet been debated after some months now. I believe it to be a serious contempt on the privileges of this legislature.

Nevertheless, I have been paying close attention to the mismanagement of the Pedro Castle matter. I have looked at the Auditor General's Report. I have looked at the report of the Public Accounts Committee. I have looked at Government's response. This response on Pedro Castle is nothing but an effort to deceive the people of the country into believing that the minister did everything right with Pedro Castle. He should have—bearing in mind his longstanding experience as Head of departments, Principal Secretary, deputy Financial Secretary, and former Financial Secretary, and now an Elected Minister of seven year's experience. And the mismanagement of this project is a disgrace, to say the least!

So there can be no mistake about the handling and subsequent mismanagement of the country's funds.

I wish that my colleague, the Third Elected Member for West Bay, had done a more in-depth review of this particular aspect in his motion because he had documents before him that could have been carefully reviewed to show the fallacious reasoning of the minister—who must take the blame for the fiasco at Pedro Castle. But blood is thicker than water. I would hope that that were not so, but it seems to be so.

To look at a few matters in connection with this project, in June (at least from May 25) there was a question on the Business Paper which has not been answered. It was a question that I put there. It asked the Minister for Tourism: (a) whether or not CHRM (Cayman) holds or has held a trade and business licence under Cayman Islands Laws; (b) who the shareholders and directors are, and what are their nationalities; and (c) was there any investigation into the background of those persons? That is also a contempt of this honourable House to know that the minister has not yet seen fit to answer those pertinent questions in connection with such a large expenditure as Pedro Castle.

From what I have seen in the document put before us by government (and in this instance put before us by the Minister for Tourism) is an attempt to say to us over-all: *'Look, I had permission from Executive Council to do this. I had permission from Executive Council to waive the requirements of the Central Tenders Committee.'* It does not stop there, Mr. Speaker, but that seems to be the basis on which they have relied to defended their mismanagement.

I want to look at what took place in Public Accounts Committee. I will go right to the meat of the problem. The report that came to this House in defence of Pedro Castle carries Executive Council's document. (Pause)

Now this Executive Council document, put to this House, in their relying on the fact that the Central Tenders Committee had given them permission, first of all, to continue with Commonwealth Historic Resource Management (CHRM), and then to continue with him without going to Central Tender, and then to get another subcontractor (Steve Shaw Productions of Canada) without going to Central Tender. Those two are facts.

Based on information that the Minister put to Executive Council, which is carried here in this document, ExCo agreed that that could happen because the company had been here so long. But we were not told of the various problems. We were not told of a Caymanian company. Indeed, while the **“Chairman of the Central Tenders Committee confirmed in writing his view that if the contract with the project manager (CHRM) provides for the appointment of subcontractors by that firm, that it would be acceptable for this matter to be handled under that company's contract.”**

While it was agreeable for him to do that, nobody—not Executive Council or anyone else—gave the minister any permission to CHRM himself to be a subcontractor. This is the part I am saying should have been brought out here earlier.

Executive Council gave permission for CHRM, Canada, to carry on since they had started with the National Trust. They gave permission for Steve Shaw Productions for the history on Pedro Castle. These are the only two commissions that Executive Council gave. There was no permission given by Executive Council to do a subcontract. And one wonders why anyone—including the minister—would try to lay blame on Executive Council other than to cover up his own mismanagement.

Executive Council did not give approval for any of the overruns. We didn't know anything about the over-

runs. Most of all—and I repeat—Executive Council did not give permission to CHRM to do four subcontracts itself. The owner, shareholder, and director of CHRM gave himself four subcontracts! It's woefully wrong, misleading, and unfair to Executive Council to say that they gave permission, and to leave it as if they gave permission for everything. They did not! And no one should say otherwise.

There have been too many conflicting statements on this matter. There have been too many conflicting statements on the cost. We heard the minister say, in answer to a question here the other day, a total of \$8.6 million. Look at 1993: First, they said the cost was \$5 million. In the 1996 Estimates, Caribbean Development Bank was \$8.7 [million]. On 4 March last year the minister himself said \$6.9 million—including cost of land. This is all contained in the *Hansards*.

Then on 22 December 1998 the minister said it was \$9.1 million—including cost of land. Yet in their report . . . I can't find the relevant section but it's conflicting again. Who is right? The Auditor General? CHRM Ltd.? Caribbean Development Bank? The Ministry? Who?

The Government Minute says, "**Both the Ministry and CHRM prepared financial reports on a regular basis.**" If that is so, if the Ministry or CHRM prepared financial reports, then who did they give them to on a regular basis? Certainly, nobody had these reports on a steady basis, or else there would not have been these conflicting statements as to what the cost is.

There are all kinds of things on these overruns, Mr. Speaker. When they came to Executive Council they didn't tell Executive Council that government would be paying for certain work while the man himself had the contract to give out, while the owner of CHRM had four subcontracts and out of those subcontracts certain work would be paid for by government. We weren't told that. And it's not reflected in this Executive Council document before us.

I understand they said in the Minute, "**The implementation phase was managed by the Ministry on the recommendation of the committee and approval by Executive Council.**" I would like to see the permission given to the Ministry by Executive Council for the Ministry to manage the project.

In the Government Minute, in regard to the differences in the cost, the Ministry says, "**The significant difference is due to the rate of inflation on materials and labour.**" The various overruns, percentages of increases from 1993 to 1998 based on the statements made by the Minister here in Finance Committee, and in questions put to him . . . in 1993 they said \$5 million; in 1996 the estimate given by Caribbean Development Bank was \$8.7 million—that's a 74% increase in three years! On 4 March 1998, \$6.9 million was the total given by the Minister. By 22 December 1998, the Minister came back and said it was \$9.1 [million]—that's a 24% increase in nine months.

From 1993 the increase (as stated by Commonwealth) of \$5 million, to, the Minister's 22 December statement of \$9.1 [million], that's an 82% increase in

three years. Did inflation go up that much in this country? I doubt it.

The inflation rate in 1993 (over 1992, that is) was 2.5%. In 1994 it was 3.1%. In 1995 2.3%. In 1996 it was 2.1%. In 1997 it was 2.7%. In 1998 it was 3%, for a total of 15.7%. How in the world can these increases be blamed on inflation? Yes, we had a total of 15%, but the increases total up—according to the minister himself—to 82% in three years alone! It cannot be blamed on inflation; it can only be blamed on the mishandling and the mismanagement of the Minister for Tourism.

Under "subcontracts," the Chairman of the Public Accounts Committee said that the man owned the company, carried out the work himself; invoiced government for payment, certifying that what was done was carried out for payment. Who could tell what they were paying for? Although the minister says that he had day to day contact with the project, what has gone on with this is a shame and a disgrace. And it's a shame and a disgrace that we can't get a motion here to really go into it, Mr. Speaker, or to even hear what actually took place.

They come back here, after all was said and done, with some flimsy excuse that Executive Council gave them permission. Executive Council gave two permissions—one of those papers is here in front of us. But it was not for the subcontracts. One subcontract was to Steve Shaw productions, not to the other ones that the man did himself.

The truth is that this country will never know the depth to which this whole thing has gone. I am convinced that we are not going to get the truth, the whole truth and nothing but the truth. I am convinced of that because there has been too much dodging, too much blaming, too much finger pointing, there have been too many contradicting stories and we will not, I am convinced, hear the truth. Who is going to tell us when everybody belongs to secret societies?

Since I can't get my answers as to who did the background work on CHRM, Cayman, the Auditor General says here that according to his files it was Mr. Stewart and his spouse. They had 50 shares each, 100 shares paid up capital (I guess you would call it in our parlance here under the Companies Law) to do a \$9 million job. It's a shame and a disgrace.

They like to tout their management. They like to go around West Bay telling people that McKeeva don't have the management ability. Look at my projects! Yes, there were overruns, but you never had that kind of mismanagement and its providing a useful service to the country. I could do a lot more comparison, but that's not the purpose of this debate.

The Ministry and the Minister had day to day contact with the project, according to the Minister. The Auditor General says, "**Many of the financial records, including tenders' bids and purchase commitments are held by the consultant in Canada and were not available to support the audit of payments charged to the ministry's votes.**" Simple question, Mr. Speaker, why didn't the ministry have its own set of records? Simple! Yet, they had day to day handling of the affairs of the project?

I am going to be brief and give others who want to get on with this debate a chance. There are things that should be explained, but there will be another day. I certainly have not fired all of my ammunition either. I would like those who are recording for the minister to note that.

To sum up, it is a position like this: The ministry embarked on a project that it seemed to not have a tremendous amount of information on. I opposed certain aspects of the project at times, and I still do today. That's not to say that the project could not have been done. I believe that once it gets the right management—and I don't believe the Minister for Tourism is going to provide that management—the project could be of some benefit. But we have paid tremendously for that.

As I said, we will never know what it cost because so many funds are and were hidden in different votes. There has to be management put there quickly. They might hide, run, and dodge from the private member's motion before the House, but the fact is that that project is ongoing and we are in a state of having a Head of a department and the PS managing the project. How long can this be sustained? How long should it be? If the PS is paying close attention (and I believe he would be) to the project, what happens to his other regular duties? Something has to be suffering.

In answer to a question I put to the minister he said that nothing was suffering, it was just more work. I don't think it's a good state of affairs when we have the Head of a department and the Permanent Secretary in the Ministry running a project. Not to say that they might not be capable and talking about the overall workings of government, given the inconsistencies and mismanagement at Pedro Castle.

For a long time there has been talk about marketing. If it's going to be successful, it needs to be properly marketed. But I asked a long time ago how feasible it was. How much in-depth work was done? When you consider that cruise ship [passengers] go to the Turtle Farm and they go shopping . . . how much time do they have to go to the other end of the country? Something is going to suffer. I hope not. But it seems rational that that would happen.

What has been done about marketing the project? This is nearly the end of the year. I would suspect that cruise ships have made their itineraries, their contracts. Have they gotten any contracts from the cruise ships for passengers to go to Pedro Castle? As I said, it's nearly the end of the year and you would imagine that cruise liners would have their contracts made and their itineraries done for the following year. Will we need to go through another year with large subsidies—larger than usual—because of the mismanagement and not getting the work done? I am still waiting to hear.

If it is marketed properly, probably some years hence (and we still don't know what was spent on the project), hopefully the project will be paying for itself. But it's not a good thing when a government has a manager of a project who it is alleged committed crimes and we pay him half-salary, and the project goes without proper management. That's not to say that it was getting any before, because from everything that has been put be-

fore us it has not had proper management since it began.

These are not good times, Mr. Speaker. I await the debate on the motion. I wait to hear the answers to my questions. And I have certainly been reasonable.

Although you might hear that I am a member of the Business Committee, I am a minority member. I wait to hear whether CHRM, Cayman, holds or has held a trade and business licence under Cayman Islands laws. But I understand why the question can't be answered. It is because it did not hold a trade and business licence under our laws. That's why there has been a ducking of the question. If they want to say something else about using a different language . . . that's why the question hasn't been answered. Who are the shareholders and directors, and what are their nationalities? And was there any kind of investigation into the background of those persons?

As I said, I have more ammunition. But I will hold that for the day it is more fitting.

I am totally dissatisfied with the management—the mismanagement—of the project, and with the covering up that has taken place. I am sick and tired of the covering up that is being done for certain people in this country while others can be exposed and all sorts of things said. I am tired of it. It all depends on who you are, who you belong to. It's a sad state of affairs, Mr. Speaker. But I will wait to hear the answer, to hear if any more lies are going to be told. I thank you.

The Speaker: I think this is an appropriate time to take the luncheon break. We shall suspend until 2.15 PM

PROCEEDINGS SUSPENDED AT 12.44 PM

PROCEEDINGS RESUMED AT 2.41 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the Government Minute. The floor is open for debate.

The Fourth Elected Member for George Town.

Dr. Frank McField: I am going to take the opportunity to make a statement in regard to the Government Minute on the Auditor General's Report, the Public Accounts Committee Report.

What I want to say is how badly the system needs to be reformed. If we are discussing the government's response to the report after so much time, it goes to show that our discussion will be totally of no consequence. One wonders what the point of the discussion is, since the discussion is so out of date, and most of us are so out of touch with the subject matter, except from the point of view of the principles perhaps that might be involved in the report.

The principles involved in the report can be debated, therefore I will concentrate on one or two of them. I think that they are principles that should somehow be amended in the future if possible. The whole idea that government collects security deposits for immigration—especially when close to 60% of the labour force is made up of immigrants, and where we have people in the

country thirty years on work permits—seems almost archaic and absurd.

The other point is that if the Immigration Department is right and if some 56% of the persons here on work permits are from a particular island state—namely Jamaica—and the fact that you can get a one way ticket there for about \$100 goes to prove the point that if the logic of the system or the purpose of the deposit had been reviewed it would be seen to be out of touch with the general reality.

I think that in a day and age when cash is more readily available to people than before, when transportation is more accessible than before, the whole question of people moving up and down, crossing each other's borders in order to trade, whether that be labour or goods is a reality of the modern world. These deposits in 1997 were up to \$6.5 million. I think that's basically an indication of how important immigrant labour remains in the Cayman Islands.

I think that the security the Cayman Islands gets from the immigrant labour should be sufficient security for those people working here. They should not be required from the employers, many of whom are Caymanian, this additional security because all this does is inflate the cost of labour and goods. From an economic point of view, the government is doing the economy no good by causing so large a figure to be set aside. This amount is coming in a lot of cases not from the individual immigrant but from the corporation he or she works for.

I would like government to give consideration to a change in this policy where the company would sign a bond with government. And as long as the company continues to do business in the Cayman Islands, and as long as the company is operated by persons we have access to by way of government collectors, we can collect the money from those persons. We find that when people use the hospital and they don't pay, government has a debt collector that can see to collecting these debts. We can do it with bonds that companies might have signed in relationship to their imported labour.

I don't know how many cases are recorded, or what the statistics would be in regard to serious cases where people worked in the Cayman Islands and never had enough money to return to their own homes. It is said that it's okay to be poor in your own country, but you don't go to someone else's country to be poor. It's almost an immigrant's mentality to save money. And if they are working they are going to be saving money. And if they are saving money, they have money to pay for their return ticket in cases where their employers are not going to do it.

If somebody is working on a weekly basis, we also have the Labour Law that compels the employer to give a certain amount of notice in case he is going to get rid of the employee. And if he gets rid of the employee without a certain amount of notice then he is compelled by law to pay that employee a certain amount of money. There again, the employee should be in possession of a certain amount of cash.

I don't see why it is necessary to consider this programme as a general type of programme. Even if gov-

ernment must make some exception to the rule, discretion should be allowed where certain companies are not obligated by law to pay these deposits when people who have been here for all of thirty years, when people who are going to be here for a long period of time simply because of the fact that they are filling a position that will not be easily filled in the future, and also because we realise that our economy is growing at a pace of between 7 and 9 percent per annum and that this growth means the growth of the population as a whole.

We would project that by the year 2004 we will have 60,000 people here in the Cayman Islands. Whether or not people want to hear those figures, if we continue to want the same pace and growth in our economy, that is what we are going to have. If the policy of the Immigration Department (by way of government) is to continue to collect the security deposits, then we will have . . . it basically doesn't make sense. Yet we have to think about the particular needs that our economy creates. And we are going to have the people in the island and I don't see why we should continue to collect these deposits.

Enough said about that particular principle. I would next go to the question of the environmental protection fund.

I note that there was (at least at 31 December 1997) an amount of \$480,275 and there was no expenditure during 1997. Well, I am sure that money has been taken since then from the fund. But I would like to say that this fund should be used for environmentally sensitive issues. I think that in the beginning when we were creating the fund we had an idea that it would be for this particular purpose. I think it was used by government to rationalise their adding these taxes, but there were members of the community who realised that this was necessary for environmentally sensitive issues to be funded and were therefore willing to accept this higher increase as a result of this particular rationalisation.

Since then, I think we have lost sight of this purpose. I think that the situation in North Side, in Bodden Town, in regard to the Planning Department wanting to define land as environmentally protected and sensitive, and thereby deprive the landowners in those particular areas of what they say is the true potential commercial value of their land, could be rectified by using these environmental funds to purchase those lands if people wanted to sell those lands at a commercially fair market value.

If the persons do not care to sell the land, the lands are protected I would think, because those persons in most cases don't have the kind of immense capital needed to develop these lands. But they would not be deprived of their lands without compensation because the funds are there.

This is the reason why I also felt the National Trust was getting a little bit of the bullet when, in fact, the National Trust should not have been involved up front in this particular issue because I think that although the National Trust represents a particular kind of body that is interested in such issues of preservation, there are those of us who are not members of the National Trust who have an interest also in preserving what we might con-

sider to be environmentally sensitive zones, to the degree that it would not interfere with the rights and privileges of our citizens, of course.

I think if we were to use this fund creatively, rather than using it to prop up the coffers of the general revenue, and we were to see this fund earmarked specifically for these particular purposes being in the sense to compensate citizens for land that we the people as a whole feel is useful to all of us as a whole, that this would be a good way of spending these funds. If this were done over a period of ten or twenty years we would collect millions and millions of dollars. And we would have millions and millions of dollars that could be used in that particular area, since one of the greatest concerns from an environmental point of view in the Cayman Islands is the preservation of the so-called wetlands or swamp mangroves.

The other point is the situation of the government dump. Something has to be done there. This is an environmentally sensitive issue and we can see how environmental funds could go towards resolving that specific problem.

I was happy that in the 1997 Report the funds were all in tact. But in the next report we will receive, we certainly know that that won't be the case. So it goes to show how out of date this discussion is. I should really be talking about the funds as they are now rather than the funds the way they were in 1997. So, there we are. We are an outdated system. We are definitely so outdated. It's sometimes unfortunate that we don't move quicker toward reform because it would save us a lot of unnecessary hardship at the end of the day.

The infrastructure fund was also worthwhile mentioning in that it is a new area of revenue that needs to be specifically used to assist with the creation of alternatives, let's say. And the cash that was taken into the system back in 1997 was less than it would have been had the correct mechanisms been in place. I am basically saying that with this infrastructural fund in place we can create a reserve of capital to give us the flexibility to deal with environmental issues when we are pressured.

This goes back again to the whole idea of the budget, the way in which government raises its funds, the way in which government spends its funds, and the way in which government is critiqued in the way it spends its funds. It is all very outmoded. If we are going to pick here and pick there, by picking this and that each time in a very ad hoc manner to see how we can put two and two together to get four, it's going to create a situation whereby we cannot plan for the future. Nothing is really guaranteed. Nothing is really stable because it's not being based upon any stable funding.

Anyone, who doesn't know what they are going to make in a week, knows that it's hard to organise a house. If you don't know how much income you are going to have, it's kind of hard to decide how much you are going to spend. Most of us decide to accept a fixed wage because it's more stable rather than working by piecework or by commission where we are not able to predict what the bottom line will be in regard to our earnings.

How a government going into the 21st Century is content with operating under this type of principle amazes me.

I don't know what the solution is, of course. But in looking at this report I am saying that the government has to have more rights to collect the revenue for the support of the country for the general good of the country. We know that there has to be all kinds of reforms in the way we use manpower. We have to become more sparing in this. Maybe it's possible to say that they would not have had to spend so much from the environmental impact funds and the infrastructure funds and have immigration collecting the security deposit. But when a government in a country that is supposed to be as rich as this one brags about being—the fifth financial centre in the world—goes around trying to get a few dollars by collecting security deposits from immigration workers, is going around taking \$2 extra from tourists coming in on the cruise ships, saying they are going to put it into an environmental impact fund in order to put it in general revenue . . . when you have to go around that way begging and taking, it defeats your whole concept of yourself. Rich people don't behave like that.

How can a prosperous country not predict its income? Not predict its needs; not become more scientific in regard to its housekeeping?

I hope that in mentioning these facts that I bring to the attention of this honourable House the incredible need for reform in this country and reforms in the way in which we do business. We have a hard job to persuade our people that the system must change, but unless we can persuade our people that the system must change, we are going to lose control of the system. Thank you.

The Speaker: The floor is open to debate, does any other member wish to speak?

The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, I have listened to the views of three honourable members who have spoken so far on the Government Minute. I would like to address a few points that were raised.

Two members commented on the lack of timeliness in the tabling of the Government Minute. The First Elected Member for George Town suggested that it should have been tabled over a year ago. In an ideal situation we would have hoped that that would have been possible. We know that in the past we have found ourselves in situations where the Minute was not tabled on a timely basis. But for the Minute on the accounts of Government for 1997, I think we have to take a look at the timeliness of the sequence of events as they occurred.

The Report of the Auditor General on the Accounts of the Government for the year 1997 is dated 30 November 1998. This is quite timely, Mr. Speaker.

The Report of the Public Accounts Committee on the Auditor General's Report on the financial statements of the Government for the year ended 31 December 1997 was tabled on 23 April 1999. So, in effect, there has been . . . this is the second session since the tabling of

that report. So the Government Minute has been tabled within a timeframe of six months following the tabling of the report of the Public Accounts Committee.

If we were to take the period May through September we will see what timeframe that shows. So it is not a question that there has been a lapse of a year as such.

We do recognise that there is a need for these reports to be submitted to this honourable House on a timely basis. And every effort will be made to ensure that that is done, starting with the Government Minute on the Auditor General's Report and on the Report of the Public Accounts Committee, and on the accounts of the Cayman Islands Government for the year ended 31 December 1997.

Secondly, the First Elected Member for George Town indicated that there has been a narrowing of the gap between recurrent revenue and expenditure. I will not refute this position. The government has been concerned about this. All members of the Legislative Assembly have expressed concern.

We recognise that as we continue to move forward, and as demands on government continue to increase, and as the demands of society continue to grow, we know that resources are not unlimited. We will have to manage more carefully every dollar that hands can be laid upon. But if we were to take what has occurred over the past five years we can see . . . just going back to 1993, the recurrent revenue was \$135.3 million; recurrent and statutory expenditure was \$124.1 [million] leaving a balance of \$11.2 million to be used as contribution to capital, reserves and other transfers. This represented 8.2% of the general revenue for that year.

In 1994, the revenue was \$152.11 million; recurrent and statutory expenditure was \$138.2 million, leaving an excess of revenue over expenditure of \$13.9 million, which represents 9.1% of general revenue for that year.

For the year 1995, we see where general revenue was \$174.5 million; recurrent and statutory expenditure was \$158.2 million, leaving an excess of recurrent revenue over recurrent and statutory expenditure of \$16.3 million, representing 9.3% of general revenue.

For 1996, recurrent revenue was \$195.2 million. Recurrent and statutory expenditure, \$171.4 million. Excess of revenue over expenditure was \$23.8 million representing 12.1% of general revenue.

In 1997, recurrent revenue was \$219 million. Recurrent and statutory expenditure, \$198.9 million, leaving a difference of \$20.1 million. Excess of revenue over recurrent and statutory was 9.1%.

For the year 1998, the recurrent revenue was \$253 million. Recurrent and statutory expenditure, \$228.4 million. Leaving a difference of \$24.6 million representing 9.7% of general revenue.

We recognise that we have to talk about what is envisioned under the reform initiative. We know what we cannot do, and government is fully committed to this. In fact, it is the path being taken. And we are at the stage now where legislation is being looked at. We will have to set out a formula in the legislation itself. It is not one that can be left up to discretion. We will have to look entirely at the package of general revenue. A decision will have

to be taken in terms of what percentage of that will have to be allocated for recurrent and statutory expenditure.

A percentage amount will also have to be established for general reserves to take general reserves up to 25% of the annualised recurrent and statutory expenditure for a given year. For example, if that is 2%, 3%, or 4%, once that figure of 25% has been reached, let's say for example in the year 2005, then it can be adjusted on an annual basis whether by 1%, .5%, or 2% in order to maintain that figure in line with recurrent and statutory expenditure.

We know we will have to do this. But before we get to that stage, and this is what is underway at this time in terms of looking at making an assessment as to the state of affairs in terms of the government public finances management, we are getting back to a point where we can see that the objective in terms of attempting to match costs with revenue is underway at this time, and this is the focus. Every attempt is being made to ascertain the cost of running each unit within the government, each department, each ministry, each portfolio and the overall cost of governmental operations.

That will have to be established. Once that cost has been established, further examination will have to be made to determine the effectiveness and efficiency of the services. For instance, what utility is to be obtained by having this service provided? Can it be provided more cost effective within government or by outsourcing? All of this will have to be examined. All of these are being looked at in tandem. These activities are not necessarily taking place one beside the other. But in order to complete the reform initiative, this is what will have to be done.

The Fourth Elected Member for George Town spoke about the need to know exactly what government's intake on the revenue side will be. Once cost is matched with revenue, and a determination made to index revenue measures . . . for example, we are talking about the year 2000. An indication has been given to departments that the budgets being put forward should not exceed 8% of what has been allocated for the year 1999.

Now, we are looking very closely at the growth rate. But we know that there is a tendency to have increases in budgets. Government recognises that this in itself is not the most efficient means. It's an interim measure until we can get back to the point where budgets are presented based on needs as can be determined on an annual basis. And once we have gone through and stripped out the excesses from which the Cayman Islands as a country does not derive a benefit, all of these things have to be taken down to levels of efficiency. That will be reflected in the cost of operating the government. Then we will have to look on the revenue side.

A decision will have to be taken, and this has been mooted, in terms of indexing the revenue items that are there. For example, each year we know that inflation has a way of eroding the value of a dollar or the purchasing power. At the same time, we find increases taking place on the expenditure side that are not necessarily matched up on the revenue side. In order to get additional revenue this translates into having to bring revenue meas-

ures. If the revenue measures were indexed to take into account the erosion, there would be an automatic adjustment on an annual basis. This will be reflected in the legislation that will be put forward to this honourable House for consideration.

What is being developed is a management process. We recognise that inefficiencies have occurred in the past. No one can doubt that. We have looked at all of the processes. But what is quite interesting is that while we will sometimes be very hard on ourselves, it's good because it keeps what we are doing in focus. But of all of the Overseas Territories, including Bermuda, the Cayman Islands is the most up-to-date in terms of its financial statements and the tabling of Government Minutes in the Legislative Assembly. This came out of an exercise that was conducted some time ago. So at least it's heartening to know that information is coming to this honourable House.

What I would deduce from what has been said today and previously is that everyone is talking about the need for refinement and efficiency to be achieved, value for money. Everyone (including me) subscribes to that. So it's not a question of sitting here and taking issue with the points that have been raised, but I will say, based on what has been achieved up to this time, and I am quite pleased at the way from lower management to upper management in the service more civil servants are coming together. They are very enthused about the reform initiative. They are very anxious to see changes effected that will allow them to use their reasoning abilities, their capabilities.

Where we are taking managers and paying them significant salaries and at the end of the day, for example, if a Head of Department travels to Miami and there is a need to rent a car . . . now I sit in Cayman as Financial Secretary, I cannot reasonably justify the need for that to be done. If we are paying somebody \$70,000, \$80,000 and \$90,000 per annum and there is a need for a car to be rented because it will work out to be more cost effective than taking cabs to their various destinations, the only way that can be done is if that form is presented at my office to be signed by myself or the deputy Financial Secretary, or the Assistant Financial Secretary acting in my behalf.

What we are really doing when this is done is cur-tailing the judgment of those individuals. We are saying to them *'look, because of the fact that this form can be passed up the line there may not be the need for the car to be rented, but at the end of the day it can be justified by saying the Financial Secretary's initials are on it.'* This is not the case. We are talking about employing people in order to conduct various spheres of management to ensure that the entire process is effectively managed and at the end of the day each and every one should be held accountable for their overall performance.

We are heading in that direction. There is enthusiasm and commitment in terms of striving towards that goal.

The question was also raised by the First Elected Member for George Town that government's contingent liability is increasing on an annual basis. In a parliamen-

tary question that I responded to during this meeting of the House, I pointed out that the contingent liability . . . I showed the progression since 1995.

In 1995 the contingent liability was \$101.8 million. In 1996 it went up to \$171.6 million; in 1997 it showed a decline to a balance of \$157.5 million. In 1998 it's down to \$149.9 million.

I know that there are areas of this that can be looked at and we know that the biggest item in this has to do with the pension fund liability. This is an area that is being addressed. As members can see there is a significant contribution that will be going into that fund for the year 1999. I do not have the exact figures here with me, but we know that that fund is carrying a substantial balance. It shows there is a commitment to the reduction of that liability. Hopefully a programme can be put in place that will allow for the past service cost to be fully funded to get the pension plan on a current basis. But the funds that are there at the current time show that there is a commitment on the part of government and members of the Legislative Assembly supporting all of these initiatives.

The First Elected Member for George Town spoke about the government public debt situation, saying in effect that when we take into account the fact that borrowing has to occur to fund expenditure what it is really doing is impacting on the deficit situation. It's really delayed spending as such. I am going to leave it right there.

That honourable member has a point, Mr. Speaker. I will agree with him in the context that when we take into account the capital needs of government, and we attach that to recurrent and statutory, it definitely has a tendency to push the figures beyond the resources that are available in any given year. When I say the resources, or recurrent revenue.

One advantage that we will experience as we finalise the reform initiative, and I made this point previously, . . . from time to time the government acquires major assets—for example, the medical health facilities. This facility will serve this country over the next 20 to 30 years. But because of the present cash accounting system the expenditure on that major facility of some \$28 million will be recognised within a three-year period. Moving to an accrual system will allow for the value of that asset to be taken on board, and the only thing that will be expensed in the current year is the value of the facilities that would have been used up. That would mean the plant, the building, by way of depreciation and depreciation of equipment. All of that will be reflected.

We will have accuracy. We will have transparency. What we are carrying on the public service pension fund is a direct liability. That is an obligation and that will be reflected as well. So it will be balanced out, and this is what the government is driving towards.

In any given year, requests by departments exceed available resources, revenue, by a significant margin. When a head of department comes in here and a question is put, "what was your request?" and they answer "\$400,000."

"What were you allowed?"

"\$200,000."

Often, Mr. Speaker (most of the times especially recently), to get to that point it's not that government sits and cuts the figures saying an unreasonable request has been made. It's a position that has been negotiated. Every department in government expects some paring down to take place in order to bring their requests in line with the available resources.

So even if \$100,000 was spent last year, let us try with all of the efficiencies that are being brought to bear . . . and we know, for example, labour costs will always be increasing on an annual basis but there are other means by which cost savings can be effected. Let us see in terms of the resources that are available how we can contain expenditure for that year within the resources that have become available to that department.

I think that when Heads of departments attempt to portray a situation where the government is really impairing their capacity to operate, that will not be accurate in all instances. We are hoping that an understanding will emerge out of this and we trust that when we have the reform initiatives in place . . . and why I keep stressing the reform, Mr. Speaker, it's not a question of let's for example of shifting responsibility. We are saying to Heads of departments to take decisions.

I received a call last year around Christmas time as to what was happening. I was told that quite a number of people were going around to Hampsteads and Kirk Office Supply looking for items to buy in order to use up unexpended balances. When I call the names of these establishments, it's not to suggest anything untoward because they are carrying office products and so on.

When we look in terms of the computers arriving at the Glass House and the many truckloads that arrive . . . what we are saying to departments is, at the end of the day the money allocated to a Head of department or section is not the individual's money. The money that is allocated to the Portfolio of Finance and Development, that is not George McCarthy's money—that is the peoples' money.

We are saying that we should recognise this stewardship responsibility. There is a need for good stewardship. What we are saying to Heads of departments and controlling officers, what we are saying to junior officers and at all levels is that it should be inculcated in the minds of everyone having to spend one dollar of government money to justify the need. There should be justification as to the need.

When we bring our minds together in this process we are hoping we will be able to bring about refinement to the process as it now stands. On the revenue side, we have to look at that very, very carefully.

The Third Elected Member for George Town has put forward a parliamentary question as to the setting up of a think tank committee. I have thought about many ways of responding to that question, and I have not responded to it as yet. We held a meeting with representatives of the private sector. We took on board their views, and they put forth all types and some very good ideas.

But I thought to myself, had we gotten to a point where we have gone through and costed the operations of government and say to these individuals *'Look, this is*

what it is costing?' We should be able to sit down and demonstrate to them that in order to provide governance the minimum by which it can be done is by this amount, and go through and bring them along in terms of having a level of understanding. Then we could look at the revenue flow streams and say, *'All right, what ideas can you contribute in order to ensure that we have sustainability of these flows?'* And not only on the revenue side, but let's say diversification of the economy.

As the labour pool continues to expand, as technology continues to improve reducing the need for manpower in certain areas, it means that there is a potential where six or seven people previously were needed in a given area, only four or five . . . so we will have to look for employment opportunities for all of these individuals.

So, when we talk about "diversification of the economy" we are talking about securing employment opportunities. We need to bring all of these things together.

It is my view, given the progress we are making to date . . . and there are two members from the backbench who are sitting in on the reform initiatives. They are making their contributions on the government side. If we continue at this rate, with the commitment of civil servants, we will have in place an acceptable system that will have been adequately reformed and for us to maintain by the year, let's say, 2002.

We have come a long way. When we look back at Colonial Regulations and what they were, it was quite interesting to see that we took the initiative to be innovative with the support of members of the Legislative Assembly of that day. We put in place the Public Finance and Audit Law. We put in place the Financial and Stores Regulations. And I was a part of that, but my predecessor spearheaded that. And that has served us well.

But it gets to a point where everything needs to be improved. Some of the concepts there are what we are building on. At the end of the day, I know that politics will have to be politics, and politics will have to be critical at times. I will not object even when criticism comes in my direction because I think it helps to maintain awareness and alertness.

So at the end of the day, given the fact that we are debating the Government Minute on the 1997 accounts, I appreciate what the Fourth Elected Member for George Town said, that we will have to look in terms of the relevance of the principles. This was emphasised by the First Elected Member for George Town. The Third Elected Member for West Bay also alluded to that.

Government is fully committed to all of the initiatives in order to bring about the efficiencies being sought. So when we look over all, it's not that there is a divergence of opinions, but at the end of the day it is going to take time.

I am very happy when I see the commitment of civil servants, when I see persons like Martha Archer, and the Deputy Financial Secretary who has been very active in this process. He had a lot to do with the previous reforms that shifted us from Colonial Regulations into the Public Finance and Audit Law.

When we look at the capacity of the Assistant Financial Secretary, the Accountant General, Mrs.

McLaughlin . . . and what is quite interesting is when I get figures from the Accountant General, I can sit and I know that I have accurate figures in front of me; figures that have been properly analysed. We can see the team approach.

It doesn't make me feel good when I go home at 8.00 or 9.00 and I see the lights of the Accountant General still burning in her office. I said to her two days ago, "Sonja, we are going to have Finance Committee, can you get out some figures?" And she said she would work that night. And she did.

Granted the way the figures came here yesterday we didn't have time to do the analysis in order to look at what would have been accountable for the trends we were seeing. That will have to be an after-the-fact event that we will have to do. But to see that there was that commitment in order to bring out the information that would have been beneficial to members of this House made me feel very good.

So, when we look in terms of what we have in front of us, all is not lost. But I would suggest, and I can see this as a commitment right across the board, there is a willingness to exercise collective judgment and for everyone to put their piece into the jigsaw puzzle. Hopefully, we will complete the picture and be able to maintain the picture.

There are things on the horizon that we don't know about. And there are things on the horizon that we have to pray about. God has been good to us and once we continue to use our minds, I do believe that our success in the future will be very much secure. Thank you.

The Speaker: The floor is open for debate, does any other member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I don't have very much to add. But I heard the Minister of Education say he was going to speak, and that he was going to have to take a long time. Mr. Speaker, I know that I am a sinner, but I don't deserve what he would visit upon us this afternoon!

[Laughter]

Mr. Roy Bodden: So I am going to have to take up some of the time that he would normally take!

I am not going to go into areas that other members have already discussed far better than I could, but I have a few comments based on what the honourable Third Official Member just said. I also want to draw reference to some of the report of the Auditor General and of the Standing Public Accounts Committee, and the Government Minute.

First I want to hit on a couple of pertinent points made by the honourable Third Official Member, because they are the most recent and I want to deal with it while it's still fresh in my mind.

I join with that honourable member in saying that government indeed does have a repertoire of able and willing officers who perform diligently and credibly in carrying out their duties, that is, the civil servants. I have

always contended, however, that when the problems occur in this regard, they are as a result of intransigence and inflexibility on the part of the policymakers, namely, the government.

I am going to draw a very relevant example, one which the honourable Third Official Member used himself. He said that we are making progress and that we are doing well. And he focused and drew our attention to the financial and other reforms going forward. But I couldn't let that honourable member—and in particular the elected government—get away with saying that. Although we are making good progress, we would have been much farther advanced had the government adopted the Fiscal Responsibility Law when the motion came here in 1995. Instead, the Leader of Government Business, the Honourable Minister responsible for Education, Aviation, and Planning, derailed the process and misled them by saying that such a system was only for independent countries.

Now, years later—years later, Mr. Speaker—what do they have to do but backtrack and send off to New Zealand to get the experts, when all the information was on the Internet. We got the information off the Internet and through the office of the deputy clerk, we got the Law and the required legislation that we could have used as a model.

Let me tell you something, Mr. Speaker, we (myself included) are inclined to pat ourselves on the shoulder and blow our own horn, but the government doesn't have any space or reason to blow a horn about that because they are five years later than they should have been. I say that, and I will continue to say it; and I won't let them get away because when I meet them on Judgment Day, I am going to tell them the same thing! So, Mr. Speaker, as well as we are doing, we could continue to do better.

I have always contended that the reason why more progress is not made as far as efficiency in improving our infrastructure is concerned is because the government, particularly the elected government, believes that they have a monopoly on ideas. That is as far from reality as east is from the west. I am going to demonstrate that, Mr. Speaker.

One thing I like about people is that they can run when I turn up the stove. He can give, but he can't take. What a pity that is because I have some things to say that will help him out in his education! I am inviting him back, Mr. Speaker, because he needs to hear this.

Mr. Speaker, we have a problem with the way in which we disperse grants to schools. And it has been commented on for a very long time. I believe that it is true . . . and I would not advocate that we exclude the private schools from any generosity that we have to offer. But what is also true is that charity has to begin at home. The Auditor General's Report, the Report of the Public Accounts Committee, and the Government Minute all make reference to this important fact.

The Government Minute, in response to the Auditor General's Report and the Report of the Public Accounts Committee says on page 6 under the heading, "Grants to Private Schools": "**The PAC's recommendation calls for Government to set up a system of scholarships**

to private schools, presumably at primary and high school level. This system is common in jurisdictions where private school education is superior to public school education, and is a way of encouraging and ensuring that very bright students reach their academic potential. In our system, such a scholarship scheme could be perceived as detrimental to the continuing development of the public school system. It is considered that the administration of such a scheme could be onerous, and the purpose behind it could be achieved in other ways."

I believe that there is merit to this observation. And, at the risk of giving away the strategies that we plan to use in the year 2000, I am going to suggest to the honourable Minister of Education, that the time has perhaps come for the consideration of some sort of voucher system. I believe this is the way to go; I believe it would be a fair and equitable system. I certainly have some ideas of how it could be developed, but I am not prepared to give them out at this stage because for too long ideas proposed by me and other persons on this side of the House have been castigated and criticised. But if he is smart—and the minister likes to boast that he has answers to many things—he can just pick up on that. But I think that what we should examine in regard to arriving at a satisfactory system for giving grants and financial assistance to private schools is a voucher system.

Such a system could be based on a number of things. And while I am not going into any details, it could be based on the ratio of Caymanian students to students of foreign nationality. It could be laid out along other lines or other bases could be used.

I share the observation that the current system is unsatisfactory because there is not enough information given to the construction of a reasonable formula. Also, evidence would suggest that as time goes by and as expenses rise, the private schools will become more dependent on such a grant from government. I would not, in my position of responsibility, encourage government to deprive the private schools of this assistance. But, at the same time, I have to say that the obligation of government must be to the public schools.

Now, if the minister is smart, he will exploit the ideas I have given and come up with something that is not only sensible but also satisfactory.

I want to mention the other subject that was deservedly flogged—Pedro Castle. There is no way that the Minister of Tourism can get away from the ultimate responsibility of that fiasco—especially as that minister was a former Financial Secretary of ten years' standing. I hope he comes here prepared to account to this honourable House for his stewardship. The buck stops on his desk!

Why in the world would someone of his experience and standing take full responsibility for such a project knowing, number one, that his ministry did not have the technical expertise needed; number two, that it did not have the manpower resources needed; and, number 3, knowing that the entity (namely CHRM) was not thoroughly investigated and assessed as to what it could and could not do.

I am not making any allegations. I am not trying to besmirch anyone's character. But I am saying that the minister's conduct in this regard was shoddy, or worse! How an entity that did not hold a business licence in this country could be allowed to operate to the extent it operates befuddles my mind. Certainly, for a company with paid up share values of less than \$300, to be in a position to award itself a \$1.8 million contract is a scathing indictment.

As much as any other member, I would like to see the project flourish and come to a successful level because it is in my constituency. I would like to be as proud of it as any Caymanian. But I have to say that even an old eternal optimist like me shares some pessimism and cynicism as to whether this project will be anything other than a white elephant.

I want to mention something else regarding this project that no other member has mentioned. We were told, in answer to a question in this honourable House earlier, that two senior members of government, namely, the Permanent Secretary in the Ministry of Tourism and the Chief Fire Officer, are currently on secondment managing this project. I have taken the opportunity to say as much to His Excellency (rather, not I, but a delegation of us) that we deemed such a practice unsatisfactory, especially as no indication was given as to how long these senior civil servants are going to be seconded to this project.

And, when you juxtapose that against the fact that the manager who was originally managing the project is now on suspension on half-pay and working at another job . . . that would never be accepted, not even in the creation of crabs!

So, all of that has to be added directly or indirectly to the cost of this project. For after spending about \$9.5 million, the project still hasn't reached a point where it has successful management. Mr. Speaker, let's leave out successful. The project has not reached a level to where it has stable management.

Now, Mr. Speaker, you tell me, is that acceptable from the Minister of Tourism who was a former Financial Secretary of this country for ten years? And yet, when I brought the motion calling for this honourable House to adopt the Fiscal Responsibility Law, that honourable minister got up and said it wasn't his responsibility to know about the laws of New Zealand, it was his responsibility to know about the laws of the Cayman Islands. Well, Mr. Speaker, it's a pity he's not here this afternoon, because I wanted to tell him that his conduct has not convinced me that he knows about the laws of the Cayman Islands. At least he doesn't know how to manage some things successfully.

It is a scathing indictment on his performance. I am saying this without fear of successful contradiction. Going into the 21st Century, this is a sad indictment on the government. I wish that we could find some way of settling this matter successfully. But, do you know what? As time goes on, I know that we will not.

I want to offer a final comment. I find that this whole business of tardiness in discussing this report is unfortunate and regrettable. I took note of what the honourable

Third Official Member said about why we were so late, but I draw reference to page 83 of the Report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the year ended 31 December 1997. In the final paragraph on that page, about midway, the Auditor General said: **“The government’s accounts for 1997 had to be held open until the end of September 1998 so that the Ministry, with PWD’s help, could determine what should be charged to 1997 expenditure.”**

That clearly states there was a breakdown on the government’s part. And I am not blaming the honourable Third Official Member, but the elected government has no excuse. They are not ready. They are not organised. They are not prepared. They are running around lost on the eve of the 21st Century. They are lost! They are rudderless, Mr. Speaker. Rudderless!

As time goes by, history is going to bear us out. While the government may have been a government with a sense of direction some years ago, it has lost all sense of direction. It has lost control of the fiscal management of this country. They are out of ideas and plans. The Auditor General’s Report, the Public Accounts Committee Report and the Government Minute show that it is time for change.

From the side of the House that I sit on, Mr. Speaker, we have plenty of people ready, willing, and able. We are just waiting until the House is prorogued and the time is called for the elections and we are going to come forward and lead this country into the 21st Century with good fiscal management, sound ideas, and progressive policies. Thank you.

The Speaker: I think this will be a convenient time to take the afternoon break. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.55 PM

PROCEEDINGS RESUMED AT 4.15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the Government Minute. The floor is open for debate. The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Mr. Speaker, what I would like to do before I speak, . . . the Chairman of the Public Accounts Committee has requested that under Standing Order 14 (4), which says: **“Subject to paragraphs (1) and (2), Members of the Government may place notices of motions and orders of the day on the Order Paper in any order they please.”** What would be necessary to get the special Public Accounts Committee on Quarry Products on would really be the suspension of Standing Order 14(1) and (2) and then to exercise government’s right under Standing Order 14(4).

The Speaker: Maybe you should suspend Standing Order 14(1) and (2) first.

SUSPENSION OF STANDING ORDER 14(1) AND (2)

Hon. Truman M. Bodden: Yes, sir. I move the suspension of Standing Order 14(1) and (2), and under Standing Order 14(4) move that the honourable member be given the right . . . sorry, move that the Auditor General’s Special Report and the Public Accounts Committee Report be placed on the Order Paper at this time.

The Speaker: I shall put the question as put forth by . . .

[The First Elected Member for West Bay rose]

The Speaker: *[Addressing the First Elected Member for West Bay]* Do you have a comment?

Mr. W. McKeeva Bush: Mr. Speaker, it’s a motion that the member is moving, but I rise on a matter of procedure. I have no objection to this thing being laid. I say that to my colleague, the Third Elected Member for West Bay, although I believe that the Orders of this House and the Privileges of this House have been finagled enough in the last couple of days.

I want to know how this matter can be put this way without the Business Committee receiving this item of business. I don’t know whether the Minister of Education, as Chairman of the Business Committee, can suspend that also.

The Speaker: All I can tell you is that I have an addendum to an Order Paper in front of me.

The Honourable Minister responsible for Education, Aviation, and Planning, do you wish to speak to that?

Hon. Truman M. Bodden: I was really trying to help out the backbencher to put this on the paper. As I understand it, the Chairman of Public Accounts Committee is not going to be here Monday, and if he doesn’t do it now, then he won’t get the opportunity to do it.

I was really trying to help. I don’t intend to get into any protracted argument with the First Elected Member for West Bay. But maybe the Chairman of the Public Accounts Committee might want to just say something in support of it, sir.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, my report has been completed for the last two weeks. I wrote to the Chairman of the Business Committee asking that it be placed on the Order Paper because we were ready.

As a matter of fact, the Public Accounts Committee met on the off days of the Legislative Assembly (on Tuesdays), and even after hours in order to try to complete the report to have it available for tabling in this sitting. Now, we started on the [8] of September. I had no idea we’d be here until the 7 or 8 October. I had made previous arrangements in regard to having to be off the island. But because of my sense of responsibility I would appreciate being in a position to table my report before I leave.

I don't have a problem with the request as far as accommodating this item of business at this stage. The Standing Orders plainly call for it. I would appreciate any consideration that can be given.

The Speaker: I shall now put the question on the motion—

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, as a member of the Business Committee I have to draw to the Chair's attention that this matter has not been put to the Business Committee. How can a piece of business come here without going through the Business Committee? As I said, unless the Chairman of the Business Committee, the Leader of Government Business, suspends the Order, then I think we are just going here . . . I am not against the member trying to get the business tabled. But at least the government who has accepted it should have the responsibility to do it right.

The Speaker: I think you have made it obvious many times how familiar you are with Standing Orders. The Business Papers have been referred to the Business Committee, and the Business Committee has prepared an addendum to the Order Paper—

Mr. W. McKeeva Bush: May I address you, Mr. Speaker?

The Speaker: Please, the First Elected Member for West Bay.

Mr. W. McKeeva Bush: That's what I have been saying, sir. The Business Committee has not met to put this on any Order Paper. And I know, because I am a member of the Business Committee.

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

Hon. Truman M. Boddén: Mr. Speaker, what I was seeking to do . . . it seems to me that the interpretation and intent of Standing Order 14(4) would be to use that in an instance such as this where the Chairman of the Public Accounts Committee is going to be off the island. He is the person who will have to lay this report. The Legislature may finish this coming week (it probably will, I would think), and it may well finish before he gets back.

I think it's only right that we should try to assist the Public Accounts Committee to have something laid on the table, something that has been cleared by you, sir. And that's why I was really moving this.

Let me just say it seems as if . . . I am not certain really why the objection is being taken. If it is not laid now, it would have been able to be laid on Monday, but he won't be here. Like everyone else, members leave here and go outside, as I did a few minutes ago, to the

bathroom and comments are made, or they go away or whatever. This happens at times to all of us. All I was trying to do was to vary the Order Paper because it seems to me that it is not a procedure that goes upon the motion to adjourn, it's a different procedure that was set out in 14(4).

But, if the House is not so minded, I am not pressing it. I was merely accommodating because the member can't move it because a government member needed to move it.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: As you recall, I was the seconder of a private member's motion that was originally accepted but could not come before the House before this particular procedure had taken place. I appreciate the Minister of Education, as the Leader of Government Business, being so kind as to allow the Chairman of the Public Accounts Committee to lay this on the Table of the House because he won't be here. And I think that as a House we understand that the Business Committee is there to see that the business reaches the House in an orderly fashion, by way of the Order Paper.

But it does not mean that the Business Committee has total control over issues brought to the House. The Honourable Minister responsible for Education, Aviation, and Planning is quite correct. This could not be raised on the motion for the adjournment; it would have to be raised during the period in which the House is doing its business. And it's up to the members of the House as to whether or not they will accept this deviation in order to allow this to happen.

I am quite sure that the First Elected Member for West Bay understands specifically that this issue has been an outstanding issue, and that the government is getting a certain amount of flack because it has not been dealt with. I am quite willing to make the alteration in the business to allow it to come before the House at this time.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I only have one more observation. And I say again that I have no problem. The government finds itself in a difficulty, they had sufficient time to deal with this matter, it has not been dealt with, the member is going away.

The Leader of Government Business—who is being so kind—had sufficient time to organise a Business Committee [meeting], the members were here all day yesterday and today. The Standing Order that they are attempting to move this under, Standing Order 14 (4), which says, "**Members of the Government may place notices of motions and orders of the day on the Order Paper in any order they please.**" In the *order* they please. That surely means after the Business Committee has met and dealt with it. And if they want to move me off the Business Committee, then so be it. But it is time

that we be run by a Business Committee and not by one person alone!

As I said, I am only one person here. And as the House wills, so it will be. But this certainly is not the right place to do it. And, Mr. Speaker, if they want to do it, there's no reason why it can't be done at the end of the day. The Orders provide for that, in fact. And, in fact, when I first heard about this, that was when it was going to be done. I certainly didn't think they could have done it at this time.

The Speaker: We have been talking until seven minutes before the hour of interruption. Let me say this: I see nothing more democratic. I have an Order Paper in my hand. I am going to put the motion moved by the Honourable Minister responsible for Education, Aviation, and Planning to the House. If it fails, it fails, if it passes we will go ahead with it.

I shall now put the motion as moved by the Honourable Minister responsible for Education, Aviation, and Planning. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: The Ayes have it.

Mr. W. McKeeva Bush: May I have a division please?

The Speaker: Certainly. Madam Clerk, please call a division.

The Deputy Clerk:

DIVISION 8/99

AYES: 9

Hon. James M. Ryan
Hon. David Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Anthony Eden
Mr. John D. Jefferson, Jr.
Mr. Linford A. Pierson
Dr. Frank McField
Miss Heather D. Bodden

NOES: 4

Mr. W. McKeeva Bush
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Mrs. Edna M. Moyle

ABSENT: 4

Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Julianna O'Connor-Connolly
Mr. D. Dalmain Ebanks

The Speaker: The result of the division is nine Ayes, four Noes, four absent. The motion is carried.

AGREED: THAT STANDING ORDER 14(1) AND (2) BE SUSPENDED AND IN ACCORDANCE WITH STANDING ORDER 14(4) THAT THE SPECIAL REPORT OF THE AUDITOR GENERAL ON QUARRYING OPERATIONS ON CROWN LANDS AND THE REPORT PUBLIC ACCOUNTS COMMITTEE BE TAKEN AT THIS TIME.

The Speaker: Presentation of Papers and Reports. The Special Report of the Auditor General on the Quarrying Operations on Crown Land and the Report of the Public Accounts Committee on the Special Report of the Auditor General on the Quarrying Operations on Crown Land. The Third Elected Member for West Bay.

PRESENTATION OF PAPERS AND REPORTS

THE SPECIAL REPORT OF THE AUDITOR GENERAL ON THE QUARRYING OPERATIONS ON CROWN LAND

~AND~

THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL REPORT OF THE AUDITOR GENERAL ON THE QUARRYING OPERATIONS ON CROWN LAND

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker, and I also want to thank the honourable members of this House who accommodated this request.

In accordance with Standing Order 77(5), I beg to lay on the Table of this honourable House a copy of The Special Report of the Auditor General on the Quarrying Operations on Crown Land and a copy of the Report of the Public Accounts Committee on the Special Report of the Auditor General on the Quarrying Operations on Crown Land.

The Speaker: So ordered.

Do you wish to speak to your report?

Mr. John D. Jefferson, Jr.: Yes, sir.

This is an item that has—

The Speaker: You understand that this will be tabled and the debate will follow when the Government Minute is submitted?

Mr. John D. Jefferson, Jr.: I do, Mr. Speaker.

The Report of the Public Accounts Committee on the Special Report by the Auditor General on the Quarrying Operations on Crown Land.

[The Third Elected Member for West Bay read the Public Accounts Committee report in its entirety. Please see Appendix attached]

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Can I interrupt you one moment?

I would appreciate a motion to suspend Standing Order 10(2) so that we can continue beyond 4.30 PM?

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 10(2) so that the member can finish his report.

The Speaker: The question is the suspension of Standing Order 10(2) so that the member can finish his report. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE THIRD ELECTED MEMBER FROM WEST BAY, CHAIRMAN OF THE PUBLIC ACCOUNTS COMMITTEE, TO COMPLETE THE READING OF THE REPORT.

The Speaker: Sorry for the interruption, please continue.

Mr. John D. Jefferson, Jr.: *[The Third Elected Member for West Bay continued reading the Public Accounts Committee Report (See Appendix)]*

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I just have two observations. I think it's just a matter of—

The Speaker: Before recognising you, I see that there is a dissenting report. Do the movers of that wish to read that into the record? No?

Does the Elected Member for North Side wish to read it into the record? (Pause)

First Elected Member for George Town I recognise you in the meantime.

Mr. D. Kurt Tibbetts: Yes, sir. All I was really saying was that the report reads that it is being laid under Standing Order 74(5). I think that needs to be corrected to 77(5).

The Speaker: Yes, 77(5) is correct.

Mr. D. Kurt Tibbetts: And, Mr. Speaker, the point I wanted to make about Standing Order 77(5) says, "**The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the Table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.**"

Standing Order 77 (7) reads, "**The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.**" I would like to bring this to the Chair's attention, sir, bearing in mind that from past experience that the government is known to be tardy with its Minute.

I would like for the Chair to ensure that it instructs the government about that Standing Order. I would also seek interpretation where Standing Order 77(7) says "within three months" whether that means the first meeting within that three months, or the first meeting after that three months because my interpretation is within three months which means that the Minute for what was just read has to come in the next meeting in November. That's my understanding and I would like clarification, sir.

The Speaker: I would interpret that to mean ninety days from today.

Mr. D. Kurt Tibbetts: I know that's very clear, Mr. Speaker. My question was if we are not in session then, where is it laid? That is why I asked whether it is laid within that time or the first meeting after that time. That's what I am asking you. And it is very possible that we won't have a meeting ninety days from today.

The Speaker: The Standing Order is very clear that it must be laid within ninety days. So I would suggest that it be laid within the ninety days. That would be my interpretation.

Mr. D. Kurt Tibbetts: Thank you very much sir. That's all I wanted to get clear, and I wanted to make sure that the government recognises that so that we can expect to get the Minute during the next meeting in November.

The Speaker: The First Elected Member for West Bay, do you care to move the dissenting report? (Pause)

If there is no further business, I would entertain a motion for the adjournment of this honourable House.

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Monday.

The Speaker: Excuse me, one second.

Second Elected Member for Bodden Town, do you have something to say?

Miss Heather D. Bodden: Yes, Mr. Speaker, I just wanted to read the dissenting statement.

The Speaker: Please, go ahead.

**DISSENTING STATEMENT
TO THE REPORT OF THE STANDING
PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL
REPORT BY THE AUDITOR GENERAL
ON QUARRYING OPERATIONS ON CROWN LAND**

Miss Heather D. Bodden: Thank you.

[The Second Elected Member for Bodden Town read the entire report. Please see Appendix]

And, Mr. Speaker, this is signed by the Elected Member for North Side, and by me, the Second Elected Member for Bodden Town. Thank you.

The Speaker: That concludes proceedings. I will now entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: I move that that this Honourable House do now adjourn until 10.00 AM Monday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 5.10 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 11 OCTOBER 1999.

**EDITED
MONDAY
11 OCTOBER 1999
11.01 AM**

[Prayers read by the Honourable Minister for Tourism, Commerce, Transport and Works]

The Speaker: Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

APOLOGIES

The Speaker: I have apologies from the Honourable Second and Third Official Members, they will be arriving later this morning. I have also received apologies for absence from the Fourth Elected Member for West Bay who is sick.

Item 3 on today's Order Paper—

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

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

I have noticed that for the past couple of days now, there have been no questions appearing on the Order Paper. I know for a fact that members still have questions outstanding, some of which have been deferred. Can the House be told why there has been a letup in questions appearing on the Order Paper? I think members are concerned that the questions may fall away. I intimated that I did not wish any answers in writing. I would prefer to ask my questions when I can be afforded the opportunity to ask supplementary questions, as I place great emphasis in supplementary answers.

While I am on my feet, I would remind the honourable House that it had given a commitment to sit late for the duration of the week.

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

Hon. Truman M. Bodden: There are some questions left. Most of the ministers either have none, . . . I think the Minister of Health may have one; there may be two for the Minister of Works. I don't think there are any left for the honourable First Official Member. I will ask again for those questions that remain. I do not think that a large amount of them remain, but I will try to get them on for Wednesday morning.

Mr. Roy Bodden: Mr. Speaker, I forgot that I was asked by the Third Elected Member for West Bay to convey to you his apologies for absence. I think he will be away for the rest of the week.

The Speaker: So noted.

In regard to sitting late this afternoon, I would recommend we meet informally to set the hours of your work.

Moving on to Item 3, Presentation of Papers and Reports. Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997. Debate continues. Does any other member wish to speak?

The Honourable Minister responsible for Education, Aviation, and Planning.

**PRESENTATION OF
PAPERS AND OF REPORTS**

**GOVERNMENT MINUTE ON THE REPORT OF THE
STANDING PUBLIC ACCOUNTS COMMITTEE ON
THE AUDITOR GENERAL'S REPORT ON THE AU-
DITED ACCOUNTS OF THE GOVERNMENT OF THE
CAYMAN ISLANDS FOR THE YEAR ENDED 1997**

(Continuation of debate thereon)

Hon. Truman M. Bodden: I would first like to deal with the two matters raised in the report. The first relates to Cayman Airways, and the references are found at page 3 of the Government Minute, and also paragraphs 8 to 9 of the Public Accounts Committee Report, and page 57 of the Auditor General's Report.

This matter related to the subsidy to Cayman Airways and the reply to what was stated in those books was, if I may just read the Government Minute, "**(a) The Ministry acknowledges that there is a discrepancy in the share capital between CIG's records and CAL's books. The Ministry undertakes to ascertain the reason for this and to rectify it.**"

This has to do with the issuing of a small amount of shares. I go on, "**However, Government owns all shares and there will be no change in the 100% ownership.**" In other words, Government owns Cayman Airways, and the shares that will be issued will not change the ownership at all. It's basically a tidying up position that will have to be done. In fact, it has hopefully been issued. So, that was the first point. And that amount was \$198,434. That will not change the ownership.

"**(b) The Ministry agrees (and is committed to ensuring full compliance through closer monitoring**

of the government owned companies) to file the annual returns with the Registrar of Companies.” Unfortunately, it seems that they have not filed them. However, once again, the jets are in subsidiary companies of government, it’s 100% owned and nothing has changed on that annual return that is material.

I have given an undertaking to table the completed audit for Cayman Aviation Leasing Limited. I am still waiting on that. Again, that is 100% owned by government, the same as Cayman Airways. What I am stressing here is, despite the fact that there may be small discrepancies between these companies, at the end of the day they are all owned by government.

There reply to that was agreed, that they should lay the reports. **“However, the Directors of Cayman Aviation Ltd. was the Deputy Financial Secretary and Deputy Chief Secretary, and the Accountant General was maintaining the bank accounts and financial records on behalf of Government.”** So this was an in house aspect. But we will get the audited accounts on it. They are government owned companies.

The other one was where the Public Accounts Committee said, **“Government should explore the possibility of reporting its interests in state-owned entities on a market value basis or some other means of reflecting a current value of Government’s interests in those entities rather than outdated historical cost measures.”** And the Financial Secretary has actually stated that reforms are going through within government. However, **“CAL lays its audited accounts on the Table of the Legislative Assembly each year.”** So every year this House gets the audited accounts of Cayman Airways and the values are clearly set out in them.

However, I agree that it would be good when we finally get the new accounting system that we have a consolidated balance sheet of government with its subsidiaries showing the vast amount of assets that are held in these government owned statutory authorities.

The other area that was dealt with in the Public Accounts Committee Report related to the CAA and Cayman Airways, and Island Air. In reply, the Government Minute stated, **“(a) The Ministry agrees that the business relationship between CAL and the CAA should be regularised as soon as possible. It appears that progress is being impeded because the two parties (CAL/CAA) have not agreed certain accounting procedures. CAL’s 1999 budget assumes payment of obligations as incurred going forward.”**

The Public Accounts Committee specifically stated at page 11 that, **“Government ensures that its fees due from all airlines operating in the Islands are collected on a timely basis.”** The reply to that is, **“Agreed that ‘government ensures that its fees due from all airlines operating in the Islands are collected on a timely basis.’ The CAA has written to Island Air Ltd. demanding \$647,723.70 payment of outstanding fees.”** The fees by CAL are being dealt with by an issue of shares in CAL. And the payment will be dealt with at the Finance Committee, but that will be a payment of fees, not a waiver.

“Government gives some thought as to whether the annual subsidy to Cayman Airways should include amounts sufficient to cover the airline’s annual fees to the Civil Aviation Authority or, alternatively, all parties could discuss the possibility of exempting Cayman Airways from CAA’s fees.”

The reply to that was, **“Air services agreements (Bermuda II) prevents governments from charging lower fees for their national carriers than for foreign carriers in the area of airport services and facilities (Article 3, Bermuda II). Government agrees to consider subscribing to capital of CAL or to a subsidy to cover CAL’s fees to the CAA”** as requested by the Public Accounts Committee.

Cayman Airways continues to have its ups and downs. But, as will be seen when I lay the audited accounts for 1998 in November, there has been a considerable improvement in the airline’s profitability—or I should say decrease in it’s deficit, or loss, by a considerable amount which shows that the airline is going in the right direction financially. When the third jet comes on line, I think that will also assist.

The other area of the report that related to me was the grant to private schools. The Public Accounts Committee made some recommendations at page 18, which I replied to in depth. They recommended, **“Negotiations be entered into with schools to ensure that in cases where a child excels but is unable to pay the fees, a place is retained for that child either free or at a greatly reduced fee.”**

We are, and have been, discussing the question of grants to schools, both with the association of principals at the private schools as well as looking at it in depth through the Education Department in relation to all schools. The normal system is called “Grant in Aid” which is made to schools, with normally a lot of strings attached.

By the way, I think a simple solution in relation to grants would be for grants to be based on the number of children at the school, because our law for the past 40 years or so has required compulsory education of every child on the island, not necessarily every Caymanian. If it is to be based on the number of *Caymanians* in each school, then that would be one that would assist the schools through the number of Caymanian children they have.

There was a request for private schools to have audited accounts by the Public Accounts Committee. This is going to be expensive and onerous. We keep accounts, but we don’t have audited accounts. If this is required by the Public Accounts Committee, we may have to pick up the bill on that. However, the schools are all church run, and I don’t believe their accounts would intentionally be inaccurate. By and large . . . well, they all are run by honest people. While it would be good to have audited accounts—and I don’t disagree with the Public Accounts Committee—the cost could be substantial.

One of the recommendations related to the standards in private schools. We do have a full school Inspectorate that is very transparent, very open, and we have been satisfied with the standards in the schools and

as the Inspectorate completes more and more audits there will be confirmation of the high standards that are there.

There was also a matter about the leasing of the First Baptist property to Cayman Prep. I take the points that have been put in here, only to say it is like government going back to government because we will probably have to assist them with grants. In fact, all of the private schools need government's assistance. They are heavily subsidised by their churches and they are lifting a financial burden of about \$12 million per annum off government's recurrent expenditure. So they do serve a very good purpose from a financial point of view.

I would like to go on to deal with some points that were raised in the debate. The financial position of the government was criticised by the First Elected Member for George Town. These were laid on the Table of this House in Finance Committee, and I believe it probably shocked the members of the backbench when they saw the good position that the government was in.

[inaudible interjection]

Hon. Truman M. Bodden: Well, let me just read what it says if you think it's not good.

The surplus as at 31 August was \$18,841,000. I believe that's where the shock came to the Third Elected Member for Bodden Town, who likes commenting on these things.

In fact, all of the funds together that are being held by government, excluding the pensions fund, is \$27,136,000 up to 31 August 1999. The public will realise quite clearly that with that amount of cash—\$27 million—the country is in a good situation. One criticism that was made by the First Elected Member for George Town was that revenue was down \$11 million over budget. That is correct. However, as the backbench likes to do at times, that is single entry bookkeeping.

If one had looked just four or five items down, one would have seen that the expenditure is down by nearly \$10 million. So that is the reason why, when you apply double entry bookkeeping, rather than just picking figures out of the air, we came up with the cash of \$27 million. So there can be no doubt that government is still in a very good position.

Also, very substantial amounts have been put into the pension fund. I think about \$9 million to \$10 million a year goes in there to make up past liability over the past twenty years or so that past governments had not funded. If I remember correctly, it is probably in the area of \$60 million in the pension fund reserve. That's purely to pay pensions. But it relates to the contingent liability which also the First Elected Member for George Town criticised and said it was going up all the time.

However, the honourable Third Official Member showed that because of the heavy amounts paid for the pension fund, there had actually been a reduction in the contingent liabilities that exist.

There is also one other thing with the debt that is owed by government . . . and by the way, the contingent liabilities were addressed in a question that was put to

this honourable House in this session in which it showed that in 1996, after the revaluation of the pensions liability, the contingent liabilities were \$171.6 million. In 1997 that was reduced to \$157.5 million; and in 1998 it has reduced to \$149.9 million.

Now that there has been a kicking in of pensions that are contributed and that are the equivalent of the savings aspect, then this will cease to have increases in contingent liabilities when the new pension comes in which will take effect over quite a number of years because there still remain a lot of persons on the old pension scheme which creates a much heavier liability.

On the question of debt servicing, it is obviously very worrying if a country gets to a stage where its recurrent expenditure is exceeding its recurrent revenue. Except in 1991 and 1993, this country has never had a deficit on its recurrent revenue and its recurrent expenditure. Indeed, this year (up to 31 August) there is a recurrent surplus—a profit, of \$12,102,000 before the balance brought forward from 1998 is added in, which, by the way, showed a profit of \$9,115,000. So, with a profit this year, so far of \$12 million, a profit and surplus last year of \$9.1 million, and after taking out the capital acquisitions there is still a surplus on account of \$18,841,000.

The loans that government has are medium term loans. And instead of these being paid over perhaps twenty or thirty years, they are being repaid over eight to twelve years. This is the reason why the payment of the debts is a very heavy part, but way under the 10% of recurrent revenue that is the low international monetary fund requirement for prudent borrowing. But the debt service ratio this year is 6.4%, so it's way under the 10%, although we are servicing loans that are short to medium term.

I know that it would be good ammunition for the opposition if government was not in a good financial position, but it is. I saw their faces when the account showing \$27 million in cash came up, and it definitely was one of shock and surprise. So the country is in a good financial position. And despite the gloom and doom that has been painted, the country had a surplus last year of \$9 million, has a surplus so far this year of \$12 million, and, as I read, it also has a total cash position, excluding pensions, of over \$27 million. So I think any levelling of criticism in this area is not justified by the facts. I think the public has to look at the facts as they are given.

What I have stated has been laid upon the Table of this House. They are correct facts, and this is what the public should go on. Accounts, as I have showed, can be misinterpreted or, worse yet, half interpreted, such as by saying that revenue is down. That's true. But if expenditure is also down, then on the double entry system the government's position doesn't really change materially.

The government has been applauded by the United Kingdom Government for laying on the Table its early Finance Committee reports and Government Minutes on government's financial position. In fact, we were stated as having the best record out of the Overseas Territories in this matter. There can be no doubt that the system works, and that things are dealt with in a timely way. But the process in itself takes time as three bodies are in-

volved—the Auditor General, the Public Accounts Committee, and subsequently the Government Minute.

There has been some criticism of the Cayman Islands Monetary Authority and the question of its being chaired by the Financial Secretary and of its autonomy. It is very interesting to look at what was recently said about the Financial Services Authority of England in which a similar type of financial services authority was forced to change to ensure that it did not, as the Treasury Chief Secretary . . . and I am reading from *The Daily Telegraph*, 23 December 1998. . . **“Stephen Byers, Treasury Chief Secretary, said the government was keen to avoid the Financial Services Authority being seen as ‘prosecutor, judge and jury.’”**

The Act that came out, and this is headed “Financial Services Authority Bill Altered to Allay City Fear”. . . just a bit earlier (one month) the headline in *The Times* was, “Fears Over FSAs Power Spurs Call to Delay Bill.” It was delayed, and it was amended. What is being done with the Cayman Islands Monetary Authority has to be looked at carefully because that autonomy has to be balanced in such a way that it is not seen to be (as it has been put by the City of London Financial Centre) where it is acting as “prosecutor, judge and jury.”

It’s not as simple as standing up and saying that it must be autonomous. Anyone can make that statement. But someone who understands the way a regulatory authority works has to ensure that the necessary checks and balances relating to the Monetary Authority are properly done. We should look carefully at the Financial Services Authority in the United Kingdom where obviously a mistake was made with the White Paper that was put out and ultimately this had to be changed.

I fully agree in the autonomy of the Cayman Islands Monetary Authority. But I also believe that it has to be one that is on the right footing, not as was stated in *The Daily Telegraph* article: **“City lawyers [meaning City of London lawyers] expressed disappointment however at the failure of the Authority to include the principle of fairness in the forthcoming legislation instead of leaving it to the good intentions of the regulator.”**

Also they left out the right of the accused by the FSA to see the evidence against them. These are just some of the changes that were made. **“Further, it was stated, a bar on the FSA announcing fines or other enforcement action until the process including tribunal procedure had been completed and dropping the power to make rules on when relevant evidence might be inadmissible before the tribunal.”** We have a lesson to be learned from that.

I don’t intend to go too much further into the Government Minute, but I would just like to read one area. A lot was levelled at the Pedro Castle project as to what went to tender, and what did not go to tender. I would like to read from the Minute beginning at page 10. Under “Furniture Contract” it says, **“The Furniture contract was tendered.”** So that’s the first of the six contracts.

On the landscaping contract, still on page 10, **“The landscaping contract was tendered with the exception of the labour. A portion of this contract was**

awarded to EMS Landscaping and a portion to Mr. Crawford Dilbert.” So there was tendering there again.

The Multimedia contract, page 11, first line, **“The multimedia contract was tendered.”**

The fifth, project management contract. It says, **“Initial contract for services was awarded through an international competition under the guidance of the Historic Sites Committee. Fifty-one submissions were received and reviewed by the committee. Following the committee’s recommendations a contract was awarded to CHRM.”** Once again, the contract was tendered.

While there was one extension of contract that good cause was shown on, that too is a justifiable position, one that has been done from time to time where you have a contract in place to extend the contract for extra work so that the initial contract had gone through the full process of a tender, and the extension itself was one that was made to a contract that had been tendered. So despite a lot of what has been said, when we look at the facts it will be clearly seen that the six contracts, as I mentioned here (one was split, I think) . . . the total amount of contracts other than the extensions were fully tendered. Therefore, there can be no criticism of those areas.

One thing I don’t think the Opposition can say is that the Pedro Castle project is not a good project. Anyone who has seen it knows that it is a good project for the country, one that is visited often by Caymanians and local people, and one that is also utilised for social functions by the tourism industry, people coming here on conferences. So it is a very good supplement to what is needed locally as well as for tourism. I think that anyone who has seen the audio and visual show that is at Pedro Castle can only say that it is first class.

Like everything else, if you are going to get something good you have to pay for it. If something had been done there that was of a low calibre the criticism would have been that it was messed up. So it’s better to pay a bit more and get something done right because you get what you pay for at the end of the day. This project has been good for the country. I know the people of the country are happy with it, and I really think the time has come where this has been beat to death over the years by the Opposition. It’s time for them to get off it and move on to the future and assist it. It has a good future. It is a good project.

A lot of times, time is wasted (and this is the democratic process) in areas where if that energy had been put into trying to promote something rather than wasting time criticising it, it may have been a much bigger success. Things take time. Businesses take time to get on their feet. But from what I can see in relation to this the project, its money’s worth is all there. It’s very high quality work, very good work, and something that is so important to the heritage of the Cayman Islands.

Going back now in summary, and winding this up, the attempt to criticise the economy of the country just doesn’t hold water. The recurrent surplus for eight months, to 31 August 1999, is \$12,102,000. When adding to that the surplus of 1998 of \$9,115,000, and taking

out what we spent on capital acquisitions, there is a surplus to 31 August 1999 of \$18,841,000. These are facts. I would ask the public to accept these instead of the criticism that varied from this.

Also, when we look at the different funds, the Environmental Protection Fund, Infrastructure Development Fund, Housing Reserve Fund, Student . . . well, that doesn't have anything it appears, just a small amount in it. When these are all added together, excluding the general reserve—and this is very important, excluding general reserve—there is a surplus of \$27,136,000. So, excluding the general reserve, excluding the pension fund, there is \$27,136,000 in cash. That's million, Mr. Speaker. Twenty-seven million is nothing to be sneezed at.

In fact, the pension fund is over \$60 million in cash. That's a fund that is being built up by this government. I can safely say that we are the only government, other than the \$4.5 million that we found seven years ago, who has—

[inaudible interjection]

Hon. Truman M. Bodden: I am sorry. I am reminded by my colleague that it was only \$3.5 million seven years ago. And now we have put in another fifty-odd million [dollars] making it well over \$60 million in the pension fund which is reduced down the contingent liabilities I showed a bit earlier. An answer was given here showing that the contingent liability moved down in 1996 from \$171.6 million to \$149.9 in 1998. This was made clear by the honourable Financial Secretary.

Also, the loans that remain are short term. We are paying a lot more money for them, but this year the repayment of principle and interest, the total debt serviced by government is only 6.4% of our recurrent revenue. So we are 3.6% under the internationally accepted standard of 10% of our recurrent revenue.

With the transferring in of \$3 million this year that will be put into the general reserve, we will be looking at \$13.4 million in general reserve, which will make a total (of the funds and the general reserve) of approximately \$40.5 million. That's quite a substantial amount of cash, so any allegation that the country is broke or otherwise is just an attempt to probably hurt the government, but definitely will hurt the country because the truth of it is set out in the figures that were laid on the Table of this House about one week ago (or less) in Finance Committee.

Despite what has been said, the government's position remains good. As usual, the opposition has put forward no solutions to anything. It's all well and good to criticise. But you don't run a country on criticism. You have to have solutions to problems. This government with \$40 million in cash has obviously produced, despite the severe criticism at times on finances of the country, very good financial results. And, at the end of the day, the test is in the eating of the pudding; it's in what is there. The projections about deficits in recurrent revenue are not based at all on the facts that I have just given.

While I realise that it's getting near to the elections and there are going to continue to be allegations against government, I would ask honourable members in the course of making these to bear in mind that many times attempts to attack the government are really attacks on the country. It hurts the country at times. Therefore, it is important that members carefully weigh what they say and how they say it because at the end of the day their attacks may be hurting the country and the people who have put them in this honourable House to promote and work in unison with government. Make your fair criticism as opposition, which you are entitled to do, but avoid allegations that may be damaging, especially in areas such as the Cayman Islands Monetary Authority.

To be frank, I was somewhat surprised to hear that aired here because that is a matter that will ultimately have to come into talks abroad as it's one of the measures that the Financial Action Task Force has set out. Many times as well, a lot of time could be saved in this House if the facts were asked for informally, especially matters relating to finance. Well, in this case the accounts were laid. They were asked for, and they were laid. But, obviously, we are in conflict some of the times with the allegations made by looking at one part of the figures and not looking at another part that had affect on the overall position.

In ending sir, in an open and detailed Minute government has very clearly dealt with the matters set out in the Auditor General's Report. In clear accountability and transparency government has come forward and put these accounts out and dealt with them openly. If there is anything that has been perhaps put forward . . . and, by the way, a partial truth or a partial representation is one of the most dangerous things because it carries with it the ring—

[Inaudible interjection]

Hon. Truman M. Bodden: Well, since that honourable member seems to be making some statements to me, I will wind this up with what in my view is a half representation.

When the accounts were laid on the table the First Elected Member for George Town mentioned that the recurrent revenue was down \$11.889 [million]—which is correct. And just saying that by itself would obviously raise concern amongst members here. But just a few lines down, and very visible to everyone, is the fact that the recurrent expenditure is also down \$9.9 million. And even more than that, what could have shown the government's accounts in the right light is that the actual surplus to date was \$18.841 million cash, compared to the budget of \$14.9 million.

And when everything is put together we find that the reduction in recurrent revenue is offset by a reduction in recurrent expenditure of substantially the same. But the projected budget of the surplus of 1998 was only \$3.1 million and the country did so well that that was increased up to \$9.1 million in 1998. So, when all the figures are looked at you get a clear picture. If one figure is taken by itself, it can distort the position, especially for

people who don't have the other figures, which they could not have.

So, government, with \$40 million in cash between the reserves, the funds, and the heavy surplus continues to be in a good position. But I know we must be prudent. We must be careful. We must look at every penny being spent. And I do not criticise members of the backbench for doing that. All I would say is that criticism should be constructive and full rather than partial. My only plea is that the Good Lord will continue to smile on this country and that we will go forward, as we have been doing, for the betterment of the country.

The Speaker: I think this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.37 AM

PROCEEDINGS RESUMED AT 12.24 PM

The Speaker: Please be seated. Debate continues on the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997. Debate continues.

Does any other member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: Thank you, Mr. Speaker.

I would just like to briefly speak on the Minute and the Public Accounts Committee Report, mainly in the area of what affects my Ministry and the Health Services Department.

As indicated in the Minute, **"The Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation and the Health Services Department support that annual provision be included in the Budget to cover overseas medical expenses for non entitled persons, as outlined in recommendation (a) of the PAC Report.**

"The following steps the following steps have been taken to improve recovery of overseas medical advances: (a) In August 1998 a Debt Collector was appointed at the Health Services Department, with specific responsibility to follow up overseas medical accounts." Mr. Speaker, as I have indicated many times this has been a perennial problem within the Health Services Department.

"As at 1st July 1999, eighty-one (81) individuals who were not paying on overseas medical accounts, have signed repayment plans. Collections from these individuals for the month of June, 1999 were CI\$18,195. The repayment plans provide for the repayment to Government of CI\$1,406,650 over the next five years. It should be noted that this is all repayment of old, previously non-serviced debt and is incremental to the normal repayments that Health Services have been receiving.

"This process is ongoing and each month additional accounts, which were not being repaid, are being added to the list of payment plans. For this reason it is anticipated that the recoverable amount will increase on a month by month basis."

I would just like to say a few words about the collection of fees at the Health Services Department. For some time now we have been making a very real effort to improve our revenue capture. But we would be the first to admit that we still have a long way to go. We are strengthening our accounts department in order to better process insurance claims and we have appointed a health services debt collector to follow up on outstanding accounts.

We are confident that revenue capture will continue to improve but it is only fair to warn members of this honourable House and the general public that collection of outstanding fees can be an uncomfortable process for both sides.

Regrettably, too many of our people resent having to pay for their health care, citing in the process a variety of common excuses as to why they should not have to pay. Truthfully it pains me and disappoints me when I look at the list of names of the people owing sometimes considerable amounts of money to government for their health care. Many of these are living at a high standard and could well afford to make regular payments. Somewhere along the line our values have become confused in these islands. Of course, there are all sorts of reasons for this that I don't really want to get into at this time.

We need to get back to believing that each one of us has a responsibility to provide for such essentials as health care coverage and pension requirements before we spend money on high performance cars, luxury items and frequent vacations abroad. I repeat: many, many people who refuse to make regular payments on outstanding balances can well afford to do so.

We are gradually bringing such people to account, and will continue to do so in order for government to capture the revenue that rightly belongs to it.

The revenue situation is not helped by the fact that government's present level of fees for health care is absurdly out of tune with the real cost. As members know, I will be bringing regulations bringing increased fees to this House for approval. I intend to ask for members' advice prior to actually presenting these regulations for debate.

Government has tended to raise fees infrequently over the years, and then in very large incremental amounts. I think it would be more sensible to build in regular incremental increases into the health fees at levels that are acceptable and digestible, as it were, by the public at large. I know members of the backbench, in particular the First Elected Member for George Town, spoke in this vein. It is time that we adopted this process.

Notwithstanding what I said about people not paying their health bills, I want to make it very clear that government recognises that there are those vulnerable elements in our population who genuinely cannot pay and who either have no family members to assist, or whose family member are themselves in need of assistance. All

society's contain such persons and, despite our affluence, we are no exception. For many years now in the Cayman Islands government has rightly, in my opinion, adopted a humane approach to the problems of its genuinely needy citizens and provided health care free of charge in such situations. I can assure everyone that this will continue.

Historically over the years the Health Services Department has collected a very small percentage of revenue, probably less than 30% of actual cost incurred. We all know that in the past, government took care of civil servants' fees. This means that one department, the Health Services Department, gets saddled with that amount of money showing as revenue not coming in. I very much welcome the new financial reforms that will eventually come to these islands where each department within the civil service will provide expense coverage that might be incurred. This will reduce the terrible equation that reflects on the Health Services Department as not carrying its weight.

As I said earlier on, we must now face the reality that we must put in realistic fees for services that we provide. As I have drawn to the attention of this House many times, a good example is when the tourist ships bring their ill passengers here and the few dollars we charge for sometimes significant procedures cannot recover our outlay.

With those few words, that is my contribution on this report. Thank you.

The Speaker: The floor is open for debate. Does any other member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you.

The Government Minute speaks to a number of areas that were brought forward by the Auditor General and commented on by the Public Accounts Committee. One area is the Department of Vehicle and Equipment Services (DVES) which in 1997 was under another ministry. Although the Auditor General's Report did raise a number of items, the Public Accounts Committee, to the best of my knowledge, did not raise any issue on it at all, nor was there a comment on the department.

I believe, quite honestly, that we all missed dealing with the points raised by the Auditor General. Neither did the Public Accounts Committee deal with it, unless I missed it somewhere in these pages, or the ministry responsible . . . and I would say at this particular time that the Ministry of Works, which is mine, would be the ministry to deal with this at this particular time as I understand that the Public Accounts Committee's work was done in the early part of the year and the respective report was tabled on 23rd April 1999.

The only way I can think of rectifying that matter is for my ministry to issue a statement on it at some future sitting and bring that to the attention of members of this House and the public.

I am aware that a number of items which came forward in the Auditor General's Report have been rectified.

Some are presently being worked on. The only position I take at this time is that we have a responsibility for the subject and we intend to answer these statements made by the Auditor General and to bring those to the attention of members of this honourable House, as well as the public.

It was not just today that we have dealt with Auditor General's Report. I have personally been dealing with them for 21 years. I understand the position of an Auditor General and the work that he carries out on behalf of government, be it that he reports to the Legislative Assembly. To put it in simplistic terms, his job is really to examine all systems and procedures in the respective departments of government, I also include ministries, as well as those statutory authorities, units and sections that he has been given responsibility for under the many different pieces of legislation and to report to this House his findings.

Obviously, the job of an auditor whether it is the Auditor General or a certified public accounting firm is to point out weaknesses to management in order for management of the respective department and/or statutory authority, unit or section, to address those particular weaknesses as commented on by the Auditor General.

He did raise a number of items on Pedro St. James as a project, and perhaps it's worthwhile, and I crave your indulgence, Mr. Speaker, because the Government Minute on the subject tends to list chronologically the sequence of what took place.

"In 1991 the Government purchased the Pedro property with the intent of restoring and developing the site as a heritage tourism attraction and as a historic pride to the Caymanian people. Under the guidance of the Historic Sites Committee, a three-phase process was established to achieve this objective.

- **Phase 1** Historic research
- **Phase 2** Planning and feasibility advice
- **Phase 3** Implementation

"In 1992, Commonwealth Historic Resource Management Limited was retained through the process of international competitive bidding to research and provide technical services and advise to the committee. Following the acceptance of commonwealth's recommendation for the development concept the Ministry on the advice of the Historic Sites Committee made a request to Executive Council and was given approval to waive the Financial and Stores Regulations . . ."

Before I go there, Mr. Speaker, let me just step back for a moment and basically answer the question, what services does Commonwealth Historic Resource Management Limited provide?

"The corporate profile on Commonwealth: It is a registered company, federally incorporated in Canada in 1984. Commonwealth has corporate offices in Toronto, British Columbia, Miami and in the Cayman Islands. Commonwealth's two principal officers are Mr. John J. Stewart (Ontario/Miami/Cayman Islands)

and Dr. Hal Kalman (Vancouver) who oversee all of the firm's operations.

"Much of Commonwealth's work focuses on cultural/heritage tourism. Commonwealth is one of Canada's largest and well-experienced specialists in these fields. The firm's experts include architects, landscape architects, urban and heritage planners, historians and researchers, as well as graphic and exhibits designers.

"Commonwealth offers five principal areas of expertise:

"PLANNING & RESEARCH

- ◆ Master plans for communities, historic sites, cultural attractions
- ◆ Research, inventories, and evaluations for cultural resources
- ◆ Heritage planning and policy

"ARCHITECTURE & URBAN DESIGN

- ◆ Building evaluation, conservation techniques and management plans
- ◆ Revitalisation and rehabilitation urban centres and historic properties
- ◆ Full architectural services, with a speciality in integrated services for historic sites and cultural resources

"LANDSCAPE ARCHITECTURE

- ◆ Concept development and design for parks, botanic gardens, streetscapes and heritage tourism sites.
- ◆ Environmental designs for Eco-tourism and cultural landscapes
- ◆ Extensive knowledge of historic plant materials.

"CREATIVE COMMUNICATIONS

- ◆ Exhibits design and interpretation for museums and tourism attractions.
- ◆ Concept development and design of promotional packages with a speciality in economic development and heritage tourism.
- ◆ Graphic design for all form of corporate identity including signage.

"PROJECT MANAGEMENT

- ◆ Liaison and facilitation.
- ◆ Scheduling and budget.
- ◆ Site and Construction supervision.

"In 1992, Commonwealth Historic Resource Management Limited was retained through the process of international competitive bidding to research and provide technical services and advice to the committee. Following the acceptance of commonwealth's recommendation for the development concept the Ministry on the advice of the Historic Sites Committee made a request to Executive Council and was given approval to waive the Financial and Stores

Regulations allowing CHRM to be contracted as project manager for both Pedro St. James and the Queen Elizabeth Botanic Park projects during their implementation phase."

The ministry took the view that as far as the project management was concerned it seemed to be more cost effective to have one person carrying out project management on both sites rather than employing two different site property managers.

"This arrangement provided two major benefits to the projects: (a) Providing the required expertise [and I read what that was] for the restoration which was not available locally." It was the reason why Commonwealth was selected, because of the expertise it had during the international competitive bidding process in 1992.

Secondly, "Utilising the financial and labour resources between both projects resulted in savings of approximately CI\$100,000.00 to the Government."

We now come to the involvement of the Caribbean Development Bank. "In 1995 a project proposal was submitted to the Caribbean Development Bank requesting assistance in financing the development of Pedro. Following this request a team of technical experts from the Bank visited the site. Based on information gathered along with the business plan and cost estimates provided by CHRM, CDB compiled a project cost and financing plan (see Appendix 2) which evaluated the total project cost as CI\$8.68 million (US\$10.41) compared to the 1995 cost estimates (CI\$5 million) developed by CHRM."

The difference there is that CHRM estimates did not include the cost of the land, which is very common with government projects. When we look at what we have done in the past, maybe a year before, we bought a piece of land and then came back and put money in the budget to construct the project.

Additionally, CHRM's estimate did not deal with physical or price contingencies that said that the price of labour might go up before we finalised the construction of the particular project. Price contingencies also deal with the price of material and the possibility of those material prices increasing after the budget has been done.

When we add the cost of the land and stamp duty, which is approximately \$900,000, and we add the physical and price contingencies of roughly \$1.5 million, what do we get? We get a number that is very close to \$8.7 million, the difference being the difference of CHRM's estimate for external works for the Pedro Castle itself and some other items that differ a bit from the CDB estimate.

I have tried to compare one estimate versus the other, and tried to say to the listening public—because they have heard so much information, and a lot of it misinformation that they may be at the point where they don't know what to believe.

The restoration of Pedro Castle, . . . and I must emphasise the word "Castle" Mr. Speaker. I wonder if any one of us today can visualise what that site looked like six years ago. When we get up and raise all kinds of issues, can we go back in our minds and actually visualise

what it looked like? All I remember seeing was the core of a building with a different type of roof than it originally had. The core structure added to by Mr. Hubble [?], set up a restaurant which burned down after a while. They then added something more to it and that burned down as well. When you look at the 7.2 acres of land that was bought, it's all shrubbery. Trees all over the place. Shamrock bush, a big Tamarind Tree down in the corner. . . and we paid \$900,000 for it.

Now I ask, can you visualise what it looks like now?

"During the restoration phase of the project (1994- 1997) . . ." and there's no hidden agenda here. Right here in the Minute it tracks the expenditure from 1994 all the way through to 1999. There's no secret.

Let me make another point: Let us not confuse the public by talking about what's in the budget and trying to use what's in the budget to say what the total cost is. We all know the difference. That is not the correct way to deal with any project. I believe the 1999 budget has \$7 million for the Lighthouse School. Is there any expenditure yet? And when you get to the end of the year will you have spent? Because we only have about two months left before Treasury cuts off. When you get to that period, will you have spent even half a million dollars? My answer would be, I doubt it.

The budget, for the benefit of the listening public, is brought to this House in order to gain Legislative Assembly permission as required by the Public Finance and Audit Law which gives the Financial Secretary the power to spend. It's broken down between recurrent expenditure, statutory expenditure, and capital expenditure for acquisitions and for project costs.

The only reason you have a Treasury is to track what got spent. And every year we lay on the Table of this honourable House the financial statements done by the Accountant General so that everybody understands what got spent in relation to what was budgeted. I repeat: When you are dealing with the cost of a project you forget about the budget. That's history. What you have to track is the accounts, what got spent in what year. And it's all here, from 1994.

In 1994 they spent (and I am going to round it off to thousands) approximately \$77,000. In 1995, we spent \$1.2 million. In 1996, we spent approximately \$555,000. In 1996, again, because there are different accounts (some from loan and some from borrowing), \$475,000. Another account in 1996, \$361,000. In 1997, in one of the account centres, \$216,000. In 1997 we had a \$416.22 in one account. In 1997 again, in another account, \$120,000. In 1997, a different account, \$440,000. In 1997, another account again, \$117,000. And \$726,000, \$318,000, and \$39,000 all in 1997. So at the end of 1997, accumulating these figures from 1994 we come to a figure of \$4,655,839.50.

Of this sum, we subtract funds spent on the Botanic Park, \$325,000, and \$64,000. We then add the actual 1998 expenditure which is basically dealing with the visitor's centre, \$2,228,809.20. And the expenditure in 1999 of \$277,657.71.

When you total all of that up, with all of these pluses and minuses, at the end of 1998 and including the

amount I mentioned for 1999 (\$277,657.71) we come to a total cost of \$6,833,306.41.

We now add the cost of the land, \$775,000, and the stamp duty, \$77,500. And the Minute uses the same figures as in the CDB appraisal. It uses the same estimated figures for operating expenditure, \$330,000; start-up cost \$420,000; commitment fee, \$41,000; interest during construction, \$340,000. When you add the estimates rather than the actual, you get \$8,817,806.41.

The information given to me by the Treasury, of the commitment fee and the interest on the loan during construction, actual figures coming from CDB was \$260,683. Our start-up cost and pre-operating expenditure, the actual figure, is slightly different from the estimate used in the Minute, the \$330 plus \$420 which is \$750 as estimated, the actual cost was \$730,582. So we come to a total cost, because what I thought we were trying to do was compare apples for apples, we have an estimate done by CDB which is also given on page 12 of the documentation to the Government Minute. When we compare those items to the actual expenditure, although some of us don't want to believe it, \$8,677,071.

Do you know how we arrived at these figures? Public Works. When we took over the project supervision . . . and I will explain the details of that in a minute.

The Speaker: If I may interrupt you for a minute, we have passed the time where we usually take the lunch break. When you reach a convenient part we will suspend for lunch.

Hon. Thomas C. Jefferson: Mr. Speaker, I am in favour of taking it now.

The Speaker: We shall suspend until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.07 PM

PROCEEDINGS RESUMED AT 2.48 PM

The Speaker: Please be seated. Debate continues on the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Government of the Cayman Islands for the year ended 1997.

The Honourable Minister for Tourism, Commerce, Transport and Works, continuing.

Hon. Thomas C. Jefferson: Thank you.

I come back to that central point of 1992 when Commonwealth Historic Resources Management Limited (CHRM) was retained through the process of international competitive bidding to research and provide technical services and advice to the committee which was appointed to manage the Pedro St. James project.

One waiver of the Financial and Stores Regulations which Executive Council agreed with, . . . and I remind the members as well as the listening public that I did read the expertise available within CHRM, that they do have the expertise of providing project management. Based on the fact that CHRM had won the contract by

international competitive tendering process, and awarded by the Central Tenders Committee of the Cayman Islands government, the Executive Council waived the project management of this Pedro Castle project, to not need to go back out to tender but to move on with the project and allow CHRM to provide that project management service.

We know that a project such as this has never been done in the Cayman Islands before. And we know that Public Works has a variety of expertise, but in the area of restoration and heritage tourism, and the restoring of historical sites and cultural attractions, I don't believe the expertise rests within the Public Works Department. Therefore the Historic Sites Committee as well as the ministry were in agreement to allow the vision which was provided by CHRM for this project to continue to be within the scope of CHRM.

The restoration of Pedro Castle, that phase of the project between 1994 and 1997, is a framework for technical oversight including a technical committee with representation by my ministry. **"The project manager reported and took direction from the committee regarding technical matters. The financial control was the responsibility of [my] Ministry, processing of payments were done through the Treasury payment system. Budgets for each aspect of the project were prepared and discussed by the committee prior to submission to the Ministry for approval. Both the Ministry and CHRM prepared financial reports on a regular basis. Each contract was supported by progress report summaries listing all invoices and addendum to contracts.**

"The policies detailed in the Auditor General's report regarding the awarding of contracts without competitive tender were not developed . . . out of mismanagement and financial imprudence. Commonwealth was awarded six contracts, this was partly due to the specialised nature of these tasks coupled with the fact that they offered a full range of services related to the conservation, design, research, planning and interpretation of cultural and heritage resources. With this in mind the Ministry felt that CHRM with its full spectrum of services would provide the continuity that enables a vision to be carried through to the final product."

Now, when we deal with the furniture contract, the original contract sum was \$184,600 and the final cost \$226,775. The original contract with the following additions is what leads us to this \$226,775 figure. The additions to the original contract sum of \$184,600 were:

Duty	\$ 1,920.46
Theatre Props	7,000.00
Castle Set	15,042.31
Theatre Fit up	15,742.79
Shipping	14,619.48
Storage	5,850.00
Total Additions	60,175.40

"The furniture contract was tendered. Claudette Shaw Designs was assigned as sub-contractor with CHRM acting as purchasing agents. The initial intent was to source some of the antiques locally. However, the National Museum would not allow the purchase of such items locally. The original cost of this contract was CI\$184,600.00 with final payment of CI\$226,775, caused by having to purchase all of the artefacts overseas."

The Landscaping Contract: The original contract sum was \$357,702.07.

"The landscaping contract was tendered with the exception of the labour. A portion of this contract was awarded to EMS Landscaping and a portion to Mr. Crawford Dilbert. The sourcing, purchasing and planting to DDM Horticulture. The Ministry and Botanic Park steering committee wanted to ensure that trained gardeners were in place to carry on the maintenance upon completion of the project. The cost of labour was the responsibility of the Government. At this stage it was agreed that CHRM take on the supervision and responsibility for training staff in this area. From this arrangement Mr. Teddie Ebanks were given overseas appointments at CHRM (Canada). In reviewing the external components at Botanic Park, it suggested by CDB that a similar irrigation system be put in place at Pedro. The cost of this system and the labour was not included in the original contract cost of CI\$357,702.07." The final cost of that project was \$550,000.

The original contract for the Multi-media contract was \$611,800. The final cost was \$580,118. **"The multimedia contract was tendered. On the recommendations of the Project Manager CHRM the contract was awarded to Steve Shaw Productions of Canada. The Ministry contacted the Chairman of the Central Tenders Committee and full details of the proposal was made available to him. As a result approval was received from Executive Council allowing the appointment of sub-contractors under the CHRM contract."** That really is appendix 3.

The Chairman of the Central Tenders Committee made these notes. He says to the Permanent Secretary of Tourism, **"I confirm that this procedure will be acceptable once Executive Council is consulted and agrees as you have proposed to do."** So Executive Council was requested, and did approve allowing the appointment of the subcontract under Commonwealth's contract.

The original contract sum for the Interpretative contract was \$239,580 and the difference was so small that I will not go into detail. The final cost was \$241,971.

"Whilst the interpretative contract was not tendered as a full contract portions of the contract did go out to tender. Sub-contracts included - Production and Artwork (Mckenzie Krusberg Design Associates Ltd.) Software Programme (Innovative Logic) Hardware & Production of Audio (In-house Woodworking)."

Project Management Contract: Original cost was \$1,075,210 and the final contract cost was

\$1,091,937.11. **“The initial contract for service was awarded through an international competition under the guidance of the Historic Sites Committee. [Fifty-one] submissions were received and reviewed by the committee. Following the committee’s recommendation the contract was awarded to CHRM. The first two phases of the project was managed by the National Trust. The implementation phase was managed by the Ministry on the recommendation of the committee and approval by Executive Council. At this stage the project management contract was signed.”**

“The project has been financed partly through the Government recurrent budget and partly from a US\$5.7 million loan from Caribbean Development Bank. However, as one might be aware the working arrangement for all CDB loans follow the same disbursement arrangement, whereby the client finances the initial payments and submits a claim following the Bank’s requirement for reimbursement. [In other words, government spends the money and reclaims from CDB] As of the 31st March the Cayman Islands Government has received reimbursements in the region of US\$4,228,412.10. [Public Works] is finalising payments and preparing invoices for further submission to the CDB.” And that submission has been made some weeks ago totalling in the area of \$1.85 million.

We know, of course, that that sum that was submitted is in excess of the amount available which will cause the loan to be fully drawn down. We left it for the CDB to decide on reimbursement.

I want to remind us again. This time it’s not do we remember what Pedro St. James site looked like six years ago; but I want to ask this question: Do we remember that old Caymanian building sitting at the Spotts Landing for what appears to be five to seven years, with nothing happening to it? It was the Pedro project, with the assistance of some labourers in the Bodden Town area that removed that building, given that it was an old building, and given that it would fit with the whole project of Pedro St. James, we moved that building to Pedro as an office from which we would carry out our initial work in the early days.

So some of the first money that got spent was on that building. And the money spent on that building was not a part of the CDB estimate on Pedro St. James. We now know it as the Steadman Bodden’s House. And we know that Mr. Charles Adams did a very able job in dealing with buildings and other artefacts in this country. This project gained his approval to move from where it was sitting at the Spotts Landing for many, many years to the Pedro St. James site, and we used the local contractor, Charles Russell, to do the renovation.

It was actually late in 1995 that we had an opening ceremony at Pedro St. James. We still had that stone structure standing all by itself with a funny kind of roof that was not the original roof. Work continued. We used Crawford Dilbert to stabilise the stone structure before moving on with any other work. It was actually in the summer of 1997 that we decided it was time for the ministry to have on site its own person to follow the supervi-

sion that was going on. And project management was going on at Pedro St. James.

We advertised for a general manager because we believed that it would be correct to employ a person who, in essence, would manage the facility as we go forward through the years. But he would have the opportunity to begin, first by rolling up his sleeves and getting his hands dirty, I am sure. There were six applicants. We interviewed, we selected a general manager. He took up his appointment in August 1997 by which time the majority of the restoration works on Pedro Castle as we know it had come 90% or more complete.

It was at that time as well that we decided the next phase of the project was the visitor centre stage, a straight construction project. We then decided that every bit of evidence and knowledge indicated to us that this falls within the experience and qualification and skill of Public Works. So we asked Public Works to take over the supervision of Pedro St. James at that point, particularly the visitors centre.

That happened at almost the same time, September 1997. The visitors centre went out to bid. It wasn’t anything close to the CDB estimate. The lowest estimate was \$1.7 million. And we ended up with a figure in excess of \$2 million, actually \$2,259,306. We all know that the visitors centre has a number of buildings, including a specialised building called the Multi-media Theatre, the cafeteria, the gift shop, washrooms, resource centre and offices.

I know that the Auditor General made some comments in his report which was forwarded to the Legislative Assembly on 30 November 1998. At that stage all the figures were not in. So I will give him the benefit of the doubt there. He said that at that point it appeared that the final cost of the project may be in the region of \$9.5 million, a figure which some people seem to want to hold on to. But I say until the figure is corrected, that the figure I quoted in an answer to this House is the correct figure.

We know that from September 1997 Public Works was on site. We know that the officer from Public Works who was the project manager on the site also went through all the details to allocate the various costs to the specific function, whether it be the external works, the project known as Pedro Castle itself (that is, the building), or the visitors centre, or the landscaping, or whatever it may be, that entire exercise was done in conjunction with the Auditor General. It was completed on 24 June 1999. And Public Works said to the Auditor General, “If you find a different figure, you let us know.” To date, we haven’t heard anything more.

That’s why I say the figure that I quoted in my view is the correct figure.

I don’t know where the Auditor General is getting this \$9.5 million from. He will have to tell us. An estimate can be anything; the actual expenditure is a different matter altogether. It’s a fact that proves its worth.

We’re not through Mr. Speaker, but the Auditor General has been at Pedro St. James project site examination since the 25 March 1999. I wonder how he got there. We heard about it when he was already there. He

called us to say he was there because he had been told there were some irregularities. I wonder who told him that. I wonder who told the Chairman of the Public Accounts Committee to call the Auditor General to do so. There are a lot of questions to be answered Mr. Speaker.

We know . . . let me put it this way, I know where that information came from. But I am not going to be calling names in this House. I wonder what the motivation is. Elections must be getting close.

My favourite football team lost the game yesterday. Today I can tell you everything they should have done. But I wasn't playing the game yesterday. It's always easy to talk about what should have or should not have happened after the fact. When you are in the fray game and the linebacker is blitzing up the middle, or the defensive end is coming around the end and you have to take a decision whether to pass, handoff, or lay down and not get hit, in the heat of the battle, the decision has to be taken.

With great respect to everyone, Pedro Castle will end up being one of the best projects this country has ever known. Mark my words. Why? Because we are talking about our culture, our history and trying to relive that and bring it back to life.

I want to ask anyone who has seen that video if he does not understand the significance of the history of Pedro St. James, the Cayman Islands in that era in the Caribbean. A lot of us talk about writing history, reading is one thing; seeing it is something more. I believe that this particular project does . . . it's our project you know, Mr. Speaker. It's for our children and for us.

And the former Minister of Tourism (called Executive Council Member at that time) took the decision to purchase that land. I can tell you that he had plenty of support, including mine as Financial Secretary because I thought, and I still think it is the right decision. He was supported by his colleagues, including the Third Elected Member for George Town.

[Members' laughter]

Hon. Thomas C. Jefferson: It was that Executive Council Member responsible for Tourism who caused Commonwealth to be here. I am not casting any blame. I am just putting things in perspective.

When I got to be the Minister for Tourism, and I looked at it personally, I said, "There's nothing wrong with it. Let's just build on what's already happened." And I still hold that view. Some people, just for the sake of change, take off and make changes. I don't believe that is in the best interests of the people of the Cayman Islands, neither is it cost effective.

Mr. Speaker, I could say a lot more, but I promised you that I wouldn't mention the real reason behind this Pedro Castle matter and all the accusations on the floor until the time is right. I saw a movie several weeks ago called *The American President*, with [Michael] Douglas. He has a little PR person who was running his operation. He was really trying him some of the time. When he got this attack by a Senator who said, "I'm running for President," the chap said to him, "Unless you answer all the

allegations he is putting out, what is the public to believe? You're not saying anything." Let's be sure of one thing, Mr. Speaker, what I will be saying is based on fact.

Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause)

It appears that no other member wishes to speak, so that concludes debate on the Government Minute.

We will move on to item 4 on today's Order Paper. Private Member's Motion No. 24/99, Review of the measures imposed under the Finance Law 1998 to be moved by the First Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 24/99

REVIEW OF THE MEASURES IMPOSED UNDER THE FINANCE LAW 1998

Mr. D. Kurt Tibbetts: Thank you. I wish to move Private Member's Motion No. 24/99, Review of the measures imposed under the Finance Law 1998. The motion reads:

"BE IT RESOLVED THAT, due to the hardships being experienced by both consumer and trader in the Cayman Islands as a result of the recent revenue measures imposed under the Finance Law 1998 (Law 20 of 1998), Government review the measures with a view to easing the burden imposed upon the people of the Cayman Islands."

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 24/99, Review of the measures imposed under the Finance Law 1998 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

This motion is another one that has been hanging around for several months. Its genesis was a result of representation from the public, complaints from the public and also observations made by some of us on the backbench. Before I really get into the meat of my first delivery on this motion, I wish to comment on something the Minister of Education is always touting. And this won't be irrelevant.

When we members of the backbench bring constructive criticism, or informed criticism on the govern-

ment, his most famous words are, "as usual the opposition is providing no alternatives so it is fruitless for them to point out any errors in our operation." Now, there are several ways one can look at that. But I would like to put forward the view that if the backbench were the provider of the solutions, we would be the government!

Mr. Roy Bodden: True enough!

Mr. D. Kurt Tibbetts: I am not suggesting for one minute that as representatives of the people we should not be constructive in our debates and not make attempts to provide alternatives whenever we find problem areas. But the point I wish to make immediately is that it is a flimsy excuse used to take away from the point at hand. I want to say that early in the game, because I suspect that in the middle of this debate the line of argument is going to be, *'Well, if the backbench knows all the answers, why don't they provide all these answers? Why are they wasting time finding fault with us?'*

I only say that to put things in their proper perspective. If government intends to be constructive, then whenever they find criticism I have no problem with them building their defence. But they must build their defence on fact, not do the usual *simi-nimi* (I call it), and shift all the focus to another area so that we forget about the point at hand. I am hoping that won't be done in this debate.

I am going to tell you something else, Mr. Speaker. Because I know that I don't fall into the category of what the Minister of Tourism just talked about—because he doesn't have anything on me—the world can hear what I am telling them now. So I don't know whose name he doesn't want to call, but I know whose name he is not going to call, because sir, believe you me, I learned long before I got into this House what right and wrong was!

Anyway, that will deal with itself. I only wish to make that very clear here and now since I was one of those who had problems with some areas of the way the Pedro St. James project was handled. But if it so happens that I am one of them he has on his mind, I don't want him holding anything back. I want to deal with it now!

Anyway, Mr. Speaker, I just explained the genesis of this motion. I think what we have to do with this is understand and accept certain things that may be called conjecture at times, when we look at the facts as time moves on we see certain ramifications and certain repercussions. I want to come back to an issue that recently raised its head in Finance Committee about the government accounts. The Minister of Education mentioned it this morning, and I intend to use some of it in my debate. I will show its relevance.

Before I actually go into the information we have at hand, I want to read a letter dated 27 November 1998. It's not a letter, but rather a statement from the Council of Associations on the proposed revenue measures, which is exactly what this motion is all about. With your permission, I would like to read it.

The Speaker: Read it.

Mr. D. Kurt Tibbetts: It reads: "The Council of Associations held an extraordinary meeting to review and discuss the impact of a list of more than 120 tax increases proposed in the Legislative Assembly last week. The revenue package is similar to the one proposed in early 1997 and strongly opposed by the Council during a public meeting at the Lions Centre. In fact, many of the proposed increases that were withdrawn by legislators in early 1997 have re-emerged in the proposed tax package.

"The Council understands that government is in desperate need to raise additional revenue to finance the escalating recurrent expenditure of the civil service, and to raise additional money to finance new infrastructural services and projects.

"The Council, however, feels strongly that legislators must address the larger issues. Those are:

- "1. cutting government expenditure;
- "2. establishing spending priorities;
- "3. delaying major projects until the cash crunch is relieved; and
- "4. identifying alternative sources of revenue.

"The Council encourages government to carry out a comprehensive assessment of its services to determine the exact cost to the taxpayer and whether these services can be performed more efficiently and at less cost. The simple truth is that radical reform of government is urgently needed, otherwise the business community can expect continual tax hikes which lead to higher prices to goods and services and ultimately an erosion of market share in our two main industries of tourism and offshore finance—industries that the Cayman Islands people have worked diligently to develop for more than thirty years.

"The Council strongly believes that the trend of increasing taxes is not the answer and this position has been repeatedly reinforced by New Zealand Government reformer, Mrs. Ruth Richardson, during her recent visit and meeting with government officials and the private sector. It is our understanding that recommendations for reform of the budgetary system and civil service have been accepted by government.

"We urge the government to release a timeline for the implementation of these recommendations and the expected result of the recommended reforms."

The Council pointed out that "\$237.29 of the proposed \$278.99 million budget is just to keep the government operating, that is recurrent expenditure. Government estimates that the revenue generated from the proposed tax measures will generate \$11.8 million."

"The Council contends that the revenue forecast from the tax hikes could fall short of the projected amounts because fewer visitors and residents may be prepared to pay higher prices as has happened in other countries with tourism based economies.

"According to the 1996 airport exit survey, visitors identified the high cost of a Cayman vacation

and high food and liquor prices among the leading reasons why they would not return to the Cayman Islands. The recent increases on liquor duty and other proposed tax measures will surely exacerbate this sentiment among our visitors, many of whom already regard Cayman as an expensive tourist destination.

“Some representatives contend that the tax hikes on liquor and cigarettes will also encourage a black market of smuggled goods into the country. Past history has shown that excessive tax hikes on cigarettes and liquor (the so-called “sin taxes”) backfire and actually reduce duty collected. The proposed increases in company fees will discourage investors from establishing exempt companies and this will benefit our competitors.

“The Council is surprised that government decided to propose an increase in exempt company fees which were lowered two years ago in order to remain competitive with other offshore jurisdictions. The Financial Secretary claimed in a Government Information Press Release that it is an accepted practice in other countries to raise revenue on tax and alcohol for health prevention measures. This comment concerned members of the Council who believe that this statement supports the argument that if tax increases on liquor and cigarettes were being used as health prevention measures then anticipated revenue from these two areas must be seriously reconsidered.

“The Council reiterates that there is an urgent need for political and budgetary reform. The country must begin to live within its means and establish affordable and realistic priorities. Until these challenges are met, government’s reliance on tax increases will be guaranteed in the future which will serve to increase the cost of living for residents and tourists alike.”

This statement was made on 27 November 1998. Lest anyone believe that I represent the business sector in this country, let me clear that up right away—I am a representative of the people of this country. That includes the business sector, the indigent, the aged . . . that includes everybody. It also includes those who can’t vote, that’s how I look at it, okay?

I read that statement because it seems to me that while I could probably find certain areas that I might not agree with because of the way it is worded, there is merit to many of the points raised. Regardless of what some people might say about the line of argument, that it is biased because these are the business people, I don’t want us to get off on any track about that. The principle here, regardless of who you tax directly, is that it all stops on the consumer. And every single person in this country is a consumer. If you charge me more and I offer goods and services to the consumer, I am going to pass on those charges to the consumer. No one can deny that fact. Regardless of how it’s couched, or where it’s pointed at, it ends with the consumer.

Having read that statement, the part that I really want to talk about right now is where it says, **“The**

Council contends that the revenue forecast from the tax hikes could fall short of the projected amounts because fewer visitors and residents may be prepared to pay higher prices as has happened in other countries with tourism based economies.”

Earlier today, the good Minister of Education talked about my only mentioning the shortfall in recurrent revenue, and that I was only dealing with single-entry bookkeeping. I want him to know that the argument he put out today to the people of this country was not even single-entry bookkeeping because it had nothing to do with bookkeeping at all. It was his usual style—just like the \$60 million recurrent “profit” . . . I am not going to say it, Mr. Speaker. It’s all right. I am not going to say it. I feel like it, but I am not going to say it.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: The Honourable Minister responsible for Education, Aviation, and Planning chimed on this \$18.4 million of contribution to capital expenditure. He then went on to talk about the surplus carried forward as of 31 August 1999, \$18.4 million. What he was saying was that while I spoke about the almost \$12 million shortfall in the projected recurrent revenue to the end of August, what I didn’t say was about this surplus the country had of \$18.4 million. Then he went on to add up a whole pile of other things, including what the general reserves were and the \$3 million that is anticipated to be added to it this year, and he ended up with some \$40 million. And he basically called that “excess cash” that the country had.

Mr. Speaker, I am no accountant. But I understand enough to hold my own. To give the impression to this country that we have \$40 million that we can do with what we please—because that’s just saved up excess money—is misleading! I will go no further. But it is, because it is not so!

Without going into a pile of detail, I am going to deal with it just a little bit. When I made the point about the shortfall in projected revenue that was not sending any message of gloom and doom in this country. But I am contending that part and parcel of the reason why this motion is here now is the shortfall in revenue recorded through 31 August 1999. I am not saying that is the only reason, but I am saying that that has something to do with it. And the government must suspect something like that. Otherwise they wouldn’t have set up this task force to investigate the prices within the hospitality industry.

I am going to be as fair as I can be. I do believe that it is fair comment to say that when government brings revenue measures, wherever those revenue measures affect the merchants in the private sector, it is possible (and I am not saying in all instances) that many times the percentage of increase passed on to the consumer is more than what the government is actually increasing by way of taxes. I am not saying that. But the government does not engage in price control. That is a no-no because of what everyone keeps terming our laissez-faire system. But government must know, from history itself,

that when they do this, that is what is going to happen. It is nothing new, and government must know this.

I am not saying that if one was to deal with culpability that government has to be held responsible and go to jail for doing this because it makes this happen. All I am saying is that government must recognise by now that as part and parcel of the chain reaction this is what is going to happen, because there is nothing in place to prevent it from happening.

Now, when I read that statement from the Council of Associations and they talked about the possibility of recurrent revenue falling, they were coming from that same line. One has to seriously look at this because history has proven in the past The difference with me is that I am going to tell it like it is. I smoke cigarettes, and I will drink a beer. That is not something I boast about, but if I told anybody different I would be lying. And I never lie! But I am not arguing with the principle applied because I am one of those few (hopefully) rather than more that engage in drinking a beer or smoking a cigarette. I am not arguing about that. It is a luxury as far as I am concerned, and if I cannot afford it, I am not going to do it. Or if the day it dawns on me (the Good Lord help me) that it is affecting my health, then I am going to do something about that, and that might be soon. I don't know.

But if the government checks this out carefully (and I remember seeing it on two occasions), every projection the government has made based on revenue from increased taxes in these two areas has fallen short. It's a fact. My point is that if you are going to look at the overall picture, and government needs revenue, we certainly have to visit the same in a different fashion than it has been visited and revisited over and again.

This statement from the Council of Associations . . . and it is obvious that these people are concerned. It's not just that they are looking out for their own personal agenda, but they have some concerns that bring about some wider ramifications because they also address the area where they say, "**Past history has shown that excessive tax hikes on cigarettes and liquor (the so-called "sin taxes") backfire and actually reduce duty collected.**"

The Speaker: May I interrupt you for just a moment?

Mr. D. Kurt Tibbetts: Yes, sir.

The Speaker: We have reached the time where we normally take our afternoon break. I would like to ask the House if they would like to take the break, and I would also like to ask the House if it is your wish to continue on to 5.00 PM as mentioned on Friday, or shall we adjourn at 4.30?

Mr. D. Kurt Tibbetts: Five o'clock. We'll take five minutes now and that's all.

The Speaker: I am very grateful to the First Elected Member for George Town for his suggestion of time. We shall suspend for five minutes.

PROCEEDINGS SUSPENDED AT 3.56 PM

PROCEEDINGS RESUMED AT 4.14 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 24/99. The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Thank you.

I was using this statement by the Council of Associations to simply bring about the point that if you continue to levy tax in certain areas you are going to find that the items that you continue to tax will draw less consumption because of their prices. So you are really cutting off your nose to spoil your face because the revenue at the end of the day will become less.

Getting back to the figures on the government accounts, I really believe that the latest round of revenue enhancement measures has some bearing on the fact that the recurrent revenue through 31 August 1999 for the Government of the Cayman Islands is down by nearly \$12 million. We also notice that the tourism figures are down.

I willingly admit that I don't have enough information available to me right now to go into a long debate as to why this has happened, but the fact is that is the case. Perhaps there is also some relation with these tax measures and that fact. I have no doubt in my mind that if the facts were known a relationship could easily be established between the two facts.

Mr. Speaker, I get around a fair amount and I speak to people. I mean sensible people. I want everyone to understand that when things affect people directly, their train of thought, the logic they apply has its own so-called selfish motivation because the law of self-preservation is universal. And the same law applies for the person whose business isn't as good as it used to be as it does to the person who doesn't have the next meal to eat.

But the truth of the matter is that one should be able to take all of that and sift through it and see where there is some real logic. And there is some real logic in it because regardless of an individual's motivation—merchants, wholesalers, retailers, entrepreneurs, all of these—the fact is that the way our country works when it comes to commerce, nearly every single thing has an effect on the other thing. If our tourism is down, it naturally has an effect prevailing throughout the economy. It is for that same reason the argument is used about how important that pillar of our economy is because when they talk about the GDP and all of that, the spin-offs of the buoyant tourism industry really helps the economy on a whole. So it is obvious that if that industry is down, it will have a negative effect throughout the economy. I think that is a reasonable statement to make.

If we think of a local business person who sells furniture, if we have tourism on a downturn, the locals who work within that industry won't find themselves with the same income as before. The business of the condominium builders or owners who buy the furniture won't be as

buoyant as usual. It's the same for the grocery store. So it must have an effect.

When these revenue measure were brought by government it was said that so many different items had not been raised for so long that they were not reflecting the realistic cost to government for providing the service. Point taken. My question is, Why wait so long? There was also the point that the demands for the services were increasing so government had to get the revenue from somewhere. I agree with that. But can we begin to please think it through? I contend that we haven't done that.

I do not know the facts about this, but I am going to put out a picture and somebody is going to have to come back and tell the truth. I hold the view that when it comes time to deal with revenue measures, first of all, it is not a process that is thought out at length by the government with a plan to have as minimal as possible an impact on the economy. Those are the factors you have to deal with to be effective. If you are going to deal with revenue measures after you have shaved a budget to its max and suddenly realise that there is a gap that you have to fill, and you deal with these things in a matter of days, it cannot be the ingredient for the best result. It cannot be.

I cannot say that this is exactly how it happened this time. I can say that I know from persons involved with it that it has happened like that in the past. But I hold the view that it is better for government to address revenue measures all the time in palatable amounts, than it is for political reasons to time these things the best way they can figure to have certain political advantages and then at the end of the day there's a negative effect on the country and the economy.

Let us look at our consumer price index (CPI). When we tabulate all of those figures every year we kind of know what the rate of inflation is. Until recently, we have been experiencing modest inflation, probably for five years straight. In almost one lick (to put it loosely) we have national insurance to deal with, we have national pension to deal with, and then we have revenue measures to deal with on top of that—none of which I condemn. The point I wish to make is that we have got to find a better way to do it.

For instance, when I brought up a question regarding school book rental fees, and I was showing via percentages how much the increase was, the Minister of Education said that there had not been an increase since 1983. So we are looking at 15 years because these measures supposedly became effective in September of 1998, which would have escaped the 1998 school year, but would have kicked in for the 1999 school year. So here we have a scenario which exactly portrays the point I wish to make: For 15 years there was no increase in school book rental fees, that means that during that time everybody and his brother has dealt with these amounts as fixed entities.

We also need to understand that between 50% to 60% of the working population of this country does not have the amount of disposal income to deal with a sudden \$150 difference. It goes deeper, Mr. Speaker, and people have to be realistic about this thing.

When I said that some of the fees were raised up to 1100%, the Minister [of Education] first of all said that I blew it out of proportion and secondly said it worked out to about \$2 or \$3 per week. What the minister does not understand is that you are looking at an excess of half of your working population. They are not going to put aside the \$2 or \$3 per week until they have the \$150 in September. That is not a phenomenon, we all know how it is. Whether or not that is a lack of discipline on their part, it is a fact. All that happens is that you have a large number of individuals who suddenly find themselves (depending on how many children they have) having to find \$100, \$200 or even \$400.

I am going to stick with this one a little bit. Now, the minister will say—as he has—that no child will be put out of school because of this, and that arrangements can be made to pay it on a timely basis. I want to know who calculates the man-hours it takes when you are dealing with thousands of students. Who calculates the man-hours to set up this system whereby you are keeping records and issuing receipts for everybody as they pay, whether on a per term or per month basis? When they become delinquent in their payments, who chases after them? Does it wait until the next school term? That can't make sense.

If the thought was the cost was going up so you were going to put a situation in place where it was raised \$10 every year until you caught up, that would be a much more palatable situation. But they look at something like that and say, '*Humph! That's not politically acceptable.*' So they leave it for as long as they can avoid addressing it—just like our immigration problem today . . . and I know that's not in the debate, sir, I won't debate that. Just like that, they keep avoiding it for as long as they can and all of a sudden what they have to deal with is a slippery eel and a hot potato that they can't put their hands on. That's exactly what it's like.

When I was talking about the consumer price index, I was putting forward an argument that if government wanted to ensure that it stayed abreast with the population in regard to what it should be getting (and perhaps this is too easy a formula to follow and might need a certain amount of refining), if they were to say that every year whatever the inflation rate is then our fees in given areas will increase by that rate . . . it was the same thing years ago when they increased the cost of licensing a vehicle.

Hear me now. And I am going to make another prediction. For ten or twelve years they hadn't addressed that. And how much did it multiply by? It was hundreds of percents. We notice that we don't hear anything about it now. But in another five or six years from now when they increase it again, they will increase it four times the amount. Mr. Speaker, the point I am making is that we cannot deal with it in this fashion.

The Speaker: I agree.

Mr. D. Kurt Tibbetts: And we have been doing it for too long. Now the government finds itself in an almost untenable circumstance where it has to get this money.

So it just goes to the old dead horse it has already beaten to death.

Mr. Speaker, I am going to show you another example to show that it was not right to deal with the book fees in that fashion.

The Speaker: While you are looking through your papers, I ask that we move a motion to suspend Standing Order 10(2) in order to continue beyond the hour of 4.30.

The Honourable Minister responsible for Education, Aviation, and Planning.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Boddén: I so move sir.

The Speaker: The question is that we suspend Standing Order 10(2) in order to continue beyond the hour of 4.30. It is my understanding that we will continue until 5.00 PM. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO CONTINUE ITS BUSINESS UNTIL 5.00 PM.

The Speaker: First Elected Member for George Town please continue. I apologise for the interruption.

Mr. D. Kurt Tibbetts: It is never a problem with you, sir. Thank you.

The next example I want to talk about is the garbage fees. There is a specific scenario here. With the list of the increased duties on all the various items, it had the current rate and the new rate. For Condominiums and houses on Seven Mile Beach, the current rate was \$50 per year, and the new rate went to \$300 per year. That was cemetery to cemetery.

Before I talk about that, there really was a big joke when they simply did it cemetery to cemetery. My understanding was that all of a sudden garbage fees were being set out for people in what they call Dog City (Watler's Road) and up in Rock Hole, because of how the block and parcel numbers were going. Some of those people got the increase from \$50 to \$300. I bet you they corrected that quickly!

[Members' laughter]

Mr. D. Kurt Tibbetts: This is hearsay, and I can only give it as cheap as I heard it. But I heard that the biggest reason why the political directorate was prepared to take the risk of cemetery to cemetery was because the demographics of the area were such that the vast majority of people who lived in that area were not voters so they wouldn't get any flack. Can you believe that?

That's how I heard it. Only God would know whether or not it's true. That sounds like something some of them would do when you check their history of decision making.

I used that to say to you, Mr. Speaker, look at this entire country. If we look at that specific area and assume that they are right, and that the vast majority of those people cannot vote, that takes out any political skewing on my part because I am not going to get any votes for this, let's just use it for logic.

How can you out of the clear blue sky take the entire country and just look from cemetery to cemetery on the Seven Mile Beach and just straight across the board, condominiums and houses from \$50 to—bam—\$300? Listen to me now: If you want to talk about affluence, if you want to talk about strain on the infrastructure, if you want to talk about the ability of people to pay, . . . and I am not asking for it to be raised elsewhere, I am simply asking what happened to South Sound. Aren't there big and fancy houses, apartments and condominiums there, like there are on Seven Mile Beach? There might not be as many all tolled, but they are there.

What about the Cayman Kai area? I am not making any suggestions, I am just showing you how ill thought out it was. They can bend it all they want to, I am simply making a point. I am simply using an argument to make a point. If they want to say that the country is not collecting anything near what it should for what it costs to run the garbage collection, so we have to find ways and means for people to pay for it, I don't fault that principle. What I fault is the twisted logic of how they come up with this one, cemetery to cemetery—bam, finished, done.

If revenue was the objective (hear me carefully sir), which obviously any tax package must have revenue as its objective otherwise you don't have a tax package. If revenue was the objective, then why did they not sit down and address the country for collection of garbage fees? If you add the number of single residences from cemetery to cemetery along that strip, it is nowhere near what the entire country is like volume-wise. So there could not have been any logic to that.

It leads me to conclude that it was a rushed up business and they knew what they had to come up with and they just stuck it how they figured they could in a hurry-up fashion. The beauty about that, talking about these garbage fees, is that I have had either by conversation or telephone call at least 40 individuals ask me how could they do this. And their question was never that the collection of garbage was not worth \$300 a year. They simply asked what happened to the rest of the people.

I talk about garbage, and it may well appear that I am hammering on a very small item. I talked about schoolbook rental fees, another small item. But it proves the principle I am talking about—you cannot deal with it like this. It is not right to deal with it like this.

Mr. Speaker, craving your indulgence, an individual went as far as to try to gather all the facts to try and assist with this because that person understood what government was supposedly trying to achieve. If you would

permit me sir, I would just like to read this. It is addressed to me. It is dated December 4, 1998.

“The object of the exercise is to increase revenue under this Head by \$1.4 million in 1999. [That’s the garbage business they are talking about.] Garbage fees are levied on offices, hotels, restaurants, condominiums and houses. I believe that other income is derived from a waste management system, but I have not had time to research this. It appears to me that the only areas where increases are being sought are houses and apartments, that is an increase of \$50 per annum; and condominiums and houses on Seven Mile Beach, cemetery to cemetery, an increase of \$250 per annum. Therefore, condos outside area 1 (area 1 being the cemetery to cemetery area) will see a reduction of \$80 in their fees to bring them in line with the new regulations. The best statistic I have been able to find indicates that there are 900 residential units (this does not include individual condominiums, but does include each condominium development as one residential unit) in the Seven Mile Beach area, and 8,600 residential units in the rest of the island. There are about 1,825 condominiums in area 1 and my best estimate that there is an equivalent number in the rest of the island all tolled.

“At present condominiums are charged \$180 per annum in garbage fees, and in area 1 the increase of \$120 per annum in garbage fees would yield \$219,000 in increased revenue. Conversely, there will be a loss in revenue for 1999 on the other 1,825 condominiums of \$146,000. The increase of \$50 per annum for houses and condominiums would yield \$430,000 in increased revenues and the increase of \$250 per annum for houses on the Seven Mile Beach would yield \$225,000. Therefore, the total increase would result somewhere in the region of \$728,000 for 1999.

“I cannot explain to you the difference of approximately \$672,000, other than to surmise that it may represent collection of arrears, most of which, of course, would not be current. This seems like a big amount and it also could be that either my estimates or those of governments as to numbers of residential units is wrong.

“I would suggest that the most equitable way of charging for garbage collection for homes would be to do so based on the size of the house. In that case it would be appropriate for Environmental Health to do a survey, establish a proper fee structure which would result in government recovering the full cost of garbage collection which by and large is one of the better and more efficient services provided by the government. Alternatively, consideration could be given to outsourcing or privatising this service.

“In the meantime, until an equitable system is arrived at, I think perhaps the fairest way of allocating the increase in income mandated by the budget would be to spread it evenly across the board. On the basis of there being 13,150 residential units on the island, collection of the required increase of \$1.4 million would result in an increase of \$106.46 per

unit. Consideration could be given to making the payment of garbage fees on a half yearly basis rounding the increase up to \$110, the new payments would therefore be as follows: Houses \$160; Condos \$290.

“If, of course, the difference of \$672,000 referred to is coming from some other source, then the new payment would result in an increase of \$55.36, rounding it up to \$60. The new annual fees would be: Houses \$110; Condos \$240.”

While that seemed to be a slightly lengthy exercise, this person had the thought to throw out some alternatives.

Here is what I am saying about these issues: I believe government is going to come back and tell us that there are different things being done to streamline certain things to establish the cost of providing certain services and such the like. And that as soon as they get all this information together they will have a better idea of how to deal with it and stuff like that. I don’t really have too much of a problem with that. But where I have a problem is that the interim seems to be an indefinite period. Always, but always, it does not fail that we are being told that they need some time to do this and that. I respect that. But how long is that time?

In the meantime, should people like me simply shut our eyes and say however they do it is fine? I can’t do that! As a responsible legislator, I cannot do that, regardless of what opposing views come out when I give my views.

I am saying that in terms of revenue measures there seems to be no methodology employed that stem from pure logic. It seems to be always under crisis when these decisions are made, and it seems to me that the decisions are never based on what is good for one, is good for all. If we are talking about differentiating between higher bracket people in certain things, then let’s come out and say that. Let us explain to the public the logic behind doing certain things.

I am a person who believes that you must make a decision. If you make a decision and it is the wrong decision it is still better than making no decision. By and large I believe that principle prevails. If you make a decision and it turns out to be the wrong decision, chances are that if you are known to have the ability to make decisions you will be allowed to correct that decision. But you cannot hide behind indecision or an inability to justify a decision and expect it to work. That does not work in any process—including the political process.

Of course, beyond all of this what I am really going to find funny is if whether on the floor of this House, outside in the common room or anywhere else, we hear the stories about who is responsible for doing what, and who caused what to happen. That’s going to be a joke. I shouldn’t have said that. Perhaps they won’t tell me now. Anyway. . . .

The motion is calling for government to have a re-think about these measures. I recognise the impact that this would have on their recurrent revenue for this year, and what their projections will be for next year. But I think the mere fact that their recurrent revenue is down gives

reason for them to want to have a second look at certain areas. What I couldn't do is look at the long list of items where there are increases in fees and single out individual items and say *'Take this back. Don't take this one back'*, because I am not dealing with individual items, although I used individual items as examples. I am dealing with a principle.

I am not suggesting that some of these measures on this list which were voted on in February retroactive to November 1998, are not reasonable measures. Let us get that straight. But I am saying that in my view they did not apply reason and logic to the desire to increase revenue.

There is also the argument about widening the revenue base. And I don't think I have time this evening to go in depth into that area, but the fact of the matter is that these revenue measures have made life uncomfortable for too many of the residents of this country.

I know and I accept that any time there is any revenue measures, certain sectors of our society bawl. I know that. But we have to agree on one thing: Because our taxation system is an indirect taxation system is all the more reason why we have to be extra careful in the way in which we levy any increases in fees because as has been proven in the past, and has been proven with this one, the buck ends with one group of people who feel the impact the most because the taxation is not direct. Therein lies advantage one way and disadvantage the other way.

Because it does not tell the Hon. Speaker that out of his salary 10% is going to the country's coffers, whatever that salary is, whether it is \$2 or \$200 per month—that is there—bam—finished. What it does is levy increases in duties or fees or licenses whereby . . . and let me take a grocery store for instance. If they have garbage fees increased, their trade and business license increased, their retail license based on square footage increased, and then increased duties on certain items they sell, they have to absorb those costs.

Mr. Speaker, when they are incorporating their price structure with the condensed milk, the cereal and the bread, and the Campbell's Chicken Noodle Soup, when they add up their additional cost of doing business in this country, do you think they are going to eat it? Oh no! They can't! Good business principle doesn't allow that. So, they have to work out a formula to spread that additional cost to the prices they sell their prices for. The consumer buys those products. The same costs the government charges the supermarket, in truth and in fact, the supermarket is not paying for it—it is the consumer. Tell me if I am wrong. I am not wrong! That's where the whole problem lies.

It's not criminal. I am only trying to bring to light why we have to employ a different way of thinking with the whole affair.

When they increase the cost of diesel—and Caribbean Utilities is the largest consumer of diesel oil in this country . . . but Caribbean Utilities also provides the only source of electricity in this country. Do you think Caribbean Utilities is going to eat that? No! By the time it's over you and I are going to pay for it. So in truth and in

fact Caribbean Utilities is not paying for that additional duty on the diesel. It is all of us!

That is why we need to look at it differently, Mr. Speaker.

When we take all of these items outside of what I would term the luxury items, and it is not that that is really separated, it's just that the only people who pay for the extra duty on those items is the one who buys them. But the majority of costs levied here are going to be spread among the entire population because there are certain things most of us have to consume to live. There are certain services we have to receive to live halfway decent. And all of the costs are put on those services and the consumer picks up the whole \$11.8 million tab for these revenue enhancement measures.

While government wishes to retain the system and people like me agree to retaining the system, we have to have a serious look at the way in which revenue measures are employed because of where it ends, because of who actually picks up the tab. It continues to create . . . and perhaps before I say that this might be the time, and I will continue on Wednesday morning with that issue. I can continue if you wish.

The Speaker: I will entertain a motion for the adjournment of this honourable House. The Honourable Minister responsible for Education, Aviation, and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 5.04 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 13 OCTOBER 1999.

**EDITED
WEDNESDAY
13 OCTOBER 1999
10.40 AM**

*Mrs. Edna M. Moyle, JP, Deputy Speaker
In the Chair*

[Prayers read by the Third Elected Member for Bodden Town]

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

**READING BY SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Deputy Speaker: I have apologies from the Honourable First Official Member, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, and the Honourable Speaker, who are all in Cayman Brac on official business, and from the Fourth Elected Member for West Bay.

Item 3 on the Order Paper, Presentation of Papers and Reports. Financial Statements of the Community College of the Cayman Islands, 31st December 1998 and 1997 and the Community College of the Cayman Islands Annual Report 1998.

The Honourable Minister for Education, Aviation and Planning.

**PRESENTATION OF
PAPERS AND REPORTS**

**FINANCIAL STATEMENTS OF THE
COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
AS AT 31ST DECEMBER 1998 AND 1997**

~and~

**COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
ANNUAL REPORT 1998**

Hon. Truman M. Bodden: Madam Speaker, I beg to lay on the Table of this Honourable House, the financial statements of the Community College of the Cayman Islands, 31st December 1998 and 1997, and the Annual Report 1998-1999

The Deputy Speaker: So ordered. Does the Honourable Minister wish to speak to these items?

Hon. Truman M. Bodden: Yes, Madam Speaker, thank you.

As required by the Community College of the Cayman Islands Law, I am pleased to table these financial statements and audit report. July 1999 mark the end of

another very successful year for my Government in the provision of tertiary education in the Cayman Islands. As you are aware, the Community College is very comprehensive in its programme offerings. The programmes offered in the 1998-1999 academic year fall into three categories: Associate degrees, vocational programmes, and professional programmes.

Associate degrees are offered in thirteen areas of specialisation. Three types of associate degrees are offered at the college—Associate in Arts, Associate in Science and Associate in Applied Science.

Associate in Arts: Accounting, business administration, economics, hospitality management, literary studies and social science.

The Associate of Science degrees are computer science, mathematics, natural science and physical science.

The Associate of Applied Science degrees are in accounting, business administration and office administration.

In the vocational areas, five specialisation are offered: Accounting, computer application, construction technology, electrical technology and hospitality studies.

The college also offers professional programmes in banking, legal secretary and nursing. In addition to the above, the college offers a wide variety of academic, vocational and leisure courses through its adult and continuing education department in both Grand Cayman and Cayman Brac.

I am also very pleased that the number of persons who take advantage of the educational opportunities offered at the community college is increasing. I am equally pleased with the fact that the increases in the last academic year were not only in continuing education and associate degree programmes but also in the vocational and professional areas.

Madam Speaker, the college has been accepted for its credits at a wide range of colleges both in the Caribbean—at the University of the West Indies—and in British institutions such as the Nottingham University, the University of Birmingham, University of Bristol, University of Briton, University of London, University of North London, Warwick University and several others. Also, Madam Speaker, at American institutions which include the Stetson University which has a Barons 1997 rating of competitive plus, the University of Miami which is rated very competitive, and also Eckerd College that is once again rated very competitive, and De Paul University.

These are all very competitive universities that I am listing here. The Florida International University, the Florida State University, University of Central Florida and the University of Tennessee, all rated by Barons as very

competitive. I am sorry, Loyola University as well, which is a very competitive university together with a whole range of colleges that are rated competitive.

To have the credits accepted by very competitive universities in the United States says a lot for the community colleges high standard in these subjects.

Madam Speaker, I would like to take this opportunity to thank members of the Legislative Assembly for their support for the college and private sector organisations and companies for collaborating with the college by providing scholarships and other forms of support to Caymanians. I would especially like to thank our president of the college, Mr. Basdeo; our chairman, Mrs. Berna Murphy and the other members of the Community College Board of Governors and all of the staff at the Community College for the sterling job that they have done.

Finally, Madam Speaker, I have always believed that investment in the development of human resources is the best investment of any government. One learned writer once wrote, if you think education is expensive try ignorance.

Madam Speaker, the Community College of Cayman Islands continues to contribute to the development of our most important asset—our people. I thank all involved with the college for their effectiveness and efficiency in delivering this important service. Thank you.

The Deputy Speaker: Item 4, Questions to Honourable Members/Ministers. Question 142 is standing in the name of the First Elected Member for George Town.

Before we proceed to Question Time, I would ask for the suspension of Standing Order 23(7) to allow questions to be taken after the hour of 11.00 a.m. The Honourable Minister for Agriculture, Environment, Communications and Works.

SUSPENSION OF STANDING ORDER 23(7)

Hon. John B. McLean: Madam Speaker, I so move the suspension of Standing Order 23(7) so that we make take the questions on the Order Paper for today.

The Deputy Speaker: The question is that Standing Order 23(7) be suspended in order for Question Time to take place after the hour of 11.00 a.m. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) SUSPENDED.

The Deputy Speaker: Question number 142 standing in the name of the First Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 142

No. 142: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to provide a complete list of officers and departments who are given cellular telephones and handheld radios and indicate which of these officers have cellular telephones.

The Deputy Speaker: The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

Hon. John B. McLean: It is not possible to give a complete list of officers and departments who have cellular telephones as each department is responsible for its own bills and my Ministry does not have access to this type of information. However, there are a number of officers who have the ability to utilise the government radio communications' system for the purpose of making and receiving official telephone calls. This listing is attached as Appendix I.

SUPPLEMENTARIES

The Deputy Speaker: The First Elected Member for George Town, supplementary.

Mr. D. Kurt Tibbetts: Could the Minister state, even though his ministry might not have access to all of the information that has been asked for, if there is any idea what cost these radios and telephones are on a monthly basis to government?

The Deputy Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: The cost for an officer to use the government system is dramatically less than the cost of using a cellular phone. This is because the rate is the same as if the officer was using a landline telephone. An example: a 5-minute cellular call within Grand Cayman is \$1.37 but a radio telephone call is \$0.12 and if the officer is receiving a call, there is no charge whatsoever. Whereas it would cost \$1.25 for five minutes if the call was received by a cellular phone.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I am assuming that the attached list that has been provided with the substantive answer is a list not of cellular telephones but of the hand-held radios. Is that the case? If that is the case can the Minister state if there are any additional cost incurred by the government in the use of cellular phones?

The Deputy Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: Madam Speaker, I would like to deal with the first part of the question with regard to the list that has been circulated, I think this covers both and it is my understanding that the cost is minimal.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If the Honourable Minister would jog his memory. About a year ago in Finance Committee, a motion was passed regarding this list and I think, if memory serves me right, the Communications Officer was present. A commitment was given regarding supplying certain information. To this date, we have heard nothing more about it. Can the Minister give any reason why this information has not been provided and can he give us some idea of when it might be?

Hon. John B. McLean: The information that the Member is speaking of . . . it was my understanding that this was circulated. Evidently, it was not. I will give the undertaking to the Member that I will have the Communication Officer gather this information and pass it on to him, this week.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister will understand that one of the reasons behind this substantive question is because there has been some concern raised with regard to the cost to government incurred by use of these two facilities. Can the Minister state if there is a specific policy emanating from government with regard to the usage of both the handheld radios and the cellular phones, or is it just a matter of a request being made, the equipment being supplied and everybody moving on?

The Deputy Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

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

A request must be submitted to the Head of Department, who is the Permanent Secretary of Agriculture, Communications, Environment and Natural Resources, who in consultation with the Telecommunications Officer will either approve or disapprove the request.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if there is a ceiling put on the numbers or if it is just dealt with as a come and be served basis.

The Deputy Speaker: The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

Hon. John B. McLean: The criteria for determining whether the request will be approved or not includes a number of factors and is not limited to the seniority of officers, whether the requesting officer is on call after normal working hours, whether the officer is involved with providing the emergency services and whether the officer is required to be contacted outside their home or office. These factors have to be taken into consideration.

It is not that everybody has a telephone or radio, it is out of necessity in most cases when a new radio is given to an individual in departments or ministries.

The Deputy Speaker: If there are no further supplementaries, we shall move on to question 143 standing in the name of the Second Elected Member for Bodden Town.

QUESTION 143

No. 143: Miss Heather D. Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works when will the launching ramp at the Spotts Tourist Landing be constructed.

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: A date for the commencement of construction of the Spotts launching ramp has not yet been determined. The matter is currently being reviewed by the Public Works Department and the Ministry.

SUPPLEMENTARY

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state since money was allocated in the 1999 budget if there is any specific reason why it is this late in the day and nothing has been done thus far?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The only comment I could probably give to that is that the Public Works work load, I would assume being as significant as it is, they have not yet reached dealing with jetties. It is not just the Spotts jetty, there is the one at South Sound, there is the one at Colliers, there is the one in Spotts—the Spotts jetty not the launching ramp. Those are about to commence repairs.

There are some concerns with this launching ramp site and I would prefer to talk to the Second Elected Member from Bodden Town about those concerns before we decided to implement the construction or building of it.

The Deputy Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I would just like to get an undertaking from the Minister that he extend such discussions to the other members who are the representatives of the constituency involved. And, I would also like a further undertaking from the Minister that the matter be pursued so that the funds do not fall away at the end of the financial year.

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, the reason for my comment being addressed to the Second Elected Member from Bodden Town is because she asked the question. That's what I was replying to. It's not to say that other members will not be invited to that discussion. Certainly, the members from George Town and the other members from Bodden Town will be invited.

Mr. D. Kurt Tibbetts: Madam Speaker, if I may?

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am sorry, the Minister has not quite answered the question. The Third Elected Member for Bodden Town also asked for an undertaking to make sure that it was completed before year end so that the funds were allocated for this year doesn't fall away.

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, the reason why I didn't comment on the undertaking is because I think the discussion will decide whether we move on or not.

The Deputy Speaker: If there are no further supplementaries, we will move on to question 144 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 144

No. 144: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development what legislation exists to prevent insider trading and other such insidious practices as these relate to the Cayman Islands' Stock Exchange.

The Deputy Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Cayman Islands Stock Exchange's (CSX) internal regulatory regime, as reflected in its listing rules and broker members' rules, specifically prohibit insider dealing, market manipulation and similar abuses of the market. Its rules in this regard

align fully with international standards. The Exchange's Surveillance Department is responsible for detecting market behaviour that may be indicative of market abuse and investigating it. Where necessary, the Exchange has powers to discipline its broker members in this regard.

The CSX recent admission to the London Stock Exchange list of approved organisations demonstrates that its regime for listings meets high standards. Honourable Members may also recall that, because at this time the Exchange's principal listing products (which are mutual funds and specialist list debt) do not typically trade on exchange, the trading-based risk for the CSX is correspondingly very low.

SUPPLEMENTARIES

The Deputy Speaker: Supplementaries, the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the House then to understand that the regulatory procedures now in place, as mentioned by the Honourable Member replying, meet the scrutiny and expectation of recognised international authorities in addition to those of the London Stock Exchange and also meet with the expectations of those clients of the exchange?

The Deputy Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The recognition by the London Stock Exchange is a good indication that the Cayman Islands rules and procedures satisfy international standards. There are areas that will continue to be looked at because we are looking to developing a similar legislation to what would exist by the SCCE in the United States.

But this is an area that we will have to work on over-time. I should point out that in addition to the Cayman Islands Stock Exchange legislation which sits on top of the rules and also the attorney to establish rules and to develop procedures, we have in place the Confidential (Relationship Preservation) Law. There is a section in that piece of legislation that is very relevant to the financial services activity. This is section 5(3) which reads, "**Whoever, being in possession of confidential information, clandestinely, or without consent of the principal, makes use thereof for the benefit of himself or another, is guilty of an offence and liable on summary conviction to a penalty prescribed in subsection (2), and for that purpose any profit accruing to any person out of any relevant transaction shall be regarded as a reward.**"

This relates very much to insider trading. Therefore, anyone engaging in such a practice will run afoul of this piece of legislation. As I mentioned, the rules satisfy international standards, otherwise we would not have been recognised by the London Stock Exchange. But we are looking in terms of specific legislation to wrap around the rules as such that emerge from the existing Cayman Is-

lands Stock Exchange legislation which governs those rules that are in place.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer, the Honourable Third Official Member said that because at this time the [Stock] Exchange principal listing products, namely, mutual funds and specialist debts do not typically trade on the Exchange, the trading based risk is very low. Can the Member enlighten us as to how this trading might be done, if it is not typically done on the Exchange?

The Deputy Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The specialist debt securities as referred to are often sold to a single investor who will hold the securities until they mature.

In the case of the mutual funds, the Fund Administrator will deal with subscription and redemption requests. Derivative warrants listed on the Exchange are generally traded over the counter. The closing price on volume of business done is reported to the Stock Exchange on a daily basis. So, this is how the risk is minimised.

The Chairman: If there are no further supplementaries that concludes Question Time. We will move on to item 5, Other Business, the continuation of the debate on Private Member's Motion No. 24/99.

The First Elected Member for George Town, continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 24/99

REVIEW OF THE MEASURES IMPOSED UNDER THE FINANCE LAW 1998

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. When we adjourned on Monday afternoon . . . before I go on, I noticed that our ranks are very depleted here. But if you are prepared to Madam Speaker, I will continue. I don't know— It is only four of us here but I guess it's your call, Madam.

The Deputy Speaker: Honourable Member it is not if I am prepared to continue. If you are bringing to my attention that there is not a quorum in the Chamber, I have no choice but to call for a quorum and wait five minutes for a quorum in the Chamber and then adjourn the House if they are not here without a question being put.

Mr. D. Kurt Tibbetts: Madam Speaker, if I may. . . because I know several members are off-island and I don't know if you will accommodate the suggestion, but I think most of us are anxious to see exactly where that storm is and perhaps we could take a few minutes just to get that report. Perhaps, you might get a quorum. I am just making a suggestion.

The Deputy Speaker: Honourable Member, I thank you for that suggestion but it was not my intention to take a morning break seeing that Parliament did not resume this morning until 11.00 a.m. and I intended to continue until the lunch break at 1.30 p.m. I will suspend at this time for 15 minutes seeing that there is no quorum.

PROCEEDINGS SUSPENDED AT 11.43 PM

PROCEEDINGS RESUMED AT 12.12 PM

The Deputy Speaker: Please be seated. Proceedings are resumed. Continuation of the debate on Private Member's Motion No. 24/99, the First Elected Member for George Town continuing.

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

I was saying that when we took the adjournment on Monday afternoon, I was making illustrations to prove that the system we operate here in the Cayman Islands (the system of indirect taxation) is one which the government has to continually look at very, very carefully. It is obvious, as history has shown, that because the tax base is so narrow, most of the times, if not all of the times, when the government finds need to introduce tax measures, these measures at the end of the day always end up squarely on the backs of the consumer.

I brought up the example of the increase in duty on diesel and the fact that Caribbean Utilities—being the largest consumer of diesel in the island—simply (I mean not doing anything wrong) in the line of business pass the cost on to the consumer. Likewise any increase cost to the merchants, whether they be wholesale or retail, whatever those increased costs are by way of increased fees or duties certainly get passed directly on to the people who buy the merchandise, namely, the consumer.

Now, Madam Speaker, before I move on, I want to bring to the government's attention the motion itself and I want to make sure that the government fully understands the intent of the motion. It is not very long, I would crave your indulgence just to read it again. Thank you.

The motion reads, "**BE IT RESOLVED THAT due to the hardships being experienced by both consumer and trader in the Cayman Islands as a result of the recent revenue measures imposed under the Finance Law, 1998 (Law 20 of 1998), Government review the measures [that's the key] with a view to easing the burden imposed upon the people of the Cayman Islands.**"

Now, the reason I wanted to read that again was to let it be clearly understood that the motion is not politically motivated, trying to put the government in a spot. Its

intent is not to force government's hand to do something that is unrealistic, but, rather, the intent of the motion is to say to the government, *'Look, you had some time to think about this. We have all had some time to think about it. People understand what the ramifications are. Please look at some of these measures with a view to finding other avenues and other sources of income for the government in order that the people of the country can have a little ease because as of now, the pressure is too much for some of them.'* That is basically what the motion is asking for them to do.

So, for them to accept the motion is not to say that they are going to withdraw the entire Finance Law 1998. That is not what the motion is asking for. I want to make it very clear to them so that's not the thought in their mind. The motion is asking for them to review these measures brought under the Finance Law 1998 with a view to easing the burden imposed upon the people of the Cayman Islands. That might mean looking at some specific issues that are having a direct impact on both the consumer and the trader with a view to finding other avenues and easing that burden. I just wanted to take a few minutes to make that very clear.

Now, if the government refuses to accept the motion, having explained it in that fashion, then the message is clear to me that the government has no intention of looking at that. That's what it means to me.

Madam Speaker, if we look at some of the specific areas—I mentioned the garbage fees, the school book rental fees . . . but there are other areas. One of them that strikes me as having an imbalance in it is under the Trade and Business Licence heading where they talk about utility services. In singling out the various utility services, bulk water distributors, as I understand it from the document, have gone from \$150 to \$2,500. When it was brought, I remember asking questions as to what the definition of bulk water distributor was. And to this date, I do not know what that definition is, so I cannot argue at length because I don't know exactly which companies or individuals fall under this category. I don't know the answer to that.

But that is just by the way. The point I make about it is when we come down to Local Companies (Control) Law, (that is, LCCL under utility services) . . . now, again, if I am reading this correctly, I stand to be corrected. I am reading from that that we are taking people like Caribbean Utilities Company and Cable & Wireless who would require an LCCL to operate in the Cayman Islands and they are utility services. Madam Speaker, I know that there is a franchise with Cable & Wireless. I, also, know that there is a franchise agreement with Caribbean Utilities Company. I know that the government earns a certain amount from Cable & Wireless under the franchise. I am not quite sure exactly if government has any direct earnings from Caribbean Utilities, but regardless of all of that (and I have nothing against the two companies) I cannot justify bulk water distributors having to pay \$25,000 for a trade and business licence, and people like Caribbean Utilities Company and Cable & Wireless having to pay \$5,000—a fifth of that—for a LCCL. I don't see

the logic whatsoever, regardless of the other ramifications.

I used that one example to show that in my mind, this was a hurry-come-up job; it was an effort that was forced and it was not properly thought out. To use the terminology used by the Minister of Education when he refers to some of the things that I do, he says it is "ill thought out." Well, this is worse than that (if there is such a word). Perhaps I could say this is *radically* ill thought out, if that makes the point.

Madam Speaker, needless to say, with all of these examples I am drawing, at the end of the day every single one of them falls back on the consumer. They do! Whenever any one of them—whether it's a bulk water distributor working out the rates, whether there is a franchise which gives them a ceiling or not, whether its Caribbean Utilities Company working out their 15% franchise or matters like that . . . this all comes into play, it doesn't get thrown away.

Madam Speaker, if I sell fish at \$3 per pound and the government suddenly charges me for putting my boat somewhere that I never used to pay anything for, when I have to find \$500 to pay the government, I am going to raise the price of my fish. That's just the way life is.

Now, let the government understand that I am not taking a position with this motion or otherwise that the government must not have revenue to operate the services that it provides for the people of the country. I understand that very well. The whole point in all that I am debating here is the government needs to look seriously at the method by which it derives its income. I contend that it has not done so to this point serious enough.

Madam Speaker, I want to draw another small example. I want to make it very clear that because we have lawyers in here this has nothing to do with the fact that lawyers make up a part of the government. First of all, where it has under "legal practitioner's fees" . . . something that I was shocked to learn not very long ago (and this is nothing against the lawyers, believe me, we all need them) a law firm does not need a trade and business licence. A law firm does not pay for a trade and business licence. The fee that is paid is this legal practitioner's fee, which I think would compare with the individuals who practice in the medical field.

The practising fee for a lawyer was \$500 and it has moved up to \$800. Madam Speaker, I don't say this to say if the country needs money it must go at the lawyers or the accountants or whatever. I am not saying that. I am just showing you what I consider to be not just anomalies but inequities in the thought process. A law firm with no other business licence to pay, the individuals pay \$800 a year to practice in the Cayman Islands. I don't want to get into how much they make and the fact that that is the profession that people seem to be able to retire from the earliest and all of that. That is not the point. If I wanted to go that route, I would consider that to be unfair because that is not where I am trying to rely on for the strengths of my argument.

I am just trying to say that in this entire list of revenue measures that the government has put forward and got approved, I believe strongly that they need to look at

these revenue measures that they put and see if there are not other ways and means to get revenue and relieve some of the burden that is put on the consumer. I cannot emphasise enough, Madam Speaker, exactly the position it has put the consumer in.

Madam Speaker, I need to bring out another point here, something I have mentioned time and time again, and something people believe that I probably read in a book and just latched on to because it sounds good. But this is serious and it is to the point where it is frightening. It is the disparity in the wealth distribution in this country.

Madam Speaker, I want to bring out a serious point in this. Because our system is a system of indirect taxation, meaning that no individual's earning power is directly attached to a fee paid to the government, every revenue measure that affects the business world, the business world passes those extra costs that they have to pay out—whether it be to government or anywhere else—to the consumer who purchases either the goods or the services that they provide. Here is what that does: It allows a certain percentage of the population in the country to retain, if not improve, on their earnings; but because all of those additional costs do not remain with them and interfere with their earning power as they are passing it on to the majority of individuals who are the consumers, every dollar that that consumer earns is worth less because he has to pay more. That is not something that is done by design, Madam Speaker. Let everyone understand this. I know that it is not intentional for this to cause a problem but that is what happens.

So, basically if you are in a business and you can make the business successful (especially if it is one that people have to utilise your services or purchase the goods), you are okay. If you are a worker who has to depend on a salary to purchase the goods and services to survive in the community then you are a dead duck because you cannot do anything about it. Whatever it costs you have to buy it.

Now, in days gone by, Madam Speaker, one of the things that used to be touted was that supply and demand and competition would level the playing field. That is not the case anymore. When the population was smaller, when the demands were less on government and when the revenue it needed was not anywhere near as high as it is now, it did not have such a dramatic effect. But, Madam Speaker, it has gotten to the point now where it is a crisis.

Yesterday, in the rain there were three people who came to my office to look for me—three people that I know well; three people that work hard. Not anybody that is looking to bum you or anything like that. All three of those people had a problem with paying their rent and they are still working.

You see, I don't know what else to say. I am not asking the government to throw its hands up in the air and say, '*we don't know what to do*'. I am not looking them in the eye and saying that all that you are doing is foolishness. I am saying, we are trying to solve one problem and we are creating thirty more problems and we cannot do it like that—that's what I am saying.

You see, Madam Speaker, this business about disparity of the wealth distribution is a perfect scenario for social ills. The arguments being put forward here today are not socialist; they are just the realities of the day. There is no sense in us simply saying if we do it like this we will balance the budget and have enough revenue if, at the end of the day, we are creating so many more in the prison. Do you think that was just because somebody got knocked over the head or something like that? No! I would venture to say that many of them, especially our local Caymanians in prison, don't even know why they are there. That is what life at certain levels has come to in this country. The answer is not wiping them out because we cannot do that. We cannot simply say that we are just going to sit down and live with them. We cannot do that either because they are multiplying faster than we are.

So, Madam Speaker, this business goes real deep and we can no longer look just in an insular fashion in one specific area to try to cure one problem because inevitably if you don't think it through, you are going to cause more problems than the one you are solving.

If we look in the various sectors of the economy, the hospitality industry and tourism, it is as safe a comment as ever to say that any problems we might have with the numbers being down has a direct relation to the cost of the product in today's tourism market. That is safe comment.

When it comes to the room tax, Madam Speaker, there is a 10% accommodation tax and there is 6% gratuity, that's standard when it comes to the room rates. You cannot increase that. You cannot even look at increasing that because you are walking on the edge right now with the prices. In fact, I hold the view that we have to find a way if we are going to retain market share (much less even attempt to increase it) to lower the cost of the product. But that is another story again.

Basically, when it comes to accommodations and the revenue that government derives from accommodations, you cannot touch it. You cannot do a thing. Perhaps, when it comes to some of the other related items, alcoholic beverages and that type of stuff, you might be able to look at that—that is about the only area that I see.

In the domestic construction industry Madam Speaker, when you talk about the fees that are in there now, we know we have fees, trade and business licences, all of those fees are up. We are fighting in here on a daily basis about the cost of construction with government with this capital works—we cannot charge any more in that area because by the time you are finished, it will go up to \$500 per square foot.

Madam Speaker, if we had the records for planning approvals to date, we would know that the value of approvals is down from what it was this time last year. I think it is not unsafe comment to say that the end of year figures will show that that value is down. Someone might wish to attribute it to one specific project jacking it up last year, and because a project of that nature is not around this year that's why there is a difference. But if they look

at it carefully, it is more than that. It is the cost of doing business.

Madam Speaker, there are but few areas at this point in time that we could really look at to try to earn more revenue. I understand that it is difficult, and believe me, I am trying to give a balance argument without looking to find things to just beat up on the government to say that they are not doing it right. That is not the purpose of this exercise. I know that it is difficult. I understand that. But we have to search deeper.

When you run in a race and you feel like just stopping and giving up, you say, *'God didn't build me like this'* and you reach deep down and you find the strength to finish it, that's where we are at. And all of us have to find that strength. I don't care what anybody wants to say and I don't care what kind of prophet of doom and gloom they say I am, but if anybody tells me that all is well and we don't need to be looking hard at certain things, that person is either misguided or not telling the truth.

I am going to say something here and I know the risk I run in saying it, but I have spent hours and I have talked to people about this. I have talked to people in the business world. I have talked to individuals who came to me crying about not being able to make ends meet. I have spoken to people in the banking industry. I have spoken to people in the tourism industry. I believe, personally, that the only place that has any more room that will not affect the price of rice that has some latitude for government to get some revenue is the financial industry—that is my belief.

I don't believe that the government should just look blindly for some areas and just come with this budget in November and drop some stuff on. That, again, is the principle that I believe has been totally wrong when it comes to revenue measures. I understand that the government might not feel comfortable getting all of these players in the game and sitting down talking to them because they figure they are going to be protecting themselves—of course, they will. But it doesn't mean that people don't have good sense and people are not committed to the country, that they are not prepared to talk and be reasonable. I believe they are.

I believe we should take that opportunity, or rather create that opportunity. I believe that these people will be reasonable. Madam Speaker, what people do not like is these sudden bombshells. You do that when you are fighting war. You don't do that when you are trying to run a country.

The Financial Secretary, the Honourable Third Official Member, made a comment very recently which lifted my spirits a great deal. He pointedly recognised the need to diversify the economy because in diversifying the economy it gives greater avenues for government revenue. I also understand that may not be the easiest thing in the world to achieve. But as far as I am concerned, while our country is how it is and there is not a wide variety of natural resources that we can be innovative with, we certainly are no worse off than many other countries in this world. They have survived with fewer opportunities than we have, so there is no reason why we cannot excel

if we put our minds to it properly. That is my view, Madam Speaker.

It might almost look like a contradiction to be telling the government to find ways and means to alleviate the tax that they put on the people, while at the same time trying to tell them to find more ways to raise money. But it is not a contradiction. It follows hand in hand. The government has to find ways and means to raise revenue that do not directly affect the earning power of the consumer in the country—that's what the government has to do. That is the crux of the matter. And to this point, it has not been done. And from the actions that I have seen it has not even been thought about.

Now, I don't doubt that there are those who have thought the thought. But, Madam Speaker, as the Third Elected Member from Bodden Town would say, until I see them walk the walk, I am going to keep talking like I am talking because I can never live with the assurance that anything is going to be done around this town until I see it done. So, whether it is on the threshold or not, once I have the opportunity, I am going to continue to preach my sermon until I see something done.

The Deputy Speaker: Honourable Member would this be a convenient time to take the luncheon break?

Mr. D. Kurt Tibbetts: Yes, Madam.

The Deputy Speaker: Before I suspend, the Honourable Deputy Chief Secretary has intimated to me that he would like to brief members during the lunch suspension on the weather conditions now existing around our islands.

We shall suspend until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Deputy Speaker: Proceedings are resumed.

Debate continues on Private Member's Motion No. 24/99. The First Elected Member for George Town, continuing.

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

I have tried to present as balanced an argument as I could to justify not only the existence of this motion, but the support of members of this Legislative Assembly. I think it is just about time for me to await government's reply, and to hear contributions from other members.

There are just two things that I wish to address before I complete my introduction of the motion. I would like to go back to the *Hansard* of 10 February 1999 when the Honourable Third Official Member was moving the second reading of the Bill entitled, The Finance Bill of 1998.

In his opening remarks he said: **"The discussion on this subject during the debate on the Budget Address highlighted two very important issues: One point is that our expenditure levels have risen fairly rapidly in recent years as Government has moved to provide a wide range of services and to expand the**

infrastructure. The second point is that although revenue growth has been healthy over the years, our revenue base is quite narrow.” [1998 *Official Hansard Report*, Vol. 3, page 1306] How true! We accept that statement, and it is for that reason we are going through this motion today.

I also wish to make the point that while we are looking to find other ways to raise revenue, and ways to alleviate the strain on the consumers in the country—who are literally paying for the vast majority of these increased fees—we also need to concentrate very seriously on maximising our levels of efficiency in the government service. I am privy to a certain amount of knowledge in regard to the financial reforms now underway. And I am happy to know that the mindset with these reforms is totally geared towards increasing efficiency.

I mention that to say that all of these things work hand in hand. There is no sense in our being inefficient in providing the services that arise from the demands of the population when those inefficiencies continue to exist. You have to extract from the same public you wish to provide the services for at a disproportionate rate because your costs are too high to provide the services. So the mindset has to be that these things work hand in hand. I am pleased to know that this is the way that these financial reforms are headed, and perhaps if there are not too many brick walls put in their way, we might see some very positive results.

The final thing I wish to address is the figures that were presented to us a few days ago, which set out the state of affairs of government. When I mentioned this in another debate the Minister of Education mentioned the fact that I had outlined that government's recurrent revenue experienced a shortfall in the first eight months of calendar year 1999. He said that because that was all I mentioned I was exercising the principles of single-entry bookkeeping.

He then proceeded to talk about the \$18.8 million surplus. The way he crafted it—in his usual skewed fashion—and by the time he added it all, if he is left alone the country would believe that we have this \$40 million right now today that we can literally do with whatever we want to do. That's the way he presented it!

I want him to know that while he may classify the fact that I only mentioned the shortfall in recurrent revenue as single-entry bookkeeping, the best that his can be called is no-entry bookkeeping! I would never try to create a situation where I led the public to believe one thing when I knew better.

I want to raise a few issues. In the summary that was presented to us, the projected revenue (when the budget was brought up to 31 August 1999) was \$194.5 million. The actual revenue to 31 August 1999 is \$182.6 million, which shows a shortfall of just under \$12 million.

The recurrent and statutory expenditure, as projected through 31 August 1999, was \$177.8 million, when in actual fact the recurrent and statutory expenditure through 31 August 1999 was only \$167.8 million—approximately \$10 million under.

He may wish to say at this point that recurrent expenditure is down by \$10 million, but we all know that no

one right now is probably in a position to say that (because recurrent expenditure is down by \$10 million through the first eight months of the year) by the end of the year it will be down that much too. No one knows the positions of the various departments in regard to what they are committed to, even though the money might not be actually paid out yet. So no one can make that assessment yet. Because the expenditure is short \$10 million is why we see this supposed surplus of \$18.8 million—that and some other things.

Madam Speaker, it is also worthy to note in this summary that of the \$42.5 million of capital expenditure budgeted for 1999, it was projected that just about half of that would have been spent by the end of August. It was projected that \$21.4 million of that would be spent by the end of August. What has actually been spent up to the end of August is \$11.8 million, just about half of what was projected to be spent.

But, again, we do not know if that won't be spent by the end of the year. And so that we can clearly understand the picture, . . . I remember the Minister of Tourism bringing up the fact that in our budget this year for capital expenditure there was some \$7 million for the Lighthouse School. This is October, and no money has been spent. It is very possible that the year may go by and this \$7 million may not be spent. If it is not spent, it might paint a pretty picture at the end of the year if some other capital expenditure has not come to fruition and the money is not spent.

But, what we must understand is that even if it looks good at the end of the year, because that money was not spent, we are still going to have to spend the money. So don't let anyone bring this twisted argument about the wonderful state of affairs—when it is not so!

The Honourable Minister responsible for Education, Aviation, and Planning even went so far as to add in the \$3 million that is supposed to be transferred to the general reserves before year end (as was projected in the budget) into this \$40 million that we have—and the money hasn't been added in yet. They're calling what I say single-entry bookkeeping? I'd rather be a single-enterer than a twisted one!

Madam Speaker, I want to repeat that again: When he was adding up this beautiful \$40 million that we are supposed to have in our pockets to do with what we want, he included the \$3 million that has to be transferred from our general revenue account into general reserves as money that we have and the money hasn't been transferred yet. The *Hansards* will prove that he said that!

But that's his style because he doesn't want to hear the truth. Instead of looking at what the true picture is and addressing the situation, all he can figure is that he doesn't want his government to look bad. Therefore, he must paint the picture like that. And because he thinks he's good at that . . . and, Madam Speaker, time will tell!

As I said before, if that is not misleading then I want to know what misleading is.

Madam Speaker, I commend this motion. I will not deliberate any further at this point in time. I wait to hear what the government and others have to say. I trust that

everyone understands the intent of the motion. I hope that the people of this country can be taken into consideration with this motion, and that we can seek to find ways and means to alleviate the pressure they have been put under on a daily basis in order to make two ends meet in this country. Thank you.

The Deputy Speaker: Does any other member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I want to speak before the honourable Third [Official] Member speaks because I want the honourable member to know that it is unfortunate that he finds himself in this predicament where he has to be the foremost responder. I consider this matter a political matter, it just happens that there is some greying of the area.

I would like to lay the parameters clearly so that the government, that is the elected executive, will understand that as far as I am concerned, this is a matter of political economy and a matter for which I hold them foremost and primarily responsible. And, Madam Speaker, I want to set something straight from the outset. The Honourable Minister responsible for Education, Aviation, and Planning—the Leader of Government Business—is fond of saying that we on this side are often critical, but we offer no solutions. I want to remind honourable members that the best solution to the dilemma we are in now was offered by us in Private Member's Motion No. 10/95, when we brought the Fiscal Responsibility Motion. But I will come back to that because I am going to weave the relevance of that into my argument.

I am not any Jeremiah, but I am a pragmatist. I say it would take all of the intelligence of Milton Friedman, Adam Smith, and John Maynard Keynes to make me believe that the Cayman Islands at this time is in the best financial position it could be in. What is clear is that the government does not have a formula for successful fiscal management and that we have been fortunate. It is true that we have a good Financial Secretary. It is true that we have a good team in the Portfolio of Finance and Economic Development. But that notwithstanding, combined with good economic fortunes, the policies and the pragmatism that have come out of the Portfolio of Finance and Economic Development has helped us thus far.

The question I am posing is how long can we rely on that to help us because we have some clear and ominous signs. Just like we are getting some signs of Tropical Storm Irene, we are getting some signs of an economic storm. I just hope it is a storm and not a hurricane.

I want to dwell a bit in history because it is in history that we find the greatest answers to some of our problems. I want to remind the House that on 27 November 1996—and for those who don't remember, that was the swearing in day—the Minister for Education, now the Leader of Government Business said, **“Our mandate from the people of the Cayman Islands to this House is clear. We have clearly set out in our Manifesto de-**

tails of what policies we will bring in the next four years.”

I now want to refer to that Manifesto on pages 8 and 9. Under “Financial Management of Government—Our Accomplishments 1993-1996” the minister said, **“Recorded a recurrent surplus (or profit) of about \$60.3 million. Together with a small loan of \$6.6 million, . . .”**

Now, Madam Speaker, when something is recurrent that means it happens over, and over, and over. He didn't limit this recurrent business, so I wonder where that recurrent profit is now—or where it went to between 1993 and 1996!

Then he goes on to say in number 4, **“Imposed no new duties or taxes to burden our Caymanian people.”** All right? Now, this is the crux of it. **“The Future—From 1997 to 2000.”** The minister says, **“As a prudent Government, we will continue our policy of only borrowing what is necessary and never exceeding the internationally accepted limitation for debt service of 10% of recurrent revenue (which now stands at 6%). We plan to continue: 1. To pursue prudent and stable financial management of Government, ensuring that recurrent revenue always exceeds recurrent and statutory expenditure, thereby enabling us to make further positive contributions toward . . .”** and he talked about debt repayment and adding at least \$2 million each year to our general reserves.

And number two, **“To reduce spending without causing excessive damage to projects, and exercise fiscal constraint.”**

This is at best a pristine promise because these are not achievable objectives up to this point. Every year for the past four years the government has borrowed to the tune of \$20 million or more to balance their budgets. Reduce spending? Reduce what spending? What spending has been reduced?

The only time any spending has been reduced is where the government didn't have time or where there were other constraints and they couldn't carry out the proposed capital projects. That is through no management genius on the part of the government; it is just through a force of circumstances where Public Works was not in a position to carry out the capital projects.

More recently, they have been using that as a tactic to make their accounts look good. At the end of the year money not spent shows up in the surplus section, when we know that proposed capital works projects had not—and have not—been carried out.

Madam Speaker, I might only be a single-entry bookkeeper, but God blessed me with a lot of common sense. And I am an avid reader, so I can apply knowledge. And that is the greatest capacity anyone can have, for there is knowledge, and then there is *applied* knowledge. There is sense, and then there is *applied* sense. I am speaking about applied sense so that all and sundry can see.

I want to give a lesson in basic economics. The government has to decide what direction it is going to take. A few years ago there was a big hue and cry, a big hullaballoo about trimming the civil service and streamlining. And

they went to great lengths to upset some people. They trimmed some departments, some portfolios, and some ministries. Today, five or six years later, what do we have? A civil service which is just as huge, just as inflated—indeed more, as I am reminded by my colleague. What was the sense of that exercise?

Of course I stand for security of tenure. Of course I stand for recognition of loyal civil servants. Of course I stand for them continuing in their jobs with the minimum of stress. But the government of the Cayman Islands has to decide whether or not it is going to be the father of everybody in the Cayman Islands, or a father of only those it can afford to accommodate without impinging taxes on the rest of us—taxes that we are no longer able to bear.

I have said this before. One of the things that we have to do in arriving at an acceptable and reasonable level of expenditure is, first of all, trim our recurrent expenditure. Now, if the Minister for Education, the Leader of Government Business, is listening, I will give him something other than theories (since he accused me of being a theorist). The first thing we have to consider is arriving at an arrangement where once the students we send away return to the Cayman Islands they can be free to work in whatever area, be that private or public, or their own entrepreneurial venture.

We have to shy away from this business of government contracting everyone who has a scholarship in the government service. Gone are the days when we can afford that. The Minister of Education said himself that we give more scholarships every year. It is impractical and well nigh impossible for us to expect government to accommodate all of them, when we have 500 and 600 people returning. So, we have to arrive at a situation where when these young graduates return we encourage some of them to take employment in the private sector even when they have been beneficiaries of government scholarships.

We also have to give cognisance to the fact that some of them might want to enter into business for themselves. I have said before, and I say again, that one of the things government has to do is examine what is called Micro Financed Initiatives (MFI). That might be one of the challenges for the next government that comes in—a government which I am anticipating playing a significant part in.

Then too we have to move away from the traditional means of raising revenue. Some time ago I heard my colleague, the Third Elected Member for George Town, calling for the establishment of a think tank. We have to start out with the intellectual thrust that we can examine ways of raising revenue other than the traditional means we have been milking all of these years.

It reminds me of an incident when I was growing up that my grandfather told me. He had a friend who had a heifer. Every year that farmer allowed his heifer to have a calf. My grandfather told him, "If you continue what you are doing, one of these days your cow is going to have a calf and there won't be any milk for that calf. You risk the consequence of losing both calf and cow."

So said, and so done. One year there was a terrible drought. The cow had a calf and there was no milk because there was no grass for the cow to feed on.

If we don't look at alternative means that is the situation we are going to find ourselves in one of these days. And I am not praying for it to happen—heaven knows I will be as detrimentally affected as anyone else. I am only saying that we have to seek alternate means. But in seeking these alternate means we cannot take an unidimensional approach. While we are looking at the alternate means of raising revenue, we have to look at means of curtailing recurrent expenditure. We have to look at that seriously.

The writing is on the wall, Madam Speaker. We depend more and more on tourism in a market where the competition is growing ever keener every year. And we have been forewarned. Cuba is beginning to open up. The day that we see the United States lift its embargo on Cuba is the day our tourism is going to take a serious dip.

If honourable members do not know it, in the 1950s—before the advent of Castro and Communism in Cuba—Cuba was described as "The Playground of the Americas." You could get on the ferry in Key West, and ninety minutes later you got off in Havana. They had music, they had gambling, and they had other attractions that tourists seek. And there was nothing in the other Caribbean islands but token tourism. In Puerto Rico and in Jamaica there was nothing to speak of because to the Americans, Cuba was their playground. It was their backyard.

Those were the days when we in the Cayman Islands had about ten tourists a year. If we are smart, we will prepare for that eventuality. I am reading the signs. The American Chamber of Commerce visited Cuba. They all had accolades. Representatives of the Farming Lobby in the United States visited Cuba. They all had accolades. The Democrats are warming up. And certainly, President Clinton would like nothing more than on the eve of his departure from office to normalise relations with Cuba. The pressures are beginning to come to bear.

The United States is a great manufacturing country, and Cuba is a fertile market. Of course, we will still have international finance and banking because people are not going to put their money in Cuba. But I would venture to say that until the novelty wears off, all of the American tourists are going to be visiting Cuba. And we are going to be affected, as will other countries in the Caribbean. But it's not my business to worry about the other countries in the Caribbean, it is my business to worry about what is going to happen in the Cayman Islands.

These are all pressures that we have to take into consideration. These are what we have to consider when we sit down to arrive at our budget. But instead of government and the Minister of Education taking cognisance of these things . . . he is too busy talking about people who are defunct, and about people who have no visible means of income who shouldn't be here. I don't know whom he is referring to, for every time I try to forget what he has said he comes up with something different.

He reminds me of what Winston Churchill said about a friend of his—he has all of the vices I detest and none of the virtues I admire. His statements have no place in this Parliament when we should be sticking to a constructive train of thought and argument so that we can prepare our country for successful entry into the 21st Century.

It doesn't matter to me; I might not be here. I have alternatives I can exercise. But as long as I am here, it is my responsibility to say what I sincerely believe in and to help the government. I can't force them to accept my ideas; I can only posit them. I will say this much: I am not embarrassed by any putdown, or fun that is poked at me. I was steeled in that from my earliest childhood. And I have a reputation for speaking my mind and I will continue to do so.

It is not only the Third Elected Member for Bodden Town who is saying that the government is in trouble, that it needs to take stock of what it is doing. For in the latest *Cayman Update*, published by Deloitte & Touche (and I will ask the Serjeant to lay one on the Table, and I have one for you, Madam Speaker) . . . and I would like to read some of the concerns they published in this update.

The second paragraph on the second page, entitled "The UK White Paper and the 1999 Budget." It reads: **"The control of debt and contingent liabilities are 'hot' topics when discussing government budgets. The recent budget passed by the Cayman Islands Government is not an exception. Revenues and expenditures in all portfolios have been debated and challenged to ensure that Government is obtaining the highest level of value and service. Borrowing is only to be considered a last resort. The White Paper suggests that 'borrowing should only be considered for discreet capital investment projects that have calculable and reasonably certain financial and economic rates of return. Concessional sources of funding should be sought first . . . with social objectives and low financial returns financed from recurrent budget surpluses.' However, as budget surpluses have been relatively small during the past five years, Government has increasingly relied on borrowing to finance capital projects."**

This government is led by an honourable gentleman who often likes to stand in this Parliament and tout his brand of economics which says it is better for one to build a house from savings than for one to borrow; and it is better for one to make purchases from savings than from borrowings. It is just as I have said about that honourable minister. He is like the Roman god Janus—he has two faces. He talks the talk, but he does not walk the walk. He says on the one hand that government should do some projects from the recurrent expenditure, but on the other hand, he is leading them on to ever more borrowing.

It goes on, **"Large capital projects have left the government with a debt burden that is growing in excess of 20% per year."**

This is not single-entry bookkeepers saying this, it is Deloitte & Touche—unquestionably one of the premier financial consulting firms in the world.

"According to government documents, the accumulated national debt at the end of 1998 was projected to be \$92.1 million, and rising to \$111 million after 1999. However, not included in these figures are the \$85 million in contingent liabilities (in the form of guarantees, Water Authority debt, Port Authority debt and Civil Aviation debt) and a further \$200 million in unfunded pension liability. Total government debt and contingent liabilities are therefore \$396 million. Servicing the debt represents an increasing portion of the government budget. According to the 1999 Budget, public debt of \$111 million will create a debt service of \$17 million, or 6.3% of total budgeted expenditures."

Madam Speaker, facts speak for themselves. I am surprised that a government that came into power with pristine promises and such a glorious track record, has now degenerated to the point where it is floundering around and still cannot find reasonable and successful solutions. Worse than that! A government that still insists on going ahead with grandiose capital projects—like a runaway train, full speed down the track, not heeding the amber lights. What will it take for this government to recognise that it should exercise some constraint and conservatism before it is too late?

I have to say that I await the Budget they are going to produce for the year 2000 with eager anticipation. I am not an economic pundit, but I know the government is going to have some problems achieving a balance. It is going to have to pull several rabbits out of a hat. And I know that the Minister of Education has a hat full of rabbits! I hope he has more than two hands because he is going to need more.

Back to the principles. The principles lie in the fact that the solution is so simple it may have been escaping us for many years. We have to prioritise. Look at the predicament we are in. We have a budget where we taxed the people for two successive years. We have been borrowing for more years than that, and still we need \$50 million for educational infrastructure. We have a project of no small proportions. There is talk of improvements to the airport runways in Little Cayman and Cayman Brac. We have the recent prison fiasco.

And, Madam Speaker, I do not need to remind you (because you drive on the roads) we have roads coming from your district of North Side, on through Bodden Town into George Town that are in a deplorable state. My heart goes out to expectant mothers driving on those roads—up and down, bump and go! It's a good thing we have a seatbelt law, otherwise we'd be looking for people all along the sides of the roads!

To think that we are going to raise the revenue by taxing people with garbage fees, on liquor, on cigarettes, on gasoline, and on diesel. Yes, Madam Speaker, diesel, because one of the promises the government made years ago was that it was going to remove the twenty-five cent surcharge. That was one of the sins that they most vividly held against the government they succeeded in 1992. What did they do? Instead of removing the twenty-five cents, the added twenty-five cents—or something

close to that! It's closer to fifty [cents] than it is to forty [cents].

Which element in the population is most affected by all of this? The working people, the middle class; the young people who scream they cannot get affordable plots to build a house on. They cannot find affordable rent. They are screaming because they are pressured. School fees, book rental fees, car loans, utilities, payments, lunch money, nothing for vacation . . . it is a deterrent and a distraction. Its no wonder we have problems with our young people becoming disenchanted, alienated and dropping out of society. If one is working from sunup to sundown 365 days per year and does not have the means to have a little family vacation, then one has to question the purpose of work.

There is no use in anyone trying to convince me that everybody in the Cayman Islands is prospering, because it is not so. Everyone who wants a job in the Cayman Islands may be working, but it would be interesting to find out how many have to work two and sometimes three jobs just to keep up. You know yourself, Madam Speaker, we have the people coming and telling us their predicament. And sometimes they have to humble themselves to request support. Some of them do it on the verge of tears, but it is necessary. They need help. And I am talking about conscientious, responsible, law abiding, working people who can't keep up. They fall behind. Why? Government taxes, garbage fees, licenses . . .

Would you believe it? There is a Caymanian company, Savannah Springs, employing Caymanians. Their business license fee is \$25,000. All of the competition that company has . . . a motion was brought here asking government to give some kind of consideration. Government accepted the motion, but nothing has been heard of the matter since. I would like the government to know—and I am putting them on notice—I have not forgotten. And if they have forgotten I hope that in their response to this review of the revenue measures that they are going to say what is going to be done to alleviate entities in that category.

Can you imagine bulk water suppliers, \$25,000 per year for their business license? And yet CUC and Cable & Wireless (who do that business in one second) only have to pay \$5,000 a year? It shows that the government is hodgepodge. They have no plan! They have no architect capable of giving them a sensible design as to what direction to take.

I want to conclude my reference to the Deloitte & Touche "Cayman Update" by reading this, "**The largest source of income for the government is from consumption duties levied on the importation of goods, alcohol and tobacco, and land transfers. Most notably, the duty on alcohol and tobacco was raised by 25%.**" How in the world can we expect to be a premier tourist destination among the elite in attracting tourists if we have a duty levied on tobacco and alcohol raised by 25%? That is why I am saying that when Cuba opens up we are dead! We are D-E-A-D—dead—as a tourist destination!

Do you know what you can buy liquor and tobacco for in Cuba? We are not even going to be considered, not

even by the most loyal of tourists. They are going to be forced to seek an alternate destination. It is no wonder why we have 300 restaurants complaining. All these things are impinging on the government's ability to collect revenue. Business is down!

I read in the newspaper today that the restaurants are hurting. How are they going to be able to pay their garbage fees and their business licence fees? Government has to do something to ease the burden off these people. And this motion is not asking them for a total roll-back because we know that government has to have money to function. We are asking them to review their plan because we are convinced there are areas that can be decreased.

One thing that I find frightening, and the Third Elected Member for George Town drew graphic reference to it in his debate on the budget, . . . when we get to the point where we are talking about increasing school fees and book rental fees we are playing Russian Roulette. And when we spin the chamber and pull the trigger . . . one of these days we might hear "POW!" What we are doing is hampering the ability for people to get the education which we know is necessary for them to compete in this society.

Can you imagine a family of five with the increase in school fees and book rental fees? And I notice that the Minister said that anyone who has problems can notify the Department, or go to the Social Services Department. Well, let me show you the fallacy of that. That is patently fallacious. Where do these departments get the money? You tell me where they get the money. It's money collected from the people! So that solution is patently fallacious.

It's a good thing that I am only a single-entry book-keeper. Heaven knows, if I could master the two entries, how much more brilliant I would be.

The solution to that is to find a way to do without imposing the fees. Find some other avenue. I don't know. It's not my duty. It's not my responsibility. So I am just telling the minister not to come with that. Trust me. When I am there—as I expect to be (God willing)—I will know what to do, where to tap, and who to check.

Madam Speaker, allow me to digress a moment. There was once a great Master who had perfected 360 tricks in Judo, 360 moves. And he had a star pupil. He taught this pupil 359 of those moves. One day the pupil became so arrogant that he went to the Emperor and said, "I am the best Judoka [?] in the Kingdom because I am young, I am smart, and I am brilliant. I can dispose of that old master any day the sun rises." The Emperor became quite concerned because he had no time for arrogance. So he summoned his subjects and called the old master and said, "We are going to settle this once and for all. You have to demonstrate that you are still worthy of being called the Master."

In the combat, the arrogant Judoka came charging at the Master. And with a little death movement and a flick, the Master quickly put him on the ground. The Emperor said, "Sir, tell me how you did that." The master said, "Ah, I anticipated such an occurrence and I held one move back."

So, Madam Speaker, I am telling the Minister of Education that I am holding back the strategy in anticipation that one day he will no longer be there, and it will be me! He can send all the distractions he wants. He sent some foolishness out here about some invitation to some trade union party. I will not be distracted!

[Members' laughter]

Mr. Roy Bodden: I have some advice for him: Maybe he should go to this party to relieve himself of some stress! I am not a trade unionist. And since it is being held in his constituency by his colleague, maybe he would be best served by going. My business right now is the review of the budget measures. And believe you me, I cannot, and I will not, allow the Minister of Education to distract me.

Do you know why he wants to distract me? Because he knows that what I am saying makes sense. If it didn't he wouldn't be trying to distract me and throw me off track. I am too old a soldier in the army to be fooled by a young corporal!

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

Mr. Roy Bodden: Yes, Madam Speaker.

The Deputy Speaker: Proceedings will be suspended for fifteen minutes. But I stress to honourable members, let us return to the Chamber in fifteen minutes because we haven't spent one hour in this Chamber today. Thank you.

PROCEEDINGS SUSPENDED AT 3.31 PM

PROCEEDINGS RESUMED AT 3.52 PM

The Deputy Speaker: The Third Elected Member for Bodden Town continuing his debate on Private Member's Motion No. 24/99.

Mr. Roy Bodden: Thank you, Madam Speaker. I wish to remark that the First Elected Member for George Town, the mover, and I, the seconder, and other honourable members of the backbench with whom we held consultations prior to bringing this motion, were convinced that we need a review because these honourable members told us that they too have received representation from groups of persons from all sectors of the society who are concerned.

There is a restaurateur whom many of us are acquainted with. This person has been complaining to us ever since these measures were put in place. Indeed, on visiting the establishment once or twice, we ourselves saw that the complaints had legitimacy because business is down seriously.

Madam Speaker, it is easy for the government to dismiss these kinds of concerns, saying that they are by pessimists, or that they are by Jeremiahs, or that they are by people who only see the downside—prophets of doom, as the Minister of Tourism has so ably reminded

me. Well, if all of these are prophets of doom or Jeremiahs or pessimists, then, clearly, the Minister of Tourism has his work cut out for him because the numbers of these persons are increasing. Perhaps if there were one or two people it may be reasonable and legitimate to take that position. But with the increasing number one can hardly dismiss them as being prophets of doom or being even alarmists.

I also want to assure the government that while I am saying it is their responsibility—it is their responsibility because the Constitution so outlines it as their responsibility—it is also my responsibility as the Member of the Legislative Assembly. As a conscientious citizen it is my responsibility also to bring it to the attention of the government. It is also my responsibility to be concerned that these things are happening because, of course, when the economy takes a serious dip, I am going to be affected just as much, even more so.

As a representative of the people, I have to be a buffer and a cushion between the people and the government. We who support this motion are exhibiting what Edmund Burke told the Sheriff of Nottingham in an address: We are being a buffer between the government and the people by bringing it to the attention of the government that the people need some relief.

Madam Speaker, I mentioned before (but it bears re-emphasis) that that element most affected by this is what I am most seriously concerned about, namely, the young, upwardly mobile middle class. Those people who, let us say are between the ages of 26 to about 40, who form the bulk of our workers in both the private and the public sector. Those persons, and particularly the families, who should be able to realise their aspirations are being pressured the most by these kinds of revenue measures.

Madam Speaker, I want to go on now to touch on a very sensitive area that needs addressing because we also got some complaints about this. It has to do with the area of company management and company registration fees. You will recall that some years ago we were concerned about the competition. The Cayman Islands reduced the fees to make our jurisdiction more attractive because we ran the risk of being overtaken by the British Virgin Islands (BVI) and other jurisdictions who are trying to mirror our success formula. We reduced the fees.

In the last budget the Finance Law of 1998, which was assented to on March 16th, introduced time period penalties for late payments on the annual company fees. But not only do these penalties apply for late payment of fees, but also late submission of annual returns. What is significant also is that Section 42 of the Companies Law (1998 Revision) covers resident companies, but sections 187 and 188 cover exempt companies. Now, I believe that this had not been done in the past where exempt companies came under these kinds of restrictions.

The Registrar of Companies already had the ability to impose penalties for late payment of annual fees and for late submission of annual returns at the rate of \$10 per day under the sections mentioned above. However, section 218(2) of the Companies Law (1998 Revision)

gave him discretion to waive these penalties. And until now, I believe he has done so.

However, section 2(j) of the Finance Law 1998, removes that discretion in his regard. We have gone full circle now from reducing the fees of a couple of years ago to make the Cayman Islands jurisdiction more attractive to company registration. We have come back to the point where we have imposed these onerous fees on the companies.

It seems to me, Madam Speaker, that we are at cross purposes, which is another indication that the government is in a position where they can offer no tangible solutions but crises management. They are putting a Band-Aid on open-heart surgery and it is not well thought out. And, it is time—if the government does not choose to heed the suggestion made by the Third Elected Member for George Town and establish a think tank—for them to do something else which is creative, intelligent and consistent with our intentions of easing the burden on the working class and finding some other means to raise these kinds of revenues.

I find it interesting to see that the government is now buddying up to the Third Elected Member for George Town, trying, as it were, to woo his expertise, swooning over him when in the years prior to his being here they had so much to say about his absence. Even in their Manifesto they could not leave him alone—listing him as one of those persons who had ideas about advancing the Constitution. I say that to say that we cannot afford to be hypocritical. I know that political advantage notwithstanding, we can no longer afford to speak out of the two sides of our mouths. If we talk the talk, we have to walk the walk.

I believe, Madam Speaker, that all honourable members in this House have a contribution to make. Each individual member has a contribution and collectively we all have contributions to make. If the government were smart, they would listen to what is being said on the backbench. Of course, one would not expect them to adopt every idea, but they would sift what was reasonable and practical, and adopt that. They would not even have to give credit to any honourable member or members if they did not wish to. But to arrive at the position where only the government makes sense and a few selected members on the backbench make sense is simply lubricious and it is a luxury that the Cayman Islands can no longer afford.

I believe there is merit in asking for a review of these measures, albeit we are on the eve of introducing a new budget, I noticed that there has been an announcement about some task force or committee to examine the increase in fees on liquor. I believe that the situation warrants that at this time, and I would hope that the findings could be such that there is a reduction (even although I am not a liquor drinker myself).

I believe that it is important to continue to attract tourists to our area, and one of the ways to do that is by having competitive prices on alcohol and cigarettes. So, I would hope, if these findings are such that there is a recommendation for a decrease in the revenues, that the government would be in a position to accept the recom-

mendations and to implement them. It behoves all of us in here to ensure that the Cayman Islands have a continued high economic standard of living.

I believe also that the time has come for us to seriously examine this regrettable practice of imposing school fees and book rental fees. This is fraught with difficulties. Let us remember too that in the private schools there is great reliance on the government for grants and other subsidies. This practice is self-defeating if on the one hand we are expected to give grants and subsidies and on the other hand we are imposing fees—book rental and school fees—on the parents. It then becomes a fruitless exercise, a no win situation, a zero sum game if you wish, Madam Speaker.

I am against tampering with the ability of persons in the Cayman Islands to access education because that is flirting with disaster. It is the one thing that I am relying on (that is, education) to bring parity in order for young people to acquire the skills to cope in our society. If we remove that ability Madam Speaker, we might as well give up. And if we think we have problems at Northward Prison now, just give us a couple years if we continue that practice.

So, Madam Speaker, the government has a challenge before it. In all seriousness, I would implore it to accept this motion and let us knock heads together. This is not about one-upmanship. This is not about who is going to come out looking good or who is going to be made to look bad. This is about the very continued economic survival and social stability of our country. We cannot continue imposing revenue measures on the same old things year after year. The business sector is crying, the population at large is crying, we are hearing even louder cries from young upwardly mobile people who have families. They are not making progress. We ourselves, Madam Speaker, in this very Chamber are affected. We know the challenge to make ends meet. And I am not even talking about having any large surpluses.

I am calling on the government to exercise its conscience and good judgment the Minister of Education so often boasts the government has, and accept this motion. I am, also, telling them that if they come with any nonsense I am going to leave them to my colleague who moved the motion, the First Elected Member for George Town, who is quite capable of putting them in their place. Thank you, Madam Speaker.

The Deputy Speaker: Does any other Member wish to speak? The Honourable Third Official Member.

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

I rise to offer some comments on Private Member's Motion No. 24/99, and to also comment on some of the observations made by the First Elected Member for George Town and the Third Elected Member for Bodden Town.

In re-emphasising the content of the motion, the First Elected Member for George Town said earlier this morning that what the government is being invited to do,

is to review the measures with a view of easing the burdens imposed upon the people of the Cayman Islands. I am quite happy to say that on this basis, the government is quite willing to see to this request and to accept the motion. Government recognises an obligation and a commitment to give attention to any revenue measures imposed that would have an unfavourable or likely adverse impact upon the community. However, there are some thoughts that I would like to offer. I am going to be picking up various points that have been made.

Around 18 September, preceding the Commonwealth Finance Ministers' Meeting, I was invited to open a workshop that was being held by the Macro-Economic and Financial Institute of Eastern and Southern Africa. The Chairman of the meeting was the Honourable Finance Minister, I think from Tanzania, but one of the ministers who spoke in Chairing introductory remarks described the Cayman Islands. [He said that] what he had seen up to that time in Grand Cayman . . . it was probably the most attractive he had seen in his life. He further went on to describe the Cayman Islands as a place between heaven and earth. He further said that this underscored an observation that he would like to make for himself and others of a country being so successful without having in place direct taxation.

Madam Speaker, when we look at the Cayman Islands today, it can be regarded as a metropolis. We have individuals that have been settled in the Cayman Islands from all over the world community. This is a home for many. When we look at the standard of living in the Cayman Islands, when we look at the quality of the infrastructure, when we take a look at the range of services that our communities are demanding of the government, all of this comes with cost.

When we look at the quality of the health care facility that was opened less than a year ago, when we look at the quality of the other health care facilities, such as district clinics that have been put in place; when we take a look at the roads, when we look at the ambience of the community and the three islands, all of these are viewed as breathtaking.

First of all, it makes a very big difference in the psyche of an individual coming to a place that appears to be attractive, that appears to be successful—a place that is successful, where stability in governmental functions exist, where there is relative contentment amongst the people in the society. Madam Speaker, all of these things come with a cost.

When we look at the method of taxation that we have in place in the Cayman Islands, we often refer to it as indirect taxation. We do recognise that it is one of the most inefficient means of raising revenue. But, when contrasted to direct taxation, which provides a certain guarantee as to revenue flows (because this normally is attached to income with a higher level of predictability), I think on a whole, we would have to consider very carefully the demerits of the indirect taxation system before opting to move to a direct taxation system.

The two members that spoke previously have not given any indication that this is the direction in which we should be heading. What has been suggested is that the

existing system should be examined and streamlined to achieve a greater level of efficiency. Madam Speaker, this is the commitment of the government. This is the commitment that underlies the present reforms—the reforms that are now underway not only on the fiscal side but also in all aspects of government.

These reforms are activities where the entire membership of the Legislative Assembly can take credit because there is a commitment to preserving what is good and what we have come to accept as a way of life in the Cayman Islands. We would want for this to continue, not only for ourselves but also for our children.

Madam Speaker, when we look at recurrent expenditure, we recognise that recurrent expenditure is growing at what could be regarded as an unacceptable rate. The gap between recurrent revenue and recurrent expenditure is narrowing on an annual basis. We all recognise that we have a limited revenue base and this is the base that we have been going at whenever there is a need for us to raise additional revenue. But when we look in terms of the growth in recurrent expenditure that the two members and other members (including me) have indicated that will have to be restrained, we do recognise that recurrent revenue is not just driven by bringing personnel on board. I would say each year recurrent revenue is becoming more significant from the point of view in terms of the growth—more as a function of capital development and capital expenditure.

When we look at the new health services facilities that has been put in place, all we need to do is to see the change that has occurred in the year of operation against previous years in terms of the jump in recurrent expenditure. But no one would suggest that such facilities were not needed—they are absolutely necessary and very much needed because they underpin the entire structure of our economy and country. I always knew that health care facilities should be regarded as a premium facility in any given country and as a need. But as I found myself attending various meetings overseas and having to make presentations in selling the Cayman Islands and talking about the Cayman Islands, the question was always put especially about those persons who are middle-aged and upwards as to the quality of health care facilities. This is an age where most of the times medical attention is very much needed, and it is very good to know that a given level of tertiary services can be provided in the community.

We are now thinking in terms of putting in place new primary school facilities. In addition to the capital expenditure, this will also attract recurrent expenditure. Therefore, the statement made by the Finance Minister in terms of the attraction, we do recognise that this comes with a cost. And as the community continues to develop, the standard of living continues to increase and demands are also on the increase. It is going to mean that this can only be done at an additional cost. This additional cost will have to be borne by someone.

The First Elected Member for George Town made the statement this morning that he would like to see government find ways and means of raising revenue that will not affect the earning power of the citizens of a country.

We would all like to see that, Madam Speaker. This should be an objective or a target set. But any revenue measures that are put in place will have an impact on the earning power. It does not necessarily mean that will have to be an adverse impact or an unfavourable impact. It is going to be unfavourable because on the one hand, some will be taken but on the other hand, there will be benefits accruing as expenditure will have to take place in order to continue to keep the community attractive. More importantly, for the residents or citizens that are living in the community their peace of mind will first have to be secured before we can look in terms of, let us say the individuals that are transient. This is very important because the expectations have already been established.

Madam Speaker, going back to the indirect system versus the direct system, we know there are views being advanced at this time, for example within the European Community, that would suggest that reliance on import duties should be decreased and other alternative measures put in place. The only way to compensate our relying on our revenue from import duty in excess of 40% is through an element of direct taxation. This is the direction that I do not think we should take as an option or regard as a viable alternative. It's an area that we have to look at very, very carefully.

Now, the argument was also mooted, Madam Speaker, in terms of the inequities of the indirect system, in that it has an adverse impact on certain segments of the population. It will, because what it translates into, Madam Speaker, is consumption tax. It means that when we go to the supermarket and we pick up items, the majority of these items will have an import duty component into it. Whatever add-ons are brought about are normally passed on to the consumer and they will also be included in this as well. But this allows for certain flexibility because good choices can be made whereby the impact of such price transference can be minimised to a given extent.

When we look at the revenue measures that were introduced at the beginning of the year, we find that it was anticipated that \$11.8 million would be collected. Out of this \$11.8 million, we find that the direct impact, let us say on the financial services side by way of company fees, would have been in the region of approximately \$5.3 million. So, if we regard that impacting upon the financial industry with a given external component, you would not have price transference within the local community. The differential to be absorbed would be approximately \$6.5 million.

When we take this and we spread it over the estimated population base at the end of 1998 of \$38,400, it works out to approximately \$170 per person. We know that that in itself, is not a good indication to say that this would have been the direct effect. I am talking about averages here, but what I am showing is in terms of the overall impact. For example, what will be the cause of a decline within certain sectors or where you have a lower rate of growth in certain sectors of the community, it may not necessarily be attributable to revenue measures that

have been introduced by the government. There are other variables that are at play.

Madam Speaker, the First Elected Member for George Town suggested that in terms of looking at sources of, let's say future revenue (and I may not be quoting him correctly in this regard but I am sure he will understand the point that I am making) one area that we should be looking at should be the financial services sector. I would suggest that we should not look to this sector at this time given the other dynamics that are taking place within the international forum that could impact on us, given the fact that what we are trying to achieve in order to keep our financial sector operating, let us say on an acceptable basis, where they find doing business in Cayman attractive is cost minimisation.

We do not have direct taxation in the Cayman Islands. But when we think in terms of doing business in the Cayman Islands, we know that it is a high cost jurisdiction. We know that there is a high component in terms of salaries and wages—all of these things have to be factored into place. Yet, we know that although these costs are high, it is more attractive for international financial activities to be carried out in the Cayman Islands than elsewhere. Where labour can be secured at a cheaper rate, there are onerous governmental fees and taxes that discourage outside investors from coming into such communities. So, this balance will have to be maintained.

Within the local community, we have been talking about the financial reforms, but we have to look in terms of the implications of what this means. Practically every sector of service, or every area in which government provides a service, is heavily subsidised. We have to look at those subsidies very, very carefully. A very good indication of that is refuse collection. If this is established to be \$350 per annum per household, and the government collects \$150, it means that there is a subsidy of \$250.

Because we have an indirect taxation system in place and this is not linked to income, when we add garbage fees, motor cars annual licensing fees, and when we take the other fees that have been put in place by the government, a person at the lower end of the income scale will be absorbing a disproportionate amount of those fees in comparison to someone at the top of the income scale. So, when we look at it like that, Madam Speaker, it creates certain disadvantages. But, at the end of the day, what it allows the individual to do really is to shape to a given extent, his or her consumption of those goods and services within the community.

The Third Elected Member for Bodden Town mentioned that there are many people within our community who are working two or three jobs to make ends meet. It is quite true that there are quite a lot of people who find themselves in difficult situations where they are very much financially constrained. That may not necessarily be as a result of onerous fees that are put on by the government directly and indirectly passed on, let's say through suppliers. Often times when we look in terms of the habits of such persons, they will have to be examined very carefully.

For example, when we take the average expenditure, quite a number of persons in our community are into what is called a dis-saving mode, in that they are spending much more than they earn. A number of us have our credit cards up to the limit. When we look in terms of our consumption, when we look in terms of expenditure, often times where a mortgage of for example \$100,000 would afford acceptable accommodation, we do find ourselves making choices that create greater strains, whereby we are buying mortgages for \$150,000 or \$250,000—mortgages that are difficult to afford. This creates a strain.

We know the social implications because a part from ends not being able to meet, we have parents out of their homes working two to three jobs as mentioned, and we have the television being the babysitter. We also have other forces at work, which we call the adverse social impacts that such behaviour brings along.

What we need to do is to try and encourage good habits within the citizenry of our community. What is very important is that we are in a God fearing community. And, the best of us will stray a bit in our spending from time to time, but I think we are quite willing to bring ourselves in line.

Madam Speaker, there are areas inside the revenue measures, and when we sit down and look at them in terms of the bulk water distributors, the licensing fees and so on, the government recognises that it is very important that these areas be looked at. The government would not want undue and harsh burdens to be imposed upon the community and the government is fully committed to examining these revenue measures particularly at this time when we are into the throes of the budget. One of the areas that the government is fully committed to—

HOUR OF INTERRUPTION—4.30 PM

The Deputy Speaker: Honourable Member before you move on to another subject, we have now reached the hour of 4.30 p.m. Are you going to be concluding your debate shortly, or will you continue tomorrow?

Hon. George A. McCarthy: Shortly, Madam Speaker.

SUSPENSION OF STANDING ORDER 10(2)

The Deputy Speaker: I will entertain a motion to suspend the relevant Standing Orders.

Hon. George A. McCarthy: Madam Speaker, I so move.

The Deputy Speaker: The question is that the [relevant] Standing Orders be suspended to go on beyond the hour of 4.30 p.m. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it. Please continue.

AGREED: STANDING ORDER 10(2) SUSPENDED.

Hon. George A. McCarthy: Madam Speaker, continuing with my thoughts on recurrent expenditure. . . The government recognises that there is a need for recurrent expenditure to be contained. But a decision cannot be made for the year 2000 Budget to reduce recurrent expenditure by 5% or 10%. The exercise that is underway is where the budget is being developed on an output basis. This, hopefully within the next two years, will allow for all services within government to be costed.

When the services are costed, a determination will be made as to, let us say the utility services, what extent the community is benefiting by the provision of those services. Once a determination is made that those services will have to continue to be provided and can be provided more efficiently by the government, at that point in time an overall or aggregate costing will have to be developed.

When aggregate costing is developed, it will allow for the government to ascertain areas in which services are being provided at significant subsidised cost. The government of the day and members of the Legislative Assembly will be called upon at that point in time to take a conscious decision as to whether it is the will of the government to continue (once the figures become known) subsidising certain services to the tune of 50% - 75% or in what ways will those subsidies be compensated for. What areas will be compensating for those subsidies that will have to be provided, or that will be allowed?

For example, we know the field of education is one area that for an indefinite period into the future will have to be subsidised to the extent that it is known the unit cost of, let us say educating a child, and to the extent of what revenue streams exist by way of the minimal charges that are in place. Then a conscious decision will have to be made: Is this an area in which the government is willing to continue to provide a subsidy?

When we take the area of refuse collection, when we take the other areas, for example on the medical side, certain decisions will have to be made. It is quite likely that the government will take a view that those areas of subsidy should be reduced or varied. When that is done, Madam Speaker, it means that the government can sit down and engage in constructive dialogue with members of the Legislative Assembly and with members of the community to demonstrate, for example, what is the cost of providing governance within the country.

Now, at that point in time is where the think tank committee will be able to make its greatest contribution and will have its greatest relevance in terms of sitting down and working with figures on a basis that is very clear and comprehensive. First of all, alternatives can be examined as to whether there are other ways in terms of providing these services.

We are going through a period now, Madam Speaker . . . and I believe as one honourable member said, that this is a house of politics. And, we do understand that politicians will have a go at each other—the

government will be going at the backbenchers and the backbenchers will be going at the government—but there is a singular commitment in preserving the structure of our society. And, each side is saying, *‘Look, we do realise that all of these things are necessary for our community’* but they will always have their differences in how these things should be done and also their views in terms of who can provide a better service.

Madam Speaker, the private sector will have to be very careful when it attempts to impart information on the Cayman Islands. I do look very carefully at this “Cayman Update” provided by Deloitte & Touche. It is very good when an accounting firm is providing information that is useful within the local community and within the international community. When we read in terms of . . . and I will just quote if you will permit me do to do so. **“Among other things, the United Kingdom Government is encouraging overseas territories to adopt good government measures while conducting day to day business.”**

This underscores the principles on which the Cayman Islands operates as a country. Wherever the government may fall short in a given area, we have members of the backbench who will make suggestions, but collectively this is done and we have evidence of this throughout the community. We are living in a community that is well managed.

Another quote I would like to make is where the statement is made, **“The dilemma faced by the United Kingdom Government is that they are ultimately responsible for debt but receive no compensation from the overseas territories for this risk”** This is where the government took a decision some time ago that a certain benchmark should be developed, in that no more than 10% of recurrent revenue should be used to fund borrowings.

What is quite interesting is that at the recent Commonwealth Finance Ministers’ Meeting, it was not surprising when we heard some of the statements made and also in papers shared that suggested that some countries are spending as much as 40 cents out of every dollar collected for debt service. When we are in the region of less than 7% of recurrent revenue to service indebtedness that is quite an accomplishment.

Madam Speaker, some time ago when the Cayman Islands used to benefit from concessionary funding from Caribbean Development Bank, honourable members of this House would be very much surprised to know which of the directors or governors of the bank was advocating that the Cayman Islands should not benefit from concessionary financing. This is why we have to be paying today at the hard rate because it was felt that given our standard of living we should not benefit from concessionary financing. That is on record at Caribbean Development Bank today. I was very much surprised by it but God has been with us and with all of the difficulties that we have encountered, we will continue to enjoy our success.

Madam Speaker, we know that there are other means by which we could secure long-term financing that are less burdensome. We know that most of our bor-

rowings at this time are short term. For example, if there is nothing at all added other than the \$26.5 million that has been approved by this honourable House for the year 1999, by the year 2012, there would only be \$1 million outstanding. Madam Speaker, collectively that shows good judgment.

We know that we cannot say that loans will not be raised between now and then. But the tools by which we manage our indebtedness and the means by which we secure financing can be refined during the intervening period and we will work at this as a part of the financial reform initiative.

In my contribution to the Government Minute (and this was said previously) the government will emerge a policy that, first of all, once the expenditure levels have been established (and that is for recurrent and statutory) and also looking in terms of what the contribution will be to the capital development fund, that the revenue be allocated on an annual basis. First of all, a certain percentage to cover recurrent and statutory expenditure, a certain percentage to build up our general reserves, a recurrent and statutory that will cover the contribution into the Government Pension Scheme at this point in time.

At the end of September, the balance in that fund was \$47 million, and by the end of the year it will be in excess of \$50 million. When we take that and compare it to the past service debt cost, Madam Speaker, that is more than one-third of the funding required to cover the past service liabilities. So, progress is being made. What we have to do is to continue to refine the tools.

When we are looking at containing recurrent expenditure, we have to look very carefully at the capital projects because at the end of the day if a facility is developed, it will have to be staffed and maintained. All of these things will have to be looked at because we cannot put up these buildings and then close them.

In addition, we know that we have our community and I am talking about the three islands, where we have settlements that are occurring in various sectors. This will attract infrastructural development cost—school facilities will have to be put up, roads will have to be put in. Other amenities will have to be put in place such as water and sewage. All of these things attract a cost.

Madam Speaker, as we continue to develop as a country and as we continue to maintain the cosmopolitan look, this is going to come at a cost. In addition to that, employment opportunities . . . to say to the international community that the Cayman Islands is a safe place in which inward investment should occur, what we are saying to the international community is put confidence in the Cayman Islands—the Cayman Islands is a safe place that will guarantee a timely and acceptable rate of return.

When those individuals come amongst us, that carries with it a certain cost because it means that we will have to expand the carrying capacity of our infrastructure. We will have to expand our school facilities and medical facilities because these are individuals that are coming in to live amongst us. At the same time, Madam

Speaker, it is going to cost more because we are talking about having to secure employment opportunities.

So, at the end of the day, if we were to do an analysis in terms of how income is apportioned other than for the disparity that comes about because of the type of tax system that we have in place, I would say that the disparities can be regarded as minimal in comparison to the alternative system—a direct taxation system or a regime that functions on that basis. That is one of the quickest way to run into what you call runaway government when there is a certainty in terms of governmental revenue and flow of funds. I am certainly glad and heartened that there is no one here advocating that principle.

Madam Speaker, we will have to continue to hone the tools that we are using. We will have to continue to effect refinements. We have to consider very carefully in terms of the implications of capital projects in terms of looking at the economic rate of return that is workable in the private sector. But it is not in all instances a necessary indicator in government. We can talk about the cost benefit analysis, and I think that would be more relevant because how do you place a value in terms of the output from education and medical services? There are certain services, which would not be cost effective, as such, for the private sector to engage in. At the same time, government will have try and minimise monopolies.

So, when we look overall, there is a delicate balancing act that will have to be maintained. It is on this basis that I am very glad that the government is willing to sit . . . and (as the Third Elected Member from Bodden Town said in his concluding remarks) knock heads together. Implicit in this is, let us bring our collective judgment and will together in order to chart the course for the future. He further went on to say that this was no one-upmanship principle that was being advocated.

So, Madam Speaker, on this basis, I think collectively when we look in terms of the government's financial position, it is quite heartening to see the position at the end of the August. We are hoping that we will wind-up the year with a surplus. As was pointed out during the meeting of Finance Committee, there is an area which is now factored into the surplus balance and this allows for a margin of uncertainty that we will have work on. The government is committed to working on that because that factor will have to be taken out. That is, overseas medical fees.

We know that quite a substantial balance has been built up. We know that there are quite a number of persons there who do not have the ability to pay and that could compromise a significant part of that value, which is into the brought-forward surplus balance. We are attempting to rectify this by going through and doing an analysis to take that out. But, Madam Speaker, where a person has the ability to pay . . .

I am certainly encouraged by the motion that has been put by the Honourable Minister for Health to try and offer the incentive as an inducement for people to come in and settle their bills. When we take what is owing on the overseas medical bills plus what is owed on the local bills, it is quite substantial. And, in addition to that, what becomes distressing at times is that the government is

providing that service at a significantly subsidised cost. So, this is almost adding insult to injury when both factors are combined—non-payment, plus the fact that it is heavily subsidised.

It is good that we have medical health facilities as a part of our community, and it is good that those services are available within our community. But every member of the community that goes to the hospital for medical treatment should recognise that there is a cost incurred by the government in making those services and facilities available. That in itself should suggest or prey upon their conscience that payment is valid and due.

So, Madam Speaker, I will re-emphasise this once more: The government accepts the motion and will be quite willing to knock heads together with members of the Legislative Assembly to see if the abnormalities that are there can be rectified and as we progress through the budget for the year 2000, obvious disparities that will come to light will be addressed. We will never achieve the ideal system, but I do believe that with refinements that are underway and which are being contemplated at this time, overall we will continue to go from success to success.

There won't be onerous burdens placed upon any given segment of the community that can be regarded as attributable to, let's say governmental costs by way of direct fees that are being imposed and also in terms of what is being transferable. At the end of the day, diversification of the economy . . . first of all, even in that area when we get to look at it given the structure for economy in terms of the emergence of revenue this may not be in the short term. Government may probably have to offer subsidies in certain areas but what is important is that, first of all, as our population continues to grow and since we have negligible unemployment rate, we have to venture into those areas.

Diversification is important, Madam Speaker, for securing employment opportunities because at the end of the day, the welfare of the citizens and the wellbeing of the citizens are very important factors.

One of the things that will have to be borne in mind under the system, and this is a drawback, is that safety nets that are normally put in place, let us say where governmental revenue becomes predictable on a direct taxation basis, will have to be looked at very carefully. Because all of these safety nets that should normally be in place would not normally be in place or, let us say, to a reduce extent under the present system. But on a whole refinement to our system, we can make it work for an indefinite period into the future.

Thank you very much, Madam Speaker.

The Deputy Speaker: I will now entertain a motion for the adjournment of—

Is there a quorum in the House? The most important channel is the Chamber of this Parliament.

I will now entertain a motion for the adjournment—

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, just to clarify before I put that. We were in a very important meeting with presidents of some of the major associations in this country, trying to deal with them.

I now move the adjournment of this Honourable House until 10.00 a.m. tomorrow.

The Deputy Speaker: The question is that this Honourable House do now adjourn until 10.00 tomorrow, Thursday, 14 October. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it. This Honourable House is now adjourned until 10.00 a.m. tomorrow morning.

AT 4.59 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 14 OCTOBER 1999.

**EDITED
THURSDAY
14 OCTOBER 1999
10.27 AM**

*Mrs. Edna M. Moyle, JP, Deputy Speaker
In the Chair*

[Prayers read by the Honourable Third Official Member responsible for Finance and Economic Development]

The Deputy Speaker: Please be seated.

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

The Deputy Speaker: I have apologies from the Honourable Speaker, the Honourable First Official Member responsible for Internal and External Affairs, and the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture who are stuck in Cayman Brac as flights are not operating this morning.

I have apologies from the First Elected Member for West Bay, the Third Elected Member for West Bay, the Fourth Elected Member for West Bay, and from the Fourth Elected Member for George Town.

The next item on the Order Paper is Questions to Honourable Members and Ministers. Question 145 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 145

No. 145: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works which entity is paying for the second phase of the Harquail bypass.

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The second phase of the Harquail Bypass is being constructed from funds approved in the 1999 Capital Budget. Two of the major property owners along the phase II alignment have agreed to make land and monetary contributions toward the construction of the road. An agreement to complete these transactions has been drafted by the Legal Department and is currently under review.

SUPPLEMENTARIES

The Deputy Speaker: Supplementaries, the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House the identities of these two landowners and also the extent of the contributions both in land and in monetary amounts?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The two property owners are Cayman Shores and Limestone Investments. Each will be contributing to land on which the road is being built, as well as assisting with the construction cost. Cayman Shores will also be carrying out construction of the concrete curve, gutter and median as well as landscaping the median.

Their financial contribution in addition to these works is in the region of C1\$2 million. Limestone Investment financial contribution is in the region of C1\$400,000. Public Works estimated cost for the project, excluding additional works being carried out by Cayman Shores, is approximately \$2.8 million.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if either or both of the two entities named in his answer have planning permission at this point in time for any development on the two parcels of property?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, Limestone Investments, we believe has planning approval. Cayman Shores, we do not believe has any planning approval as yet for their particular project.

The Deputy Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, can the Honourable Minister tell the House whether before accepting the contributions from this entity, particularly the latter one whose plans have not been approved yet, if any consideration was given to the fact that the government may have compromised its position with regard to the approval of planning permission by the Planning Department?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I do not believe that the government has compromised itself by receiving from Cayman Shores the length of that road that passes through the Cayman Shores property, nor the work that they wish to do on it. In essence, I believe that whenever they get their approval, that's a separate item altogether.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In the substantive answer, the Minister stated that an agreement to complete these transactions has been drafted by the Legal Department and is currently under review. Can the Minister state if in these agreements, there are any concessions or commitments, or anything of that nature on the part of government in return for the contributions and/or the works being offered by these entities?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, there are no commitments in this particular piece of drafted document that would tie the government to any further activity. There may be some concessions, in that we have agreed that they should enter onto the road at certain intervals. But apart from that, I don't think there is any other kind of commitment than that sort of entrance on to Harquail Bypass, something that we are doing for other landowners in the area.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the case of Cayman Shores, can the Minister state if there are existing applications for planning permission for any type of development on that property at this point in time?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am unsure about any application being before Planning. Quite frankly and honestly, I am not responsible for planning so they don't report to me and there could be an application or there may not be one there. I am uncertain.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just for purposes of clarity then, can the Minister state if what I am about to put together is correct. I understand from the various answers given to the supplementary questions that because these two entities own property through which the Bypass is crossing, in order to enhance their property they are quite pre-

pared to assist with the construction of the Bypass and also to allow access from the Bypass itself at certain intervals on to their property with no strings attached, nothing more, end of story. Is that the clear understanding of the proposed arrangements?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: That is the proposal as I understand it.

The Deputy Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House what factors prompted the government to enter into this kind of agreement in road construction since it is rather unusual for the government to take this kind of partnership in road construction?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, I could give a short answer and say Cayman Islands dollars but that would be inappropriate. What brought the government to this decision is that we know that as you pass through private property with a road, if we are not successful in getting the developer to agree to donate the road, government will have to compensate for it.

In addition to the cost of the road, you will also have to pay compensation to landowners. It is the one reason why we have put together a committee which has been assisting a sub-committee of the Business Consultative Committee to assist us in gaining support from landowners through which the Harquail Bypass as planned will pass, in order to get those landowners to donate the land so that the government does not have to pay compensation for it, and thus lesson the burden on the government of constructing these roads in terms of dollars and cents.

The Deputy Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, it is a pity that the Honourable Minister did not say Cayman Dollars and leave it at that because I was going to ask then if that was an admission that the government was broke.

Anyway, my question now is: Is this going to be the model for the construction of such roads in the future? that is, this kind of partnership.

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, I think the Third Elected Member from Bodden Town knows well within his soul that the government is not broke, so I won't bother to speak anymore about that one. But the partnership in terms of construction of roads, yes, wher-

ever we can possibly gain the assistance of the landowner to donate the land to the government, we will do so.

The Deputy Speaker: The Third Elected Member for Bodden Town, this will be the last supplementary on this question.

Mr. Roy Bodden: Is the Minister in a position to tell the House whether this particular section of road was part and parcel of the road corridors which the Master Ground Transportation Plan (MGTP) sought to reserve, which was jettisoned and as a result of that jettisoning then the prohibitive cost came into play?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, I believe that . . . excuse my attempt to laugh at some of this but as we look at the possible second corridor from George Town going to West Bay, there are not too many options that we have. So, whatever the layout of the master ground transportation was years ago, it is very possible that this is very close to it. I cannot say with conviction because I don't have it in front of me that this is exactly the same. I think that is what the member wants me to say and I am unable to say that this morning.

The Deputy Speaker: Move on to Question 146 standing in the name of the First Elected Member for George Town and addressed to the Honourable Minister responsible for Health. The First Elected Member for George Town.

QUESTION 146

No. 146: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state if there is presently a full-time gynaecologist/obstetrician at the Faith Hospital in Cayman Brac.

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

Hon. Anthony S. Eden: A full-time locum Obstetrician/Gynaecologist commenced duties at the Faith Hospital in Cayman Brac.

SUPPLEMENTARIES

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Simply for purposes of clarity, could the Minister explain exactly what is meant by a full-time locum?

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

Hon. Anthony S. Eden: They are employed on a full-time basis but not on a permanent [basis]. It is someone until we can recruit through the process and that post has now been advertised. So it would be on a temporary basis until someone takes up the full-time post.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, what the Minister is referring to is a full-time, part-time employee?

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

Hon. Anthony S. Eden: The person is there full time and eventually if that person feels that they would like to apply for this post, they would have the opportunity to do so, but they would be performing a full-time job.

The Deputy Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Madam Speaker, just to say that the confusion might be in the answer in that it states . . . and I will ask the Honourable Minister if he would agree on this at the end. It states "full-time locum." I believe locum by definition means just for a period of time. So, I think it's wrong to say a full-time locum, perhaps, just a locum would have been a more appropriate answer. Would the Minister not agree that this is the correct position?

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

Hon. Anthony S. Eden: Madam Speaker, my understanding is that full-time refers to a full-time job meaning that he would have done whatever the previous post-holder did. Locum refers to the period of time that he will be there—not for a permanent period of time. The full-time is referring to his job and responsibilities. Does that make sense?

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, simply for purposes of clarity, what the Minister is saying is that there is a person working in the post now and that person or another person will remain in the post until it is filled on a permanent basis.

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

Hon. Anthony S. Eden: The Honourable Member is correct.

The Deputy Speaker: If there are no further supplementaries, we will move on to Question 147 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 147

No. 147: Mr. Roy Bodden asked the Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state whether any administrative differences exist between the Head of Public Health Services and his department staff.

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

Hon. Anthony S. Eden: I gather from copies of correspondence from a senior Public Health Nurse to the Medical Officer of Health (who is the Head of the Public Health Services) and his reply to her, that differences of opinion exist on the direction and management of Public Health.

I am pleased to say that discussions are taking place involving the Medical Officer of Health, the senior Public Health Nurse, the Director of Health Services, the Chief Medical Officer and the Chief Nursing Officer and various areas of concern are being addressed.

I have found that in situations such as this, there is right and wrong on both sides. However, I am confident that the differences will be resolved in the appropriate manner by the parties concerned through the discussions, which I mentioned earlier.

SUPPLEMENTARIES

The Deputy Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I am not going to prejudice these discussions which according to the Honourable Minister are ongoing at this time, but I am going to ask the Minister for an undertaking that he use his good offices to see that this situation is resolved amicably in the best interest of public health as I am of the information that it has to do with the philosophy and some of the staff are concerned that enough aggressive efforts are not taken in some public health education awareness campaigns.

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

Hon. Anthony S. Eden: Madam Speaker, I give that full commitment. And just to indicate to the honourable House, some of the desired outputs that we are looking for is one provision that is relevant and easy to understand, and targeted information to the public on the prevention of illness and promotion of good health as mentioned by my colleague, the Third Elected Member from Bodden Town, out-patient treatment of routine medical conditions by general practitioners at all district health centres and provision of physical assessment and immunisation to all school-age children and these are what we feel that we need to have as outputs.

The Deputy Speaker: There are no further supplementaries, we will move to Question 148 standing in the name of the Second Elected Member for Bodden Town.

QUESTION 148

No. 148: Miss Heather D. Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if Government would give consideration to establishing an organ donor programme.

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

Hon. Anthony S. Eden: Transplants are now used in many situations. In order of decreasing frequency and increasing complexity, the most common ones are cornea, kidney, heart, lung, and liver. Most others are still in the development stage.

Of those patients referred through the government service, I am advised that over the last year, three people (one each for cornea, liver, heart) have undergone transplant surgery in Miami. Currently, there are two patients waiting to be called to the Jackson Memorial Hospital for renal transplants.

In April, three patients received corneal grafts in the Cayman Islands Hospital using material supplied through the Florida Lions Eye Bank. As soon as a further supply of grafts are received, the remaining eight patients on the waiting list will undergo surgery in Cayman. Currently, two new patients per year are added to the list for corneal grafting.

1) What are the ethical and legal issues to be addressed in harvesting organs for transplant? Examples include the acceptability of donating organs in the Cayman culture and would it be acceptable to turn off a ventilator in a brain-dead patient and then remove organs from the loved one for transplanting.

2) What is the amount of expertise and support services required in order to perform the transplant surgery?

The question asked by the Honourable Member is a good one, but it raises a number of complex issues of an ethical, legal, financial, and technical nature, which would have to be addressed before an Organ Donor Programme could be established. Constraints on our time mean that we cannot address these issues at present,

but I am confident that in the years ahead, this will happen and it may be that an Organ Donor Programme is established.

Just for information of the House, I have had the legal drafting people look at this and my understanding is that we would need to provide legislation for this to take place. I have requested that certain legislation now be looked at.

SUPPLEMENTARIES

The Deputy Speaker: If there are no supplementaries, we will move to Question 149 standing in the name of the Second Elected Member for Bodden Town and addressed to the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

The Second Elected Member for Bodden Town.

QUESTION 149

No. 149: Miss Heather D. Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide an update on the Juvenile Secure, Remand and Rehabilitation facility.

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

Hon. Anthony S. Eden: This is once again a timely question. As most members will recall, a short time ago we did a presentation to the House. The design stage of this project has now been completed and an application for planning approval has recently been made. We are beginning to look at procurement of specialised building materials, equipment and furniture. A team of specialist consultants from the United Kingdom has been appointed with the approval of the Central Tenders Committee.

This team came to Cayman on 17 June to conduct a two-day workshop to aid the Design Team in producing the final drawings. This was accomplished by inviting input from representatives from all other departments and agencies that will be involved in the operation of the programmes to be implemented within this facility. The input from all these stakeholders has been incorporated, as far as possible, into the final drawings.

A Steering Committee, consisting of the Permanent Secretary of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, the Director of Social Services and representatives from the Fire, Education, Sports, Environmental Health and Planning Departments, Department of Substance Abuse Services, Government Information Services and Computer Services as well as the architect and project officer has been formed. This Steering Committee has been meeting every two weeks since May 1999.

A Project Management Team consisting of the Public Works Department Architect, Senior Superintendent

for Building Construction and the Project Officer has been appointed to manage the project.

I am particularly pleased that the project has reached this point in its development, as it is a facility that is sorely needed. The project will provide rehabilitation programmes for juvenile substance abusers as well as provide secure accommodation for juveniles needing such care. This facility is the final component of a continuum of care, which will be available to juveniles who require such a service in our society.

One wing of this facility will be dedicated to those young persons who are abusing drugs and who require non-medical detoxification. This wing will hold ten juveniles. The second wing, which will hold ten youth, will be the Remand wing. This wing will cater to young people accused of an offence or offences and who will be at risk if they remain in the community, or who will pose a risk either to witnesses or possibly interfere in Police investigation. The third wing of the facility will be the Secure Wing where juveniles may be directed, depending upon the given level of seriousness of their offence. In this wing there will be accommodation for six boys and six girls, with the configuration of the structure being sufficiently flexible to cope with a variation in these numbers.

The Secure wing will cater to three different categories of youth as follows:

- 1) Youth who are remanded and awaiting trial or sentencing and for whom bail is inappropriate;
- 2) Youth convicted of an offence by the Court and are then serving a sentence;
- 3) Youth whose behaviour is such that they put themselves or other people at risk or cannot be treated sufficiently in an open setting.

In any of these three circumstances, the youth will be attending this facility only by way of a Court Order.

Madam Speaker, just for the information for this House, there was an impassionate letter in the paper this morning by a parent saying that it is timely that we try to provide this for her troubled youth at this time, those that may need it. There are not a lot but I know how we all feel about this and we have cut off that funnel to Northward Prison.

SUPPLEMENTARIES

The Deputy Speaker: Supplementaries, the Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Madam Speaker. Could the Honourable Minister say where these youth are now being kept?

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

Hon. Anthony S. Eden: They are now being kept at the West Bay lock-up.

The Deputy Speaker: If there are no further supplementary, we will move to deferred Question 126 standing in the name of the First Elected Member for George Town.

QUESTION 126

(Deferred 22 September)

No. 126: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works has the Public Works Department developed any policy regarding negotiating of reduced prices for bulk purchases.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. In accordance with Financial and Stores regulations, tenders must be invited and submitted to the Departmental Tenders Committee for the procurement of goods and services between \$10,000 to \$100,000. For goods and services in excess of \$100,000, the tenders are submitted to the Central Tenders Committee. By procuring goods and services in this manner, the lowest is normally accepted to provide the goods or services.

Public Works will only negotiate for reduced prices in the case of sole suppliers of a particular good or service. In this case, permission is normally sought from the relevant Tenders Committee to negotiate with the sole supplier.

SUPPLEMENTARIES

The Deputy Speaker: Supplementaries, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Understanding the answer that the Minister has just read, and thinking, perhaps, of the circumstances which might surround the supply of aggregate or fill, which at no one point in time might exceed \$100,000 but on an on-going basis when all of those amounts are added up will exceed \$100,000, can the Minister explain if there is any different treatment with the process in such instances?

The Deputy Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Madam Speaker, if I understand correctly the question from the First Elected Member from George Town, I would only say that over a period of time small amounts add up to over \$100,000. I think that is basically his question as regards to aggregate.

My understanding is that Public Works does talk to suppliers of aggregate sometimes not knowing what the total quantum will be for the year but in terms of 1999, certainly we know about Harquail construction, the roundabout and the Crewe Road Bypass construction.

So, what they have done in this particular case is to talk to individual suppliers of this material trying to get the best possible price they can.

The Deputy Speaker: If there are no further supplementaries, that concludes Question Time. We will move to Other Business, Private Member's Motion No. 24/99, continuation of the debate thereon.

Does any other Member wish to speak on Private Member's Motion No. 24/99? The floor is open for debate. (Pause)

Does the mover of the motion wish to exercise his right of reply?

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 24/99

REVIEW OF THE MEASURES IMPOSED UNDER THE FINANCE LAW 1998

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I must say that while the only response forthcoming from the government was from the Honourable Third Official Member, I was pleased to hear that the government was prepared to support the motion.

Of course, I understood from what the Honourable Third Official Member said that while there was support from the government bench for the motion, it was some type of qualified support bearing in mind my explanation yesterday morning of what the motion was calling for. I will explain that, Madam Speaker, and I will explain why I am explaining it.

When the Honourable Third Official Member spoke on behalf of government, he said, **"In re-emphasising the content of the motion, the First Elected Member for George Town said earlier this morning that what the government is being invited to do, is to review the measures with a view of easing the burdens imposed upon the people of the Cayman Islands. I am quite happy to say that on this basis, the government is quite willing to see to this request and to accept the motion. Government recognises an obligation and a commitment to give attention to any revenue measures imposed that would have an unfavourable or likely adverse impact upon the community."**

So, Madam Speaker, when I mentioned qualified support, I think perhaps originally it may have been taken in the light that we were seeking for them to withdraw the so-called tax package, and perhaps the motion was cleared up. So, basically what the government has accepted is the fact that they are going to review these measures. My understanding is to see what possibility there is with regard to any changes in any of the fees that have been put into these tax measures via the Public Finance Law, 1998.

I was hoping that other members of the government may have found it timely to speak to the motion. I was hoping that we would get some type of commitment otherwise to the tune of how long they might take to have a look at this and what might be their course of action by way of informing us. And, not having heard that, I simply raised that in winding-up so that the government will understand that while we appreciate the fact that they are in support of the motion, we certainly would not like for this to be another motion that is simply left hanging and nothing is done.

When I say nothing is done, I mean without putting too great an expectation on the table before any more talk has come about regarding the motion. I think, it is only fair to expect that there would be some timeline involved and the commitment would seem to be a real one. I am not chastising the government, I am just stating an opinion.

What I would like to see (and I think in discussions with my colleagues they all agree) is a firm commitment from the government to establish a course of action to see this thing through to the end. I don't know how they are going to do that. At this point in time, I do not want for us to simply vote on the motion—everyone say yes, we did the right thing but nothing happens. You know, it's funny how on many of these motions . . . three to four years later, we remind each other about them and that's all we do. This I hope is not what happens with this one because the government has to understand that having accepted, the onus now rests (in the words of the Minister of Education) squarely on their shoulders.

So, I hope we do have some results.

Madam Speaker, when we talked about this motion and, perhaps the fact that the government has accepted it one might take the view that there is no need to try and convince anybody anymore because they have already said so. But I think there are a few points that are valid and that need to be brought to the forefront in looking at revenue measures to try and balance the situation so that we have a clear understanding of where we are going and what we really want to achieve.

I want to just draw an example to show all of us the kinds of problems that not only the government faces but that the entire country faces. It is something that we have to look at. Every one of us who are involved whether directly or indirectly have to have a very serious look because I think that all of us need to re-think the whole scene because we are heading on a path that none of us is going to get out of.

I am going to just draw the example quickly, Madam Speaker, to show you. It is so funny how on occasion information can come to people like me anonymously with the best of intentions, because this was left at my office, neatly folded in a brown craft envelope and I have no idea from whence it came. But there is nothing wrong with it. Whoever that person was, he was listening, or reading, or watching something and it suddenly dawned on that person (to my mind what happened) that he should make sure that I understood what was going on.

We talked in here recently about the Savannah Primary School extension, where we wanted to try and

speed it up to make ensure that it gets done. And, then we had a little bit of altercation, which did not last too long, but there was this question about the price and all like that. I want to throw light on something: The facts are—and if I am remembering correctly, yes, the last extension to the Savannah Primary School was done in 1997, two years ago, Madam Speaker—the original contract sum was \$736,092.55. The variations to the contract and the additional work that was consequential to the actual classroom construction came up to a total of \$75,319.34.

The total final cost of that extension in 1997 was \$811,411.89. The details also tell us the exact square footage—the classrooms and toilets were 4,084 square feet. The covered walkways were 1,304 and the mechanical room was 307 square feet giving a total of 5,695 square feet.

When you take that entire batch of information for the total cost compared to the total square footage, the turnkey cost for that extension was \$142.48 per square foot. Madam Speaker, two years later, the Minister for Education reports to us that the preliminary costings for a similar extension is \$1.318 million and the square footage that they need to build is 4,635 square feet.

First of all, the way I understand this thing is that these four rooms are going to be an exact replica of what was done in 1997. Even I (who don't know too much about it) understand right away that all that has to be done when it comes to preliminary drawings is a new site plan because the location is going to be different on the piece of property. If the building is a replica (your plumbing and your electrical and the other plans), you simply pull them from the shelves—that's my understanding.

But, Madam Speaker, when we take the information the Minister has given to us, which is the projected cost and how many square feet, that comes out to \$284.36 per square foot compared to \$142.48 starting from scratch in 1997. My understanding is that it is not starting from scratch because you already have plans and such like. But let us even forget about that—let us say that one is starting from scratch: It is exactly twice the cost in two years. Where are we going?

The Deputy Speaker: Would this be a convenient time to take the morning break or—

Mr. D. Kurt Tibbetts: Yes, Madam Speaker, because this one is a shocker. Thank you.

The Deputy Speaker: Proceedings will be suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.15 AM

PROCEEDING RESUMED AT 11.40 PM

The Deputy Speaker: The First Elected Member of George Town, continuing his winding-up.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. When we took the short break, I was simply using this

little example to show where in the space of exactly two years the construction cost of classrooms doubled. While this may seem to be a separate issue, I take the opportunity in this debate to bring this example up because it certainly indicates to us what we are up against.

I want to say that I cannot stand here today and explain the reasons why this is the case because I don't know why. I would sure like to know, but I have no idea why. Certainly, somebody has to find out the answers to this. The relation to what I just said with what is happening is because this is the position that government finds itself in with its capital projects. That is exactly why the government has to battle forever and to find out where the revenue is coming from.

Now, they can come at me in whatever fashion they wish to, but I cannot believe that a very small sector of this society is going to hold this country to ransom like that. It is not acceptable. I am not going to accept it. I don't have any authority to do anything directly about it, but I am going to lay notice from here on in—every dollar that this country is going to spend is going to be scrutinised as tediously as possible until we find out what is wrong and be in a position to correct it because something has to be wrong. As big as I am I don't double my weight in two years.

So, Madam Speaker, the relevance, as far as I can determine, is that the government finds itself in a position where on the one hand expenditure . . . And, to be fair to the debate, the Honourable Third Official Member made reference to the expenditure. The expenditure is (for lack of better term) out of hand. It has to be with examples such as these.

The problem with that as I have tried to say before—and I am just going to speak it as bluntly as I can without being rude—if you have 60% of your working population earning the lowest income within the population, and you find that because of your system you have to extract the majority of the money to keep the country running from that 60%, you are not only putting them at a disadvantage but you are putting the country at risk. The way I understand it and the way I have witnessed it in my life is that I too have spent some time elsewhere and I watch things happen.

The way I understand it, Madam Speaker, if a few find themselves in a position to hold on to the vast majority of the wealth in any country, the masses are going to start to grumble. It is going to lead to other things and soon that great wealth that you have will be worth nothing because your country will be worth nothing. What is it that makes us not able to understand that? It doesn't look like we will not stop doing it. What do we do to change the minds of our people to make them understand that?

I don't know what else to say. It is frightening. But do you know what? Pray to God that we don't retain our usual style and wait until something big and drastic happens before we try to do anything about it because then it will simply be too late.

Madam Speaker, the Honourable Third Official replying on government's behalf made mention—and I will give a short quote with your permission from the *Han-*

sard—about the system of taxation. There was nothing wrong with what was said. I simply wish to emphasise a point regarding that. The Honourable Third Official Member said, and I quote, **“When we look at the method of taxation that we have in place in the Cayman Islands, we often refer to it as indirect taxation. We do recognise that this is one of the most inefficient means of raising revenue, but when contrasted to direct taxation, which provides a certain guarantee as to revenue flows because this normally is attached to income with a higher level of predictability, I think on a whole we would have to consider very carefully the demerits of the indirect taxation system before opting to move to a direct taxation system.”**

The Honourable Third Official Member also went on to say (and I cannot remember verbatim but words to the effect) that he was grateful that no one in here was trying to say that we should change our system from indirect taxation to direct taxation. I want to make it very clear that examples I have used to prove the difficulties which arise because of our system were not used to make any attempt to suggest that the system itself is one that needs to be changed and it would be improved if we changed it. That was not what I was saying. I was only saying that we have to recognise its disadvantages and work around it in such a way that we don't fall into that trap of allowing the disadvantages to occur continually—that's the point that I wish to make.

You see, Madam Speaker, it is for that reason we have been trying to say widen the revenue base. I also wish to make quick mention of a theory that has been put forward and it was referred to by the Third Elected Member for Bodden Town and, also, by the Third Official Member about this think-tank—an idea that the Third Elected Member from George Town has been a strong proponent of. I just want to say that my idea of that think-tank is not creating a body that necessarily sits and deliberates on a bunch of information provided to it. Perhaps, on occasion that too, but I think we need to be looking at people who are placed in certain positions with the right amount of exposure, knowledge, and expertise and start the ball rolling from scratch, from the thinking process even, without a bunch of information at hand.

All I am saying is that we have to make a combination of that for that think-tank to really be effective. We don't have to have a jump start at all times with a lot of stuff because many ideas that work right are ideas that were dreams once. They were not always loaded with information. That is what you get to afterwards, but you have to create the idea, you have to have the vision (for want of a better word). That is how I see that working, also. That is just a view I wish to put forward.

Madam Speaker, there is also a point that I wish to make, but because of the way we find ourselves presently in the debate I am not going to spend a very long time because I don't think that I have to prove anything to get the government's support. But I still believe that we need to make mention of it.

If we look at the annual averages of our consumer price index historically (and I am going to quote a few figures from the 1997 Cayman Islands Compendium of

Statistics), if we look from 1989 to 1991, we find that the consumer price index during those three years went up 6% in 1989, 7.7% in 1990, 8% in 1991. We will notice that there were noticeable tax measures put in place in 1990 and 1991.

I have not had a chance to get the information all put together for the years 1979 to 1981 but we see another sudden trend in 1979 jumping to 10.3%, in 1980 jumping to 12.6% and then in 1981 jumping to 13.8%.

When we look in 1998, the consumer price index showed an increase of 2.7%, we don't have the exact figures thus far. I just haven't had the time because I thought someone else was going to speak but suffice it to say, the information that I have on hand tells me that the second quarter of 1999 has jumped 5.6%. I don't know what the year-end statistics will show, but I think that it is worth mentioning as I think there is a direct relation because of the system that we have, to government finding itself having to increase its recurrent revenue via tax measures. Whenever government finds itself doing that in any proportions that are not single items, you always find inflation rates going up.

Madam Speaker, if we allow ourselves to get in that position again, and we find that it is a fact that our recurrent revenue starts to drop and there is any slight downturn in our economy, we are going to be in deep trouble. This is not said in any other fashion but simply lying a case out that we have to be careful. It is easy for me to stand here and talk about it because I am a backbencher. If I was selfish, I would say, *'make them go ahead and do what they are doing—election is coming—let it happen.'* That would give us good ammunition for why the country should remove the government. But that is not going to help the country, so I am not taking that position. I don't think that is responsible representation for the people of this country.

I believe that we have to be extremely careful because with all of the things around us, Madam Speaker, if we allow this train to runaway with us, God forbid. But the truth of the matter is that there are signals telling us we have to be careful. I don't have to go into any more detail, but there are signals that are telling us that we have to be extremely careful. We have to concentrate on maximising our efficiency and getting value for our dollar spent so that we simply don't relax and not pay attention to that because the money is coming freely.

That happens to us, you know. The economy is good, it's buoyant. Nobody has any problems. Money starts to flow freely, nobody pays attention to it, and that is when it gets away. All of a sudden when the money isn't coming, you start looking and you realise that so much money is being thrown away that you don't know where it is going. We have to be extremely careful of that.

The direct recipients of those bad results are the consumers in the country—the ordinary people who just earn enough to make a living, to be able to send their two or three children to school and who do not have any degree of disposable income. Many of them hang on to a second job to ensure that the child has a decent pair of shoes to go to school. If we don't want to admit that

many in our country are like that, we can take a different view. I know better. I live with it.

I want for the government to understand that in my view this motion has served more than its purpose. It was not motivated to do anything but allow us all to stop and think. I am not questioning at this point in time (because that will come in another forum) the government's stewardship. I am saying to the government, let us not argue about whose responsibility what is. Those days are gone. The country that we have has great potential but we must manage it properly. The Honourable Third Official Member cannot do it by himself. He cannot! It is just too big. It is going to take all of us.

I would hope, Madam Speaker, that the government in accepting this motion will be able to come back at budget time and whatever the results of this review are, be able to say to us, we have reviewed this, we have reviewed that. I have pointed out some of what I term to be anomalies in the fees that are charged whether it be trade and business licence fees or other fees. But I believe that there are several areas where amounts that are charged are too much compared to what they are charged in other areas.

The government has to take a very serious look at it. The government has to also realise and accept that many of the increased fees as I explained (and I think I made my point) will only be paid directly by the consumer and we have to be careful that their burden is not too high. I know that people have a tendency to scream and bawl and holler all the time because it is the nature of the beast. They figure that if they do that, it won't be so bad. But this is not one of those times where anybody is crying wolf, it is serious.

Regardless of where the man comes from who says how pretty this place is, which I am grateful for, there are tremendous pressures being put on many of the people of this country and they are finding it difficult to make ends meet. We cannot allow it to get to the point where we have social unrest because that is the formula and we all know it. I don't say these things to preach how bad off the country is, I say these things to ask us not to make it happen. That's all I am saying.

So, I would hope that the government would find itself in a position to make some noticeable and reasonable changes to some of the fees. I would like to see the situation with the garbage fees rectified because God knows it is not a situation that is fair across the board. Because of the small volume of actual money that is involved, I believe that the government should simply withdraw the increase in fees for schoolbook rentals and go about it in a fashion letting the world know that it is going to increase every year by X amount and it becomes a palatable situation. Expected revenue from this was only a tad over \$200,000 compared to the entire \$11.8 million, which the revenue package was going to earn extra for government this year.

I don't think that that is an unreasonable request. The answer to all of our problems is education, education, and education. That is the only answer to any problems within our society—education, education, and education.

Madam Speaker, I think I have spent ample time in making my points. We on the backbench will wait to see what the government's response is going to be. The government knows that we are vigilant so I am not making any threats. But we will now wait to see how they go about it, and we certainly will respond in kind at the appropriate time. Thank you very much. I do commend the motion.

The Deputy Speaker: That concludes the debate on Private Member's Motion No. 24/99. The question is: **"BE IT RESOLVED THAT, due to the hardships being experienced by both consumer and trader in the Cayman Islands as a result of the recent revenue measures imposed under the Finance Law 1998 (Law 20 of 1998), Government review the measures with a view to easing the burden imposed upon the people of the Cayman Islands."** I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 24/99 APPROVED.

The Deputy Speaker: That concludes the business before the House at this, the third meeting of the 1999 Session. But before I take the motion for the adjournment, I would like on behalf of all members to thank the Clerk and her staff for their assistance and their dedication to the members during this sitting. I would also like to thank Miss Anita, and I am sure members will bear me out on this, for the delicious meals that she has prepared for us during this time.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I am sorry to interrupt you, but I had to catch your eye before you ask for the adjournment. I just wish to ask if we might have some sense of direction with the outstanding motions and questions, whether it will simply be agreed on that they will be moved over to when next we meet or whether they are in limbo.

I don't know exactly how it works. I am seeking direction to ensure, because these other motions have not been dealt with, that they don't fall away.

The Deputy Speaker: I understand your position and I will ask the Honourable Minister of Education, Aviation and Planning, Chairman of the Business Committee, if he can give a reply.

Hon. Truman M. Boddan: Madam Speaker, I think we are very happy to put the questions on the next time. There are also three motions I think that still remain.

The Deputy Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, there were three motions but there is also a report which was tabled by the Public Accounts Committee on a Special Report of the Auditor General on Quarry Products Limited. Before Mr. Speaker left, if I remember correctly, he ruled that the Government Minute on that Report had to be tabled in November. I just want to make sure that everyone is aware of that, and that we don't end up with World War III over that, and we get a commitment from the government that this will be done.

The Deputy Speaker: I think when the Honourable Speaker said that there were 90 days under the Standing Orders, the Government Minute must be laid within three months. If it is not laid within that time, this House will have to suspend Standing Orders for it not to be. But I think if the Honourable Speaker said within 90 days, I am sure the government will commit to 90 days for the laying of the Government Minute.

The Deputy Speaker: The Honourable Financial Secretary, would you like to comment?

Hon. George A. McCarthy: Madam Speaker, every effort will be made to comply with the time period as outlined by the Honourable Speaker.

The Deputy Speaker: Thank you. I will entertain a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Boddan: Madam Speaker, I move the adjournment of this Honourable House until 19 November 1999 at 10.00 am.

The Deputy Speaker: The question is that this Honourable House do now adjourn until Friday, 19 November at 10.00 a.m. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Deputy Speaker: The Ayes have it. This Honourable House stands adjourned until Friday, 19 November 1999.

AT 12.13 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 19 NOVEMBER 1999.

**EDITED
FRIDAY
19 NOVEMBER 1999
10.25 AM**

[Prayers read by the Honourable Second Official Member]

The Speaker: Please be seated. The Legislative Assembly is in Session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

The Speaker: I have apologies from the Fourth Elected Member for West Bay, who is not well.

Moving on to item number 3 on today's Order Paper, Presentation of Papers and Reports. The Honourable Third Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

Hon. George A. McCarthy: Mr. Speaker, thank you. I would like to move the adjournment of this Honourable House until next Friday. The reason is that the Budget will not be ready until then. If Honourable Members would like some further details as to some of the problems we are now encountering and what we hope to be resolved by then, if you will permit I will elaborate.

The Speaker: Certainly, you may continue Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am aware that when a date has been set for this honourable House to convene, it is something to be taken very seriously. Coming here this morning to seek your indulgence and that of honourable members is not one that has been taken lightly by myself or the government.

Mr. Speaker, we are now into a situation with the budget where all hands are on deck trying to get the budget into balance. The government has been meeting but in light of developments that have occurred in recent years—where in the past, we could take the view that we had X amount of dollars and all departments had to conform and whether they were willing or unwilling, we would try and force their hands—we have found out, Mr. Speaker, that this doesn't work and this is not the attitude of the government.

The approach that is now being taken, Mr. Speaker, is one of full participation. Just to give a bit of background information in terms of what the government is now encountering in balancing the budget, I will just give a few preliminary figures.

Based on the revenue projections for the year 2000 from existing revenue measures, the best indication would suggest that approximately \$300 million would be realised from revenue sources—exactly \$299.29 million.

Mr. Speaker, let me apologise to you. When I said \$299.29 million and \$300 million . . . I am going to give the correct figure. In taking a careful look at the position, the revenue that is likely to be realised in the year 2000 is \$291.3 million. It is quite likely (based on the projections by the Treasury Department) that there will be a balance brought forward into the year 2000 of approximately \$8 million. This will give total financing available during 1999 of \$299.29 million. This is how that figure has been arrived at.

Mr. Speaker, after cuts have been offered by departments, the recurrent expenditure now stands at approximately \$265.8 million and this is what is being proposed. We have statutory expenditure projections at \$39.94 million and we hardly have any flexibility because this recognises statutory obligations of government such as pensions, loan payments, and so on, whatever has been provided for in law.

We are looking at capital acquisitions of \$5.55 million. Capital development is now standing at approximately \$81.9 million or \$82 million, but government is working on this. Honourable Ministers recognise that this is an unrealistic figure and they have been spending their time trying to whittle down this figure and they are going to bring it down in line with [figures] for 1999. So, I am not going to give a precise figure in terms of what they are targeting but they recognise that this figure is unrealistic.

New Services has been whittled down (up to this point in time) to \$4.61 million. The total of that amounts to \$397.87 million. When that is taken away from the \$299.29, that leaves a significant gap in excess of \$80 million - \$90 million.

Mr. Speaker, the government recognises that it is very important for us to keep expenditure in line with the likely sources of revenue. This is what the government has been emphasising to ministries, portfolios and departments in government. The proposal has been made that recurrent expenditure for ministries, portfolios, and departments should not exceed 5% of what has been approved for 1999. So, if we were to take the approved figure of \$239.79 million approved in 1999 and add 5%, it comes up to approximately \$251.8 million.

The government recognises that the capital acquisition figure of \$2.55 million is too high and what is being proposed is that this figure should be less than \$3 million because most departments by now have been provided with new computing equipment to make them millennium compliant. So, it is only a question where there is a need

to purchase, for example motor vehicles and heavy equipment, where such purchases cannot be deferred without impairing the efficiency of the departments that such purchases are allowed.

The government also recognises that the New Services, which was initially in excess of \$8 million, should not exceed approximately \$2 million or even less. This will take into account, for example, the additional teachers that will have to be put into the expanding school programme, and also the additional prison officers and so on.

So, when we take all of this and try to keep within a limit of 5%—and it is not suggesting that each department has a target. That should be the maximum. What we do recognise is that salary component comprises a significant part of the budget of each department. We have to make provisions, let's say, for increments. And when those are made, this 5% should cover it.

So, what we are saying to departments is to come to a standstill position as they were in 1999 and just look in terms of the add-ons that are necessary to cover those costs that cannot be deferred. We are also saying as well that we recognise that there are certain aspects of recurrent expenditure that will be brought on stream that really cannot be deferred, for example where there is a need to recruit additional teachers and so on. We are saying, let us treat those items as somewhat extraordinary outside of the 5%. Let us isolate them, and then the government will do an examination to determine whether we should go ahead with these expenditures.

This will include, for example, the provision that was made in 1999 for the health insurance. Three point five million dollars was provided in that year hoping that midway through the year a decision would be taken to enter into a contract to insure civil servants and all entitled cases—indigents, seamen and others. Mr. Speaker, that is going to run in the region of approximately \$8 million for the year 2000.

So, these are items that will have to be looked at because when we look at all entitled cases we know that based on the information provided by the hospital, the value of services being provided to entitled cases significantly exceeds that amount. So, it is a question of looking at this very carefully.

The government has also taken the view that having introduced revenue measures as recently as early 1999, it would not be advisable to consider the introduction of further revenue measures. So, every attempt is being made to avoid that. This is to take on board the concerns that have been expressed, and also the position of the government as a whole. But what is being driven at is a balanced budget. So, what is being sought is that when the budget finally arrives next Friday . . . I must say some departments and ministries have really gone through and have gutted their budgets—keeping their requests to the bare minimum. Others seem not to have given much attention.

One of the things that was pointed out earlier is that the government doesn't want to just go through and say *'All right, just reduce the allocation or the request by departments by X amount of dollars to bring it in line.'* We

are hoping that we will have full participation of everyone, even at the departmental level where it is obvious that the budget of a department will have to exceed 5%. What we are saying, set the 5% at the ministry and the portfolio level so while some will go up to probably 6% or 7%, others can come in at 2% or 3% in order to create a balancing position so that overall it doesn't exceed 5%.

So, this is what we are striving for, Mr. Speaker, and this is what the government is committed to. In fact, after the adjournment, we will be going back to the Glass House to continue discussions on the budget. Every effort is being made to bring the budget into balance.

When the budget is brought here next Friday, we are going to have departments, when they come to Finance Committee, saying that they requested X million dollars but this is what they are being given. Mr. Speaker, we know that that is going to be the case—

[Inaudible comments]

Hon. George A. McCarthy: Yes, it is pre-empting, Mr. Speaker. If we take all of the original requests as submitted by departments, we will be looking at a variance in excess of \$100 million. If we try to provide for all of the needs, Mr. Speaker, this is the position we are going to be into. And, once that is committed to by way of the expenditure side, it will have to be dealt with on the revenue side.

Mr. Speaker, the reform initiatives are underway and we are seeing all of this as being factored into the process. We are seeing the heightened level of awareness filtering through by some departments of government. It will take us some time to get to that point where we can say, *'Well, at the end of the day, rather than waiting until November to bring the budget here, we will be engaging in pre-budget discussions and so on.'* We are not far from that time, Mr. Speaker.

But while we are getting to that point, we are saying to departments of government, co-operate with the government, go through individually. We are saying to controlling officers, do not invite a Higher Executive Officer (although we have some very competent Higher Executive Officers), they are not the ones that are being charged with the responsibility or appointed controlling officers. They themselves should become involved. Heads of Departments should look very carefully at the figures that are being presented, look very carefully at the request that was made for 1999 and, if possible, see if the budget for the year 2000 can remain exactly in line with that.

If they identify any areas in terms of where excess provision has been made, let's see if that can be reduced even below the 1999 level and if that seems to be a difficult position to obtain, the recurrent and statutory position overall approval for 1999 is \$247.3 million. The revised figure is suggesting that expenditures will be in the region of \$228 million, which means that there is a likely reduction of approximately \$19 million.

First of all, we know included in this on the revenue side, the recurrent revenue forecast for the year 1999 was \$283.1 million. The forecast for the year is \$274.2

million—a difference of approximately of \$9 million. But we know included in that \$9 million is the \$3.5 million that was put into the budget to cover the health insurance for entitled cases. So, when we subtract \$274.2 million from \$283.1 million, it leaves approximately \$9 million. This is the revised position up to yesterday.

The Deputy Financial Secretary, the Accountant General, the Director of Internal Audit, Mr. Michael Nixon, and I, visited several large revenue earning departments of government. We looked at their collections up to this point in time and the best forecast that they could give through the end of the year. So, when we take this approximately \$9 million, and we take out the \$3.5 million, which has been put under the expenditure we are anticipating (that equal recovery would take place on the revenue side to compensate in terms of claims that would be settled by insurance), the net shortfall that is likely to occur is \$5.5 million in terms of below the projections for 1999.

When we compare this, in terms of that combined with the savings on the expenditure side, we can see that departments are making every attempt, first of all, to optimise the collection of revenue. But some can do better than others. Every attempt is being made to curtail expenditure. When everything is done, this is likely to result in a balance carried forward of \$8 million. This \$8 million is after having made the transfer of \$2.7 million that was budgeted in 1999 to be transferred out of recurrent revenue into the Capital Development Fund. It is also making provision for the transfer of \$3 million into general reserves, and \$1 million of that formed a part of the budget.

When we look at the surplus balance that was brought forward in excess of \$7 million (or at that time, it subsequently turned out to be \$9 million), the government took the view that a further \$2 million should be transferred into general reserve. So, that \$1 million was increased to \$3 million.

Also, a reserve provision is being made for the write off of overseas medical of \$2.5 million. Out of that surplus balance, the decision was taken that \$2.5 million should be set aside for the writing-off of those accounts that were deemed to be uncollectable. The exercise has not been finalised as yet because we know that the Auditor General, for quite some time has been qualifying the financials because of this item being included as an asset item and what he has been doing is quite right. So, what we are trying to do is to correct this because we know that quite a significant proportion of this balance is uncollectable. The government recognises this and this has been pointed out to honourable members of the Legislative Assembly.

Also, Mr. Speaker, that \$8 million is achieved after provision is made for the transfer of \$230,000 into the Housing Reserve Fund, \$400,000 into the National Disaster Fund, and transfer of a future \$100,000 into the Student Loan Reserve Fund. This is a guaranteed arrangement that has been put into place. A reserve account has been set up against those accounts if by chance they were to become delinquent, for those stu-

dent loans that have been guaranteed by the government.

So, Mr. Speaker, what I have just outlined here is the position that we are looking at as at 31st December 1999, and also what we are trying our best to achieve for the year 2000. We know that there is a full commitment by honourable members of the Legislative Assembly in ensuring that we achieve proper macro-economic management. We have started and there is evidence of the articulation of a physical policy, everything emerging.

We are asking departments, portfolios, ministries and sections of government to co-operate in the budget process to make sure that we produce a budget for the year 2000 that is a balanced budget and one that is in line with the resources that are available. We are saying to them, revisit all expenditure requests that have been put forward so far, and it will require some belt-tightening, see exactly what can be postponed without impairing the efficiency of departments.

Mr. Speaker, I know I have gone on and on but I felt it was necessary to explain to honourable members the situation as it now stands and what will have to be done between now and next Friday. As mentioned in our telephone conversation, what is being sought is that this exercise will be completed by Tuesday afternoon so that the government will have a chance to sit down with honourable members of this Legislative Assembly to just look at the position on Wednesday and Thursday prior to the Budget presentation.

Thank you very much, Mr. Speaker.

The Speaker: Honourable Third Official Member would you move a motion to defer the tabling of this report, please?

DEFERRAL OF THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS' GOVERNMENT FOR THE YEAR 2000

Hon. George A. McCarthy: Mr. Speaker, I move a motion for the tabling of this report to be deferred until 10.00 a.m. next Friday.

The Speaker: Are you certain about the date or do you want a date to be determined?

Hon. George A. McCarthy: If you will just allow for me to—

The Speaker: It is only a question.

Hon. George A. McCarthy: Mr. Speaker, next Friday.

The Speaker: The motion has been moved that the tabling of the Draft Estimates be deferred and they will be tabled next Friday. Those in favour, please say Aye—

Mr. D. Kurt Tibbetts: Mr. Speaker, is anyone allowed to speak before you put it to the vote, sir?

The Speaker: It is not customary but—

Mr. D. Kurt Tibbetts: Mr. Speaker, it is not customary for what just occurred here to happen either.

The Speaker: I will grant a brief debate, but please let us not project this to any length of time. The First Elected Member for George Town, do you wish to speak first?

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to thank the First Elected Member of George Town for rising because I intended to speak. I think that it is interesting that at this particular time, we have the government coming to the Legislative Assembly without the Draft Estimates of Revenue and Expenditure for the year 2000. I think, it is significant. As we have seen very significant things happening, we tend to ignore them and treat them as if—-if we didn't ignore them, we would be cruel to people. But we find out that by ignoring them, those significant issues have a terrible impact upon our system.

Next year is election and the government does not want to raise any revenue by way of new taxes. But the government has been eating up a lot of money nevertheless over a period of time. The question is: Can they reasonably be in a position to create estimates for this system? Are they going to be able to accomplish this within a week or two weeks? I feel that is not going to happen.

I feel it is unfortunate that they do not feel more compelled to come here at this particular time . . . if the Financial Secretary had been an elected member, I do believe that it would have been a different thing. The way it is now, the government can make it seem as if it is *his* budget and it is *his* job to bring this here. But the people know that it is the government's business to bring these draft estimates here today and they have not done it and they are not going to be able to do it with a week or two weeks, Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, I certainly will not be long because I respect what you are saying. I don't think anyone came here this morning expecting any long debate. But I think with what has just occurred it is only fair for some of us to make some short comments.

First of all, I would like to address one of the last things that was said by the Honourable Third Official Member with regard to the budget process and the fact that he said that the government would be wishing to meet with the rest of the elected members on Wednesday and Thursday of next week to go over the budget before the tabling of the estimates on Friday.

Let me make it very clear so that it is understood: At least, five of us on the backbench have no intention of participating in this process. I suspect the government probably knew that from the very beginning. But I wish

clearly to explain why because this is an issue that the public needs to understand.

The process that we face now is one whereby the elected arm of government along with the civil service arm is responsible for various areas of policy and also for bringing the budget. The five members that I referred to, including me, were not a part of the process from the very beginning. We had no input during the process and there is no way in the world that we are going to become involved when the process is completed. As far as I am concerned, that is simply at the end of the day to say this is what we have done, come and share the load with us. And I am not into that. So, I just want to make it very clear.

There is nothing about us not wishing to participate but the government must understand and accept the system that we deal with. That system puts us on the backbench as a check and balance for the policy-makers—that is simple and clear.

So, let it not be said that we act irresponsibly by not being willing at the end of the day to talk about it, because there is nothing that we can do at the end of the day. As far as I am concerned, I wish to say that to me that process appears to be one which would put us at a disadvantage during the debate and in Finance Committee, in that we would not be able to perform our duties the way we are supposed to. So, I just wish to explain that. There are a few more reasons that are, in my view, salient, but I won't go into that this morning.

The other thing I wish to say, Mr. Speaker, regarding the budget is that while I have great respect for the Third Official Member, his ability and his staff's ability in the preparation process, this country and the government must take full note that this is not something that has crept up on us all of a sudden. This position that the government finds itself in, is a position that they have been warned about over and over for years. Personally, while I have a fervent love for my country, and while I wish for my country to be as successful as all of us wish it to be, certainly we have to now accept the shortcomings of the actions of this government and hope in the future to do better.

The Speaker: Does any other member wish to speak?
The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, I am not going to make a speech. I am just going to make a suggestion to the Honourable Third Official Member. Instead of moving that the presentation of the Draft Estimates of Revenue and Expenditure be deferred to a specific date, I would suggest that he move that it be deferred, and the adjournment question be put that we adjourn to a date to be announced. Having listened to that honourable gentleman, with what has to be achieved between now and next Friday, I think he is cutting it very close to coming back here next Friday with the same situation that exists today.

The Speaker: Does any other member wish to speak? If not, I will put the question that the Draft Estimates be

deferred to be tabled next Friday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

Mr. D. Kurt Tibbetts: Mr. Speaker, can we have a division, please sir?

The Speaker: Madam Clerk would you call a division, please?

The Deputy Clerk:

DIVISION NO. 9/99

AYES: 7

Hon. David F. Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John Jefferson, Jr.
Dr. Frank S. McField
Miss Heather D. Bodden

NOES: 4

*Mr. W. McKeeva Bush
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Mrs. Edna M. Moyle

ABSENTEES: 6

Hon. James M. Ryan
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Julianna O'Connor-Connolly
Mr. D. Dalmain Ebanks
Mr. Linford A. Pierson

**Mr. W. McKeeva Bush: Mr. Speaker, on the basis that the Financial Secretary is not sure that they are going to be able to complete the process, we would not want to find ourselves back in the same position next week, Friday, so therefore I have to vote no.*

The Speaker: The result of the division is seven Ayes, four Noes. The Ayes have it.

AGREED BY MAJORITY: THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS' GOVERNMENT FOR THE YEAR 2000 DEFERRED FOR TABBING UNTIL 10 AM FRIDAY 26 NOVEMBER 1999.

The Speaker: That's all the business on the Order Paper for today. I will now entertain a motion for the adjournment of this Honourable House.

The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until next Friday at 10.00 a.m.

The Speaker: Before I put the question, I have been asked by the First Elected Member for West Bay under Standing Order 11(6), "**On a motion under paragraph (5), a Member who is not a Member of Government and who has obtained the right to do so, may raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of Government responsible for the matter. After not more than twenty minutes, the Member of the Government shall be called on to reply.**"

The First Elected Member for West Bay.

RAISING OF MATTERS FOR WHICH THE GOVERNMENT HAS RESPONSIBILITY

(Standing Order 11(6))

SETTING UP OF EMERGENCY FUNDS TO ASSIST IN REPAIRING HOMES DAMAGED IN RECENT RAINS

Mr. W. McKeeva Bush: Mr. Speaker, I rise to request of the government (and I do so through and to the Honourable Financial Secretary) to give serious and immediate consideration to setting up an amount of funds, say emergency funds of \$250,000 to \$300,000, to assist those persons whose houses have been damaged in the recent flood rains, paying particular attention to their roofs.

There have been many people who have been contacting me about their plight and I know other colleagues have been contacted, bearing in mind that a good number of our handicapped and elderly live in the older stock of houses in the islands which have deteriorated roofs.

I realise, Mr. Speaker, that the government is in the throes of budget, and by all talk, things are not good. What I am requesting is that these funds be set up immediately—and, if you want to, call it a disaster fund—through the channels open to the Financial Secretary so that these people can be assisted now and quickly. This is urgent. Many of us have been contacted. I don't need to repeat that. I would hope that they could say something quickly about it. But it is urgent.

(Pause)

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

Hon. Truman M. Bodden: Mr. Speaker, indeed, this is something that is welcomed. We had some assessment on Cayman Brac and Little Cayman, and in relation to there, \$100,000 had already been earmarked. Well, it has to come back here unless it is going to go through a contingency warrant, which may be the better way. So, I would like to thank the member for raising this.

Also, Mr. Speaker, one of the hardest hit areas has been the Randyke Gardens. I have not only been through there personally, but we have done an official tour there and also through the Windsor Park area. Other members will speak on other areas that are within their districts, sir, but I will just deal with those two to say that

while perhaps by this morning there should be one if not two excavators in to deal with clearing some of the areas that we hope would speed up drainage, I personally think that (and this is purely my view but I think it is also the view held by Public Works) that in Randyke Gardens because the developer built the houses so low and did not comply with the four foot level, which was clearly set out in the planning approval—and there is no doubt about that, I have evidence of that—that there is nowhere as it appears that you can actually drain that area. Therefore, it seems to me what the government and this House has to do is to look at applying these funds to assist with raising the level of the houses that Mr. Kent Rankine, as developer, built too low.

And I feel (and this is my personal views) that since that is the solution (it is going to be a bit of an expensive solution) but the people in there are no means well off. Many of them cannot afford to raise the houses. One person has. Quite frankly, it is really a disgrace what was done in that area and what is happening to the people. Unless Public Works can come up with some other solution, then I think it is going to take more than the \$250,000 to help the people there and also the people in the Park area to deal with the problem.

But there is no doubt, Mr. Speaker, despite a *Caymanian Compass* report of 9 December 1996, which stated that the developer was never informed of the height requirements. I need to say that this was dealt with back between 1984 to . . . the last we have is 1986. So, it was not this government that dealt with it. But a very clear condition was that the Planning approval said that the houses and the road should be built four feet . . . the minimum height should be four feet or the MRCU level. This was found out sometime through levels were taken. The fact is that the houses have been built too low.

While government, I think, can stand a part of this, I think it is only fair that some part of that should be shared by the developer who carries responsibility—and I am not saying he carries it now necessarily in law because this has been a long time ago—but carries responsibility for this.

The other thing I wanted to say, sir, is that as soon as the water gets down to where the roads can be repaired, they will be repaired. Public Works is also in Randyke Gardens and across in the Park also putting in extra wells. They are using a much wider bore, a 10-inch bore that will take a lot. But in some areas, sir, it is so low that in heavy rains it cannot cope with it.

We are just lucky that the South Sound drains are now open because the area is a disaster as it is. Really, what I would ask here today, following on what the honourable member has moved, is that we have an assessment of all the areas including other districts that have had problems. While I know this House does not like contingency warrants, I think this is an emergency and we should at this stage . . . if ever one time contingent warrants could be used it is perhaps at this time.

Failing that, if there is strong opposition to the use of the contingency warrant to deal with this money—and it may be more than \$250,000, I think it is going to be more

than \$250,000—then I would suggest that we will be sitting and we come back here for a very quick Finance Committee to get on with it. But some money has to be spent very quickly to remedy the situations there.

My sympathy goes out to people there. I know the flooding was heavy. I was called by someone in Randyke Gardens to come and take him and his wife across. Unfortunately, at the time, my car couldn't get across my road either. I had to wait to try to get a pick-up truck to get out. But he did get moved. So, it carries our sympathy and I thank the member for moving this. The choice is really going to be either contingent warrants or back here for approval once the schemes are checked out.

The Speaker: The First Elected Member for George Town. I don't anticipate a long projected debate.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, I thought I said that earlier on, but, nevertheless, I will just go on rather than address that.

Mr. Speaker, just to say that I totally agree with the move that is afoot now. I think, perhaps in retrospect, maybe we should not necessarily set a definite figure because assessments probably don't allow us to know what amounts are going to be needed. I think the First Elected Member for West Bay plucked that figure just to make sure that it was palatable when he was addressing the Chair at the time.

Mr. Speaker, there are other areas, as the Minister of Education has just said, which have not been mentioned. There are areas in central George Town that have been affected. The truth of the matter is, we have a tendency that after a crisis we forget about it until the next time it is at hand. Perhaps now is the time to deal with the matter.

I know that the Public Works Department went up in an aeroplane also and got aerial views of exactly where the flooding is worse on the island. I am sure they will have a handle on some of the areas that need to be addressed, if not all. I take on board and welcome the suggestion for them to move fast.

The idea of a contingency warrant, as the minister has said, is not one that we welcome. But we also respect the fact that there are exceptions to every rule. So, in this instance I think it is safe comment to say that the vast majority if not all of the members of the House would not have a problem with going that route as a matter of expedience. But nevertheless that has to include the entire island.

I just have to say before I sit down—

[Inaudible comment]

Mr. D. Kurt Tibbetts: Well, I thought a figure was mentioned for Cayman Brac already. The Minister of Education must know that I, Kurt Tibbetts, will never forget Cayman Brac and Little Cayman. Nevertheless, notwithstanding that, I am just playing his game there.

I just want to say that I found it a little bit strange and I make the comment to say that there are fifteen representatives in this House who represent the various dis-

districts. Notwithstanding the fact that Executive Council directs the policies, the members of Executive Council have no greater concern than the rest of us when it comes to the people who receive damage and who are in stressful circumstances. I thought it would have been courteous of them when they were doing their tour, if they had advised other members of the Legislative Assembly so that we could also have participated in such a tour.

But I understand that election is coming around the corner [*Laughter*] and I also understand the Minister's [of Education] actions. Nevertheless, we too have done our own tours and we have been in contact with Public Works understanding that we are only on a begging mission. Now, we will have to go the official route in order to get things done. Thank you.

The Speaker: Before I invite anyone else to speak, I am in a quandary here because under the Standing Order which we moved, there is supposed to be absolutely no debate. The government member is supposed to reply and that is supposed to end it.

But if we will look at Standing Order 30(2), it says, no debate may arise if the government member makes the statement, assuming that the Honourable Minister of Education, Aviation and Planning did elaborate a statement. It says, "**No debate may arise on such a statement but the Presiding Officer may, in his discretion, allow short questions to be put to the Member making the statement for the purpose of clarification.**" So, assuming that, I will give members an opportunity to make short statements. I really caught the eye of the Minister of Tourism first.

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker and I certainly will be brief. I just wanted to say that I do support the move this morning. Yes, Public Works did go up and take aerial photography of a number of areas in Grand Cayman and do know where the difficulties are.

We also know the roads that we have been talking about for many years and we have seen the results of heavy rains and the disaster that happens when the huge pot holes pop up all over the island. I would go on to say that it actually brings foremost in our minds the need to resurface all of our main roads in this country and I think we need to start to address that now and in the future as well.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I am just soliciting a clarification. It was brought to my attention just recently during the heavy rains that government opened one of its shelters for those people who were affected by the flooding.

Volunteers showed up in order to man the shelters but none of the residents in those areas that were affected showed up at the shelter. The reason why they didn't was because they were told that government was

insisting that the developers from those areas make some contribution toward the cost of manning the shelters, I don't know what.

In this country, we are always priding ourselves on disaster preparedness. If you insist that before someone who is in need of assistance can show up at a shelter for protection and safety that it is contingent on the developer contributing financially from those areas where they reside, I think that is very wrong. I just want government to clarify whether or not that is the position because if it is, Mr. Speaker, I want to say it is totally unacceptable as far as I am concerned.

The Speaker: Does the government wish to reply to that before the next speaker? (Pause) If not, then the Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker. I just like to support the move made by the First Elected Member for West Bay concerning persons who have received damage during the flooding that we just recently had.

I was very glad that in the end the Honourable Leader of Government Business did include all districts, because at the beginning I thought he was dealing with just one district.

When I was called out in my district in North Side during the heavy rains, I stood knee deep in water that was going from the front door to the back door of people's houses. People were using boats to get to their properties. I would appreciate that we do an assessment of every district in the Cayman Islands to come to a realistic figure of the help that is needed for all of our people, not just a chosen few because of political year.

With those few words, Mr. Speaker, I look forward to meeting the government in the district of North Side when they are prepared to do the tour of the flooded areas as they are right now.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I lend my support to any efforts to relieve affected persons. But I want to say that I think a more far reaching and realistic solution, as far as the future is concerned, is that the government embark on a topographic survey of the three islands with the objective of establishing a national drainage plan.

Mr. Speaker, I say this in light of the fact that global warming is causing the tides and the oceans to rise and to create more havoc. When we combine that with regular natural disaster like hurricanes, we are bound more frequently to come into contact with these kinds of drainage challenges.

When we consider that the Cayman Islands already are for the most part wetlands or swamp lands it is a challenge. And by embarking on such a topographical and drainage survey and having a plan in motion, we will ultimately arrive at a more cost effective and understandable solution to these problems.

Mr. Speaker, I say this realising that we are not the only country that faces this. Holland, I understand, is

constructed largely of a series of dams and drainage systems on land much like the Cayman Islands. They have mastered the flooding problem. So, while it is necessary for us in the immediate future to take the steps articulated by the First Elected Member for West Bay and all other members speaking, in the long term we also need to embark on a topographic survey with a view to establishing a national drainage pattern to establish how we are going to deal with this in the future in light of the changing trends in climate, global warming, rising tides and oceans, et cetera.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I, too wish to support the move made by the First Elected Member for West Bay to relieve the problems caused by the recent flooding.

Mr. Speaker, I believe we need to go a little further than that, and in this respect I wish to support the view that has just been expressed by the Third Elected Member for Bodden Town. We need to have a proper survey done of the three islands and decide what areas will require some kind of drainage.

We realise that drainage, perhaps by gravity feed, will not work in certain areas because the sea level is higher than those areas. It might be necessary to put pumping stations in those very low-lying areas. But, Mr. Speaker, we realise that this is going to cost money. I trust that each honourable member of this House, including members of the backbench, will support the cost of putting these facilities in place when this appears either in the estimates or in some supplementary appropriation.

Mr. Speaker, I was very much involved in the situation on Friday night, the night of the flooding. At 9.00 p.m., a family called me from a neighbourhood behind the Funky Tangs Ltd. It took us until after 1.00 a.m. before we were able to evacuate some twelve people. I noticed that the *Caymanian Compass* made a report on this but for whatever reason it was not mentioned that the Third Elected Member for George Town was very much involved in this evacuation.

I also want to thank the Community Development Officer who was very much on top of the situation. When I heard of it, I picked her up and took her up to the scene and with the assistance of the Chief Fire Officer and his crew, we were able to evacuate those individuals. They were able to overnight at the Fire Station and the next day they were taken to the Eldemire's Residence.

I thought I would mention that just to make the point that there were certain members of the Legislative Assembly that were very much involved during this unfortunate flooding.

Mr. Speaker, I believe that we should also look at the security aspects of any disaster of this kind because had [Hurricane] Lenny made a direct hit on the Cayman Islands, I believe we would have seen a far worse situation than we had with the flooding. What would happen to our backup materials and our microfiche and other areas where we backup tapes and information for gov-

ernment and other institutions on the island? Perhaps, the time has come when we should be looking at putting a facility on Cayman Brac that could be used to backup our very sensitive documents and other information here in Grand Cayman.

Mr. Speaker, I know that the move is afoot right now to set up such a facility, the Brac Informatics Centre. Whilst I am not going to be speaking at length on that at this point, I intend to do that at a different occasion. I believe, Mr. Speaker, that it is only appropriate that we should consider whether sensitive documents and information should not have a backup facility, say on the Bluff, in a purpose built customised facility.

So, Mr. Speaker, I totally support the move that is being made by the First Elected Member for West Bay. I trust that when the time comes, funds will have to be made available to have the various facilities put in place. We will definitely give support from this side of the House. Thank you, Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I live in central George Town and I know the power of the rains. I have known this since I was a boy. In many of these areas we floated on drums during the rainy season because the water level had risen so high. Nothing has been done since my childhood to improve drainage in these areas. What has compounded the problem is that the Planning Department has allowed developers to develop all around some of the lower income areas in George Town. This is part of the problem for the flooding.

We are not critical of those persons that so selfishly build their land up knowing that it is going to cause flooding in these areas. Right behind where the Third Elected Member for George Town mentioned he evacuated people from, the area has been destroyed by development. Very, very selfishly done. No control from the Planning Department.

Also, in the area where I live in Windsor Park, the Government came in there recently and repaired the roads and put in a few drains. They spent thousands of dollars. Developers came in on Anthony Drive and put buildings down, put sidewalks down, which does not allow any drainage and destroys the roads again. They will not put one single drain down.

We are living in a society that is very selfish and, perhaps the act that is going on is also part of that selfishness because perhaps we will live to get some kind of credit for people's misfortunes. But the point is that when the government wants to make promises, the government also has to take taxes. And this is what nobody really wants to do. Everybody wants to promise the people this and that but nobody wants to tax them.

Where are we going to get the money from? I say that the developers that are surrounding these areas, that are causing the flood in these areas . . . The rain, yes, was heavy. We have had heavy rains before. But in a lot of these areas, we have the flooding because selfish developers are carrying out a policy to discourage

those people from living there so that they can get their land for nothing. This is what the government needs to look into.

I support any kind of assistance that these people can get, but I do not believe that those people themselves should pay for that assistance. Believe it or not, when the government has to pay for it, they are going to take it back from these very same people later on in taxes.

I believe that the developers that are making profits on the office buildings . . . and the government is also a part of it because the Government Racket Club property, they have filled also— The government is also part of what has happened off the Myles Road area in drowning those poor people. No consideration. We need to pay attention to this. We need to help those people solve the problem by putting in the proper drainage system that will be lasting because we saw a similar situation in November 1996.

I took some photographs of that area. I am telling you sir, the government itself is responsible for part of the flooding.

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

Hon. Anthony S. Eden: Thank you Mr. Speaker. I would also like to offer my support to the excellent idea put forward by the First Elected Member for West Bay.

I would like to support what the Third Elected Member for Bodden Town said, and also what followed on by the Third Elected Member for George Town in regard to the topographic survey. But I feel that we don't need to wait at this time (with the dry weather coming up) on that survey. There are areas that we know are perennial problems.

Public Works shared with us recently that the new drain wells that they are putting in, 10-inch drains, have been quite successful in the Industrial Park area. Let us start as soon as possible with these areas that we know. We don't need a topographical survey to know that Randyke Gardens, certain areas of Savannah/Newlands, Belford Estates and so on. We know. Let us stop talking and let's get some action going on these areas.

It's like the situation in Randyke Gardens, we keep talking about the drainage there—lo and behold, another situation has developed, and it has not been addressed. I now understand that the Department of Environment and Public Works are going to start shortly. But how long must these poor people suffer?

We went in there yesterday and it was heartrending what has happened there. But what really bugs me, Mr. Speaker, is when I went to some other subdivisions in my district where I saw evidently that permission has been given—the road was about two or three feet under water. Where in the world are the people who are supposed to be responsible allowing this to take place?

We must tighten down and address this problem or all we are going to continue to create is the cancer that is going on in this area. And government then has to come back and build these subdivision roads to a standard.

Something is wrong and it needs to be dealt with. We have to take the bull by the horns or whatever else we need to grab him by and get action out of it.

Thank you, Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I believe that after all of that, I must have some right to say something too.

The Speaker: Briefly.

Mr. W. McKeeva Bush: Mr. Speaker, I will be brief. I certainly would not want this request because of all that has been said about the developers—the development being too low and the sharing of responsibility. What I don't want is a long protracted process while people are hurting. While people are hurting is not the time to worry or to go hunting for someone to blame.

I am aware that this House approved assistance for roofs for people from the disaster floods of 1996 and they have not gotten it. I would ask that the bureaucracy look at the different things that members have pointed out and be not stalled while roofs and houses need urgent attention.

Mr. Speaker, I can point out that on the West Bay road since hotels have gone down and because of developments on both sides of the road, the roads have simply flooded more—the way they have built their sidewalks without proper drainage. It seems like that is continuing all the time. So, perhaps, the Minister of Planning needs to pay some urgent attention to whatever is approved to make sure that proper drainage is put down on the West Bay Road. I have seen areas flooded there that I have never seen in my forty-four years on this earth.

So, Mr. Speaker, while all of that is true. While the developers need to pay attention, and government needs to pay more attention because Randyke Gardens or Windsor Park is not new. I recall in 1996, a picture on the front page of the *Caymanian Compass* with the Minister of Planning with his pant legs rolled up to his neck standing in the water. So, I don't understand why four to five years later that we are still in that problem.

We need to do something. We are not trying to get any credit on anybody's hurt—be that far as the Elected Member for George Town talked about. I don't think that is so with any member of this House. We are simply pointing out that problems exist and we need to do something about it, as he has also pointed out.

So, Mr. Speaker, I would ask that a contingency warrant of whatever funds needed be set up immediately but that we start with those things that we know can be fixed now—the roofs and the different roads. Aerial photographs and the drainage of Randyke Gardens . . . and if the Minister of Planning wants to quarrel with the developer, all that takes place afterwards. But those people that are hurting and we should immediately go to their rescue and assistance now.

Thank you, Mr. Speaker, I really appreciate your indulgence this morning. This morning, you were a real good Speaker.

[Laughter]

The Speaker: I shall now put the question that this House do adjourn until Friday, 26 November 1999 at 10.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until Friday, 26 November 1999 at 10.00 a.m.

AT 11.38 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 26 NOVEMBER 1999.

**EDITED
FRIDAY
26 NOVEMBER 1999
10.40 AM**

[Prayers read by the Second Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oath of Allegiance to Mr. Donovan W. F. Ebanks, MBE, to be the Honourable Acting Temporary First Official Member.

Mr. Ebanks will you come forward to the Clerk's table? Will all members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

(Mr. Donovan W.F. Ebanks, MBE)

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

The Speaker: Mr. Ebanks, on behalf of all honourable members, I welcome you to this House for the time of your service. Please take your seat as the Acting Temporary First Official Member.

Please be seated. Item number 3 on today's Order Paper, Reading By the Speaker of Messages and Announcements.

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

The Speaker: I would like to apologise for our late start this morning but it was unavoidable.

Item number 4 on today's Order Paper, Presentation of Papers and Reports. The Honourable Third Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE DRAFT ESTIMATES OF REVENUE AND
EXPENDITURE OF THE CAYMAN ISLANDS'
GOVERNMENT FOR THE YEAR 2000**

Hon. George A. McCarthy: Mr. Speaker, I beg to lay on the Table of this Honourable House, the Draft Estimates of Revenue and Expenditure of the Cayman Islands' Government for the Year 2000.

At this time, sir, let me apologise on behalf of the government for the delay in getting started with the presentation of the Budget Address.

The Speaker: So ordered.

Item number 4 on today's Order Paper, Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION (2000) BILL, 1999

The Clerk: The Appropriation (2000) Bill, 1999.

The Speaker: The Bill has accordingly been read a first time and is set down for second reading. Bills, Second Reading.

SECOND READING

THE APPROPRIATION (2000) BILL, 1999

The Clerk: The Appropriation (2000) Bill, 1999.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the second reading of the Appropriation (2000) Bill, 1999.

The Speaker: So ordered. Please continue.

THE BUDGET ADDRESS

Delivered by

**The Hon. George A. McCarthy, OBE, JP,
Financial Secretary**

Hon. George A. McCarthy: Mr. Speaker, as we stand here today on the eve of a new millennium—amidst rapid global changes and numerous challenges before us, I am proud to say that the Cayman Islands is well-prepared for the new century.

This past year has been a very busy one for us, perhaps the busiest that many of us have known in recent times. It seems that in 1999, the last year in this decade, everything was upon us at the same time. What has been truly amazing, Mr. Speaker, is how every segment of this society bonded together like one huge fam-

ily, to plan for our future and meet the challenges headlong as they emerged.

I would like to publicly acknowledge and thank all those persons who have worked tirelessly over the past year to ensure that the Cayman Islands is well equipped to meet the challenges in 2000 and beyond. Among these persons are:

- the Government and dedicated staff of the Public Service;
- Members of the Legislative Assembly;
- numerous private sector associations and individuals;
- non-governmental bodies; and
- the community at large.

Our greatest asset is our people, and only through our combined efforts can we move forward successfully into the future. In this regard, mention should be made of two significant projects undertaken in 1999 that have benefited from widespread participation. These are Vision 2008 and the Financial Management Reform Initiative.

MAJOR INITIATIVES UNDERTAKEN FOR THE 21ST CENTURY

Vision 2008

Starting with Vision 2008: Mr. Speaker, in July the Ten-Year National Strategic Plan, *Vision 2008*, was passed unopposed by this Honourable House. This illustrated the overwhelming support at the highest level of decision making for long-term planning of these islands.

Planning is important for any country, but it is particularly significant for small islands such as ours, heavily dependent on a narrow range of industries, constrained by limited natural and human resources, and vulnerable to adverse weather conditions.

There are 15 Vision Statements in the National Strategic Plan. These vision statements, or "outcomes," are important because they reflect the long-term goals of the Cayman Islands. Included are outcomes relating to the economy, environment, human resource development, family and community, as well as education, youth, health, culture, crime, drugs and governance.

The National Strategic Plan recognises the constraints posed by our small size and limited "carrying capacities." It therefore emphasises the importance of maintaining balance development according to growth management principles. The overall aim is to maintain prosperity while at the same time protecting the social and natural environment.

We are very fortunate to have a well thought out Strategic Plan to guide our future. There are 16 strategies and 230 action plans in a range of areas. These will be extremely valuable to both the private and public sectors as they look towards development of these islands into the 21st century.

Financial Management Reform

In the last Budget Address, Mr. Speaker, it was announced that government had embarked upon a major programme of financial and budgetary reform.

This initiative will enhance medium term planning and budgeting. It will also strengthen the linkages between government's priorities and resource allocation decisions. A new phase of the budget process will be introduced, that is "the strategic phase," at which a Pre-Budget Strategic policy Statement will be presented. This statement will set out the government's high level policy and fiscal outcomes—linking the national outcomes established through the Vision 2008 and the Medium Term Fiscal Strategy processes and the specific outcomes that the government intends to give effect to through its forthcoming budget.

Greater transparency is a basic tenet of the new financial management system. An accrual-based accounting system will provide a more accurate picture of the use of financial resources and is better for accountability and management decision making. Our current accounting and budgeting systems provide us with limited information. The new system, with a three-year focus, will enable us to consider the longer-term impact of today's decisions with greater knowledge of the financial implications for tomorrow.

There are several other aspects to the new financial management system. These are greater role clarity, performance based on results, and greater accountability. The role of Executive Council will be to set policy direction, decide on specific outcomes and advise on the mix of outputs. Government agencies will implement policies and deliver outputs. Under the new system, managers will have greater control of their resources and will be given more responsibility for managing their agencies and delivering services. In return, they will be asked to account for the manner in which resources are used.

Having explained the underlying rationale on which the whole initiative is based, I would like to briefly provide you and honourable members with some details of this reform and our overall plan for implementation. The initiative has been developed into three interrelated phases:

Phase 1: Deals with the introduction of output-based budgeting. This is broken down into three steps: Two "dry runs" in the years 2000 and 2001 with full introduction in the year 2002;

Phase 2: Deals with the implementation of accrual accounting in 2002; and

Phase 3: Deals with progressive decentralisation of resource input controls from 2003 onwards.

The goal of the reform exercise is to produce a system of financial management and budgeting that is capable of meeting the modern demands on government and is in line with up-to-date management practices. The updated system will differ from the present one in two fundamental ways.

Firstly, it will focus on the goods and services or outputs we produce rather than on the inputs that are needed to produce the outputs. This means, for example, that the "budget book" would no longer provide lengthy details on the cost of inputs such as computers or furniture. Instead, it will show all the services provided, together with details of the quantity, quality and cost of each service.

The benefits to the public of an output-based system are tremendous. Not only will we see clearly what services the government provides and the cost of each, but also we will be able to determine whether we are receiving value for money. The public will benefit from a different kind of debate on the Annual Budget. Discussions will shift from what inputs government should purchase to what mix of outputs are most appropriate.

The second main difference between the present and updated system is a move away from a cash-based to an accrual-based accounting system. What this means is that financial transactions will be recognised when the resource is consumed, and not when the cash flow happens.

For example, revenue from motor vehicle licensing fees will be recorded on the date due, and not on the date these fees are paid to the government as presently done. The overall revenue picture of the government will therefore be clearer, reflecting not just the actual revenue collected, but also the total potential revenue and any revenue shortfall. Similarly, expenditure on equipment will now be recorded on the date payment is due for this item and not on the date that the government actually processes the cheque. The true expenditure of government and amounts outstanding will then become apparent.

The financial management reform project is a large and complex one that will involve many changes. The government is well aware that it takes time for people to adjust to changes and for them to become comfortable with new practices. As a result, this project is being implemented over a period of time and in three phases mentioned previously.

Over the past few months, a great deal of time was spent on conceptualising and planning the project. While we drew upon the key concepts provided by the New Zealand model (that is, output-based budgeting and accrual accounting), our objective was to design a new Caymanian model of financial management system that was appropriate to our own circumstances and conditions. At this design stage, there was full public service involvement.

The implementation stage involved setting up project teams, conducting a comprehensive programme of training and undertaking other preparatory work on budget planning and legislative changes. To date, the majority of government agencies have specified their outputs and completed detailed costing. More importantly, the process of changing the way we think about our work and our roles has begun.

In 2000 and 2001, the intention is to further develop and refine Phase 1 and prepare for the transition to accrual accounting and reporting.

Mr. Speaker, I plan to lay a sample Annual Plan and Estimates which represents the primary output from the first "dry run" of Phase 1. This will be done during the course of this meeting. Honourable members should note that this will be circulated for purely illustrative purposes and should be considered within that context. It should be noted that no figures will be included at this point, but these will be inputted over the next month or so in order to produce a more complete document ready for circulation in January along with the 2000 Budget.

Financial Management Reform and Vision 2008 complement each other. Vision 2008 sets out the outcomes or long term goals of the society. Financial Management Reform will help us to specify and measure the outputs that contribute to those outcomes. In other words, Financial Management Reform will help us to operationalise better the ideas contained in Vision 2008.

FINANCIAL INDUSTRY HIGHLIGHTS

Mr. Speaker, turning now to some highlights pertaining to the financial industry. The past year has been a very busy and challenging one for the financial industry. The government, cognisant of the numerous changes taking place internationally, has worked diligently on a number of fronts to ensure that the Cayman Islands retains its position as a world-class financial centre. During the year, the government:

- engaged in constructive dialogue with the OECD and EU on the issue of "harmful" tax competition;
- maintained a high profile in regional and international fora and participated actively in global discussions on reform of the international financial system;
- took steps to ensure that the financial institutions and the main regulatory body, the Monetary Authority, conform to international standards and;
- improved the image of the Cayman Islands financial services industry.

The "harmful" tax competition issue occupied a considerable amount of government's time this past year. Working through the Secretariat in the Portfolio of Finance and Economic Development, we have monitored very closely developments in this area. The government provided a detailed response to the OECD Study Group Report on the Cayman Islands, correcting many misconceptions about our tax system, economy and financial industry.

In August, a Cayman Islands delegation, headed by the Honourable Truman Bodden, attended a consultation with the OECD Forum on harmful Tax Competition and made a comprehensive submission, outlining why the Cayman Islands should not be regarded as engaging in "harmful" tax competition. We have also made submissions through the UK on various aspects of the EC initiatives.

In addition, the government is preparing to engage in bilateral discussions with our major economic partners, these are the USA and the UK, on how to resolve these issues in a mutually accepted way.

Recent indications from the OECD suggest that rather than simply producing a list of tax havens the

OECD will be differentiating between cooperating and non-cooperating jurisdictions. A report on this exercise will be presented to the OECD Council of Ministers meeting in June 2000. We are optimistic that based on continued co-operative dialogue with the OECD we will not, or should not, be subject to any counteracting measures.

Mr. Speaker, since publication of the OECD "Harmful Tax Competition Report," discussions on the changes brought about by globalisation have advanced. Several factors have come into view. As a result, new developments are taking place globally and the international community is pursuing other kinds of initiatives.

First of all, it is now recognised that given the sheer size and complexity of the problems involved, no piecemeal solution is possible. The present focus of the global financial community is on reform of the entire international financial system. Taxation is only one factor among the myriad of other macro-economic variables that have to be considered.

The International Monetary Fund's (IMF) Financial Stability Forum, created under the auspices of the G7 countries, has appointed a special working group on offshore financial centres. This group will be examining the significance of offshore financial centres in relation to financial stability in all its aspects.

Secondly, since policymakers are aware that there is no adequate understanding of the effects of globalisation, they are careful about pursuing radical approaches that could damage world economy. As Alan Greenspan recently stated in relation to changes in the banking industry, the physician's admonition of "first do no harm" is a desirable starting point.

Thirdly, the approach being taken to offshore financial centres by the international community suggests that these centres will continue to have an important role in a reformed world financial system. Action currently being undertaken by the United Nations is based on the premise that there are legitimate reasons for the existence of offshore financial centres and many jurisdictions operate effectively within national laws and internationally accepted standards. The UN approach is on devising acceptable regulatory standards for offshore financial centres via a process of consensus building. This consensus building approach is a favoured one and it is in line with fundamental principles of fairness and equity. Similarly, a major aspect of the Financial Stability Forum's Working Group on Offshore Financial Centres is on assessing compliance with international regulatory standards.

Turning to other developments, as you and other honourable members are aware, the Cayman Islands hosted two major regional and international financial meetings in 1999 and is expected to host a third one in March of next year. There are many advantages to hosting and participating actively in these regional and international events. At a time when discussions are taking place on reform of the international financial system, we have an opportunity to directly influence and shape future policy. More importantly, we can ensure that any prospective developments do not disadvantage the Cayman Islands. In a period of rapid global change, it is important to have a voice at the highest levels of decision

making; one that can be heard and is well respected by all.

Mr. Speaker, at this point I think it would be useful for me to interject that the second informal meeting will be taking place from December 2 through 5 in Vienna. The UN has been extended an invitation to the Cayman Islands and I will be seeking the leave of Executive Council, this Honourable House, and you, to be in attendance at that meeting.

Mr. Speaker, it is very important in light of developments that are now taking place. And, since the Cayman Islands has been established as an international financial centre within the world community and a leader in the region, I think our participation in that initiative keeps our standing at the level that it should be. So, Mr. Speaker, I will be absent from this Honourable House. I have written to you concerning that, and the Deputy Financial Secretary will be acting in my absence.

In July, the Cayman Islands hosted a Caribbean Financial Action Task Force (CFATF) plenary meeting where five mutual evaluations were discussed. The hosting of this meeting here, and the fact that the Cayman Islands had assumed the chairmanship for the year, reinforced the Cayman Islands' prominent role as a leader in the fight against money laundering. During our tenure, a total of seven mutual evaluations were completed—the highest number undertaken in any one year since the establishment of the organisation.

On the international front, some two months ago the Cayman Islands hosted the prestigious Commonwealth Finance Ministers' Meeting. This meeting, which was attended by delegates from over 50 countries, was a huge success. The special theme, "Reforming the Global Financial Architecture," attracted worldwide attention and the Cayman Islands' government obtained an excellent opportunity to contribute to this important topic.

The Cayman Islands is recognised as one of the world's largest, well-regulated financial centres. This is the main reason why increasingly we are being approached to host major financial meetings. Next March, as I said earlier, the Cayman Islands will occupy centre stage once more when it hosts the First United Nations Offshore Forum Plenary. That meeting will be from 27 - 29 March, next year.

This meeting will be held under the auspices of the United Nations Office of Drug Control and Crime Prevention (ODCCP). It will bring together delegates from some 40 offshore financial centres and over 100 representatives from other non-offshore jurisdictions. Delegates from key international organisations such as the IMF, World Bank, and the Financial Action Task Force (FATF) will also be in attendance. The meeting is expected to discuss the setting of minimum performance standards for offshore centres. These standards will incorporate core principles and standards set by the United Nations, the FATF, the Basle Committee on Banking Supervision, and other international bodies.

It is clear that the focus in 2000 and beyond will be on effective regulation of the financial industry. I am pleased to report, therefore, that the Cayman Islands

recently took further steps to strengthen the regulatory aspects of its financial industry.

This past year the government fully endorsed the idea of granting greater regulatory autonomy to the Monetary Authority. This was a goal established for the Monetary Authority by the government when it was initially set up. A task force is presently carrying out a comprehensive operational and legislative review of the Authority to ensure that it is fully equipped to operate successfully as an independent entity. Full autonomy to the Monetary Authority will bring us in line with international standards and enhance our reputation as a world-class financial centre. This task force is being headed by the Assistant Financial Secretary, Miss Drummond, together with directors of the Monetary Authority and senior staff members within that organisation.

Another major development this year was the drawing up of a Draft Code of Practice to give practical guidance to financial service providers in the prevention and detection of money laundering offences. This code, which focuses on "Know Your Customer" principles, suspicious activity, and money laundering, resulted from comprehensive discussions between the government and the private sector Anti-Money Laundering Guidelines Committee. When finalised and introduced into the Cayman Islands, the code will put into effect the recommendations of the FATF and the Memorandum of Understanding of the CFATF amongst member countries.

The United Kingdom recently published a White Paper setting out its proposed policies in relation to Overseas Territories' (OTs) financial regulation. In the first six months of next year, the UK and the OTs will be overseeing a review of financial regulation to ensure that OTs meet the goals set out.

The White Paper Review is consistent with the Cayman Islands reform initiative for the financial industry and will therefore not pose any new challenges for us. It will examine measures to prevent money laundering such as adoption of the "Know Your Customer" principle; regulatory legislation which meets international standards; co-operation with overseas counterparts on investigations and enforcement; and independent regulatory authorities. These are areas where we have already made great strides, or are in the process of improving.

I should mention that there is a joint committee that has been set up between the UK and the OTs in drawing up the terms of reference for this review. Representing the Cayman Islands and the British Virgin Islands is our Deputy Financial Secretary, Mr. Joel Walton. He will be going to the UK in the early part of December for a meeting in order to decide on the award of the contract for the conduct of this review.

The Cayman Islands welcomes the White Paper Review and will be working with the UK and the OTs in this regard. The benefits of the Review are tremendous and will be seen fully in the medium to long term in view of anticipated international expectations.

The Cayman Islands is committed to subscribing to the highest regulatory standards and continues to co-operate with overseas counterparts. Recognition of this was reflected in the 1998 US State Department's Bureau

of International Narcotics and Law Enforcement Affairs Report. This report stated that the Cayman Islands "remains diligent in its anti-money laundering efforts . . ." and that the government had, "in general, been extremely co-operative with United States law enforcement in connection with criminal investigations, including financial investigations."

The Cayman Islands has had many successes over the years and there is no doubt that these will continue into 2000 and beyond. One of the most significant achievements this year was the admission of the Cayman Islands Stock Exchange (CSX) to the London Stock Exchange list of approved organisations. This was the first time that an offshore stock exchange was added to this list. The CSX now joins institutions such as the New York Stock Exchange, the NASDAQ, and all official stock exchanges in Europe and Japan. The key benefit for the CSX is that its listed securities are now eligible for trading in the London Stock Exchange international equity market and for a quotation on the Stock Exchange Automated Quotation System (SEAQ).

Before concluding highlights on the financial industry, mention should be made of the government's effort to improve the image of our financial industry. This is one area that required urgent attention since there has been so much misinformation about the Cayman Islands internationally.

In August, the government contracted the services of an excellent international public relations firm to assist with improving the image of the Cayman Islands financial services industry. This firm will seek to provide the general media and the public with accurate information about the role of the Cayman Islands as an international financial centre. The government intends to work along closely with the private sector in this venture in order to reap the maximum benefits from its public relations campaign.

Mr. Speaker, there is no doubt that the world is undergoing numerous changes. In every process of change, however, there are challenges and there are opportunities for growth. Over the past twenty years we have encountered many challenges which we have met successfully time and time again, and we have become stronger, Mr. Speaker, for these challenges. It is our intention to exploit all available opportunities in the future, including those in new areas such as the informatics industry and those associated with electronic commerce. A proactive approach will contribute towards the continued viability and prosperity of the Cayman Islands well into the 21st century.

Y2K ISSUE

We are now one month, four days and a few hours away from 2000 AD. Over the past year, computer experts both in the private and public sectors have been working furiously to ensure that all businesses, organisations and government institutions will be millennium compliant by December 31, 1999.

The question that everyone has been asking is: Will we be Y2K ready? I am pleased to say that the Millen-

niun Advisory and Compliance Committee (MACC) recently reported that considerable progress has been made in all key phases towards Year 2000 compliance. In the coming weeks, work will intensify in order to ensure that all critical applications are millennium compliant before January 1, 2000.

THE WORLD ECONOMY

The global growth outlook for 1999 now appears much better than earlier predictions suggested. Financial market confidence has been returning in most of the emerging market economies; the Japanese economy now appears to be stabilising; and the economic downturns in Brazil and Russia are shallower than expected earlier. As a result, growth projections for 1999 in all the crisis economies and in most of the major industrial countries have been revised upwards.

World economic growth in 1999 is expected to be 3 percent, compared to 2.5 percent in 1998. The Asian region is expected to grow by 5.3 percent in 1999, compared to 3.1 percent in 1998; and the major industrial countries by 2.8 percent, compared to 2.2 percent.

The US economy seems to present some difficult case for analysts and forecasters. Despite numerous projections of a slowdown, US performance has strengthened over the past year. Third quarter GDP grew by 4.8 percent year-on-year, up from 1.9 percent in the three months to June. This means that the 3.7 percent growth projected for 1999 will have to be revised upwards to around 4.0 percent to reflect this stronger performance.

Global growth for 2000 is projected at 3.5 percent. This projection assumes a further improvement in financial market conditions in emerging market economies; resilient growth in the Euro area in the face of unfavourable external circumstances; and a bottoming out of the Japanese recession in 1999.

US expansion has played an important part in moderating the global slowdown in 1999. But this pattern of accelerated growth in the US is unlikely to continue into 2000. With unemployment at a 29 year low of 4.3 percent, future economic expansion will be constrained by underlying productivity growth and increases in the labour market. A slowdown in aggregate demand is therefore expected.

There is a general feeling that the US economy is overheating and that the rapid growth cannot continue. In fact, since June the Chairman of the Federal Reserve Bank has taken steps to slow the economy. The Federal Fund Rate, which now stands at 5.5 percent, was increased by a further quarter percentage point increase in June and August of this year. A further quarter percentage point increase was announced ten days ago. If inflationary pressures persist into next year (as they most probably will, given the prospects of higher oil and non-fuel prices) this upward pressure on interest rates is likely to continue.

THE DOMESTIC ECONOMY

In recent years, the Cayman Islands has experienced quite high levels of economic growth—averaging 5.1 percent over the past five years. This high level, however, now appears to be levelling off and economic growth in 1999 will be slightly lower than the 5.0 percent estimated for 1998.

Financial and Business Services

Performance of the financial and business services sector remained strong in the first three quarters of 1999, and good growth is expected for the remainder of the year.

The Cayman Islands Stock Exchange continues to be one of the world's fastest-growing stock exchanges. At the end of September 1999, it had a total of 183 listed issuers with a combined market capitalisation of roughly \$17 billion. This reflects an increase of 40.1 percent in new business since January and an increase of 55.1 percent over the third quarter last year. The composition of listings is as follows: Mutual Funds-110, International Debt-69, and Domestic and International Equity-4.

In March, the Exchange issued listing rules for derivative warrants, and has subsequently attracted 10 warrant listings on the Exchange. There are also now seven broker members, compared to three last year. In order to ensure that broker members are compliant with forthcoming new membership rules, the Exchange recently announced an onsite inspection programme of its broker members.

In terms of the banking sector, the Monetary Authority has stepped up its efforts this past year in the field of banking supervision. In February, the Cayman Islands signed a Memorandum of Understanding with Brazil, demonstrating its commitment to the sharing of supervisory information for cross-border cooperation. In addition, in May we hosted the Offshore Group of Insurance Supervisors' Conference and the Caribbean Group of Banking Supervisors' Conference. The Monetary Authority also broke new grounds this year when an onsite inspection team visited several Central American countries to conduct an onsite inspection of a Cayman Islands incorporated financial conglomerate.

As at 30 September 1999, there were 572 banks and trust companies licensed to operate in the Cayman Islands. This was eight less than at the same time in 1998. This decline was mainly due to institutions merging or restructuring their operations. There was a significant increase, however, in the total local currency assets of category "A" banks and trust companies. An estimated \$876 million was recorded at the end of the third quarter in 1999, compared to an estimated \$694 million at the same time in 1998. This reflects a 26 percent increase over the period.

Regarding the mutual funds and insurance industries, growth was strong in these subsectors. In the first nine months of the year, 310 additional mutual funds were registered, bringing the total number of registered mutual funds to 2,184. This represents a 13.3 percent increase over third quarter statistics for last year.

As at 30 September, the total number of registered insurance companies was 496, an increase of 23 since September 1998. The total assets of these companies are approximately US\$12 billion.

In terms of company registration, the number of new companies registered in the first nine months of the year was 6,763. This brings the total number of companies registered to 51,011, an estimated 6 percent increase over the previous year.

Shipping

Turning to shipping, the Merchant Shipping Law, which was drafted in 1997, came into effect in July this year. Several amendments were made to this law to suit the local environment and increase its regulatory standards.

The total gross tonnage on the shipping register was 1.4 million tons as at 30 September 1999. This reflects an 18.5 percent increase over the same period last year. Some ten ships were added to the commercial fleet and 86 more pleasure vessels were registered. This large increase in pleasure vessels was mainly due to a significant rise in the registration of mega yachts.

Tourism

Performance of the tourism sector in the first nine months of the year has been somewhat mixed, for whereas there was a large increase in cruise ship arrivals, growth in air arrivals declined over the period.

As at 30 September 1999, a total of 737,363 cruise ship passengers had visited the Cayman Islands. This is a 19.9 percent increase over the 615,119 cruise ship passengers who came to our shores last year. Two main factors have contributed to our success in cruise tourism: the advantage of visiting multiple destinations and an increasing number of larger cruise ships on the market.

By contrast, air arrivals decreased this year by 2.2 percent from 308,577 to 301,686. This slower growth is not specific to the Caribbean, since the Caribbean as a whole appears to be having a slow tourism year.

Growth in stay-over arrivals has suffered from factors operating both on the demand and on the supply sides. The closing of the Holiday In and Grand Pavilion hotels in 1998 have reduced the availability of hotel rooms on the island. At the same time, competition in the tourism industry has become fiercer worldwide as countries have sought to attract increasing numbers of tourists. Destinations are offering 30-35 percent discounts over last year's hotel rates and all-inclusive competition from US West Coast to the Pacific rim is becoming more intense. Airfare competition has also been increasing dramatically.

In addition, there is now increasing competition from cruise ship companies that are targeting the mainstay of our traditional US stay-over visitor market. Since the vast majority of cruise ship visitors are from the United States, US air arrivals to the Cayman Islands have suffered the most from this development. Whereas the decrease in

stay-over arrivals from all destinations was 2.2 percent, the decrease from the USA was 5.35 percent.

In light of the increased competition, the Department of Tourism has stepped up its monitoring of competing destinations, demographics, and trends in the market place. It recently designed and produced a number of marketing and public relations projects to build additional recognition to and awareness of the Cayman Islands.

The "Chillin' n' Cayman" programme is already in position and another value-added plan, the new "Kids Free" programme, was recently launched. This latter programme encouraged family travel from June 15 to September 15. There is also the "Visiting Journalist" programme (VJ) which is active from May 1 through December 15. The programme is designed for writers and journalists from around the world who are invited to visit and "take a little piece of the Cayman Islands" back home and share their experiences with their readers.

The Ministry of Tourism has supported the construction of new accommodations, which cater to visitors. Some of these include the Comfort Suites, Sunshine Suites, the Grand Cayman Hotel and Holiday Inn. The first three of this accommodation category are expected to provide almost 300 rooms for this winter season.

Tourism is also being further developed on Cayman Brac. The Sister Islands Tourism Association and the Department of Tourism are promoting a Nature Tourism project, which consists of informative signs and site developments. This project, which is expected for completion in January 2000, will contribute to greater diversification of the Sister Islands tourism product.

Agriculture

The estimated value of domestic agricultural production as at 30 September 1999 was \$1.2 million. By year-end, this should exceed the \$1.7 million recorded in 1998. The various policy initiatives undertaken by the Department of Agriculture during the year have contributed in large measure to the success of the agricultural sector.

The Tree Crop Husbandry service provided pruning, chemical spraying for pests and diseases and recommendations for fertiliser usage for 45 farmers. The result was significant increases (up 20 percent) in yields of avocados, plantain, bananas, and citrus fruit. There was also 150 percent increase in goat meat production in the first nine months of the year, subsequent to the introduction of a new breed of goat into the Cayman Islands.

Overall, the outlook for agricultural production in 2000 and beyond is very good. Higher production yields are expected in the light of the intended application of new technologies and continuation of government policies aimed at sustainable development of this sector.

Real Estate

The value of land transfers as at 30 September 1999 stood at \$211.9 million. This is 16 percent lower than the \$253.3 million recorded at the end of September 1998. The fourth quarter of the year is expected to show

a significant increase, however, with an expected closing of sales on one major large-scale condominium complex and several other high-value land transactions.

In contrast to land transfers, activity on lease transfers this year was quite buoyant. At 30 September 1999, the value of lease transfers recorded was \$3.6 million. This was 89 percent higher than the figure recorded at the end of September 1998.

Since revenues from stamp duty on land transfers are considerably more than on lease transfers, total stamp duty revenues as at 30 September 1999 declined by 16 percent over the previous year, that is, \$19.5 million compared to \$24.5 million.

Construction

Mr. Speaker, activity in the construction sector remained at a high level in 1999. The overall value of approved projects in the first three quarters of 1999 was approximately \$208 million, a slight increase over the \$206 million recorded for the same period in 1998. The 1998 figure quoted here is lower than the one provided in the last Budget Address, since the Planning Department has re-defined its classification of projects.

Included among the 1999 approved projects are a number of high-end luxury condominiums and apartments, hotels and private homes. Two of the largest hotels approved this year are the new Holiday Inn and the Morritt's Grand Hotel in East End.

On the Sister Islands, construction activity remains high as the duty concessions are still in place. One of the largest projects underway is construction of a commercial complex on Cayman Brac. This complex, which is due for completion by January 2000, will house a supermarket and accommodation for retail establishment and offices. A gas station will also occupy part of the complex grounds.

Mr. Speaker, I should also mention that the government has under review whatever needs to be done to assist the people of Cayman Brac and Little Cayman with the announced closure of Barclays Bank in Cayman Brac. We are thankful for the measures that Cayman National Bank have under review at this time and also their commitment to extend their facilities and activities, hopefully, to deal with any problems that would normally arise.

Economic Outlook

As stated earlier, the prospects for 1999 are better than previous predictions suggested. Given these encouraging signs, the government expects these favourable trends to continue into the year 2000 and beyond.

THE STATE OF PUBLIC FINANCES

1999 Forecasted Position

Mr. Speaker, our forecast for 1999 shows total recurrent and statutory expenditure, and contributions at

\$263.9 million, which is 3.7 percent less than the budgeted figure of \$274.1 million.

Total recurrent revenue is forecasted at \$273.3 million, which is 3.5 percent below the budgeted figure of \$283.2 million. This shortfall, however, will be offset in the main by the favourable accumulated surplus balance brought forward from 1998 of \$9.1 million.

After taking into consideration this favourable brought forward balance and the positive recurrent and statutory expenditure and contributions performance, the 'surplus of recurrent revenue available to capital acquisitions, contribution to reserve funds and capital development' is expected to be \$18.5 million.

Mr. Speaker, I now move on to capital acquisition expenditure, which is forecasted at \$6.3 million. The 'surplus of recurrent revenue available to contribution of reserve funds and to capital development expenditure' is therefore \$12.2 million, which is \$18.5 million mentioned previously, less the \$6.3 million for capital acquisitions.

Total capital development expenditure is forecasted at \$27.5 million which is 35.3 percent below the \$42.5 million budgeted. If achieved as forecasted, this would result in capital development fund balance of \$100,000 as at year-end 1999 and an undrawn amount of \$11.3 million against the capital loans approved for 1999. These funds would then become available to assist in financing the continuing projects under the year 2000 capital development programme.

RESERVE FUNDS

General Reserve Fund

Mr. Speaker, as at the beginning of 1999, the General Reserve Fund balance stood at \$10.6 million. This balance is expected to rise to approximately \$14 million by year-end 1999 as a result of interest earnings and a budgeted inflow of \$3 million from the general revenue fund. Honourable Members should also note that the 2000 Budget also includes a \$1 million appropriation to this Fund under Head 2500, which is the Portfolio of Finance and Economic Development. Any further surplus in excess of projection that may be realised through the end of 1999 will be credited to the General Reserve Fund.

Public Service Pension Fund

Mr. Speaker, the Public Service Pension Fund was established in 1990 to support the long-term pension liability of government under the then existing "defined benefits scheme. Honourable members will, however, be aware that on-going pension payments will continue to be made from general revenue until this Fund has been certified as self-sustaining based on an independent actuarial valuation.

Honourable members should note that the Fund balance was \$40.5 million at year-end 1998 and is expected to reach \$55.2 million by year-end 1999, which represents a 36.3 percent increase over the year.

Housing Reserve Fund

Honourable members will recall that the Housing Reserve Fund was established in 1997 to support any calls that might arise from guarantees issued by the Government under the Guaranteed Home Mortgage Scheme. It is worth noting that so far there have been no calls on guarantees issued under this Scheme.

Mr. Speaker, the balance on this Fund is expected to be \$700,000 by year-end 1999, up from \$400,000 at the beginning of the year.

Student Loan Reserve Fund

Mr. Speaker, it is worth noting that the 2000 Budget also includes \$100,000 towards the Student Loan Reserve Fund. This Fund works along similar line as the Housing Reserve Fund and will be used to support any calls that might be made on the government under the Guaranteed Student Loan Scheme.

OTHER FUNDS

Capital Development Fund

Mr. Speaker, the total forecasted inflows into this Fund during 1999 is \$23.5 million. This amount is broken down as follows: \$2.5 million from general revenue; \$13.7 from loan receipts; and \$7.1 million in transfers from the Infrastructure Development Fund. In addition, there was a brought forward balance of \$4.1 million from 1998.

Total expenditure against the Capital Development Fund for 1999 is forecasted at \$27.5 million as compared to the estimated \$42.5 million. If achieved, this would result in an accumulated balance of \$100,000 on the Fund at year-end 1999.

Mr. Speaker, it should be mentioned, as I said earlier, the balance that remains undrawn against the loan that was approved during the course of the year will be made available to finance capital projects into the year 2000.

Infrastructure Development Fund

Mr. Speaker, the balance brought forward from 1998 on the Infrastructure Development Fund was \$3.9 million. Forecasted income for 1999 from infrastructure development fees is \$3.3 million. After taking into consideration the budgeted transfer from the Fund to the Capital Development fund of \$7.1 million, this would leave a balance of \$100,000 at year-end 1999.

Expected income on the Fund for 2000 is \$3.2 million which when combined with the forecasted balance at year-end 1999 of \$100,000, would make a total of \$3.3 million available to fund capital projects expenditure during the year 2000.

Environmental Protection Fund

Mr. Speaker, the balance brought forward from 1998 on the Environmental Protection fund was \$200,000. Forecasted income for 1999 from the environmental protection fees is \$3 million. As there are no transfers out of this Fund during 1999, the year-end balance of \$3.2 million will be carried forward into the year 2000.

Expected income on the Fund for 2000 is \$3 million which, when combined with the forecasted balance at 1999 year-end of \$3.2 million, will make available a total of \$6.2 million during the year 2000. Of this total, \$1.9 million will be used to fund recurrent expenditure of an environmental protection nature and \$4 million for capital development projects which are to be identified by the government and presented to Finance Committee for its consideration.

Roads Development Fund

The 2000 Budget includes \$2.3 million in estimated collections under the new Roads Development Fund. These monies are to be collected under a cost contribution scheme whereby private developers contribute towards road development that significantly enhance the value of their own property and facilitates its development. Honourable members should note, however, that whilst the initial collections under this fund are on this basis, future inflows will not be restricted to this category.

PUBLIC DEBT

Mr. Speaker, total public debt was \$93.7 million as at January 1, 1999. This amount included central government public debt of \$76.2 million and \$17.5 million for self-financing public debt owed by statutory authorities but guaranteed by central government. After taking into consideration loan repayments of \$11.7 million and loan receipts of \$13.7 million during 1999, total public debt is expected to rise to \$95.7 million by year-end 1999.

Mr. Speaker, even though the total value of outstanding loans has risen over the year by \$2 million, total public debt service (that is, principal and interest) remains at 6.2 percent of 1999 forecasted recurrent revenue. This is well below the generally accepted 10 percent upper limit established by the government.

CIVIL SERVICE

Mr. Speaker, during 1999 the results of the job evaluation exercise were implemented for salaried employees with the understanding that a similar exercise would be undertaken and implemented in the year 2000 for waged employees. I am pleased to announce that the 2000 Budget includes a provision of \$500,000 to offset an increase for waged employees that will result from this exercise. As with the salaried employees, any increases resulting from this review will be implemented with the effective date of January 1, 2000.

REMOVAL AND REDUCTION OF SELECTED REVENUE ITEMS

Mr. Speaker, to assist the public to purchase necessities, the government has taken the decision to remove duties on various food items and to substantially reduce the licensing of bulk water distributors. Accordingly, the government is pleased to announce the removal and reduction of selected revenue measures as set out in Appendix A. (Attached to the Draft Budget Address)

Mr. Speaker, for the benefit of Honourable members of this Legislative Assembly, if you will allow, I will just read the details of the reduction.

Duties on Alcoholic Beverages

Under the Customs Law, subsection 22.22, Ciders and meads will be reduced. The current rate is \$1.88 per litre. This will be reduced to \$1.50.

Under section 22.33, Wine coolers not exceeding 7 percent alcoholic content, presently \$1.88 per litre, will be reduced to \$1.50 per litre.

Under section 22.31, Table wines (red, white, rose) which is currently \$3.75 per litre, this will be reduced to \$3 per litre.

Under section 22.35, Other sparkling wines, which are presently \$4.69 per litre, will be reduced to \$3.75 per litre.

Under section 22.32, Desert wines as shown in the Appendix, \$5.63 per litre, will be reduced to \$4.50 per litre.

Under section 22.41, Spirits (unsweetened, containing less than 5- percent alcoholic content) \$13.13 per litre, will be reduced to \$10.50 per litre.

Under section 22.42, Spirits (unsweetened, containing more than 50 percent alcoholic content) currently \$17.81 per litre, will be reduced to \$14.25 per litre.

Under section 22.43, Spirits (sweetened and flavoured, including liquors) currently \$15 per litre, will be reduced to \$12 per litre.

Duties on Food & Food Products

Under section 04.11, Butter, natural, fresh or salted, currently 20 percent, duty will be removed. This item will now become duty free.

Under section 04.31, Birds' eggs and egg yolks, fresh, dried or otherwise preserved, currently 15 percent, this will now be made duty free.

Under section 08.01, Fruit, fresh, chilled or frozen but not further prepared, currently 15 percent, this will now be duty free.

Under section 17.11, Beet and cane sugar, refined - currently 7.5 percent, will now be duty free.

Under section 19.21, Bakery products including biscuits, currently 20 percent, will now be made duty free.

Trade & Business Licence

Under the Trade and Business Licensing Law, utility services, bulk water distributors - currently \$25,000, this will now be reduced to \$5,000 per annum.

That is the listing, Mr. Speaker.

In addition, the government, being mindful of any potential harmful effects of the revenue measures introduced in 1999 on the Tourism and other sectors of the local economy, the government established a task force to take input from the public and make recommendations in regards to these measures. This study has now been completed and the consensus that emerged recommended the removal of increases on alcoholic beverages with the exception of champagne. (I have just read the details.)

The task force will make recommendations as to the methodology of ensuring that these reductions are passed on to the public. In the spirit of cooperation between local business and the government, cooperation as this time will be in the best interest of the country now and in the future.

2000 BUDGET

~and~

THE APPROPRIATION BILL, 2000 (1999)

Mr. Speaker, the year 2000 Budget total recurrent revenue is estimate at \$305.8 million, up 11.9 percent over the 1999 forecast of \$273.3 million. The recurrent revenue figure, however, does not include the proposed transfer of \$1.9 million from the Environmental Protection Fund. Of this total, \$1.3 million will be used to offset the operating expenditure of the Department of Environment, with the remaining \$600,000 being earmarked to defray the cost of conducting a marl mining study.

The total recurrent expenditure is estimated at \$260 million, up 15.2 percent over the 1999 forecast of \$225.6 million. In addition, new recurrent services totalling \$3.7 million are budgeted. These new recurrent services are spread over several departments but with an emphasis on Education, Health Services and Prison Departments.

The total on-going statutory expenditure is \$25.1 million and represents debt repayment, pension and gratuity payments. In addition, total employer and employee contribution to the Public Service Pensions Fund is \$9.9 million.

Other contributions from Recurrent Revenue (except the Pension Fund mentioned above) include: \$1 million to the General Reserve Fund; \$400,000 to the National Disaster Fund; \$200,000 to the Housing Reserve Fund and \$100,000 to the Student Loan Reserve Fund.

Mr. Speaker, total expenditure against the Capital Development Fund is budgeted at \$45.1 million and is financed as follows: \$100,000 Capital Development Fund balance brought forward from 1999; \$9.4 million contribution from the general revenue fund; \$3.2 million from the Infrastructure Development Fund; \$2.2 million from the Roads Development Fund; \$4 million from the Environmental Protection Fund; \$11.3 million unspent balance approved under the 1999 Capital Loans Law (that will be brought forward into 2000); and, \$15 million

in proposed new borrowings as set out in the 1999 Loans Bill.

Mr. Speaker, the Environmental Protection Fund, the Infrastructure Development Fund and the Roads Development Fund are all expected to have positive balances of \$300,000, \$100,000 and \$100,000 respectively, at year-end 2000.

I now offer sincere appreciation to those persons who assisted in the preparation of this Budget Address, the 2000 Budget Document and the various associated bills. In addition, I wish to express deep gratitude to the public service on whose support we all continue to rely.

Mr. Speaker, I would like to mention especially, the Deputy Financial Secretary, Mr. Joel Walton; the Director of Budget and Management Services, Mr. Peter Gough; and various staff members in the department; Deputy Director of Economics and Statistics, Dr. Parsons. These persons have laboured, Mr. Speaker, but especially the Deputy Financial Secretary and the Director of Budget and Management Services. They have not had any sleep since yesterday—they have worked all night. I really want to express, on behalf of the government, thanks to them.

Mr. Speaker, I recommend the Appropriation Bill, 2000 (1999) which proposes total expenditure of \$314.9 million. This amount is broken down as follows: Recurrent Expenditure (\$259.9 million); New Services (\$3.7 million); Capital Acquisitions (\$4.5 million); Capital Development Expenditure (\$45.1 million); and, contribution to General Reserve, National Disaster, Housing Reserve and Student Loan Reserve funds of \$1 million, \$400,000, \$200,000 and \$100,000, respectively.

Mr. Speaker, when I was expressing gratitude earlier, I failed to mention the honourable ministers and members of Executive Council who have toiled on the budget as well even before coming here this morning. They have certainly gone through and looked at every item in detail. Also, Mr. Speaker, I would like to thank those permanent secretaries who participated in the process and also those heads of departments—we have had full participation right across the entire service.

At this time, I would like to apologise to those members of the Legislative Assembly who came out for the meeting yesterday and also the meeting this morning.

As is normal, Mr. Speaker, this total expenditure figure does not include Statutory expenditure of \$35 million which is broken down as follows: \$25.1 million in on-going public debt service, pension and gratuity payments and \$9.9 million in employer and employee contributions to the Public Service Pension Fund.

Mr. Speaker, in concluding I thank all honourable members for this opportunity to present (and I will underscore) this *balanced* Budget and the Budget Address and look forward to congenial and fruitful deliberations under the guidance of our Almighty God who has protected, preserved . . . and we will continue to pray for His protection of our beloved islands.

Thank you very much, Mr. Speaker, and let me say thanks to honourable members.

The Speaker: The question before this Honourable House is that the Appropriation Bill (2000) 1999 be given a second reading. It is my understanding that you will be proposing to defer the debate.

The Honourable Third Official Member.

MOTION FOR DEFERRAL OF DEBATE ON THE BUDGET ADDRESS

Hon. George A. McCarthy: Mr. Speaker, I move that the debate on the second reading of the Appropriation (2000) Bill, 1999 and the Budget Address be deferred until Wednesday, 1 December, which is next week. Thank you.

The Speaker: The question before this Honourable House is that the Appropriation (2000) Bill, 1999 be given a second reading and that the debate thereon be deferred until 1 December 1999. I shall now put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: DEBATE ON THE APPROPRIATION (2000) BILL, 1999 DEFERRED UNTIL WEDNESDAY, 1 DE- CEMBER 1999.

The Speaker: That concludes business on the Order Paper for today. I would now entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday morning at 10.00.

The Speaker: Before putting the question on the adjournment motion, I have been requested by the Third Elected Member for Bodden Town, under Standing Order 11 (5), (6), and (7) to move an item of importance to the country. I now call on the Third Elected Member for Bodden Town.

RAISING OF PUBLIC MATTER STANDING ORDER 11(6)

IMPENDING CLOSURE OF BARCLAYS BANK PLC IN CAYMAN BRAC

Mr. Roy Bodden: Thank you, Mr. Speaker. The people of the Cayman Islands are surprised, disappointed, and confused by the announcement of Barclays Bank PLC management concerning the impending closure of its branch in Cayman Brac.

It is not usual that the actions of a private entity would attract the close attention of the Legislative As-

sembly, but in this case the concern now raised in this Parliament is, in my opinion, merited. This is so because of the following facts:

1. Barclays' Bank PLC is the oldest established bank in the Cayman Islands having first opened for business in these islands in 1950.
2. Currently, Barclays Bank PLC is the principal bank used by the Cayman Islands Government on which it draws its cheques for civil servants' salaries, etc.
3. The Government of the Cayman Islands operates a large overdraft facility with this bank from time to time and it seems accurate to remark that Government depends on this cordial and longstanding relationship.

In light of these facts, it seems only sound, reasonable and appropriate that the Legislative Assembly records its concern over the suddenness with which Barclays Bank PLC announced the closure of its operations on Cayman Brac. Further, it seems appropriate to remark that the entire matter was handled amateurishly and with little or no regard for the financial plight of the people of Cayman Brac and Little Cayman.

It seems reasonable to conclude that the population of the Cayman Islands—and particularly Cayman Brac and Little Cayman—has a right to feel that they have been short shrifted by Barclays Bank PLC, and expect at the very least to have been given some reasonable notice that Barclays Bank PLC was contemplating the closure of the Bank.

It also seems fair, therefore, that in trying to seek a satisfactory explanation for this major inconvenience to the people of Cayman Brac and Little Cayman, and the Cayman Islands on the whole, that the following questions be posed:

- Did Barclays Bank PLC consult the Cayman Islands Government prior to announcing the closure of its operations on Cayman Brac?

- Has the Executive Council or the Monetary Authority taken notice of the impending effects this closure will have on the struggling economy of Cayman Brac and Little Cayman?

- How can the general populace of these islands be assured that the Barclays Bank PLC operations on Grand Cayman will continue to operate responsibly? In other words, has the Cayman Islands Government received any credible assurance from Barclays Bank PLC as to its operations on Grand Cayman?

I have taken this rather unusual step to raise these matters in our Legislature because, in my opinion, Barclays Bank PLC had ample time to have allayed public fear and apprehension by making some realistic public explanation. And, Mr. Speaker, I stand by this comment notwithstanding the fact that I have seen in today's paper some feeble attempt by Barclays to explain to the people of Cayman Brac and Little Cayman and Grand Cayman.

The reticence on the Bank's part appears both discourteous and suspicious. I conclude by remarking that nowhere else in the world would the patronage and loyalty of the people of Cayman Brac and Little Cayman be treated with such callous disregard. Thank you.

The Speaker: The Honourable Third Official Member, would the Government care to reply?

Hon. George A. McCarthy: Mr. Speaker, I should mention like the Honourable Third Elected Member for Bodden Town, the news of the closure of Barclays Bank on Cayman Brac came as a surprise to the Government. Mr. Speaker, I will say to you that I cannot remember the exact date but the Monday on which that announcement was made the Governor took the decision to hold Executive Council on that day instead of the normal Tuesday meeting. Shortly before going into the meeting, I received a call from the Manager of Barclays Bank apprising me of the decision which was taken and to say that it was the intent of Barclays that the Branch be closed on 9 December.

I went to Executive Council and I reported the matter. Obviously, all members of the Government became very alarmed. In fact, before reporting to Executive Council, I received a message from the Honourable Julianna O'Connor-Connolly who was then in Cayman Brac to get in touch with her urgently. She had other urgent matters she was dealing with, because as honourable members are aware, her father passed away quite recently.

Mr. Speaker, after the meeting of Executive Council, the Honourable Thomas Jefferson, the Honourable John McLean, the Honourable Anthony Eden and I met with the Manager of Barclays Bank. We discussed the likely ramifications of that decision with him to see if it would be possible even to postpone the date of the closure. He responded by saying that it was possible that the date could be postponed by a week or so. But at that time, he indicated that the decision had already been taken.

The Government is very mindful that Barclays is a longstanding financial institution in these islands and has been in Cayman Brac for over three decades. We have two banks there that are serving the needs of the community: Barclays Bank and Cayman National Bank.

Shortly after meeting with the Manager of Barclays, we had a meeting, with the president of Cayman National Bank, Mr. McConney, and also another gentleman, Mr. Stuart Dack. We met with these two officers, Mr. Speaker, because we knew that this would pose a problem in itself for Cayman Brac. They pointed out to the government that while they were in the process of expanding their facilities and also getting ready to put into place an ATM machine, it would take them some time to gear up in order to meet the needs of the local community.

I have been made to understand that discussions are ongoing between Barclays and Cayman National Bank, in regard to how the customers that are presently with Barclays can be facilitated by the cashing of cheques through Cayman National. Mr. Speaker, we know that an option has been put forward by Barclays that would allow for telephone banking. But at the end of the day, when someone is given a cheque on a weekend it becomes difficult to think as to how this person will deal with the cashing of a cheque over the telephone.

His Excellency the Governor is very much aware and has taken a decision that he is going to write at the request of Executive Council to the Chairman of Barclays in the United Kingdom. I have been made to understand that he should have met recently with the Regional Director. He has also spoken with the Manager of Barclays, Mr. Peter Hinson.

Mr Speaker, we are hoping that all of these efforts will result in some positive results because, firstly, having Barclays in the community reinforces the belief in the economic growth and development of Cayman Brac and Little Cayman. The pulling out of a major financial institution could send the wrong message—although we know that significant growth is taking place in Cayman Brac and Little Cayman. It could become difficult for Cayman National Bank to handle all of the transactions, but we applaud the efforts of Cayman National Bank.

Mr. Speaker, the Government will continue to follow-up the discussions that are taking place and to look to see what measures and actions can be pursued in order to assist the citizens of Cayman Brac and Little Cayman in light of this decision.

Mr. Speaker, the point was put to the Manager of Barclays when we met, if the decision to close the branch in Cayman Brac, that it could be delayed beyond the Christmas Season. At that time, a definite answer could not be given and I am not aware at this point in time and I don't think the Government is aware as to whether this would be feasible. But we would not want to create a difficult situation for the citizens of Cayman Brac or to have a difficult situation created by the closure of Barclays Bank.

We know in terms of the location of these facilities, we have Cayman National Bank at one point and Barclays Bank at another point. There will be a need to have, at least, two facilities in the region, an alternative facility located at that site in order to deal with the banking transactions of the community or persons in that area of the community that will be affected.

Mr. Speaker, this is a matter that is being followed-up by the Government and the concern that has been expressed by the Honourable Third Elected Member from Bodden Town is one that has been expressed by the Government and it is not one that is being taken lightly. Every effort will continue to be made in an attempt to ameliorate the situation. These are not merely words, Mr. Speaker, but to ensure that banking facilities are in place to assist the people in Cayman Brac and Little Cayman.

The Speaker: Thank you. I shall now put the question that this Honourable House do now adjourn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 a.m. Monday, 29 November 1999.

**AT 1.15 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, 29 NOVEMBER 1999.**

**EDITED
MONDAY
29 NOVEMBER 1999
10.25 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Administration of Oath of Allegiance to Mr. A. Joel Walton, JP to be the Honourable Temporary Acting Third Official Member.

Mr. Walton, will you come forward to the Clerk's table? Would all Honourable Members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE
(Mr. A. Joel Walton, JP)**

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

The Speaker: Mr. Walton, on behalf of all Honourable Members, I welcome you to this Honourable House for the time of your stay. Would you please take your seat as the Honourable Acting Temporary Third Official Member?

Please be seated.

Item number 3 on today's Order Paper.

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

The Speaker: There are no apologies.

Moving on to item number 4, Questions to the Honourable Members/Ministers. Question number 150 standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 150

No. 150: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if any clinical assessment of the Health Services Department has been undertaken within the past four years.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, clinical Laboratory Concepts (CLC) carried out a Quality Assurance Review of the medical laboratory in December 19997.

The Review entailed an operational audit of all aspects of quality assurance and quality control in the laboratory, including test methodologies, reagents, equipment, specimen handling, procedure manuals, test reporting, internal proficiency testing, external proficiency testing, personal safety and management practices. In addition, it addressed information systems, the physical facility, human resources and organisational functions.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you. Mr. Speaker, can the Minister tell the House what strategies were improved, or what weakness the assessment highlighted, if any, that needed to be improved?

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

Hon. Anthony S. Eden: Mr. Speaker, the consultations identified some deficiencies in the lab quality assurance programme, information systems, human resources and organisational functions, policy and procedures.

Many of their recommendations to address these deficiencies have been implemented. However, some recommendations on procedure manuals, information systems, and proficiency testing are still in the process of implementation.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House whether patient care and patient/staff relationship was a subject which was assessed and reported on. And, if so, what were some of the comments?

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

Hon. Anthony S. Eden: Mr. Speaker, that was not focused on in the report.

The Speaker: Do you have a follow-up question because the Fourth Elected Member—

Mr. Roy Bodden: Yes, Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House whether there is any intention to review this aspect of the medical health services since it seems there is some on-going dissatisfaction from some patients with the level of care received to date?

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, there is an on-going revision and wherever concerns are brought to our attention, as it surfaced in the last sitting, we are looking at this.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister say if he will be in a position any time soon to report these matters to the Honourable House?

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, I am willing to give that undertaking possibly in the upcoming year.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, perhaps the Minister would be willing to just clarify some of this for me. I am really trying to find out whether or not the Government's laboratory was part of this audit—in his answer, that particular section that mentions the laboratory is included.

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

Hon. Anthony S. Eden: Mr. Speaker, this was the main focus of the laboratory.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I was under the impression that this was so. I am going to ask the Minister if he would be willing to state whether or not this was a positive or a negative assessment for the laboratory and the people there?

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

Hon. Anthony S. Eden: Mr. Speaker, I am pleased to say that overall the audit was positive and we hope to do an-

other one this coming year to see the improvements. It really focused on how we could improve things, but, overall, it was positive.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I noticed that the assessment as carried out seems to have been satisfied with the human resources and organisational functions. Could the Minister say what is meant by human resources and organisational functions?

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

Hon. Anthony S. Eden: Mr. Speaker, this area focused on the training and the qualification of the staff and the manner in which the functions were carried out.

The Speaker: Are there any further supplementaries. If not, we will move on to question 151 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 151

No. 151: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state why the government's pathologist has not been granted the contract extension he requested.

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

Hon. Anthony S. Eden: The government pathologist's contract expired on 20 August 1999. The outcome of his annual performance appraisal was that he was offered a two-year contract. The pathologist chose not to accept his offer.

SUPPLEMENTARIES

The Speaker: Supplementary, the Fourth Elected Member for George Town.

Dr. Frank McField: Can the Minister say if it was brought to his attention why the pathologist did not accept the two-year contract extension?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, he was not comfortable with the two-year contract; he felt aggrieved and wanted a longer time.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I believe that the Minister has answered that he was aggrieved by the two-year contract. Could the Minister say whether or not it is the department's policy to grant only two-year contracts or whether in this particular case they had the option of granting a four-year contract?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, two years is the normal contract period and no contracted officer has the right to demand renewal whether it be for two, three or four year periods. Other medical officers have been provided with two, three and four-year contracts. The final decision is made by His Excellency the Governor acting on the advice of the Public Service Commission, which in turn acts on the advice of the Health Services Head of Department.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say if within this advice and selection system, any other medical personnel were given four-year contracts at a similar time period?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Mr. Speaker, that is correct.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say how many were given? I think I asked him this before in a previous question and I am still waiting for the information, how many and what were the areas of speciality? If he has that information it would be very helpful at this particular time.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I am still awaiting the final on that and I will guarantee the Honourable Member that this will be provided to him and the House in writing.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am really trying to suggest somehow here that this officer was not fairly treated. I don't know how to go about this but to say at this particular point. Could the Minister say if there were any circumstances within the department other than the performance of the pathologist that might have instructed those persons responsible for the contract renewal to only

renew the contract for two years rather than four years? Were there any other circumstances that are relevant?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, it is to be noted that the Director of Health Services did have some concerns.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say what those concerns were?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I would prefer to sit with the Member and share this information with him since the good doctor is not here anymore.

The Speaker: Are there any further supplementaries? If not, we will move on to question 152, standing in the name of the Fourth Elected Member for George Town.

QUESTION 152

No. 152: Dr. Frank McField asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if the Hospital had to suffer additional costs as the result of the resignation of the former pathologist, and, if so, give details of such costs.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation

Hon. Anthony S. Eden: Yes, Mr. Speaker, there were additional costs resulting from the former pathologist choosing not to renew his contract total approximately CI\$16,549.33 up to the end of September 1999. Additional costs amounting to approximately CI\$4,280.00 are expected to be incurred making a total of CI\$20,829.33.

SUPPLEMENTARIES

The Speaker: Supplementaries, the Fourth Elected Member for George Town.

Dr. Frank McField: When the Minister talks of additional cost, would he say what the nature of these costs was?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, these were tests that have been sent overseas. But the fees have not yet been set back to us. I am pleased to say that there is now

a locum pathologist in place since 1 November and we no longer have to pay these fees.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Minister say if this local pathologist is also a forensic scientist?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the gentleman has a PhD and is qualified to run the forensic lab.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: If he is qualified to run the forensic lab, Mr. Speaker, could the Minister say if he is doing forensic work?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, as far as I am aware, as of 1 November he took over all of that responsibility.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to find out from the Minister if there is an additional person with similar qualifications that is also connected to that laboratory?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, two forensic scientists deal with drug testing but the pathologist would be the head of the section.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, maybe we need to start from the beginning again. We are dealing with two forensic scientists in addition to a pathologist? So, we are dealing with three people then who have replaced—

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, for information, those two gentlemen have been there for probably over a year, even before the previous post holder left. They were put in place to operate the functions provided by United Nations in regard to upgrading the drug testing in the laboratory and they deal specifically with that.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I believe that the Minister is saying (and I would ask him if he has said) that there is no additional personnel except for one person, and that the function of that person is to act as pathologist rather than as forensic scientist?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, he is the gentleman in charge of the forensic and pathology, as head of department. But as I said when the other doctor was there, these gentlemen specifically dealt with drug testing and, also, to the best of my knowledge go before the courts to testify.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, thank you very much for your patience. Could the Minister say the age of this person who is now in charge of the laboratory?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I give the undertaking to give that to the House and the Honourable Member. I don't have that here with me.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Would the person be in retirement age?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I am informed that he has ten years' experience but I would not make a commitment, I would prefer to give him the information accurately.

The Speaker: Are there any further supplementaries? If there are no further supplementaries that concludes Question Time for this morning.

Moving on to item number 5 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 27/99, Introduction of an Electronic Transactions Law to be moved by the Third Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 27/99

**INTRODUCTION OF AN ELECTRONIC
TRANSACTIONS LAW**

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I wish to move Private Member's Motion No. 27/99 entitled Introduction of an Electronic Transactions Law.

The Speaker: Do you wish to read it?

Mr. Linford A. Pierson: "WHEREAS the Cayman Islands has in the past 25 years emerged as a premiere financial and tourism centre;

"AND WHEREAS electronic transactions ("E-Commerce") is gaining in popularity with a number of our competitors to enhance the reputation of their international business;

"AND WHEREAS E-Commerce represents a vast commercial opportunity for the Cayman Islands;

"AND WHEREAS E-Commerce maximizes the fiscal benefits for foreign corporations to incorporate and have a "digital presence" in these Islands;

"AND WHEREAS E-Commerce promotes public confidence in the validity, integrity and reliability of conducting transactions electronically;

"BE IT NOW THEREFORE RESOLVED THAT Government, together with the private sector, develops a policy which actively encourages E-Commerce within the Cayman Islands;

"AND BE IT FURTHER RESOLVED THAT Government enacts an Electronic Transactions Law suitable to the needs of these Islands and which embodies an appropriate set of internationally accepted regulatory standards;

"AND BE IT FURTHER RESOLVED THAT Government ensures that the technical infrastructure required to establish this facility be provided in the most efficient and cost-effective manner possible."

The Speaker: Is there a seconder?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, I beg to second that motion.

The Speaker: Private Member's Motion No. 27/99 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for George Town.

Mr. Linford A. Pierson: In Vision 2008, which was the 10-Year National Strategic Plan of the Cayman Islands, our people had expressed their desire for a country with a vibrant diversified economy that makes optimal use of modern technology. Strategy 12 of the Vision 2008, which contains some eleven action plans, was dedicated to three major areas: information technology, telecommunications and e-commerce.

Over the past few years, we have seen the rapid convergence of information technology and telecommunica-

tions to form what is now known as the information communication technology. This has, in turn, led to the exponential growth of the Internet and electronic commerce known as e-commerce.

Mr. Speaker, before continuing, I think it is appropriate that I should give a brief indication of what we are talking about when we say e-commerce. What in fact is e-commerce?

Broadly speaking, e-commerce may be defined as those commercial activities that are based on the processing and transmission of digitised data including text, sound and visual images. The essence of e-commerce being the sale of goods, services or technology using electronic communications.

We have also heard the term "e-commerce" and "e-business" used concurrently as being one and the same. There is, however, a subtle difference. E-business covers every kind of commercial task including the carrying out of research, advertising, marketing, and business to business sales, et cetera, whilst e-commerce is more involved with online shopping and purchasing both wholesale and retail business to customers, business to business and individual to both is really the essence of e-commerce.

Further, Mr. Speaker, a question frequently asked is how much business is being done on the Internet and why seek to attract e-commerce to the Cayman Islands? Estimates of the amount of business being carried out globally on the Internet vary greatly. The latest reports from Forrester Research (which is one of the foremost companies working in this area) puts the figure at approximately US\$140 billion in 1999, rising to US\$1.5 trillion by the year 2003. There is, therefore, no question that e-commerce represents a vast commercial opportunity for the Cayman Islands.

It offers a means of diversifying our economy and could very well emerge as a significant third leg of our economy. There are many good reasons why e-commerce would be a good candidate for diversifying our economy, including good synergy with the existing financial sector, and good infrastructure or stable government is one advantage. Offshore advantages including excellent professional and technical infrastructure and, of course, our geographical location. It is a low capital intensive business, low manpower requirements and has a minimum effect on our environment.

Mr. Speaker, on the question of competition, it is to be noted that all the major and many of the minor jurisdictions around the world are gearing themselves to cope with the changes electronic commerce will bring. Chief among the offshore jurisdictions that have assumed a leadership role are Bermuda, Australia, Singapore, Ireland, Hong Kong, the UK and her Crown dependencies. The Bermuda Government, through its Minister for Telecommunications and E-commerce, Reué Webb, has declared its intention of riding the wave of e-commerce to the fullest. Adding, and I quote, "**we either get on board or forfeit the right to be taken seriously in the global financial community.**"

Mr. Speaker, the following statistics further highlight the importance of the Cayman Islands getting involved in e-commerce, otherwise we stand to lose business to our

competitors. It is estimated that only 6% of the global electronic commerce is truly new business; the other 94% represent transactions that have been taken away from existing traditional business. The disastrous consequence of this type of competition for our existing economy is clear to see.

Although we tend to think of electronic commerce as individuals purchasing books, music, computers, and household goods over the Internet, retail transactions such as these represent only 20% of e-commerce. The other 80% consist of business to business transactions and, of course, this deals beyond the scope of just customer to business. The bottom line, by raising the economic efficiency, is that e-commerce will increase the overall wealth and thus the standard of living of the people of the Cayman Islands. The Internet removes barriers of time, distance, and customer base. The sad reality, if we do nothing, is that existing and new competitors who embrace the new technology will overtake us in the marketplace and without a doubt our economy will suffer.

On the other hand, through diversification of our economy, government will find additional sources of revenue. Such benefits will not apply just to Grand Cayman but also to Cayman Brac and Little Cayman. Mr. Speaker, a valid question is, What are the benefits of developing e-commerce in the Cayman Islands?

Before I touch on what needs to be done to encourage the development of e-commerce in the Cayman Islands, I would like to briefly touch on the benefits of developing e-commerce in these islands. The development of the Cayman Islands as a jurisdiction of choice for e-commerce would have many benefits. Firstly, it would enhance our reputation as a premiere financial centre for international business and would be of great benefit to our existing offshore financial industry. It is my understanding that many of our existing clientele have already expressed a wish to move into e-business. Providing such facilities in the Cayman Islands would complete the portfolio of services we offer. Further it would attract many new clients.

Secondly, as intimated earlier, our local businesses will face increasing competition from overseas. The development of e-commerce in Cayman would not only help those businesses to face the challenge but would give them the opportunity to compete on a level playing field.

Thirdly, jurisdictions like Bermuda, Ireland, the Channel Islands, Singapore, just to name a few, are already encouraging both existing companies and new ventures to base their e-commerce activities in those jurisdictions. It is believed that we may have already lost business to some degree to some of our competitors. There is no reason why we cannot attract a significant share of this lucrative market.

Another valid question, Mr. Speaker, is how will this new industry impact on the economy and on the average citizen. Mr. Speaker, this phenomenal though latent industry will provide better and more efficient services, will improve the technical infrastructure, and should drive communication costs down. The education and social opportunities are also unlimited. Resources can be made available to our schools, and in this connection, school authori-

ties should now give serious consideration to including e-commerce within the curriculum of the schools.

Also, the availability of the virtual, global campus means that our people can stay at home and access the Internet which will provide the added benefit of mothers and fathers spending more time with their young children and, of course, reducing the need to have to commute.

Other positive impacts to consider are that companies engaging in e-commerce require a wide range of support services. These range from the professional services provided by accountants, attorneys, banks etcetera, technical services such as software development, website construction and hosting, hardware maintenance cryptography, back office services such as data entry, transaction processing and data back-up and recovery. Mr. Speaker, the provision of these services will most certainly impact positively on the whole community.

Mr. Speaker, of particular interest to you sir, to the Minister of Commerce, and indeed the people of Cayman Brac and Little Cayman, will be the establishment of the proposed Informatics Centre in Cayman Brac. In this connection, permit me to make a brief though important reference to the informatics proposal for Cayman Brac since it is so closely interwoven within the broad definition of information technology and thus relevant to the motion now before the House.

What is informatics? Mr. Speaker, the accepted meaning of informatics is as follows: The provision of services by a business utilising computers exclusively to process information as the core activity in creating value. That is quite a mouthful. Basically, informatics services include software development and associated services, data processing, transaction processing, order fulfilment operations, sales via telephone and direct mail, computer-aided design, geographical information systems, electronic publishing, customer service centres, remote secretarial services, remote customer and technical support services, indexing and abstracting services, research and technical writing services.

Why are we looking at Cayman Brac as perhaps the most suitable area within the Cayman Islands for such a service? Unlike Grand Cayman, Cayman Brac has an abundance of easily accessible solid land at elevations and topography far out of the reach of the threat of flooding due to hurricanes, storm surges, etcetera. The bluff is accessible to vehicular traffic and is a short distance from the airport, seaport, commercial and residential centres and, of course, other amenities.

Mr. Speaker, there is already a submarine fibre optic cable linking Cayman Brac with Grand Cayman and the rest of the world. The introduction of the Maya 1 cable will further serve to enhance the already impressive telecommunications infrastructure on the Brac. Further, Brackers are typically industrious people, as you well know, adept at learning technical skills with a high standard of literacy. Many of them are already proficient with computers and application systems. Importantly, also is our national policy objective of making Cayman Brac and Little Cayman financially self-sufficient. This can be made possible

through the establishment of informatics and the e-commerce business generally.

Mr. Speaker, of further importance is the express undertaking of Cable & Wireless to have a meaningful participation in the development of the informatics industry in Cayman Brac. To make informatics a success in the Brac, private sector participation as well as government support will be essential. In this connection, the private sector of the Brac has already made significant strides in making the new industry a success. The Brac Informatics Centre has already been established under the Presidency of Mr. Moses Kirkconnell, and the Deputy President, Mr. Dan Tibbetts, and other well-known Cayman Brackers.

Mr. Speaker, knowing these two gentlemen (that is, Mr. Moses Kirkconnell and Mr. Dan Tibbetts) as I do, I truly believe that they have the business acumen and the desire and push to make this new industry a success. This will not be possible without the joint support of government and Cable & Wireless.

Just to show the importance of informatics within the Caribbean, I would just like to briefly refer to some of the statistics within the Caribbean. It is estimated that approximately 6,000 to 8,000 staff are already employed within the informatics industry within the Caribbean. Of this number, 41% are in Barbados; 36% in Jamaica and 23% covers the rest of the Caribbean.

The financial contribution of this young industry is estimated between \$200 million to \$300 million. Mr. Speaker, it is clear to see that even a small segment of this already well established industry within the Caribbean could have a major impact on the economy of Cayman Brac especially when one considers all the possible side benefits and the by-products that could accrue to that island.

Mr. Speaker, I took some time out of my presentation to briefly speak on the informatics industry, as I felt it timely and appropriate to make this brief but important reference to this important subject. I truly believe that it can make the difference in enhancing and developing the economy of Cayman Brac and indeed Little Cayman in particular, but generally the Cayman Islands.

I now wish to turn my attention back to the development of e-commerce in the Cayman Islands. I will now examine what needs to be done to encourage the development of e-commerce in the Cayman Islands. New and/or existing business considering a move into offshore e-commerce will carry out detailed resource before deciding upon a particular jurisdiction. They will access, for example, the following six basic but important factors:

1. Telecommunications quality and cost.
2. Government's express commitment.
3. The legislative environment.
4. The commercial environment.
5. The human resources within the jurisdiction.
6. The location and communications available.

On the question of telecommunications quality and cost, companies will require state-of-the-art telecommunications and Internet service providers equal in terms of facility, service, supporting cost with those available in

North America, or at least as good or better than those of our competitors.

Government's express commitment: A stable government, such as we have, clearly committed to the development of e-commerce is essential. A national policy statement will now need to be made as soon as possible that demonstrates our government's support for offshore e-commerce with this policy information being disseminated as widely and as globally as possible.

Mr. Speaker, policy statements will also need to be made on ancillary matters such as the commitment to provide a well-trained local workforce. It should be very carefully noted that an offshore centre that is not clear in its policy statements or that has no policy statement will not be clear how it will embrace e-business. More importantly, it will most certainly be left behind by other centres that do address these very important issues.

Mr. Speaker, on the question of the legislative environment, I am pleased to advise that the private sector has already demonstrated its support and commitment to e-commerce in the preparation of a draft Electronics Bill that is now being requested under this motion. In a way, Mr. Speaker, effectively (and I am pleased to say this) that action by the private sector almost (but not quite) renders this motion redundant. But I must say that I was also a part of the reviewing of the draft of that Electronics Bill.

Mr. Speaker, the initial preparation of this draft bill was undertaken through the firm of Maples and Calder by Messrs. Olivaire Watler and Graham Lockington, under the supervision of Mr. Andrew Moon, a partner of Maples and Calder. And for those individuals that might regard this a presumptuous act on their part, let me remind them that this is really just another of the many pieces of pro bono legal work that is being carried out by that firm on behalf of government.

This draft will next be submitted for review to the Consultative Committee being appointed by government prior to its submission to the Legal Department where it will get the final review before being submitted to Executive Council and then to this Honourable House.

Mr. Speaker, I wish to congratulate the government for the support and commitment it has already given to this motion. I really feel that when this motion is put to the vote it will receive government's full support, as well as the full support of other honourable members of this House. I would certainly be very disappointed if it did not.

Mr. Speaker, now to briefly comment on the commercial environment. If we are to gain a competitive advantage our legislation cannot simply be as good as our competitors—it must be better. We must prepare cutting edge legislation as watertight as possible, which offers protection against fraud and [protects] privacy. Such legislation must also offer protection for intellectual property rights, for example, it must provide protection under primary or secondary legislation on technical issues such as electronic signatures, encryption, certification authorities, data protection, and of course, misuse of computer legislation is also required.

Questions will also be asked regarding the quantity and the quality of available staff within the Cayman Is-

lands. Questions such as: Is technically qualified staff available? How easily will it be to obtain work permits for essential technical staff, etcetera?

On the question of location and communications, questions will be also asked on these major issues and whether these are available within this jurisdiction. Questions that will be asked are: What time zone is our jurisdiction in with respect to advisors and customers? How easy is it to travel to the Cayman Islands? Is there available private and business accommodation in the Cayman Islands? What is the standard of living in our jurisdiction? What is the cost of living, and are hotels and conference facilities readily available?

It is crucial, Mr. Speaker, that government together with the private sector address these issues, to ensure that the Cayman Islands scores highly in every area. Whilst we already have many advantages, including many of those just mentioned, and also including an outstanding professional services sector with vast international experience and of course a first class reputation as a premier financial centre, it is important to note that we do not fare so well in some other areas. For example, Mr. Speaker, our communications costs are much too high. The current work permit delays would be unacceptable in the fast moving e-commerce industry.

Mr. Speaker, I wish to move on to the question of the draft Electronics Transaction Bill. I believe that it is important for me to clarify a few points before concluding my presentation.

The draft Bill draws upon a variety of sources including the United Nations Commission on International Trade Law, model law (or UNCITRAL, as it is commonly known). It is also hoped that the honourable minister when replying to this motion will give an undertaking to appoint a consultative committee to review the draft Bill as well as to ensure that the proper regulatory regime is put in place to efficiently service the new industry.

Mr. Speaker, if the proper leadership supported by professional advice is not in place, the e-commerce industry will be doomed to failure. In this connection, if I am not considered somewhat presumptuous, perhaps the Governor could consider the wisdom or otherwise of in due course assigning the responsibilities of information technology, telecommunications and e-commerce under one minister, since these three subjects are so closely interrelated. This, of course, is not being asked for under this motion, but is merely an observation I think is worthy of serious consideration.

Further, in relation to the regulatory regime it will be important for the Electronics Law to make provision for the establishment of an advisory board or commission and in time this could well evolve into a department of government or statutory authority. Such a body should be established with the terms of reference to:

1. Advise the minister or member on policy and technical matters.
2. Oversee the implementation of policies.
3. Market the Cayman Islands at home and overseas as a centre for e-business.

4. Act as a single point of contact in government for e-business.
5. Ensure compliance with statutory regulations.
6. Identify new revenue sources such as the Internet domain name, registration fees, licences and also a collect licences and make payments back to government for these licensed fees.
7. Manage the Cayman Internet Domain (or ky Domain as it is commonly called). We see a lot of the addresses being [name]@.ky. The management of that domain should also be under the regulatory authority.
8. Accept and process suggestions, inquiries and complaints from the public and generally advise on all information technology issues.

Mr. Speaker, let me reiterate in closing that as this motion states, the purpose of the Electronic Transactions Law is to promote corporate and public confidence in the validity and reliability of conducting transactions electronically. It should therefore ensure that with the limited number of exceptions that electronic records have the same standing in law as paper records. It should also allow for requirements under the law to give information in writing, provide a signature to produce a document to record information, or to retain a document to be met in an electronic form.

I believe, Mr. Speaker, that the proposed law should also address the role of licensing and regulation of certification authorities who validate electronic signatures, e-commerce intermediaries who handle electronic records on behalf of third parties and e-commerce service providers who provide goods, services, and information electronically. Wherever possible this legislation should follow international standards and because the industry is changing so rapidly, it should be technology neutral, that is, any reference to specific technology systems should be contained in regulations and not in the primary legislation.

In conclusion, Mr. Speaker, I believe that e-commerce or e-business has the potential to provide these islands with the balance and sustainable growth envisaged in Vision 2008. It could well become the crown jewel in Cayman's economy. Thank you Mr. Speaker.

The Speaker: I think this would be a convenient time to take the morning break. We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 12 NOON

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 27/99. Does any other member wish to speak?

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. May I begin by congratulating the Third Elected Member for George Town for bringing forward this motion? And,

also the seconder, the First Elected Member for George Town.

We all know that electronic commerce—or e-commerce as it is dubbed—is, in essence, the sale of goods, services, and technology using electronic communication. May I begin also by saying that the government of the Cayman Islands is cognisant of the benefit that can accrue from a well-established e-commerce industry. We only need to take a little time, Mr. Speaker, to think about what is the value of business being conducted in the Cayman Islands.

On Friday, when we were listening to the Financial Secretary's Budget Address, his indication was that the assets on the books of the banks registered and licensed in the Cayman Islands at the end of the third quarter in 1999 amounted to CI\$876 million. We know that the figure I just quoted is the figure that deals with the activity locally. The figure that deals with the offshore side of operations of the financial industry is in the billions.

We know too that the contribution of tourism in this country is around that same \$800 million. Then we try to get a handle on what is the value of the business in this country other than those two particular sections of the business, finance and tourism. What is the value of commerce excluding those two? I believe, Mr. Speaker, that when we allow our minds to fall over that road of thinking we understand the value that we have in this country and the need to ensure that the Cayman Islands maintains what it has in the first instance and opens its door to the world through electronic communications to allow all sectors to develop and to expand.

I am standing here in the House, Mr. Speaker, to say that the Government of the Cayman Islands is committed to enhancing the sustainable development of commerce in these islands.

The Third Elected Member for George Town mentioned a number of countries, and it almost seems that everyone wants to implement e-commerce because they see the substantial value accruing to their respective countries as a result of doing so.

We know also that on 18 November the Electronic Communications Bill was introduced in the House of Commons. So, we are marching to electronic business.

But we cannot accomplish this by just an attempt in the public sector and a separate attempt in the private sector. This area is so technical, so complex, that we all need to join hands—private and public sector—in order to ensure that what is established in the Cayman Islands is that cutting edge that was referred to earlier. Cutting edge, Mr. Speaker, is not just quality, it must also include the cost of doing that business.

In recent times, we have focused our attention on e-commerce. We have received a number of briefings on this subject. We have visited with the respective office of Cable & Wireless and we know that just last week they laid this cable called Maya 1, which links the Cayman Islands by fibre optics to United States and Central America, among other places. My understanding is that that operation begins effectively in June of next year. Not to say, Mr. Speaker, that at the moment e-commerce activities are not

going on, but this cable will allow, if I understand it correctly, easier, faster and cheaper avenues for carrying out this sort of business.

We know that in the government (and I think the Third Elected Member for George Town referred to it) there are several portfolios or ministries that this whole subject of e-commerce cuts across. There is the legal administration for drafting and responsibility for drafting legislation for the government; there is the Ministry of Communications; the Portfolio of Internal and External Affairs, which is responsible for information technology. We also have the Portfolio of Finance and Economic Development responsible for the regulatory side of the financial arena as well as the collection of government fees, and of course my ministry being responsible for commerce.

So, Mr. Speaker, in any movement forward dealing with this subject, some representation from these areas has to be a part of it. It is our present thinking that one of the best ways forward in marrying this public/private sector, walking hand in hand as we develop e-commerce, is for government to establish an E-commerce Advisory Board. It is appropriate too to say that the government will be in a position to accomplish that particular aspect (the establishment of an e-commerce advisory committee or board) within the next fortnight.

I make this point to show the commitment of the government and the urgency in dealing with the government receiving technical information/advice on this subject from a variety of persons who possess that knowledge.

We can envisage that even the smaller businesses in this country, the smaller retail stores with a website and with the means of e-commerce, their sale of goods is not restricted to the residents of the Cayman Islands but open to the entire world. Just to bring home the vast area this e-commerce and the effect it can have on this country.

We know that there are a number of matters that government has to provide. We have to create the right environment; we have to create the right legislation that provides for certainty and for predictability. We believe that private sector is the business side of Cayman. We believe that it should take the lead. But we also believe that government must be as supportive as possible to allow that lead to move forward as quickly as possible.

I might repeat myself here, but government should provide a secure and safe environment. Government should pursue innovative, liberal and transparent policies proactively. There needs to be consistency with international regimes. International cooperation and interoperability are necessary for e-commerce to thrive.

We know that the school children in this country will be the community and business leaders of tomorrow and will also be the moral leaders of tomorrow. We need to ensure that they are well endowed with knowledge of this industry.

You know, just about four years from now, Mr. Speaker, the value of e-commerce is estimated to be US \$1.25 trillion and the Cayman Islands wants its equal share of it—as big a market share as we can possibly get.

So, our commitment is genuine. Our willingness to work with the private sector is also genuine. We know too

that without the facilities of Cable & Wireless, not only the electronic platforms that they often talk about, but the price of the services of those who are providing e-commerce services . . . I know that they have been searching and researching—what is going to be that price? We know that in all of the business dealings, the question is what is the bottom line. What is that value? What cost do I have to pay?

I am realising that many businesses are already established in different jurisdictions around the world. If we are going to attract business, we have to be competitive price wise. And, I know that Cable & Wireless within a few months (and I have their permission to say this) is going to reduce its charges for the Internet and e-commerce business by over 80%. As I understand it, it puts us on an equal footing with Bermuda, in some cases a little bit better than Bermuda. But in the overall package just about equal. If we have the technology, if we are expanding that technology by Maya 1—which is the fibre optic cable connecting the United States and Central America and other areas—which would allow you rather than trying to download something which takes 35 minutes, you take 3 minutes, that's basically the effect of it. But somebody who does it on a daily basis probably has a better example of it.

If we have the technology, the human resource skills in this country, the government's willingness to create this environment for e-commerce, then I say there is nothing really that can stop us. The Cayman Islands have been competitive for many years. This is the reason why it has reached the esteemed level of being the fifth largest banking offshore financial centre in the world. It's the reason why in tourism we have been doing extremely well. So, we create that environment. Forget about the if's now. We create that environment because all the tools are here and available, we just need to get on with the job.

I believe the formation of an E-commerce Advisory Board is the answer, where you put the technical skills, be they computer skills or market skills in the e-commerce business, or drafting skills in terms of legislation, or skills within the government representing the various ministries and portfolios I talked about earlier. That may not be all. There may be a need to set up subcommittees to deal with specific areas. So, let's leave the door right open because as we move forward, we don't want to create any hurdles to jump over. Let's keep a level playing field as we move forward locally and move with care but knowing the need to get on with it.

In dealing with e-commerce, there will also be a need for the government of the Cayman Islands to decide to promote this industry that we want to be a part of. There has to be a marketing of it and these are some the areas that the advisory committee could provide advice on. In general, we know what we have to do, let us join hands and get the job done.

We also know that Cable & Wireless has put a proposal to establish informatics in Cayman Brac—the use of computers, development of software, data processing, sales, ordering, etcetera, and also to have back-up services in this country as well, to be able to do back office work. Certainly, Cayman Brac does seem like an ideal lo-

cation given the tie-in with the telecommunications cables that tie them into Grand Cayman and the rest of the world.

One thing we need to bear in mind, Mr. Speaker, when we say yes to e-commerce; we have to say yes to that possibility (I think a very likely possibility) that there will need to be specialist personnel recruited into the Cayman Islands to carry out the various functions.

We also want to marry that with the opportunities for young people and others in this country to participate as fully as they possibly can within their own skills, but also to allow further development of those skills so that the social harmony that we have enjoyed and cherished in the Cayman Islands remains what it is today. It gets better if we can do it. So, the work permit issue must certainly not be an issue, it must be thought out, it must be active and it must be professional in all its aspects.

We all know that the volume of work permits at the moment—and it has been this way for the last ten to fifteen years—being requested is such that the system that we have been using since 1972 needs also to be revised. If you can get into e-commerce with all of its technology, we should be able to resolve this work permit matter and it is the government's intention to do so.

We have no difficulty giving undertakings that assist development of e-commerce. As I said earlier, the Advisory Board probably will be agreed by next week so we are off on that one. I don't see any hesitation in developing it because all members of the government are in agreement that it should be developed. We have to ensure that the regulatory regime, obviously with all that is going on in the world today—be it OECD or anybody else—is in place to cater efficiently to this new way of doing business.

You know, Mr. Speaker, sometimes when I think about OECD and all that it wants to do, I have to almost chuckle. When I think of the ramifications, as much as each one of us can see, it is going to be a monster of a task just to regulate it. Now, if you cannot regulate it how are you going to collect the tax? It seems to me that some governments will have a mixed focus. Some will go straight for, *'We have to get control and regulate this industry because that one that we have gotten used to is disappearing'*.

Here I am buying goods from Japan, or from Argentina, or from Canada by use of a computer in his house. If I am buying stocks in Chicago or New York or any other part of the United States, think of the population of the world that has access to computers and the task that is going to be to any regulatory regime. And you throw that on top of the OECD wish to collect taxation and you will almost chuckle because you can see how difficult it is going to be. But we are not making those remarks to be casting any negative view on OECD at all. We are just pointing out the volume and the complexity of the task in dealing with all of these issues.

You know, when we watched in persons going into space in 1969, man walking on the moon, we accepted that. And we accepted every possible thing that happened thereafter. We thought it almost to be normal. Now, we are on the ground on this earth basically doing something very similar. The launching of a sale or an order by using tele-

communications whether it is going up to the satellite and then bouncing back to United States, or whether it is travelling by submarine cable, it is indeed a world that has been and continues to be revolutionised by technology.

We are going to have new challenges and we must ensure through effective legislation an establishment of other creditable infrastructure that we are prepared to meet these challenges.

When we think of all that we hear on the television and otherwise about the computer hackers getting access into the Pentagon files or in some other area or a business file, we have to ensure that in our dealings with e-commerce we make that service safe. When you think about credit card activities and banking activities, the safety of that data must be assured in order to attract the business to this country and to maintain what we have.

I think it is noteworthy that e-commerce is coming to the Legislative Assembly on the eve of the 21st Century—a century that all of us will be challenged to meet all of the requirements of life and business. We pray to Almighty God to give us the wisdom, the health, the strength, and the courage to do what is right in His eyes.

Thank you Mr. Speaker.

The Speaker: Does any other member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I had not planned to speak on this, as this is not my area of expertise, at least not from a technical perspective. But since the minister did venture into certain areas that I believe will impact our social and political systems, I thought, perhaps, it might be good to give this debate another dimension.

It is quite good that we can see how the commerce of our community can be advanced. But it is also important, going into the 21st Century, that we understand that to advance commerce really means to advance the human elements in our society. In other words, commerce has no usefulness unless it is in the service of people, in particular the people of a specific jurisdiction.

Now, the Cayman Islands have developed basically as a result of globalisation, and we understand the role technology will play in furthering this globalisation process. The minister alluded to the OECD and the great difficulties they will encounter in trying to regulate trade to the point in order to make sure that specifics of benefits maintain within specific types of jurisdictions. Of course, if the western countries are to develop, the western people would like to be the beneficiaries of this development to a large extent. Therefore, it is not as if it is an exercise that these persons are going about doing without the possibility of some type of reward. They will find ways to hold their citizens accountable, they will find ways to hold territories like ours accountable. They have over the last few hundred years found very good ways to hold us accountable to their particular social and economic wishes.

I just want to say that at a point in our history when we have at least some 50% of the persons residing in the Cayman Islands having no status, having no permanency, and the same government that is going to admit and ac-

cept this particular advance in the commercial system of our country is now willing to accept the same evolution of the social system that must go along with the evolution of the commercial system if the country is not to fall apart. This is only going to bring additional stress on the social system. We need to see the willingness of the government to understand the relationship or interdependency between commercial growth and social growth, which means also the growth in the numbers of people residing in the country and the need for people to get some kind of feeling of being stakeholders, not just from an economic point of view but also from a social, political and cultural perspective as well.

We are so capable of always going out and saying that we accept technology. How do we act in terms of accepting the cultures that go along with the technology? because the technology cannot be purchased independently of the persons that create, operate, and own that technology. The technology will not belong to the people of the Cayman Islands. The expertise in the first instance will not be Caymanians' expertise. How will the government propose to deal with this? How will it set up committees or subcommittees to look into these particular aspects with regard to the integration?

We have been able to advance in our society with regard to tourism and banking, but Caymanians have come to the point where they now realise that although the banks have been of great service to our community, the banks have also brought us incredible social costs. Rapid development means that there is not sufficient time given for society to meet the ideological and value transitions necessary for people to be wholesome individuals. Therefore, we have experienced crises in our society which are basically moral crises within the value norm system of the society. When we talk about another venture on a technological basis, how do we not see the need also to pay specific attention to the warning signs that we are getting constantly in our society with regard to the disintegration with the systems of norms and values in our society? Northward Prison is, of course, a case in point of the breakdown and the inability for us to get together and to really provide this country with a more permanent value, which has to be reflected, of course, in our leadership system.

I still don't know how many people will be brought in as a result of e-commerce. I am told of the monies that will be made but not of the numbers that will have to go along with this industry. What type of industry is it? I would like to know a little bit more about that, perhaps when the Third Elected Member for George Town winds-up. What numbers are we dealing with in one, five or ten years? Is that predictable? What types of people will there be? What type of culture and values might they bring with them? All of that is important if we are going to decide whether or not we can absorb this new trend.

Of course, there are those that will say that the most important thing is for us to remain competitive. We have to remember what the Minister of Tourism said. We have to remember what the Financial Secretary said in his Budget Address, the people are our greatest asset.

If the people are our greatest asset, we are saying that technology is not; it is something that complements that asset. We must make sure, therefore, when we introduce a new technology, a new way, that it will complement not contradict. That is all I am asking the government to do in terms of this personally. I can see, Mr. Speaker, how I will benefit from e-commerce because I have been investigating that on a personal business level for some time. But I would like also not to allow my personal enthusiasm for this particular new trend to override my social conscience and my sociological understanding of some of the consequences that also result from change.

If we look at the industrial revolution period in England or in Europe and we look at the great economic growth, but yet the incredible social problems that they had and how it took time to adjust. They went through World Wars I and II, and then they have gone through a period again of this technology. We have seen symptoms of how when we go through rapid changes in our society from one phase to a next that it has also had social consequences. We must be planning also to deal with these.

The way the Immigration Board is making decisions might very well be out of date, but the Immigration Board is also a reflection of the type of governmental systems that we have in this country. If we are going to be incapable or if we are going to be slow in terms of moulding the immigration laws in this country so that the Immigration Board can function on a different level than it has to function on today, we are going to find that regardless of what promises we make, those persons who are interested in developing the e-commerce industry in this country are going to have problems because we are going to have a backlash from the people who have come to believe that the Immigration Board is a "protection board" protecting against other persons coming in and receiving benefits that they believe they should benefit from as a result of being Caymanian—whether or not they have the expertise and the Caymanians don't. That is the system that we are dealing with and we must pay attention to this.

So, I would say to the government in supporting e-commerce and in supporting their desire to bring in new expertise that they must show by example, by dealing, for instance, with the Select Committee on Immigration and getting to a conclusion in developing or evolving a philosophy of growth that doesn't only have to do with technological growth but has to do with people's growth. In dealing with these changes and being able to deal with the cultural changes as well as dealing with the technological change, all these things the government needs to bring to the people. All these things, the government needs to make the people aware of.

I am therefore going to sit down and be satisfied by the fact that the Third Elected Member for George Town has done a brilliant presentation of this particular industry, the needs to benefit. I am also going to sit down knowing that the Minister of Commerce has elaborated and showed the economic benefits. All I want is to hope that we as a Legislative Assembly can understand the kind of immigration social impact that such a development might have on our society and that we do all we can do to begin to elimi-

nate some of these unnecessary contradictions which we have in our social systems.

The Speaker: We shall now suspend proceedings until 2.15 for lunch.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.48 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 27/99. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I don't presume to be long because it is not a matter that I know a lot about. But I want to add my small bit and congratulate the mover and seconder of this motion.

E-commerce means business done on the Internet. Mr. Speaker, we live in a fast moving technological age. You can do banking, buy airline tickets, I read recently where in Japan you can order a pizza through e-commerce. You can buy most household goods, if not all, through the Internet, e-commerce.

Mr. Speaker, it is a plus for the country. For local retailers, it could be a negative, because you can stay home and do your purchasing from overseas. But it doesn't have to be a negative because local retailers can join together and make it possible to order in bulk. In spite of that the Cayman Islands must move forward. That is why this is a progressive motion. We must move forward or else we would lose quite a bit in business.

The biggest area that we would need to watch out for is the fraudulent use of e-commerce, for instance. This is not new, but it is more prevalent today, the illegal use of credit cards by unauthorised persons. I heard recently that that is a major multibillion-dollar problem. It is positive nevertheless, in that more business that is international will plan to have registered offices in an international business centre such as we are.

The biggest negative from which government will have to protect itself (and I believe that the legislation which the mover spoke about will do this) is the use of shell companies to conduct illegal business. That could be just as bad as money laundering. But generally, e-commerce, from what I have read and talked to people about can be very good for the islands—it must be very good for the islands.

I will give you another instance, Mr. Speaker, in the education field. In the United States, for instance, homes are hooked up to universities and degree programmes are being pursued through e-commerce. So, Mr. Speaker, with the coming into effect of the new law this could open up a whole (and I would hope that government would pursue this) new level of educational possibilities for young and not so young Caymanians and others.

Mr. Speaker, I know that there is a plan in Cayman Brac to establish an informatics regime by Mr. Moses Kirkconnell and others, which I believe the mover talked about this morning as well. From what I understand about that is

that the plan, in the traditional Brac style, will be a public company with shares being sold to local Brackers. Shares would be at reasonable rates so that the man on the street can participate as the people of Cayman Brac have done with the power and light company, which has been successful. So, this is one way that the local people will be able to participate. I don't know how much the law will protect the local business as such, but perhaps Grand Cayman could look at something similar.

Mr. Speaker, I know that Cable & Wireless is going to have to play a major part when the law is put into effect. I would trust that the government is going to see to it that the law will affect them as much as it will affect everybody else. As I said in opening, it is a subject that we read a lot about, but not a lot of people understand everything about it. But I hope these few points will be looked at, thank you. I congratulate the mover and the seconder on this very progressive move.

The Speaker: The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I believe that this motion, namely, Private Member's Motion No. 27/99 with respect to the introduction of Electronic Transaction Law, is a very important modernistic and timely one.

Mr. Speaker, if I may be permitted first to start from a very general introductory perspective, I would now so do. I believe that we are all cognisant that electronic commerce (or e-mail as it is commonly referred to) is the conducting of any business activity by the means of electronics. This is not restricted to the mere purchasing of goods and services online. It can range from the more simplistic form of sending an e-mail to the more sophisticated use, which would involve providing information, for example, on the website together with electronic payment systems.

Mr. Speaker, there is really nothing that is daunting about e-commerce. It is obvious that there cannot be because there are many, many obvious ordinary businesses around the world that are even as we speak plugging into the website or the Internet. And today almost all aspects of our lives are surrounded with the utilisation of computers. I believe, sir, that this will only increase as we move into the millennium and indeed into the years that follow that because the world as we know continues to emerge as a global village.

I believe the Internet is revolutionising businesses around the entire world. The Internet also gives an opportunity for any business to have a very competitive edge. It opens a window of opportunities on many, many different fronts. That is, sir, the Internet places one on the very cutting edge of technology and it's technology that we need not be afraid of, but indeed we can all feel quite comfortable with.

I believe that the relevant question would be: Who would leave e-commerce out of their business? No one. And in particular not the Cayman Islands if we are to succeed as we move into the 21st Century. Here in the Cayman Islands, sir, I am fully persuaded that we cannot af-

ford to take the risk of being left behind by modern technology. The Internet business has the ability to either renovate or vegetate any commercial business or company. The development of the Internet, sir, with its open platform is comparatively low to medium in terms of cost, changing the way that businesses conducts its affairs throughout the entire world. The Internet is a wonderful tool that has allowed many companies of all sizes and financial means to interact on an electronic forum, which has greatly reduced the transaction cost while at the same time has the positive effect of increasing productivity.

Another advantage of e-commerce is that it also provides the possibilities to penetrate into many new divergent markets and can also increase efficiency of businesses around the entire world.

Mr. Speaker, it is also my understanding that since the early 1960s many businesses conducted their affairs online through the provision of closed private networks known as electronic data exchanges. But since the past three years or so, somewhere in mid-1996, the Internet came on the scene and it emerged as what I believe has now become a very viable alternative.

In researching this area, according to the OECD figures, I was able to find that the Business to Business, or what is known as the BE2s, were estimated to reach just over US\$40 billion. So, we are not just talking about peanuts here but indeed we are seeking to go into a market that has great economic possibilities.

Mr. Speaker, the shared infrastructure of the Internet is one of the reasons why cost can be greatly reduced. Further, the Internet business or the e-commerce market is likely to continue to grow significantly in the next five years or so as Internet reliability and security improves. Right now, one of the biggest risks we find with the Internet is lack of satisfactory security. But as the technology evolves as rapidly as it has in the past three years, I have no doubt that there will be sufficient secrecy on line to enable it to work as one would want it to.

The more traditional methods of conducting business, Mr. Speaker, for example, through the phone, fax, or mail, will have to move along and catch up with the Internet movement if they are to survive in a global village setting. Mr. Speaker, there are several other advantages I believe in going online, commercially speaking, and one, I would say, would be the lower procurement cost. Another would be the better inventory management, and a third is short product cycles. Fourth, improved customer service productivity. Fifth, lower marketing and sales costs. And sixth, new sales opportunities.

In respect to the new sales opportunities, I believe this is one area that would be of particular significance to us here in Cayman, being a very successful offshore financial centre. I say this, sir, because the Internet will enable the various businesses here in Cayman to join the e-commerce market and it can enable them to broaden the distribution network of many businesses.

I believe that e-commerce will continue to be centred in two general product areas. Firstly, for information products, and secondly, there are tangibles with broad consumer awareness.

The industries I see appearing to be particularly ripe to move on line are those with high information contacts and large intermediary cost relative to the total cost of the said product. For example, the entertainment world, travel, news, information, and in particular the financial services—those are the ones that come immediately to mind.

According to the various sources, the OECD, the US Department of Commerce and the Morgan Stanley Dean Witter, the key benefits to e-commerce that I found are as follows: According to their vast research from across not just in the US but in Europe as well, they found that there would be about 10% to 15% cost savings overall through higher employee productivity, shorter lead times and scale material purchases. It was also found that there would be an estimated 20% to 25% reduction in total inventories and this would result in a higher profitability from lower inventory cost. I know that there are several businesses, in particular the airline business, where because of the nature of the beast you have to keep a very large and indeed extensive inventory. But if one had the possibilities that the Internet offers one could easily see what was available and the time frames. It would, therefore, not be necessary to keep such a large inventory for obvious purposes.

This research that was carried out by the OECD, and the US Commerce Division also found that there would be about 20% to 50% shorter lead times, which I believe would help improve the margins and increase competitiveness. In an island where there are monopolies, I believe that whatever we can do within the concept of practicability to improve competitiveness would be in the best interest of the people. The economic concept of supply and demand would I believe lead to better service and more value for money.

Another key advantage of the e-commerce is that companies usually can save on customer service calls delivered to the web especially for complicated services. Again, by way of example, I know with the Ford motor vehicles, one can easily get online and go into the headquarters in the USA, state what the particular problem is and very quickly find out more information which puts the consumer in a better informed position to make a decision rather than just going from one garage to the next wasting a lot of time and sometimes spending unnecessary funds.

They found that there would be about a 20% increase in employee sales productivity and this would lead to a very significant decline in order errors. Human beings being what they are will make errors and for a company often times the bottom line is what the profit and loss statements are. If we can especially get our financial services up to par on the Internet where they can log onto the website or go online then I believe the possibility of decreasing human errors will assist us to gain that competitive edge in the financial market.

Another key advantage of e-commerce would be that many online customers or clients are first time and it can expand the target markets as well as breakdown the many geographical barriers that now hinder the traditional business here today.

Mr. Speaker, e-commerce to some extent occurs now here in the Cayman Islands almost everyday. I know in my

own household, because the children seem to be much more advanced or much more computer literate, my son is able to get on the Internet and search for a particular product whether it is in California, or Boston, or Miami without having to leave the ambit of the library. That also involves a safety element in that it's a minor, yes, and, of course, there are contractual legal issues to be ascertained at that stage. But you don't have to worry about that same minor having to walk about in Miami or some other jurisdiction where there is a criminal element. They can stay within the safety and comfort of their home and conduct a transaction online. I believe that is also a consideration we must take in mind seeing the rise of crime throughout this global village.

I believe also, sir, that the government has a very awesome duty and responsibility to create an environment here in Cayman that would maximise the potential benefits that can be derived from the augmentation of e-commerce here in our jurisdiction. I also believe, sir, that these skills must be further augmented in our education system. I know that the Education Department and indeed the Ministry and Government have gone a long way to ensure that the information technology skills are being taught to our children. But I believe that until we reach the stage where there is a one-on-one relationship with child and computer, we would not have reached the area where our children can fully maximise on the computer.

I further believe that accessibility and affordability to the Internet by as many of our people as possible is of paramount consideration. I was, therefore, happy to learn that Cable & Wireless is going to be implementing lower fees for the Internet, which I believe is a must if e-commerce is going to be as successful as it can be here in the Cayman Islands, and especially if we move from the embryonic concept of informatics on the Brac to that of an implementation stage.

I further believe that as a government, we should go a step further and look at whatever import duties are presently in place as far as it relates to computers and the various computer components, if we are going to take this whole concept seriously, and wherever possible, feasible and/or practicable review it to see whether we could perhaps follow what they did in the Bahamas a year or two ago, where they were either completely waived or reduced.

I believe reductions in this regard, sir, have huge dividends because not only will it allow or extend the whole customer-client basic users with the Internet, which will in return give government a payback under the arrangement with Cable & Wireless as I understand, but it will also educate our people to equip them with the necessary and requisite skills to be (if I could use the online pun) when e-commerce really takes off here in the Cayman Islands.

I believe that the motion was well thought out and timely. It is an important motion. I wish to congratulate both the Third Elected and the First Elected members from George Town for their vision and foresight in this regard. On the first sight it is a motion that could be somewhat intimidating if you are not in the IT world as it were. But I believe that they have shown much courage in bringing to

the forefront such a motion, and I also believe that my colleagues in Council are committed to seeing this motion come to life in the very near future.

In closing, Mr. Speaker, I believe that the rules for the traditional business success really have not changed. They have suddenly sped up, and the Cayman Islands must not be left behind. I believe that e-commerce promises much more gain than loss, and economic growth, productivity, consumption, and lower inflation as well. However, to minimise any potential risk be it security or otherwise, I believe that policies and legislation must be put in place in a timely fashion.

Mr. Speaker, I believe that although there will be some labour repercussions in that whenever there is information technology there is always a risk that some middle man (for the what of a better terminology) will be affected. But I believe it is also true to say that we cannot afford to miss the ship with this information technology in that there will be not only the middle man that loses out but all of the Cayman Islands will lose out if we do not take up this opportunity at this time.

So, I again congratulate the two members that saw fit to bring this motion. I trust that all other honourable members would see the advantages of bringing this into reality at this time. Finally, if I may just touch briefly on the concept of informatics as is presently being proposed on Cayman Brac, I normally herald the needs and requirements of Cayman Brac, but I believe this time that job won't be as cumbersome. One of the essential requirements for informatics to be successful here within the geographical resources that we have, is that it needs to be of built-in safety element and the bluff of the three islands has, I believe, the necessary elevation to accommodate such a concept.

For it also to be successful, we would need the full cooperation of Cable & Wireless and with the announcement that was given by my colleague this morning, the Honourable Minister of Tourism, conveying the commitment of Cable & Wireless to the reduction of these fees, I believe we have the two basic components together with the will of all parties or all vested stakeholders to see this become a reality.

The importance of this is numerous but I will just merely touch on one: that being the ability of the concept of informatics to further diversify the economy on Cayman Brac, which has been a dire concern for many years. It is good, even at this stage, to await with great anticipation that that will become a reality in the very near future.

The reason for this, sir, is not just to say, well, we have another industry. But I believe e-commerce and in particular the informatics concept will put the Brac (and Little Cayman to a lesser extent) within the grasp of sustainable economic development. I believe as the Japanese said, we on the Brac also concur that we would much rather be taught how to fish than always have to be given a fish. I believe, if the informatics is developed and fully carried out, that indeed the government and honourable members here and other vested parties can say that the Brac was given an economic fish. I am sure being the per-

sons that we are it won't take us long to learn to fish, be it on an electronic means. I thank you, sir.

The Speaker: Does any other member wish to speak?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you. Mr. Speaker, the wealthiest man in the world owns no oil fields, no gold mines, no uranium mines, no diamond mines or even any extensive farm lands but rather owns the means to produce a knowledge base that is in demand by the whole world.

Indeed, Mr. Speaker, Bill Gates is so wealthy that when he donates to charity, he and wife donate in the order of millions. As recently as a few weeks ago, they gave away \$26 million to a scholarship fund. Many of the people who work for Bill Gates have become millionaires and multi-millionaires, and the main retirement age for these people is 32 years old as a result of his controlling the knowledge based economy.

Mr. Speaker, I am reminded that in 1990 in this very Assembly, there was a motion that called for the diversification of the economy. Some people at that time spoke about being able to evolve an economy that had anticipated the trends that global business was taking. While there was no specific mention of e-commerce at that time, those people who were sufficiently versed with Marshall McLuhan's phrase (that the world was becoming a global village) realised that business trends were changing. And even though the Cayman Islands were on the cutting edge of international finances, it was necessary for us to continue to keep under review developments in the wider world so that we could adjust our own positions.

To this extent, Mr. Speaker, the motion being debated here now is a timely motion, and it is an important motion. I won't deal a lot on the technical aspects of the motion, although I am going to be dealing a little bit with the technical aspects of the motion. I want to guard against the expectations that the challenges of what this motion called for are going to be (1) easily obtainable; and (2) available to all immediately.

Mr. Speaker, it is no exaggeration to say that the Information Revolution is very much akin to the Industrial Revolution. Indeed, I would go on to say what Peter F. Drucker said in an article that was published in the October 1999 issue of *Atlantic Monthly Magazine*, that computers are to the Information Revolution what the steam engine and the cotton gin were to the first Industrial Revolution.

Anyone who is a social historian, or any kind of sociologist or social anthropologist, would know that the steam engine and the cotton gin, while they brought tremendous advancements and opportunity for many entrepreneurial people to make millions, they also had a downside with the slums of London and the gin-sodden taverns and streets. Indeed, there was one President of the United States, Alexander Hamilton, who said that the railroad brought its own form of slavery.

While I am saying that e-commerce holds great promise, we also have to be aware that there is a downside and that there is a social balance that has to be maintained. I

think this was well articulated by the Fourth Elected Member for George Town. I think, in all candour and all fairness, that it is a matter of which the mover and seconder are quite capable of being aware. Indeed, I know that they are aware.

I am saying that we are not likely to see in the immediate every young entrepreneur in the Cayman Islands becoming a millionaire as a result of the advent of e-commerce. These things take a long time. And the trickle down effect may be a little slow and a little painful. But it does hold great scope for those organisations on the cutting edge and those organisations available in the immediate to take advantage of what it has to offer.

Indeed, we would not be able to survive for very long were we not equipped . . . and I am thinking about the large financial houses, the stock exchanges, those people who sell mutual funds and, of course, the legal establishments and the accounting firms. We would soon be cut off if we were not in a position to use the World Wide Web to conduct business and to communicate. Mr. Speaker, even in the business that I manage, it would be surprising how much business we conduct over the Internet now. Soon the telephones will be obsolete, which would be a blessing because I think our phone bills are too large anyhow.

It is possible, Mr. Speaker, believe it or not, to even test-drive a vehicle, to see how a vehicle performs just by going on the Internet. You can see how it corners; you can see how it accesses bumps and steep climbs, and how it rises on the decline. Soon we will be able to sit in the comfort of our livingroom and buy the automobile that we choose to buy just with the click of a button. Indeed, you can complete the transaction right there if you are like some people who have a Platinum American Express Card. This is no exaggeration to say that this is going to be a revolution and it is going to affect us in the Cayman Islands because we have always prided ourselves on being able to access a certain standard of living.

Also, Mr. Speaker, it is going to bring jobs, particularly for those people who are at that stage in their lives now, where they can access the kinds of skills which would be necessary to tap into the e-commerce, to tap into the Information Revolution. It is somewhat surprising, Mr. Speaker, if you had told someone . . . and Peter Drucker in his article said that it would have been shocking that the first and very significantly large order for his book, *Management Principles of the 21st Century*, came from Argentina via the Internet. Drucker comments that it would have been shocking and absurd to tell someone ten years ago that that would be the kind of business that would be transacted—somebody in Argentina buying a book from an academic in California via the Internet.

What we are going to be seeing in the Cayman Islands (and we are immanently poised to take advantage of it if we are so disposed) is financial transactions taking place in Malaysia, Japan and the Far East, probably with the monies coming out of the Cayman Islands. As a significant financial centre, we have to be prepared to poise ourselves to take advantage of this.

In the interim, however, growing pains are always inconvenient and we are going to have to be able to explain

to people that they are going to have to adjust. It may affect some business that are not quick to take advantage and we have to retool in the sense that we have to buy new equipment because we are moving from manual to electronics. So, Cable & Wireless plays an important role as the provider of these services.

While I, like many other honourable members inside here, take note of their intention to lower the rates, I say they have to lower them still lower than what they proposed because if you compare our rates here with international rates, we are still very high. I think that Cable & Wireless can afford to do this because they have the sole monopoly on these kinds of services and it suits them to adopt the old Chinese philosophy in the grocery business—small profit, large volume. They can still make up.

If they make it attractive enough so that there is a computer in every home in the Cayman Islands, Cable & Wireless will not be losing any money. If they keep the rates artificially high, they are going to prohibit all but the wealthiest and the most determined from accessing the service.

So, Mr. Speaker, the Information Revolution and the possibility of e-commerce should be welcomed in the Cayman Islands. I think it is timely that on the eve of the 21st Century this motion is coming to this honourable Assembly and that the government has indicated its support. The challenge for us now is to find out how we can best utilise this revolution so that its beneficial effects reach as wide a cross section as possible. Perhaps the first and most obvious way we can begin is by ensuring that our young people are encouraged to go into the fields where they have mastery of the skills necessary to tap into this revolution.

Mr. Speaker, the government also has to concern itself with setting up mechanisms to ensure that the strictest codes are adhered to. I was watching a television programme a few evenings ago, where the United States Government was setting in motion some legislation that guaranteed that the privacy of citizens who accessed the Internet would be strictly controlled; that there would be a certain amount of freedom from fraudulent practices, and also that they could not be forced by strong-arm salesmen and traders to buy goods that they did not desire.

Also, Mr. Speaker, when you get online trading and you do a lot of business, one has to be concerned about the warranty terms, refunds, exchange of goods and so on. But as serious as these problems are, we in the Cayman Islands have to be more concerned about other things. I was recently surprised at work. I got a call from somebody in Trinidad trying to sell some mutual funds and stocks. It turned out that when I made inquiries at the office, my secretary had received such a call and my assistant had received such a call but not from the same person. As a result of that, we had a little office chat and I told them that there is an old saying, '*you don't buy a pig in a poke,*'—you don't buy goods you cannot see.

The gentleman on the other end of the line (because he was a gentleman when it came to me) introduced himself and told me what he was doing.

I said, "Excuse me, sir. You are trying to sell me these kinds of transactions but I live in one of the largest financial centres in the world. And so, if I were even interested in buying it, I certainly wouldn't buy it from someone over the telephone when I can just jump in my car and in two minutes, I can be sitting across from somebody and see what I am buying. Maybe what you should do is sell it to someone in Trinidad who probably does not have access to the myriad of choices that I have being here in the Cayman Islands—one of the largest international financial centres in the world."

I say that to say that one of the problems we are going to have with this kind of thing is that we are going to have to educate people to be aware of "snake oil" salesmen. Because all of these transactions are electronic and they go by credit card. You tell the guy that you want to buy \$3,000 worth of stock, and you give him your credit card number and he gets an approval—bam! That transaction is gone with one click. How do you know such a person exists? At the very least, someone is done out of \$3,000—maybe more.

One of the things that the government has to do is ensure that the users are educated to these kinds of possibilities. Electronic crime is very serious business, so we have to make sure that we have encryption codes and all these kinds of things.

I think that this motion holds great promise, and I am happy to support it. The government has indicated that they are behind it and indeed the minister speaking on behalf of government said that they were ready to set up a committee. In all fairness, I believe the government should not stack that committee with persons whom they like, but they should stack it with people who are experienced. They should maybe do so in consultation with the two members who brought the motion, who obviously would have sounded out and come from a knowledge base as to how such a committee could be constructed. This business concerns all of us and the very future of this country.

I believe that e-commerce holds great promise. I think the First Elected Member for West Bay said it is going to impact also on small entrepreneurs and small retailers. Maybe it is time for these people who do purchases abroad to think of pooling their resources, including their financial resources, also the resources from which they access their markets because this is going to be very important.

Mr. Speaker, one of the largest companies on the Internet, Amazon.com is still losing a lot of money. I mean they are losing billions! It is frightening. But these people have taken a calculated risk. They lose about \$300 million every year. They have been losing that for the last two to three years, and they are going to lose \$300 million again this year.

But when they hit, Mr. Speaker, they are going to hit big because now they have opened up from selling goods and have gone into an auction house. So, you are going to be able to do everything, get everything from Amazon.com. The famous department store, Walgreen's, is going into this big time, there's Barnes&Noble.com. Soon all the traditional stores that we know, the bookstores . . . I

mean, I can sit down in my house in the jungle and I can deal with the world's largest bookstore in Toronto. In two minutes I am online, and with one click . . . the next day I get my stuff by FedEx or UPS and the only thing that is holding me from ordering more frequently is Cable & Wireless. Do you know why? They are killing me with the rates, sir!

[Laughter]

Mr. Roy Borden: I would hope that between the government, the mover, and the seconder, they will find some way to influence Cable & Wireless to put the rates so that they can be attractive—not only to commercial users but also to the individual homeowners and the small entrepreneurs, because this is important.

Mr. Speaker, the last thing I want to say is that the government also has to make the people aware that the financial result of this to everybody is not going to be seen overnight.

Some months ago I was watching a programme about what they are doing in Barbados. An American relocated to Barbados because of the preferential tax rates. These people brought in 1,600 people into Barbados. Do you know what these people do, Mr. Speaker? These people do business for Deloitte & Touche, Arthur Andersen and all of that—out of Barbados. They take all this international business and they just sit down, input data, and do transactions for all of these large multi-national corporations. In return, the Barbadian Government guarantees them certain tax breaks.

Now, these are 1,600 people and their families. They get relatively little or no hassle from the immigration. Which brings me to the second point: We have to understand that progress has its inconveniences. I won't say its downside, but its inconveniences. And so there are some tradeoffs. If we wish to continue to grow in the Cayman Islands, we have to be prepared to adjust, we have to be prepared to be flexible. One of the things we have to realise is that these things are tradeoffs. It may mean that when we take this route we will have a few more cars on the road, we have more people in our schools, but, Mr. Speaker, one can argue that such is the price of progress. If we want to continue to remain on the cutting edge, we have to be flexible, we have to be tolerant, and we have to be aware.

So, when e-commerce comes we are going to have some changes in society. We are going to have some changes in the way we do business. We may have some changes in the numbers of people here. We are certainly going to have some changes in the way that we do business, so we have to be prepared. The key is tolerance and understanding, and the promotion of awareness. I think that it is incumbent upon all of us to let our constituents and the wider community know that in order to continue to be prosperous and to remain progressive, we have to make certain changes and adjustments—all of which may not be without the short-term consequences and inconveniences but the long-term effects should be more beneficial.

Mr. Speaker, I need say no more, sir. Many people have congratulated the mover and the seconder. I think, I have always been one who tries to remain open-eyed, looking for opportunities to be competitive. I think that this is the route that the Cayman Islands should go. I could only hope that the bureaucrats when they get this legislation and when the opportunity presents itself for them to set the mechanisms in place, do not take too long. Thank you, sir.

The Speaker: Does any other member wish to speak?

Maybe this would be a convenient time to take the afternoon break, we shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.37 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 27/99. Does any other member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, sir. Mr. Speaker, as the seconder of this motion, I only feel an obligation to get up to reinforce some of the points that have been made as the various speakers have just about covered it all, at least vast majority of the points anyhow. Perhaps, Mr. Speaker, the government in supporting this motion would not expect somebody like me to congratulate them and thank them and not have my own usual style of telling them about some things that aren't quite right. So, they can expect a little bit of that this afternoon. Not too much of it, however, because I must say with this one it seems like they are on board and ready to move—actually starting to move, in certain areas anyway.

Mr. Speaker, in making my contribution, I am going to be referring to a few documents and rather than each time ask you, I can assure you that I will read some very short relevant excerpts. At the very beginning, I just ask for your indulgence in allowing me to do so.

The Third Elected Member for Bodden Town referred to an article entitled, *Beyond the Information Revolution*, by Mr. Peter F. Drucker. Now, Mr. Speaker, this article has Mr. Drucker's definition of e-commerce. While it is something that a lot of us have heard about for a couple of years now, many of us (including me) really did not pay much attention until recent times. There is no excuse for that, but that is usually the case I have to admit.

In this article, Mr. Drucker, defines e-commerce as **“the explosive emergence of the Internet as a major, perhaps eventually the major, worldwide distribution channel for goods, for services, and, surprisingly, for managerial and professional jobs.”**

He goes on to say, **“This is profoundly changing economies, markets, and industry structures; products and services and their flow; consumer segmentation, consumer values, and consumer behavior; jobs**

and labor markets. But the impact may be even greater on societies and politics and, above all, on the way we see the world and ourselves in it.”

I think that statement by Mr. Drucker is as on target as any other one that I have ever read with regard to this business of e-commerce.

When the mover approached me regarding the motion, he was obviously studying this very carefully and thought it very important to bring it to the forefront. Mr. Speaker, I have to say that I am glad that the government has taken the route that it has with the motion.

Now, Mr. Speaker, so that I don't really take up a lot of time and repeat some of the things that have been said, let me go into a few areas that I consider to be very, very important. The first one that I would like to discuss is the business of the cost of this online service. I am going to make a few comparisons. Perhaps, when I am through and certain ones hear what I have said, I might even get a few calls, but I am prepared to discuss anything with anybody at anytime. So, I am not worried about that.

A couple of the previous speakers mentioned Cable & Wireless. I want to specifically deal with this area.

Mr. Speaker, Cable & Wireless (USA) has a monthly rate of US\$19.95 for personal accounts. For easy comparison let me bring that to Cayman Islands dollars so that I can make my point. That works out to approximately CI\$15.96. But that rate is a monthly rate, which allows you 150 hours of usage. That works out at a rate per minute of 18/100 of a cent. To work it out at an hourly rate, it works out to \$0.11 per hour.

How personal accounts are charged by Cable & Wireless in the Cayman Islands is that there is a monthly fee of \$36, which gives you 15 hours of usage time. So, after you pay that rate (and you have 15 hours of time), to make the comparison worthwhile you have to then add up what it costs for another 135 hours to bring you to the 150 hours they talked about that is being charged on a monthly basis for Cable & Wireless (USA). The rate for that is \$2.40 per hour. So, what you end up with if you are using the same 150 hours a month here—instead of paying \$15.96 cents, you end up paying \$292.50. That kind of sounds like shock treatment, but those are the figures I have been given.

Mr. Speaker, because I got into an altercation with the Minister of Education with the increase in his book rental fees a few months ago, I won't even try to work out how many thousand percentage points the difference is between what the rates are locally by the same firm and what the rates are in the States. I don't want to try to say they should be the same, but what we are talking about here is probably eighteen times the cost when comparing the US and the Cayman Islands.

Let me give two more comparisons: America Online, USA, has a monthly charge of the same \$15.96. But in language you would use at one of the fast food outlets, that price gives you all you can eat. It means, you use it at will. In Barbados, the monthly rate is \$32, when we bring it to Cayman Islands dollars. So, when you look at the rate structure for the Cayman Islands, you are looking at a price that even if Cable & Wireless were to say that they

were going to reduce their rate by 90%, they would still be many times over what is charged elsewhere.

Mr. Speaker, I bring that point out to simply say that all of the things we are talking about here, all of the benefits in the short, medium and long term that can be derived by the Cayman Islands through e-commerce will only be very, very hypothetical if the cost to the user stays anywhere like what the rates are today.

Mr. Speaker, this is not an attempt on my part to go at Cable & Wireless. This is simply stating the facts. If we just simply want to talk brass tacks, Cable & Wireless has been, as far as I am concerned, very instrumental in the progress of this country, in more ways than one. Cable & Wireless has trained a lot of Caymanians. Cable & Wireless has hired and continues to hire a lot of Caymanians who now hold key positions locally. We appreciate what has gone on thus far. But they have a franchise agreement with the government, which at present allows them a monopoly.

I want to say something else that people need to get a clear grip on. If the information that I have is anywhere near correct, my understanding is that Cable & Wireless has a capital investment in the Cayman Islands to the tune of some \$150 million. Mr. Speaker, if we look in the estimates of the budget, we will see that the franchise fee payable to the government which (if I remember correctly) the terms and conditions of the franchise are that Cable & Wireless on an annual basis either pays 6% of their gross earnings or 20% of their net earnings, whichever is the higher. So, if Cable & Wireless is going to pay government \$11 million this year, that means that their net earnings for the year is five times \$11 million—which is \$55 million, at least.

That means, Mr. Speaker, with a \$150 million investment it takes them three years to recoup that total investment. That may sound like not a big deal, but I cannot think of any other business in the Cayman Islands that is enjoying that kind of return. If what I just said is not factual then they can come and answer me at any time.

Now, Mr. Speaker, I noticed when the government was answering the motion they simply asked the question about cost. Perhaps the government being the government did not want to go as far as I am going now. So, I will do the job for them right now and they can decide on what the remuneration should be for me doing their job for them! But I am making the point because alongside of every effort that will go into this business of e-commerce and the Cayman Islands coming of age, to not only compete with other jurisdictions but to be able to possibly surpass the volume of business done in other jurisdictions, Cable & Wireless is probably going to play the most important role. If the rates for the users are not competitive, they are not going to use the service. It is as simple as that.

We have to sort of segregate the users. Let us separate just the homeowners now and go more into the business sector, the financial community. The people who utilise these services are multi-national. For the Cayman Islands to attract that type of business, the whole picture must be one that is conducive for them to either stay where they are here in the Cayman Islands or leave

somewhere else and come to the Cayman Islands to do that type of business. I am no genius, but that is simple to me. If the cost of doing the business in the Cayman Islands is not competitive compared to what it cost elsewhere—or better for that matter—then nobody is going to look at us.

Mr. Speaker, I believe that first we must come to a clear understanding of this, regardless of who it is. And I speak without fear. In fact, I don't want to say I don't care because I do care. It is because I do care why I am saying what I am saying. But, Mr. Speaker, perhaps no one has said it as bluntly as I have said it now. But I am going to say this: If Cable & Wireless is not prepared to cooperate to the point where it makes sense for this country to go for this type of business, then perhaps it is time for Cable & Wireless to understand that there are other providers who are quite prepared to talk to who they have to talk to in this country to be able to offer competitive rates.

You know, I was told by someone (who I am sure knows) that in other larger jurisdictions Cable & Wireless is actually farming out this type of service to other providers. My understanding (without getting into all the technical jargon) is basically that Cable & Wireless are wholesalers and other providers become the retailers. Now, Cable & Wireless is a wholesaler, retailer, and everything in the Cayman Islands.

I really don't care what is thought of what I am saying but I know that I just made a point. And somebody better do something about it. That's not to be threatening. I take, for instance, the people whom we have to deal with locally even the manager for Cable & Wireless, everybody understands he has his job to do. He is forthright, and he does the best that he can. But I also know that he is employed by someone. We understand all of that. And not going about it in the way that it is going to be crass or create acrimony, discord, or anything like that, we have to make them understand that we understand. This is our country, and if we are going at business on the one hand, we cannot just sit and hope that they fall in line. It does not make any sense.

Now, I used some figures that were approximate, but I think that they are quite close enough to work with in what I just explained. There is no reason on the face of this earth why we cannot see dramatic changes in those rates. There is more I could say, but I don't think I need to go into that because I simply wanted to make the point on this specific issue.

The government needs to understand that there are expectations now, since they are quite happy and seem very eager to move on with this business of e-commerce. Those expectations from the backbench and from the public at large and from the business sector is that the government has to initiate dealings with Cable & Wireless and get the situation regularised to where Cable & Wireless is providing a service. And I am sure they will provide an efficient service and they make a fair return. But this is not one of those cases where you turn a blind eye and if the society can absorb it, you leave it alone. This is all about competition.

You cannot just say to them, 'Well, if nobody says anything about it we can leave it like it is'. It doesn't work like that. The fact of the matter is that the people who will utilise the service will not do so unless the cost is competitive compared to other places where they have access to do the same thing.

Mr. Speaker, it would behove the government not to just pay attention to what was just said, but to do something about it. And once something is done, I don't care whether Cable & Wireless or the government makes the announcement, or they hold hands and make the announcement jointly—but do something and lets hear about it.

You know, Mr. Speaker, its funny. We talk about monopolies . . . and I am not just jumping up and down because it sounds good. I have been around. I have a pretty good understanding of how it is. I don't have a problem with a monopoly once there is some type of regulation which ensures that there is an efficient service being provided to the consumers, that there is a reasonable rate of return, but that there is not a circumstance by which you simply have to sit and take whatever is dished out. It doesn't work like that.

You know what else, Mr. Speaker? If Cable & Wireless continues to make the same type of return that I referred to compared to their investment, I don't have a problem with that either. All I want to ensure is that I don't look at that and see that return being of the nature that it is and then when I look at the cost of the service, it is prohibitive compared to everywhere else. It cannot work like that.

I remember on, at least one occasion, there was a call via a private member's motion for a utilities commission. I am sure the *Hansards* will bear me out. The government thought at the time that it was just a crazy idea that had popped up in somebody's head. They didn't say it in so many words, but they might as well have said it like that. When people were bringing private members' motions of that nature, even though they were not able to see into the looking glass and see all of what we are talking about right now, the principles that they were dealing with are still the same as they are today. Perhaps there may be a lesson in the learning.

I have a copy of a document dated November 8, Washington DC Business Wire. I won't read the entire thing but the headline of it is simply this: "Cable & Wireless CEO of global operations says MCI Worldcom Sprint merger would inhibit competition, urges stricter enforcement of government sanction merger agreements." So, Cable & Wireless operates a monopoly in the Cayman Islands but in the United States, they are begging the government to protect them from others. I am not going to say any more about it. I just wish to make a short point, I will save the contents for another time.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30 p.m. is it the wish that we continue beyond 4.30 p.m.?

Mr. D. Kurt Tibbetts: Mr. Speaker, the government can say what it has to say. I thought that perhaps I would have

finished in a few minutes. Unfortunately, the mover is not going to be able to remain here until I am finished this afternoon and wind-up. So, it doesn't make any sense for us to continue because even if I stayed on, I probably will have at least forty-five minutes, Mr. Speaker.

The Speaker: We will entertain a motion of the adjournment of this Honourable House.

ADJOURNMENT

Hon. Thomas C. Jefferson: Mr. Speaker, I am pleased to move the adjournment of this Honourable House until 10.00 a.m. Wednesday morning.

The Speaker: Before I put the question, the First Elected Member for West Bay has asked to move a statement under Standing Order 11(5), (6) and (7).

RAISING OF PUBLIC MATTER (STANDING ORDER 11(5) (6) & (7))

ASSISTANCE OF THOSE IN NEED BECAUSE OF RECENT FLOOD RAINS

Mr. W. McKeever Bush: Mr. Speaker, thank you very much, sir. I rise to enquire from the government what is happening about the assistance of those who happen to be in need because of recent flood rains. Members will recall, because they agreed, that I asked for \$300,000 or whatever is needed to assist with roofs and other needs.

Mr. Speaker, there are people on the list approved by this House from 1996 and I hope that those persons will get the assistance.

I trust the Minister of Health to see that no political chicanery is being put to use. What I am saying, Mr. Speaker, is that I am not a supporter of the government, but I am a representative of the people. So, I would hope that what is not happening is that the country's funds are being spent so that other representatives closer to the government or to certain ministers get the credit by being told where to go and who is to get first.

I had enough interest in, and cared enough about the plight of the poor people to ask for these funds . . . and other members certainly supported it as their people were asking them about assistance also.

I want to be advised as to what is happening and I want to be assured that something is happening and that the people who need will get, and not just who is supporting the government.

Mr. Speaker, I did speak to the Minister of Health, who is responsible for Social Services, concerning this matter. There are some matters that it seems neither he nor I can find out about what is happening. I am being told one thing and I believe he is being told another thing. I hope he can get it cleared up.

Thank you, sir.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, just to briefly respond on this. I did speak to the First Elected Member for West Bay about certain concerns that he had. I have been in touch with the Director of Social Services, who was in a meeting. I have asked her to look at this.

What is actually on-going at this time is that the Community Development workers are into the districts making their assessment. Once this is put together, working along with Public Works, we hope to address these problems. If there are certain ones that are still outstanding, as it is my understanding for some time, it would be helpful if you give them to me, I will pass it through the Ministry to make sure it gets there and on to Social Services so that we can act on this. Anyone who knows me knows that I certainly would not use this as political one-upmanship. It has to be [done] for those that really need the help.

Thank you.

The Speaker: I ask you that you be very brief, please, First Elected Member for West Bay.

Mr. W. McKeeva Bush: Yes, Mr. Speaker, I don't intend to be long. I don't want to leave any impression that I am blaming the minister, because I am not. But it is no use in us as representatives seeing the problem and then we cannot hear what's happening. It is no use for us to go out on the road, take a whole day to go, or an afternoon to go on a road-visit, to find only that the roads that you planned are not getting done and somebody else's is getting done, and that it depends on who contacts whom.

These are the country's funds! And while I am certainly not against anybody getting anything, they have a duty to inform us as to what is happening concerning expenditure. As one member rightly just said, they have a duty to involve us—whether they like us or whether we support them or not.

The Speaker: I shall now put the question that this House do now adjourn until 10.00 a.m. on Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. on Wednesday.

AT 4.37 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 1 DECEMBER 1999.

**EDITED
WEDNESDAY
1 DECEMBER 1999
10.19 AM**

[Prayers read by the Third Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 3 on today's Order Paper, Questions to Honourable Members and Ministers. Question 153 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 153

No. 153: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation, and Planning to give a progress report on the new canteen facilities at the George Hicks High School.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Construction of the new canteen facilities at the George Hicks High School commenced on 3 May. It is scheduled to be completed by the end of December 1999. The kitchen equipment is now being installed. Part of the furniture for the hall has already arrived and the remainder is expected to be on the Island by the end of this month.

The project was delayed due to problems experienced by the contractors and subcontractors, late arrival of some building materials, and variations to the services to meet Planning requirements.

SUPPLEMENTARIES

The Speaker: Supplementaries?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister give us some detail regarding the problems experienced by the contractors and subcontractors?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I am instructed that it was normal construction problems, without being anything unusual.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Notwithstanding that the project experienced delays, can the honourable minister state what that has done to the cost?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The engineer instructs me that the project is still within cost, and within the contingencies that were put in for the overruns, or for whatever alterations.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Getting back to the problems being experienced by the contractors and subcontractors, if walls were constructed and had to be knocked down in order to allow equipment or other things to be put in place, can the honourable minister explain where the responsibility for such things lies?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Public Works has said that they would have to investigate that and come back. The representative here does not know of this; but he is really not the person who has been on the site from day to day. I can undertake to ask Public Works to find out, and come back.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister say then if Public Works as the project manager (as I understand it) has had any requests from contractors or subcontractors for any additional costs which they have either justified or not justified?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Public Works says that as with all contracts there would be variations. If there are alterations that are the result of government's directions, then government pays. If they are as a result of mistakes by the contractor there would be a ruling on it and the contractor would pay.

However, I cannot give the member a more specific answer because that is the most that Public Works is giving to me at this stage.

The Speaker: Three additional supplementaries on this question. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Vague, at best, but nevertheless . . . Yes Mr. Speaker, I understand.

The minister is obviously taking information from the project managers to answer these questions. Perhaps we can get an answer to this: If Public Works is the project manager, can the honourable minister state what type of checks and balances occur during the construction of this specific project in regard to ensuring that it is being built according to specs and in the manner in which it is expected to be completed?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: Apparently, both the architect and the senior supervisor would visit the site quite often to ensure that the building complies with the specifications set out in the contract.

The Speaker: Before calling on the First Elected Member for George Town, does any other member have a supplementary question? (pause)

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I always look out to see if anyone else has a question to give them an opportunity. Anyway, can the honourable minister state who that senior supervisor is for this specific project?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: Mr. Tony Rowlands is the senior supervisor.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I know this is my final supplementary. Perhaps next time the minister would deem it fit to have that person here to answer the questions being asked. Can the honourable minister then give an undertaking to provide in writing all of the answers he has not been able to answer this morning in regard to this project within a specified period of time?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: Public Works has said that they will provide the answer within ten days. The other thing that I could maybe just say Mr. Speaker, is that when the question is general, the way this one is, to give a progress report, if there are specific areas that members wish to have, for example details of specific areas, that they could assist and let me know. I am happy to then get the information that is needed.

[Inaudible interjection]

The Speaker: Moving on to question 154, standing in the name of the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Obviously the honourable minister wishes to put a whole new twist to questions . . . Anyway. . .

QUESTION 154

No. 154: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation, and Planning to give a detailed list of the unfilled positions established for teachers in all government schools.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: The only unfilled position is for a Head of Department for Information Technology at the George Hicks High School which occurred after the post holder returned to the United Kingdom. The post of an Emotional Behaviour Disorder Specialist remained unfilled in September.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, can the honourable minister state whether this question has been answered based on established posts, or has it been answered based on *requests* for posts from the heads of the various schools?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: Established posts.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister explain the process used to decide whether to grant or deny the requests for additional staff from the various heads of the schools?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddan: The last question was largely a Public Works one, now I think we are getting into a Personnel aspect. This is an area that my ministry does not deal with. The procedures for matters relating to the Public Service Commission and employing . . . really, I am not competent to answer. I don't want to do what

happened in the last answer—give information that is really not under my ministry.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps this one will end very shortly, but I have to ask the minister a question, and I want him to repeat himself. Is the minister saying to this honourable House that the Ministry of Education has no dealings with personnel in education, or any knowledge of such?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Mr. Speaker, that is not what I am saying. What I am saying is that personnel is under the Personnel Department, the Chief Secretary, and the Governor. If the honourable member is asking me questions on the procedure relating to the Personnel Department, I don't want to try to answer questions which are not under me and for which I am not competent to deal with.

Obviously, the Department of Education deals with personnel, but not through me. It is a Personnel matter. It is not an Education matter where we are taking decisions on who fills these posts.

However, I should say that out of 350-odd posts, to only have these two posts unfilled, maybe a compliment would have been good. I compliment the Personnel Department for filling all of those posts along with the Department of Education. It is quite a feat to get that many teachers and posts filled when we know that this recruiting has to be done very early, normally March, April, May, because of teachers' contracts and the summer period.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Obviously the minister is either not capable of understanding the question, or he chooses in his usual style to understand it in the fashion he wishes to answer it in. I want to repeat the question, Mr. Speaker, because I am sure that while I do not have the greatest command of the Queen's English, everybody else understood my question.

My question to the minister was, What is the process that decides to deny or agree to a request from a head of one of the public schools for additional staff? That question has to be dealt with long before Personnel deals with the actual recruitment process. Before Personnel can deal with it the department has to give the request to Personnel, which means they have to agree to the request from elsewhere. That is what I am talking about.

He cannot tell me, Mr. Speaker, that the ministry doesn't deal with anything like that. If that—

The Speaker: Please turn—

Mr. D. Kurt Tibbetts: What, sir?

The Speaker: Please turn it into a question.

Mr. D. Kurt Tibbetts: Yes, sir, Mr. Speaker. I am asking the minister again to answer the question that I asked him.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The Personnel Department has a committee called the New Services Committee. All new services go to the New Services Committee. That committee, once again, is under Personnel. It is not under my ministry. The new posts that are submitted are sent up to this committee. So, it is a Personnel matter.

If the member wishes to know anything further, I can maybe ask the Chief Secretary for details relating to the New Services Committee. But I have to be careful getting into areas which are not under me, but that are under Personnel.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am sure that some other people have supplementaries on that, so I will ask a final supplementary. The minister's new name should be "The Ducker!"

Can the honourable minister say then, giving the answer he just gave, if all requests which come from the heads of the schools for additional staff are simply collated by the department and passed on to this New Services Committee? Is there no decision-making process whether the department itself agrees with the requests or not? If so, at that point in time what function does the department serve if anything else but just a collator of the process?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I was just going to mention that at least I am a slim ducker, not a fluffed-up ducker!

[Inaudible interjection]

Hon. Truman M. Bodden: What I understand is that the new posts go to the Chief Education Officer where there has to be some justification. He then sends them on to the New Services Committee and the decision is made at that stage. It is up to Personnel then, through this committee, on whether they move them on or not.

The Speaker: Are there any further supplementaries?
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Once the need has been identified, and the recommendations from the Personnel Department made, what role or function does the Education Department or Ministry play, if any?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that once that happens, the posts are established and they follow the Personnel procedure. They go through the advertising and the filing of the posts through Personnel.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In cases where interviews have to be conducted and where candidates may have to be short-listed, can the honourable minister tell the House which department bears responsibility?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The Personnel Department.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what the role and function of the Education Department is? Is it purely consultative, seeing that Education, in particular the choosing of teachers, is a rather specialist field? Does the Personnel Department make these decisions exclusive of cooperation by the staff of the Education Department? Or is there consultation and dialogue between Personnel and Department of Education or Ministry staff?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I am once again straying a bit into the Personnel area, but what I understand happens is that the Education Department does a short-list. Normally a panel of three, one of which is from Education, will do the interviewing. But the Public Service Commission makes the decision on who is employed. Once they employ them, then they are obviously under the Personnel Department and they teach.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the Honourable Minister of Education say if all the primary schools have all the teachers they need?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that they do.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the honourable minister say, in terms of describing the hiring of teachers, if the Education Department is in a better position to decide on who should be hired than, say, the Personnel Department? Who has the expertise to decide on who should be hired?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: My reply to that is only that I can repeat what the procedure is. Normally one senior education staff from the department would be on the committee of three that does the interviewing. As to who is more competent, I can just say there is a combination between Personnel and the Education Department. But, obviously, the education representative is qualified in that profession. The other two may or may not carry similar qualification. I know that the PSC does have one teacher on it.

The Speaker: The Fourth Elected Member for George Town, two additional supplementaries and we will move on.

Dr. Frank McField: The reason I asked that was because it would appear from his description of the procedure that basically the Education Department has absolutely no say or no influence on the hiring process. I think that would be very unfortunate.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: They have some influence, but they are really not the people who make the full decision. They short-list . . . I would think, for example, that if they found an applicant who was not qualified that would be raised, and presumably those people would be removed from the list that are going to be interviewed.

One member is there . . . and they are active. But, as the member knows, under the new system that was proposed sometime back, more of the Personnel side will then come under the influence of the specific departments and that obviously would allow a higher specialisation, if I may use that word, in the recruiting.

So, I guess my answer is that I think there are ways in which the department could do more without crossing the line between Personnel and politics.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Can the honourable minister say who travels abroad to interview applicants?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that if there are a lot of posts in one school, normally they will add the principal from that school to the panel, along with the Chief

Chief Education Officer and then there would be two instead of three. If not, the Chief Education Officer and two from Personnel go.

The Speaker: Are there any further supplementaries? If not, we move on to question 155, standing in the name of the First Elected Member for West Bay.

QUESTION 155

No. 155: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources to say whether anyone was found taking lobster illegally in Little Cayman, and if so, were they prosecuted.

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: On 18 October 1999, at approximately 8.00 PM at a property on Little Cayman, the Department of Environment research staff warned four individuals of prosecution for violating the Marine Conservation Law with respect to the number of lobsters taken. A Department Marine Enforcement Officer has subsequently taken over the case. At this time, I am not at liberty to discuss the details of the case as the matter is currently pending prosecution.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say what the procedure is when someone is found taking lobster or conch illegally?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: The procedure, as I understand it, is that if somebody is caught within the Marine Park area taking lobster where it is not permitted, it would be confiscated and they would be arrested. However, if lobsters are taken outside the timeframe laid down by the law, someone could also be arrested.

On the other hand, if the numbers specified in the law are violated you could also be arrested.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say whether this person was arrested or not?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: Where it says in the answer that the case is pending prosecution, I take it that the person must have been arrested.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The answer also says that the staff warned four individuals. So, does the minister know or does he not know whether they were arrested?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: The answer goes on further than that sir. It says that four individuals were warned for being prosecuted. I cannot say if they were arrested. I pointed out . . . I take for granted that they were, seeing that the case is pending.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I wonder if the minister could determine by further investigation whether these persons have been warned, whether or not they were arrested at the time, or what is the situation. If they were not arrested—which is the usual procedure—then, why not. If he can find out may I have it in writing?

The Speaker: The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

Hon. John B. McLean: I will repeat what I said a while ago: It is a case to be prosecuted. This was the action seen fit by the department. In other words, the matter will definitely be going to trial. I don't think, in a case like this, that somebody would go to trial if they were not arrested.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I don't want to prolong this, but I know what happens in West Bay. Now, whether Cayman Brac and Little Cayman are getting different treatment, I don't know. I would like to determine whether or not they were arrested at the time or not. And if he can find that out, if he doesn't know now, I would appreciate it.

The Speaker: Are there any further supplementaries? If not, we move on to question 156, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 156

No. 156: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation, and Planning how will the implementation of the National Curriculum enhance the effectiveness of the School's Inspectorate.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The National Curriculum will identify the precise standards expected of pupils at key stages in their education. This will enable the Inspectorate to judge the performance and progress of schools with much greater precision than is currently the case.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: How does this absence of the national curriculum enable the school's Inspectorate to get a precise measurement of the performance of these schools for comparative purposes?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The school's Inspectorate uses criteria published in their handbook for school inspections. There was wide consultation throughout all the schools on that handbook before it was completed. Judgments are based on what the pupils know, understand and can do, the extent to which pupils' achievements match agreed standards or expectations and the extent to which standards show improvements over time.

When assessing standards, the Inspectorate at present refers to requirements of the Education Law, the Cayman Islands Subject Guidelines, the external test results, and international standards, mainly from the United Kingdom when greater precision is needed. However, as mentioned in this, the curriculum will enhance the level of judging the performance and the progress of schools.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In light of the fact that there is no national curriculum, can the honourable minister tell the House how we can guarantee that the standards and criterion for evaluation remains consistent, relevant and valid?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: There is a national curriculum at present. All of the key stages have been completed, and the team is now moving into the middle school, or junior high school at this stage. I think I mentioned earlier that the basic subjects had been, to a large extent, completed.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, when the minister says that there is a national curriculum at present, can he tell the House whether or not all the subjects for that curricu-

lum are in place? Or are there still some subjects that remain to be completed? If there are, can he tell the House what those subjects are and at what level they remain to be completed?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I would just like to point out that there has always been a curriculum in place. There still is a curriculum in place. That's what teachers teach by. But the Five-year National Education Plan did emphasise that the national curriculum should be produced. It is, in some respects, a revision of the present curriculum that is in place. Math, English, and Social Studies have been completed.

Presently, the Science curriculum is being developed and there are other subjects that they will then go on to. But the core subjects have now been completed.

I should point out that it is quite a task to deal with a national curriculum at the level and consultation that is being done at this time through the Five-year National Education Plan.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister tell the House what has taken so long for the national curriculum to be developed and implemented? According to the *Hansard* I have here for 18 November 1993, he gave the House the undertaking that the curriculum would be completed within a few years. He said possibly two years at the most.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning. Before answering the question, I would I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

SUSPENSION OF STANDING ORDER 23 (7) AND (8)

Hon. Truman M. Bodden: I so move, sir.

The Speaker: The question is that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I really don't know why in the eight years before education came under me as minister nothing at all was done on the curriculum. The honourable member would really have to direct that question to earlier ministers. Obviously, nothing was done.

The timing that I gave, and I did bring in a five-year national strategic plan—the first strategic plan this country saw. It has laid the basis for future strategic plans here, and it has put education on a strong footing. I may have given an estimate at that time, and it may well be that that estimate of time may have overrun. But it's very important, and I stress this, it is very important that the revision of the curriculum is done right. And if it takes a bit longer to get it done right, I think that is far more important.

I would like to stress again, sir, that there is a curriculum in place. Basically, the national curriculum now is one that will draw on that old curriculum and will obviously introduce new and more up-to-date standards, increased standards, and develop the curriculum further. That's the whole aim, to basically develop and enrich the curriculum for the betterment of students.

But a lot of work has been done. And to deal with the three core subjects and to complete them in that time has taken a lot of effort, and I would really like to thank all who have been involved in it because I know the amount of time they have spent. I would also like to thank them for the wide consultation that was carried out amongst teachers, both private and government, and staff, and to say that I am happy that this is moving on and that the balance of the subjects will be completed. I am sure at that stage it may well be that the time to begin reviewing begins again, and the cycle goes on.

The Speaker: The Third Elected Member for Bodden Town, two additional supplementaries.

Mr. Roy Bodden: Maybe when the Minister for Education leaves here he can get a job at the Vatican because I have never heard so much pontificating in all of my life!

I would like to ask—

Mr. D. Kurt Tibbetts: The ducking Pope!

[Members' laughter]

Mr. Roy Bodden: I would now like to ask the honourable minister if he can tell the House whether the schools Inspectorate and the national curriculum are also gearing up for a move he expressed at the national conference on education which was recently held, that is a move utilising technological methods in the promotion of learning and education. How will this make the work of the Inspectorate easier and how will it enhance the role of the Inspectorate and the classroom teachers and students?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I am really only a humble servant of the people, and by no means would I profess to

be a pontiff. But the Inspectorate is going to carefully monitor the increased use of information technology (IT) in the classroom and in the schools to ensure that the children are fully equipped and that they are being given the necessary teaching that will equip them to ultimately move into the work force that is becoming more and more IT based.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Since the Third Elected Member for Bodden Town gave me his last supplementary, maybe I will get a couple, I don't know.

Can the honourable minister state if there is any relationship with the process of site-based planning and the development of the new national curriculum?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Mr. Speaker, my specialist advised me that they cannot see the link.

Mr. D. Kurt Tibbetts: Okay, then I am finished.

The Speaker: Moving on to question 157, standing in the name of the Elected Member for North Side.

QUESTION 157

No. 157: Mrs. Edna M. Moyle asked the Honourable Minister for Tourism, Commerce, Transport and Works if any parts have been replaced on the crane at the Port Authority and, if so, why, what were they and at what cost.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Port Authority has been operating the crane for about two and one half years and it is not surprising that some parts would require changing due to wear and tear. Additionally, the crane for the past year has been loading two containers at one time with the assistance of special twist locks that were purchased. The decision to reconfigure the crane boom from the lofting jib to a straight boom was the result of a suggestion from the operators regarding maximising the off-loading process by changing the lofting jib.

The cost of the reconfiguration of the crane boom was CI\$52,538.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I agree with the first sentence of the minister's reply. But I wonder if the honourable minister could say if there was a spreader attached to the original boom on the crane? If that and other parts have

been replaced in the reconfiguration, where are those parts now, and what was the cost of those parts when the crane was purchased?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer is that the spreader, which was purchased with the crane, is electrical, and is useable. We purchased a second one, which is hydraulic in its operation, for the specific purpose of ensuring the ability to offload goods as and when necessary.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: If I understand the honourable minister correctly, the original spreader was electrical. Where is that spreader now, without my producing photographs?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding, Mr. Speaker, is that that spreader is with us. Just recently it was—

[Inaudible interjection]

Hon. Thomas C. Jefferson: In Grand Cayman, at the dock, is my understanding.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the honourable minister could say that a problem existed with that particular spreader whereby if containers were not properly balanced it could cause damage to it, and did on certain occasions, having to replace certain parts.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding is that the original spreader, which is electrical, is chain driven. And there were problems from time to time with the chain, and the chain did have to be replaced.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: If the crane boom, or the lofting jib were changed or reconfigured to maximise the offloading process, how many containers were being offloaded before, and how many containers are being offloaded afterward?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The change from the lofting jibs to the straight boom actually gained the Port Author-

ity the movement of an additional four to five containers per hour, moving up to the total moved per hour to 32 at times.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: But they are still only offloading one or two containers per time, question (a); and question (b), what is the total cost of this crane now?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The member is correct, we can only offload one at a time. But when I referred to loading two at a time, it's empty containers going back on the ship to depart either to Tampa, or to Miami. The cost of the crane does not change. It remains the same.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: According to the minister there is an additional cost here, plus the first cost for purchase. There has to be an additional cost, unless I am wrong. Maybe he can point that out to me.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The cost that I already gave dealt with the reconfiguration of the crane. The member was asking whether the cost of the crane had changed. I was then referring to the cost of the crane at the time of purchase and its operation.

Mr. W. McKeeva Bush: No, no, no.

Hon. Thomas C. Jefferson: Obviously, if we change the boom, and that boom cost \$52,000, there is a change. But there is also the lofting jib which the sales representative through which we purchased the crane in the first place, has indicated an interest in purchasing at a value of US\$115,000.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: So, what then is the total cost of the crane?

The Speaker: I think that's outside the ambit of the original question.

If you wish to answer that, you may.

Mr. W. McKeeva Bush: Mr. Speaker, if I may, sir, this arises out of his answer. It is a supplementary question so I think it has much relevance.

Hon. Thomas C. Jefferson: Mr. Speaker, the answer really is that the original cost of the crane, plus the \$52,000, less the sale (which will eventually happen) of the jib of US\$115,000 . . . may I go on to point out that

the operation of the crane is profitable and we are happy to be able to say that to members of the House as well as to the listening public.

The Speaker: The Elected Member for North Side caught my eye, do you have a follow up?

Mr. W. McKeeva Bush: Yes.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I thank the Member for North Side for giving way. I don't think my question was answered. I am asking what the total cost of the crane is. Either he knows it, or he doesn't. The total cost of the crane—very plain, sir.

The Speaker: Again, I say that is outside the ambit of the original question. If you want the answer, put down a substantive question for that amount.

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: I will not entertain any argument, please sit down.

Mr. W. McKeeva Bush: I am not asking for an argument, sir. I am asking you to listen for a minute. Are you going to listen, or do I have to sit down?

The Speaker: I am waiting on the next supplementary.
The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if prior to purchasing the crane in its original configuration if the Port Authority was aware that there were accidents occurring in Trinidad with the same type of crane with the same configuration of the boom for the lofting jib and other things that have been changed on ours?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What I should say here is that the crane being referred to by the member is a crane in Trinidad that was purchased after we purchased ours.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I thank the honourable minister for that reply, but I would like him to give me the dates that both cranes were purchased, if he is aware of those dates.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am aware of the date that we purchased the crane. I don't have that detail here with me. I can supply it to the member and I can undertake to provide the date the crane was purchased in Trinidad as

well. There is no difficulty with that at all, Mr. Speaker. We have an open government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Given the line of supplementaries that have come forward, the minister might be able to give an answer to this: It is obvious from the answer that afterthought was what led to the change in the configuration. So, when the crane was being purchased, and as I understand it had to be built to specifications, what went wrong with the whole process in the beginning that the correct configuration was not dealt with at that time rather than realising after using it for a while what had to be done.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In addition to the answer I gave, which was a suggestion from the operators that we should change from the lofting jib to the straight boom, I also was approached by a local crane owner who expressed some concern about the backwards stability of the crane with the lofting jib configuration in the unlikely event of a sudden loss of a heavy load while lifting. When we talk about a lofting jib, it's almost like my arm and my elbow—it has this movement. It can either go straight, or be over in that position. The concern was also directed to the manufacturer (Manitowoc) and they justified it to the satisfaction of the Authority.

However, we know that things do happen, even though there is justification. So, out of an abundance of caution we took the view that we should utilise all of our faculties to ensure the maximum safety of offloading ships. And that's the bottom line as to why we changed it. Whenever there is any doubt in anyone's mind operating at Port Authority or any other facility that operates cranes, safety is the key issue.

So, we decided to change the boom from a lofting jib to a straight boom. The additional cost was CI\$52,538. We are going to sell the lofting jib. And the value of that is US\$115,000.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The minister just said they were going to sell the lofting jib. Did I understand you correctly? The parts that were taken off? Can the honourable minister tell the House how long it has been since the reconfiguration of the crane took place?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: About two months.

The Speaker: The First Elected Member for George Town. Two additional supplementaries and we will move on.

Mr. D. Kurt Tibbetts: Thank you, sir.

I heard the minister's answer to the question I asked before the Member for North Side asked hers. I wish to subscribe to the belief that he has not answered my question. He related what has happened, but he did not answer the question, which simply was, During the process of deciding on what type of crane to be bought and however it was supposed to work, what went wrong? Why was it not figured out that what was the second shot should have been the first shot?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I gave an answer to the Elected Member for North Side to say we reconfigured this approximately two months ago. The answer begins by saying that we have been operating this crane for two and one half years. So, the safety of it, and the usefulness of it is evident. What we were concerned about was any degree of a lack of safety, meaning that if you have a 40 ton container (as I understand it) in this lofting jib and for some reason ten to fifteen feet you suddenly lost that particular tonnage, the lofting jib would actually flip backwards and may have some instability about the crane itself. Those are possibilities. It never happened in the two and one half years, but we were concerned. Since it was brought to our attention, we wanted to deal with it as effectively as we could. That's basically the answer to the member.

QUESTIONS 158 AND 159 DEFERRED

The Speaker: Are there any further supplementaries? If not, we move on to question 158. I note that the Third Elected Member for West Bay, in whose name questions 158 and 159 stand, is not in the Chamber. I understand that he is off the island. Therefore, I ask that the questions stand deferred to a later Sitting of the House.

Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 158 AND 159 STAND DEFERRED TO A LATER SITTING.

No. 158: Mr. John D. Jefferson, Jr. asked the Honourable Minister for Tourism, Commerce, Transport and Works to provide a list of roads with related cost which are scheduled to be done in West Bay during 1999.

No. 159: Mr. John D. Jefferson, Jr. asked the Honourable Minister for Tourism, Commerce, Transport and Works to provide an update with respect to the construction of the 'Dalmain Ebanks Civic Centre' in West Bay.

The Speaker: Moving on to question 160, standing in the name of the First Elected Member for George Town.

No. 160: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce, Transport and Works (and cranes!) to give an update on the Gun Bay Community Hall.

[Members' laughter]

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Let me say that I am happy to be the minister responsible for cranes, if it's profitable!

The answer to the question is that the Gun Bay Community Hall building works were completed in May 1999. However, access could not be provided in accordance with the Planning requirements, as the existing access to the site is only approximately 15 feet wide. The Planning requirement is for a 28-foot access to provide for two-way vehicular access and a sidewalk. The Lands and Survey Office is in the process of acquiring the additional strip of land required to allow the access to be constructed and advised that the purchase is expected to be completed this year.

The Lands and Survey office estimates the cost of the strip of land required to be less than \$2,000. The land required is a strip with a maximum width of 14.5 feet at Block 75A, Parcels 91 and 92.

The problem with the access was not identified earlier because at the design stage an existing old barbed wire fence in the vicinity of the boundary led the project designers to believe that the access was adequate. It transpired that this barbed wire fence was not the boundary and, in fact, was in the order of 13 feet from the actual boundary, which was not marked on the ground. Consequently, the access shown on the drawings and approved by Planning could not be constructed.

Expenditure to date on Gun Bay Community Hall is \$685,632.06. Final total expenditure is estimated at \$750,000 which includes the access roadwork, once the land purchase is finalised. It will take in the order of a month to complete the access works once the land purchase is finalised.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This answer is so good that I am almost persuaded not to ask any supplementaries! But there are a couple of concerns.

Can the honourable minister state if the additional property required from Block 75A Parcels 91 and 92, will leave either one of those two parcels in a state where it might not be sensible to build on after this is taken off?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

QUESTION 160

Mr. D. Kurt Tibbetts: Make sure you get the right answer.

Hon. Thomas C. Jefferson: We would only take . . . to provide the member with an accurate answer, because we are not absolutely sure, we think there is a house on one parcel. We believe that the additional parcel, either 91 or 92, could be built on, but we would like to check that and answer this in writing if we can.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I want to advise the minister (and I will ask a question, Mr. Speaker), because he may not know more than what he has said, that it is possible that for this to work the entire parcel may have to be acquired. It is possible, which leads me to my other supplementary . . .

When government is going to purchase property, in this case to engage in one of its capital projects . . . because my understanding is that government acquired this property and it was not Crown property before the Gun Bay Civic Centre was built. In the process of acquiring this property the relevant agencies involved in the purchase simply approximated an area and the value and once the owner was satisfied they simply paid the money out and acquired the property. Is it in fact the case that no boundary surveys are done when government engages in the purchase of property?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Mr. D. Kurt Tibbetts: Be like Tru-Tru now, and say it's not your responsibility.

Hon. Thomas C. Jefferson: Mr. Speaker, this is sort of cutting across two different ministries.

[Members' laughter]

Mr. D. Kurt Tibbetts: Oh yeah!

Hon. Thomas C. Jefferson: I would prefer in this case that we get an accurate answer from the respective departments and convey that in writing to the member.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker, and I greatly respect the minister's playing it very safe. I don't have any problems with that. Let us move on to the other question.

When government is going to draw plans (in this case it would have been the Public Works Department) that include site plans is there no thought at that point in time to precise boundary surveys to ensure the accuracy of the plans?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Mr. D. Kurt Tibbetts: We're going to get that one in writing too.

Hon. Thomas C. Jefferson: As I understand it, a boundary survey was done for the project, but the boundary survey was not done on the access. It did not include the access in the boundary survey. That's my understanding.

Mr. D. Kurt Tibbetts: Mr. Speaker, I heard exactly what the minister just said. But if a boundary survey was done, and on a drawing . . . I am not an architect, but I can understand halfway. If a boundary survey was done on the property, and on a drawing an access is placed, then what could have caused inaccuracies with the boundaries? I don't want to hear about this barbed-wire fence, because that doesn't have anything to do with the drawing. What exactly went wrong?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it the survey was done, but the error in the survey is that the survey did not include the access. I would prefer to go back to the respective department, get the accurate answer and convey that to the member in writing. I would be more comfortable with that. I will go back to the respective department that carried out the survey, get the answer and convey it to the member in writing.

The Speaker: This is the final supplementary. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Good timing, Mr. Speaker.

I understand what the minister just said. But what I do not understand is if a precise boundary survey is done, how can it exclude the access unless the access is another piece of property? Surely, a precise boundary survey must include the entire area of the property. And if the access is part of the property, it must be included in that survey.

I understand that the minister cannot answer the question, but I only have to raise that question so that in an answer at least that can be explained and hopefully explained away.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The First Elected Member for George Town and I are not disagreeing. What I am saying is that it would be more accurate to go to the department that did the surveying and to find out from them what went wrong and convey that to the member in writing. That's my preference.

The Speaker: Moving on to question 161, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 161

No. 161: Mr. Roy Bodden asked the Honourable Minister for Tourism, Commerce, Transport and Works what road work remains to be done in Bodden Town.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In addition to routine maintenance activities, the only remaining capital project in the Bodden Town district programme is the preliminary works to the Bodden Town relief road corridor. In the main road resurfacing programme, approximately three miles of the worst sections of road between Savannah and Breakers will be resurfaced.

The following is a list of projects completed in 1999: Yellowstone Avenue; Faith Avenue; Eldon Street; Lemon Road; Shirley Towbis Lane; Dairy Road; Old Yard Lane; Locust Lane; St. Kitts Lane; Pennsylvania Avenue. And may I add that we are working through an allocation, so each year we are doing additional roads. But as far as the allocation for this year is concerned, this is what was accomplished.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am going to crave the minister's indulgence because my supplementary is extending the question beyond the ambit of the substantive question.

While he has recognised what has been done and what will be done in the district of Bodden Town, what, on the list we received for the George Town area, will be completed out of the allocation for 1999?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: On the George Town roads, let me say that the allocation is \$250,000. Public Works expects to spend about \$140,000 of it and will be moving on to purchase materials so that at the early part of the year they can finish off a lot of the work that they perhaps do not get finished. They expect to deal with the Old Prospect Road, and some areas of Randyke Gardens and also Washington Road. But in some cases, it may be patchwork followed early in the year by proper . . . and I should add Windsor Park.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say when the remaining work on the relief road corridor in Bodden Town is likely to be completed?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it . . . and I am sure the member will understand when I say that the road was set back by weather conditions. We lost four to six weeks. We will be stockpiling some materials to deal with this relief road very early in the New Year.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Due to the recent heavy rains, can the minister say if improvement repairs will be done to roads in subdivisions, for example Savannah Meadows, Belford Estates, and roads on Kipling Street, which is in Pease Bay Subdivision, and also North Sound Estates, better known as Rackley's Canal?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think we are basically caught up on the close-off of the year in expenditure by the Treasury. So, our decision is to do as much patchwork as we possibly can which will assist the travelling public. Early in the year, with the assistance of members of the Legislative Assembly, we can move on early to deal with the restoration work.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister just said that out of the \$250,000, \$140,000 is expected to be spent in George Town. Is that \$110,000 that will not be used up going to be re-voted next year, or does it die a natural death like a lot of other things?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Much to our regret, it doesn't carry forward unless we revoke it. The difference between the \$250,000 and \$140,000 I think is what the member is speaking about.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps the Minister of Transport and Works could advise his colleague, the Second Elected Member for George Town—the Minister for Education and Leader of Government Business—to pay more attention to his district so that we are not last all the time. And to make it a question, . . . will he give an undertaking to do so?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Mr. Speaker, we did some work in George Town, and I think for the benefit of the public (because some people may not have travelled over it), when you get to the Red Bay Primary School the resurfacing of the road from there straight up to the Spotts landing is in the district of George Town.

[Inaudible interjections]

Hon. Thomas C. Jefferson: I don't want to have any differences with the members. I am just quoting a fact. To put it more positively, what we will try to do is ensure that as the work begins, districts are rotated so that one district is not always first, or not always last, or not always in the middle. We will take that in view when dealing with 2000.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say how he intends to address the Bodden Town Bypass in the New Year?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The relief road, or bypass road, is presently in the planning stages. We have the assistance of two major property owners in that area who have reserved a corridor through it. Public Works intends to rough out the road in the coming year, as well as they expect to receive assistance from Caribbean Utilities who is also wishing to get into that area. At the moment, that is all I can say to the First Elected Member for West Bay. Funds will be requested in the 2000 Budget for it.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning. We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 12 NOON

PROCEEDINGS RESUMED AT 12.25 PM

The Speaker: Please be seated. Proceedings are resumed. Before proceeding with the normal procedure, we will have Administration of Oaths or Affirmations. The Oath of Allegiance will be taken by Mr. Samuel Bulgin to be the Honourable Temporary Acting Second Official Member responsible for the Portfolio of Legal Administration.

Mr. Bulgin, will you come forward to the Clerk's table please?

Will all members please stand?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

Oath of Allegiance
(By Mr. Samuel Bulgin)

Mr. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

The Speaker: Mr. Bulgin, on behalf of all honourable members, I welcome you to the Legislative Assembly for the time of your service. Please take your seat as the Honourable Temporary Acting Second Official Member. Please be seated.

Item 4 on today's Order Paper, Other Business. First I would ask for the suspension of Standing Order 14(2) which reads as follows: "**On all days other than Thursdays Government Business shall have precedence over Private Members' Business.**"

The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources, would you move the suspension of Standing Order 14(2) in order that we can take Private Members' Motions before Government Business?

SUSPENSION OF STANDING ORDER 14(2)

Hon. John B. McLean: I move the suspension of Standing Order 14(2) to allow Other Business to precede debate on the Appropriation (2000) Bill, 1999.

The Speaker: The motion has been moved that we suspend Standing Order 14(2). Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(2) SUSPENDED TO ALLOW OTHER BUSINESS TO PRECEDE DEBATE ON THE APPROPRIATION (2000) BILL, 1999.

The Speaker: Private Members' Motions. Private Member's Motion No. 27/99, Introduction of an Electronic Transactions Law, debate continuing thereon.

The First Elected Member for George Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 27/99

INTRODUCTION OF AN ELECTRONIC TRANSACTIONS LAW

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker.

When we adjourned on Monday, I had spent a little while talking about Cable & Wireless and their rates. Just

to sum up before I go on to another area, I just wish to re-emphasise that from information we have available to us, when it comes to the rates for personal accounts for usage of the Internet service, the rates locally compared to the Cable & Wireless USA accounts are in actual fact 1,832 percent higher. That's astounding, but it's a fact—1832 percent higher in the Cayman Islands than in the United States!

Now, I didn't have the exact information on the business accounts and corporate accounts available to me. I am sure there is a difference there. If this is indicative then that certainly needs to be addressed.

When the Minister of Tourism and Commerce replied on behalf of government, he gave notice that they were going to accept the motion. He said that he knew that within a few months Cable & Wireless was going to reduce its prices for the Internet and e-commerce business by over 80 percent. And he went on to say, and I quote, "**As I understand it, it puts us on an equal footing with Bermuda, . . .**" I hold the view that, monopoly or not, whatever they charge in Bermuda should not be the rule of thumb which decides what is charged in Cayman.

This almost seems like an arbitrary situation that they can pull any figure once that satisfies you. I still don't believe that's the way it should work. Even if they reduce the rates . . . and using the personal charges as an example, if they reduce that by 80 percent, they are still three times as expensive as other jurisdictions I have compared it with.

Another thing that is important too is the way they have structured their rates; it's like they get you any time. No matter how you do it, they get you. They don't have a situation at present where a flat rate gives you a fixed number of hours, which is usually a number of hours that the ordinary user would not exceed within a month, for instance. In other jurisdictions, the monthly rate gives you, like, 150 hours for the month. The way Cable & Wireless does it in the Cayman Islands is by giving you a rate for 15 hours. And then there is an hourly charge for however many you use.

Now, one would want to say that on the one hand, that gives the user the advantage. If he doesn't use that many hours, it costs that much less. But it does not work like that, and Cable & Wireless needs to understand that we understand exactly how they are doing it. And that's the reason why I am taking the time to go through this now. We understand what they are doing, and they need to do better, because they can do better.

As I said on Monday, with an estimated capital investment of \$150 million in the Cayman Islands, and having an annual return of approximately one third of that investment, surely they can deal with us a little better than that. They also need to understand that they have a franchise, and there is a monopoly. But it does not mean that this country must not be satisfied with their performance. That is not to sound threatening, that is simply laying the facts on the line.

While we can show all types of appreciation for any training, investment and enhancement of our business sector because of their existence here, the truth of the matter is that there are other people out there who would

be happy to do better. So, that does not mean anything except that we would like to have a good working relationship.

I am trying to say that there is a lot of onus on them in this area to do what they need to do to make it as viable as possible and let the private sector get on with what they have to do to enhance that business. I think that is perhaps enough on dealing with Cable & Wireless. Again, I would urge government, as soon as this committee is set up, to let this committee deal with that. I want to see government enter into discussions with Cable & Wireless and get the required results.

Whatever the minister has said that Cable & Wireless has promised, I am saying that that is not good enough. Even if they fulfill what they said, they can do better.

[Inaudible interjection]

Mr. D. Kurt Tibbetts: The minister just said, "At least that's a start." In this day and age, we have no time just to start. If we are going to do it, let's get it done the right way. He's the one who preaches about doing it the right way from the beginning, so let's get it right this time from the beginning.

Moving on into a few other areas, . . . perhaps you will question the relevance of what I am going to say now. But I ask you to bear with me because I believe I will prove relevance if I am allowed to deal with this area in the way I wish to.

When the minister was accepting the motion on behalf of government, he dealt with several areas. One of those areas was in regard to Immigration and work permits, in regard to the need for technical expertise if we are really going to get this thing going and it be any semblance of a third leg to our economy. He mentioned, and I will quote him, "**We also want to marry that with the opportunities for young people and others in this country to participate as fully as they possibly can within their own skills, but also to allow further development of those skills so that the social harmony that we have enjoyed and cherished in the Cayman Islands remains what it is today.**" [1999 Official Hansard Report, page 1292]

On the surface, that statement is laudable. But I want say where I differ with the statement. I do not agree that the "**social harmony that we have enjoyed and cherished in the Cayman Islands remains what it is today.**" The truth of the matter is, if we are satisfied with the social harmony that exists in this country today then we are in plenty of trouble! If his statement referred to ten years ago, I could accept that. But that is not what it is today, and it is not acceptable today. And it is for the same reason—indecision—why it is happening the way it is today.

This is another prime example of government latching onto something which, if you want to limit your thought process, has many merits for discussion, debate and action—this business of e-commerce. But he scratches the surface to talk about the younger people being able to enjoy the rewards. Do you know what? Lip

service does not do the trick anymore. This is not a personal attack on the minister; I need him to understand that clearly. I am dealing with what the minister said. That is exactly why the country is moving forward today with two steps on the left foot, and the right foot is stretching back four steps and it will soon pop wide open, not having moved an inch.

The Third Elected Member for George Town brought a very good private member's motion, which I have seconded. But government has to understand that we can't just simply deal at the top end all the time and think that the whole thing is going to work out nice and proper. For as long as I have been here, not knowing all the fancy words but knowing what I feel, see, and live with, I have been saying that there is a sector in this society which remains at the very bottom end of the ladder that is multiplying more and more by the minute—and a lot faster than at any other level going up to the very top. When that bottom end explodes in this country, there will be no redemption.

When I mention something like that, I believe people think I am just looking for something to latch onto to run my mouth. That is not the case. We can get Cable & Wireless to do this for free. We can get all kinds of clients to remain within the jurisdiction, or new clientele coming in, and have another pillar in our economy and it will not serve the country any purpose if we are not prepared to look long and hard at that sector of the society I am talking about at the bottom end.

When people have no hope, Mr. Speaker, they will do no good.

I started to talk about this question of relevance maybe being raised. But the point I wish to make is that if a government or if all of us are going to be worth our salt, we cannot limit our thought process to all of these niceties that we can clap our hands about and disregard the more important issue—which is the social issue we face in this country today.

The minister talked about the work permit situation. He said, **“We all know that the volume of work permits at the moment—and it has been this way for the last ten to fifteen years—being requested is such that the system that we have been using since 1972 needs also to be revised. If you can get into e-commerce with all of its technology, we should be able to resolve this work permit matter and it is the government's intention to do so.”** [*Ibid.*] Look at when they are saying it's government's intention to do so.

The Fourth Elected Member for George Town alluded to this Select Committee on Immigration. What has happened to it? I am going to tell you what has happened to it: Because it's a touchy situation, the government (whether that is singly or all together, because a couple of them attended some of the meetings) . . . in my view, they want to wait and sit it out until they see what people like us are going to come up with in regard to changes in policy or amendments to the law, to see whether it suits them politically to jump on board or to try and kill it.

Mr. Speaker, this is our country. And we are playing with it like it's a football game. And every single action that is taken is geared towards *‘Where am I going to end*

up?’ What is wrong with the responsibility we are supposed to have?

The motion is on e-commerce. I know that what I am saying stretches it a little bit. But this is so important that we should be talking about this and doing something about this with everything that we do. We have a population in excess of 40,000 people—and half of them don't know whether they are coming or going. And nobody, but nobody is prepared to decide to tell them whether they must go, or if they can stay, or how long they can stay. And look at what we are doing.

I am going to show you what we are doing, and I am going to show you the relevance.

We are talking about another industry that is supposed to enhance the economy. We get the warnings, which are quite fair, and I understand what the minister is saying, that we can't be arguing now because we are going to need to import technical expertise. Yes, I know that. But what good is it to do that every day of the week, trying to look this, trying to look that; trying to ensure about our position in the world of finance; trying to remain the powerful force that we are in the financial industry; trying to retain a certain volume with the tourism industry . . . what good is all of that if we don't have any society? And we are not going to have one in short order if we don't deal with what we have to deal with also.

It is frightening, believe me.

Mr. Speaker, this country cannot survive the way we are doing what we are doing. The people who have the authority and the responsibility to deliver policy . . . those of us on the backbench who crave the right to be the check and balance of the government have a higher responsibility to this country cannot continue to sit by and watch it go to Hell! It doesn't matter how well the economy seems to be doing, or how pretty a picture we paint if this society is disintegrating, and that it is.

Some of us talk about it. But nothing is done. And do you see this business about Immigration? If we don't deal with this thing and do what we have to do that is right, it is going to bring about a situation in this country that none of us are going to even want to attempt to solve because of the magnitude. And it has continued to multiply because successive governments and this one—because this is the one I have been here with, not a part of, but one of the representatives—has been totally unprepared to take any action because it's not easy to decide on what is going to satisfy the most people.

I know that's a problem. I don't cherish the thought of having to be part and parcel of making that decision, but we have to do it. And we cannot make those decisions because of a certain little faction we are afraid to offend. Our responsibility is to this entire country, all of the people—whether or not they have status!

Look at how many people have been here who are part and parcel of this community, and to this day—twenty-odd years, some longer . . . Do you know what Mr. Speaker? If we don't want them to be part of us, let's tell them to please go. But if we know that we have the responsibility to do what's right, then let's do what is right. A bad decision is still 40 times better than indecision, because if you make a bad decision—like with the crane, for

instance—you can correct it. I don't have a problem with that. But if you make no decision, you don't know what to do, and it is indecision that is causing the majority of the problems in this country today.

There are those who will say, *'If I want to remain unscathed, I had better just wiggle back and relax. I can watch it all play out, and then, when I see who's getting the licks, I will know which way I must go.'* If that is the attitude of any member in this House, he or she should not be here!

Mr. W. McKeever Bush: Hear, hear!

Mr. D. Kurt Tibbetts: He (or she) should take it on his (or her) own to walk out by default because that is not what this country needs today, and that is not what is going to help this country today, or tomorrow for that matter.

Mr. W. McKeever Bush: Hear, hear!

Mr. D. Kurt Tibbetts: Getting back to e-commerce—

The Speaker: May I interrupt you for a moment? We are getting close to the time for the lunch break. You won't be finishing shortly. Would this be an appropriate time?

We shall suspend proceedings until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.51 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 27/99. The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: It seems like every time we have a break it's in order to start with Cable & Wireless, and since this will be the last time I speak on this issue, I may as well continue.

While I was on break, someone mentioned that they were not sure they had a clear understanding what this 80 percent reduced rate being proposed really means. I too am not very sure. So let me say that while the Minister of Commerce made the announcement in his debate on the motion that Cable & Wireless is going to reduce its rate on the Internet and e-commerce business by 80 percent, no one seems to be sure exactly what that means.

We wish to make it very clear that our expectation is not just in the commercial area, but there are a lot of people who surf (as the Third Elected Member for Bodden Town talks about) the net at home and the comparative rates that I quoted between Cable & Wireless in the US and here is directly related to people who use the Internet at home here being 18 times that of the US rate.

Certainly, we expect that any reduction in rates will be across the board and will include all users of this service. And I hope that it is not just a pacifier and only going to be levelled at the commercial users. We will wait and see what it means. But we believe that government should ensure that whatever is done satisfies both ends of that spectrum.

It may seem repetitious to be talking about these rates. Surely, Cable & Wireless must be able to deal with this in a fashion that is satisfactory to all.

Before we took the luncheon break, I was speaking about some of the social aspects and the ramifications. I think I have made my point with that. A lot more can be said, but perhaps in another forum and with another topic I can expound more on that.

Getting back to the Internet and e-commerce . . . Some of us have received letters from young Caymanian entrepreneurs seeking to have amending legislation for the relevant laws whereby any licensing for e-commerce should be reserved for Caymanians. In trying to be fair to all concerned, talking about it a little bit would be what I would call the ideal situation. There is merit to the thought that it would allow Caymanians opportunities in certain areas that they might not have had before or otherwise if this were not the case. But the fact of the matter is that e-commerce is a global business.

Even if we were to take the view that we would leave that to be done only by Caymanians, the fact of the matter is that it would be doing the country a disservice because it is going to go on whether we allow it to or not. All that would happen is that other jurisdictions would capitalise on the fact that we took that route. So, while we would be satisfying a certain element, from the global point of view we would not be doing the country a service.

I am hopeful that people will understand the reasoning behind our proposing that this be done. It will allow certain opportunities, but unlike some other things which may well have been better dealt with if they were done in that fashion, I think this is one of those industries where it is almost impossible to entertain the thought for any length of time because truly we will be serving one master, but not the majority of the country at large.

I hope that that position is clearly understood. I wanted to articulate it because some people might take the view that we don't care, or that we are anti-Caymanian. But this is certainly not the case in this instance. I believe that once one is able to be objective about the situation, one will clearly understand exactly why we have to take the position we are taking.

The Third Elected Member for George Town, who moved the motion, certainly has dealt with many points that I don't have to go over. There were also contributions from other people regarding this business of e-commerce. But in closing I think it would be proper for me to quote a few statements made by different territories regarding policy in this area.

I would first like to mention a policy statement made by the Government of Bermuda two years ago. They said, **"The government understands that whether we seek it or not, whether we like it or not, the digital revolution is underway. Our challenge and our responsibility is to recognise the changes that are taking place, understand their implications and make them work to Bermuda's advantage. How we manage this new revolution and the social, political, and economic changes it brings will determine Bermuda's success as we enter the twenty-first Century."**

Certainly, that statement could well apply to us if we simply changed the name from Bermuda to the Cayman Islands, and it would make all the sense in the world.

At the same time, we are talking about the OECD. But the Secretary General of the OECD said in his introduction to a major report on e-commerce, and I quote, **“Our generation stands on the very cusp of the greatest technological revolution that mankind has every faced. Some compare this age of electronic communication with the arrival of the Gutenberg Press, or with the industrial revolution. Yet this revolution, when it has run its course may have a greater impact on the planet than anything that has proceeded. The applications of electronic transmissions are just beginning to be felt... and the breadth and depth of what lies ahead is only beginning to be fathomed. How and where we are educated, where and how we work and live, our health care systems, our shops, our commerce, our reading, our leisure... no part of human enterprise will be spared. Even our notions of sovereignty and governance could be profoundly affected.”**

“This report underlines the responsibilities of governments in providing appropriate regulatory frameworks while adapting their own administrative procedures and processes to remain tuned to the new developments.”

Mr. Speaker, this motion calls for exactly that.

Also, in 1998, the government of New Zealand said: **“The global emergence of electronic commerce will have a major impact on the New Zealand economy. It is imperative that New Zealand meets the challenges and takes advantage of opportunities presented by this new mode of business.”**

And finally, Mr. Speaker, in a study of electronic commerce completed in 1998, the US Department of Commerce was of the opinion that: **“IT [information technology] and electronic commerce can be expected to drive economic growth for many years to come. To realise this potential, however, the private sector and governments must work together to create a predictable market-driven legal framework to facilitate electronic commerce; to create non-bureaucratic means that ensure that the Internet is a safe environment; and to create human resource policies that endow students and workers with the skills necessary for jobs in the new digital economy.”**

In my mind, the important sentence for us is **“ . . . to create non-bureaucratic means that ensure that the Internet is a safe environment, and to create human resource policies that endow students and workers with the skills necessary for jobs in the new digital economy.”** We have talked about it, but God knows that I hope we will do it.

We are saying it up front: This is not one of those things where we should allow ourselves to simply import the technology without bracing ourselves in the immediate term with the ability to create the human resources from within in the short-term, to be able to allow our young people the opportunities that should arise. Needless to say, the benefits to the country will be better real-

ised if human resource capital from within is used to enhance this industry. I sincerely hope that it is not just lip service and five years from now when we look at it all we have done is create another demagogue.

Perhaps we will accept the responsibility of ensuring that the benefits that can really be passed on to our people are done so. There are some fears from the smaller merchants, and those fears are going to have to be addressed by all of us. The fact is that we all need to understand that there is nothing we can do to stop this thing. If we segregate ourselves from it, it will still go on. Our only option is to embrace the fact that it is happening and use it to our advantage. There is no other way to think about it, as far as I can discern at this time.

This is urgent, but we must do it right. This is something that we have to act on, but we cannot be insular in our thinking, simply talking about jumping on the bandwagon and being able to boast when we are abroad, or entertaining clients, or when we are looking for new clients, of the manner in which we have created this industry within our territory to be user friendly, efficient, safe, respecting privacy and all those things, unless we see the benefits to the people of this country. The greatest benefits that can be derived is investing in our human resources, taking advantage of the jobs this type of thing will create; being able to prepare our people to fill the shoes of those who will probably have to come in the short-term to get this thing going the right way.

Our motion calls for government, together with the private sector, to develop a policy—a business plan—to actively encourage E-Commerce. This means that government must supply leadership, identify goals, promote our strengths, and seek to correct our weaknesses including the cost of the service. It must address the issues such as the cost of communication, the provision of incentives where these are appropriate, the introduction of the proper degree of regulation, and they must also have the private sector to gain competitive advantage by the careful crafting of our legislation.

This needs planning, coordination, and none of us have any doubt that it will need the allocation of proper resources. In other words, we cannot afford to get this wrong. Thank you.

The Speaker: Does any other member wish to speak?

The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

I would like to commend the mover of this motion, the Third Elected Member for George Town, and also the seconder, the First Elected Member for George Town, for bringing forward—

[Inaudible interjections]

Hon. Truman M. Bodden: I always give credit where credit is due, sir.

[Inaudible interjections]

Hon. Truman M. Boddin: And to say that I support this motion.

We have to face up to reality. We are moving into an information technology and electronic transaction world. It is very important that along with the introduction of the necessary equipment and means for electronic commerce comes the proper regulation to go with it. Indeed, in some ways the protection of the information is critical to certain areas that will use the electronic commerce.

While I realise that this does straddle several ministries, I think that we are lucky to have the Minister of Commerce, I should nearly say jointly with the Third Elected Member for George Town (the mover of the motion) really very interested, moving forward on a sound footing. This is the way that things get done, when the House can meet across the floor here and really say *'This is something good for the country, let's jointly move forward with it.'*

The importance of this regulation is also important in relation to ensuring the integrity of information of the electronic transactions and to ensuring that encryption and the modes by which there is technical protection, that there is also reciprocal legal protection with it. I know that there has already been a draft of an Electronic Transactions Bill by the private sector that will be coming to the honourable Attorney General in due course.

Important with this also is to ensure that the laws and the regulations do protect the private sector that the smaller merchants have a feeling of comfort with the protection that is out there. But as one speaker did mention, this is an area that is going to come in this day and age, regardless of what anyone may do. So, we have to really move forward with it, embrace the opportunity, and ensure that we make the best of it.

From a social aspect, I think it is very important. Not only will the reduction in cost by Cable & Wireless, the bandwidth that will come with the new fibre optic, the Maya 1 that Cable & Wireless is putting a tremendous amount of money into, some 20 million pounds, or dollars (pounds maybe), and the fact that that is now underway. . . I am sorry, US \$20 million. I thank my colleague to my right here for that.

This will bring in the technology, the speed, the bandwidth that we need to move this forward. It is the duty of this House—not just the government, but this full House—to ensure that the laws and the regulations provide the necessary protection.

It is important that this is taught in the schools and that local persons also have access at reasonable prices, which we understand will come in a few months' time, so that everyone can have the advantage in this technology information age of the use of electronic transactions, e-commerce as it's commonly called.

Mr. Speaker, in summary, with it goes several things: One is that Cable & Wireless has to play its part in getting the cost down, getting the bandwidth in. That seems to be well underway. Secondly, we have to ensure that the private sector gets as much of an economic advantage as possible from this, while balancing the protection of smaller merchants and the fears they have. Also important is that the legislation protects the integrity of

the transactions, the data. And most importantly, something that rests more squarely on my shoulders, is to ensure that the schools and local persons generally will also receive the benefit and that there will also be a good beneficial improvement within these areas.

Once again, I am happy to commend the Third Elected Member for George Town, as mover, and the First Elected Member for George Town, as seconder of this motion, and to say that it has my full support. I will do whatever I can to make this a success and to make the Cayman Islands competitive in this third foundation area of our economy. Thank you.

The Speaker: Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

If not, would the mover like to exercise his right of reply? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

My reply will be brief, as I did spend quite a bit of time in a detailed presentation of the motion. Indeed, those members who spoke on the motion made some very valuable contributions. I would like to take this opportunity to thank all honourable members who made a contribution to this motion, and to those who through their tacit support have given their agreement to it.

There were a number of important issues raised which I have no doubt have been taken note of by our Information Technology Unit strategist, Mr. Archbold, who was very instrumental in assisting me, the honourable minister and others in bringing this subject of e-commerce thus far. These matters that have been raised will be dealt with in detail in the consultative committee. It is also my understanding that the honourable Minister of Commerce has already put in place that committee.

I particularly wish to thank the government for accepting the motion, and for their commitment to have the necessary legislation put in place as early as possible. It was interesting to note that most honourable members who spoke on this motion expressed a central concern—making the cost of e-commerce a viable proposition in the Cayman Islands. This is very much dependant on the negotiations we are able to resolve with Cable & Wireless.

The question of the initial reduction suggested by Cable & Wireless has also been raised. And so that this is not misunderstood, the 80 percent reduction suggested by the Honourable Minister of Commerce, in my understanding was referring strictly to matters dealing with e-commerce and not to rates generally. I would hope that in the process of looking at reductions in the rates for e-commerce that Cable & Wireless would find it possible to reduce their rates across the board.

I want to thank honourable members for their support thus far on this motion, and I trust that when it is put to the vote that it will get the 100 percent support of this honourable House. Thank you.

The Speaker: I shall now put the question on Private Member's Motion No. 27/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 27/99 PASSED.

The Speaker: Item 5 on today's Order Paper. Government Business, Bills. The Appropriation (2000) Bill, 1999.

Commencement of the debate on the Budget Address delivered on Friday, 26 November, 1999, by the Honourable Third Official Member Responsible for the Portfolio of Finance and Economic Development.

The floor is open for debate. (Pause). The floor is open for debate, does any member wish to speak (Pause).

Mr. Roy Boddén: *[Interjecting across the floor]* Are you waiting for me to get up and say something? I guarantee you, if I get up there won't be any hesitancy for other members to get up, because what I have to say to you is not going to be nice!

The Speaker: *[Addressing the Third Elected Member for Boddén Town]* Well, move ahead.

Mr. Roy Boddén: Is someone else going to go on?

The Speaker: The floor is open for debate. Does any member wish to speak?

[Members' laughter and inaudible interjections]

The Speaker: The floor is open for debate. Does any member wish to speak? I cannot wait much longer.

Mr. Roy Boddén: Mr. Speaker?

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Mr. Speaker, it is a crying shame. I wonder what they are going to do when I am not here.

[Members' laughter]

The Speaker: I have recognised you, Mr. Third Elected Member for Boddén Town.

Mr. Roy Boddén: I could have stayed put. But, do you know what? My conscience would not allow me to do that. I have things to say, and I was encouraged, in the home I came from, that when I had something to say to say it!

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (2000) BILL, 1999

COMMENCEMENT OF DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON FRIDAY, 26 NOVEMBER, 1999

Mr. Roy Boddén: Mr. Speaker, I want to say first of all that I consider it less than becoming of honourable members when an important matter such as the Budget [Address] has been delivered that this whole House has to wait for (and I am flattered) the Third Elected Member for Boddén Town—whom the Minister of Education has so often called “defunct,” “theoretical,” “outdated,” and heaven knows what else . . . were it not for this member, the government would certainly not have anything to say. And those who support the government might not have anything to say.

I am going to start with this caveat: I guarantee that when I am finished jettisoning the load I have to jettison everybody on the government side will be clamouring and tearing at one another to speak. I am going to charge them with many things they are going to have to reply to. It is so serious they might even cancel that trip they are planning to go on!

The budget reminds me of one of the fables told by Aesop: A mountain was in labour. And all the world waited agog; and at long last it brought forth a mouse. I suppose that there are those who say we should be proud of the Budget; that the Budget has been balanced. We have cut \$100 million off it in a week, and it is fit to be digested by Parliament and the country. Well, as is not unusual I take great issue with that.

I want to take as my starting point the decision I took on the 27th day November in the year of our Lord, One thousand, Nine hundred and Ninety-six, when I was bold enough to say that at the end of the four years the country would come to realise that the National Team Government was not the government it wanted, nor was it the government the country deserved. I wholeheartedly and boldly stand by that statement this afternoon, this 1st day of December in the year of our Lord, One thousand, Nine hundred and Ninety-nine.

Do you know what happens now? Nobody is talking about the “National Team,” because its record is disgraceful. Even the remnants of the National Team would like people to pretend that the entity no longer exists. Why? Because they have done everything they said they would not do. They have done everything that they blamed the previous government for—they have borrowed, they have taxed and they have mismanaged. And the document they laid here called the “Budget” is living proof, the Draft Budget and Estimates is living proof of that. And I will go on to show why that is so.

But I am not going to that until I prick the conscience of certain members who, when I got up that afternoon

and made that statement out of sheer boldness and bravado, took me on saying that I had been declaring war when the National Team had won the election and they were the most fit entity to govern the country because they had the plan. I wonder what those people are saying now? I know who they are, Mr. Speaker, but I am not saying. Let them check the *Hansards*. I take pride in being the foremost researcher in here. I know exactly who they are, exactly what was said, and when it was said.

The only person who came to my defence that afternoon was the Third Elected Member for George Town. And I am not saying that I needed any defence; I was prepared to soldier on myself. But it was good to have some moral support. Time has proven me correct!

I am going to say some other things because I read in this Budget . . . and it's a pity that the Financial Secretary is not here this afternoon to hear these things firsthand because I don't like to say things about people when they are not there, particularly when I am speaking the truth.

I am reminded too, Mr. Speaker, that when I got up in 1995 and said it was time we re-examined our system and the way we were doing business and handling the public accounts. I said that we should enter into some financial sector reforms that would lead to public sector reforms, and I brought a model of what was happening in New Zealand. I vividly remember the charge . . . led by whom? It was led by the Leader of Government Business, the Honourable Minister of Education. He said that I had brought the laws of an independent country and that I was seeking independence.

I remember his colleague, the Minister of Tourism, getting up and saying that it wasn't his business to know anything about the laws of New Zealand, it was his business to know about the laws of Cayman. And then the Financial Secretary, of course, taking a cut from their cloth, got up and said it wasn't necessary.

Mr. Speaker, do you know what the up-shot of all of that is, sir? They had to go to New Zealand—to great expense—to bring in the expertise! And what are they doing now? The same things I suggested they should have done—only four years later! It tells me that I am wiser than they are—as if I needed any confirmation!

I also suggested that we establish a national disaster fund. What did they do? They told me that it was covered in the general reserves. What have we now, two years later? The same national disaster fund that I suggested we set up. Mr. Speaker, I say all of this to say that I just heard the Minister of Education talking nonsense that the efforts must come from two sides of the House. He is preaching to the converted. That is why I have named him Janus—the Roman god with two faces!

[Members' laughter]

Mr. Roy Bodden: I am going to assure them again that I have a little here in my bag for each of them. So they don't have to quarrel and worry about one getting it all. I have enough to spare in the computer upstairs.

Mr. D. Kurt Tibbetts: How do you say that? Preach, brother, preach!

Mr. Roy Bodden: With that introduction, I shall now proceed to make my comments on this document.

We are poised on the brink of a new century, the 21st Century, and the whole world is awaiting the dawning of that century with pregnant anticipation. The pundits say that this century is an extension of what has been happening and events will be but an extension of the Industrial Revolution. Indeed, economic historians are calling it the "third" Industrial Revolution. There was a first Industrial Revolution, a second Industrial Revolution, and they are now calling this the third Industrial Revolution. We just had some evidence of that in the motion debated immediately before this.

Globalisation and this whole business of information technology will necessitate that success is going to be dependent on those entities, be they individuals, corporations, or be they countries that can best harness, package and manage information technology and all its accompanying nuances. Indeed, Lester Thurow, in a book called, *Building Wealth—The New Rules for Individuals, Companies and Nations in a Knowledge Based Economy*, had this to say: "**The old foundations of success [I quote from the prologue on page 15] are gone. For all of human history, the source of success has been the control of natural resources—land, gold, oil. Suddenly, the answer is knowledge.**"

He goes on to say, "**knowledge is the new basis for wealth. This has never before been true. In the past capitalists talked about their wealth, meaning ownership of plant and equipment and natural resources. In the future, when capitalists talk about their wealth they will be talking about their control of knowledge. Even the language of wealth generates changes. One can talk about owning capital equipment or natural resources. The concept of owning is clear, but one cannot talk in the same ways about owning knowledge. Owning knowledge is a slippery concept. The human beings who possess knowledge cannot be made into slaves. Exactly how one controls or owns knowledge is, in fact, a central issue in a knowledge based economy.**"

I said a few days ago in my debate on e-commerce, that perhaps the most outstanding example of this ownership of knowledge is Bill Gates. The wealthiest man in the world—a man who counts his wealth in billions, if not trillions—owns no land, no oil fields, no gold mines, he just owns knowledge and the capacity to produce that knowledge almost exponentially. So much so, that the United States government is concerned that he has such a great monopoly that he is a threat, not only to all of his competitors in the knowledge information business, but could be a virtual threat to the State and the existence of the State by virtue of the fact that the State needs to have access to the knowledge that he possesses.

We in the Cayman Islands are bound to be affected by these developments. If we wish to continue on the cutting edge of international finance, we have to find ways to stay abreast of this, and we have to find ways to benefit

from this revolution. And it is no understatement to describe it as a revolution.

But I would like to caution from the very outset that these developments will not mean that the proverbial little man will see immediate beneficial effects. These developments will not necessarily mean that there will be a "chicken in every pot" in the Cayman Islands. So, I would caution from an over extension of enthusiasm because with all revolutions there are periods of growing pains. Perhaps a significant amount of time will have to elapse before the effects become so widespread that it is seen and, more importantly felt, by all and sundry. But that does not preclude the country from being prepared and participating in this revolution.

I would also be quick to remark that as with all of these kinds of developments it will have its downside. I am particularly interested because unless our people get access to education and training, they will not be able to benefit from this revolution. This information technology is a revolution that is going to call for skills and expertise that will have to be learned and cultivated and will have to be inculcated in our people.

I am surprised to see that the Budget does not contain any explicit plans whereby people can take advantage of education in this development, this revolution. I believe it is these kinds of shortcomings and omissions that have plagued us in the past by not setting us in a position to be able to capitalise on these new modern developments. Even as I speak, many countries of the world are expressing concern at what is happening in Seattle at the World Trade Organisation conference, not only because there were demonstrations and mass disorder on the streets, and looting, but because some nations justifiably feel that they will be disenfranchised. They feel that they will be disadvantaged by the more industrialised countries who control not only the means of production, but who have a virtual monopoly on information technology and all of the tools necessary to launch forth productively into the 21st Century.

I believe that we in the Cayman Islands can be eminently equipped to take advantage of our position. Certainly, if we don't move forward we can maintain our current position. But it is going to take a marriage between the public and private sectors. And unless we get that right from the beginning, we will have a population that will be left behind by these new developments.

I believe the government can best poise itself to do this by continuing on the path of the public sector reforms it has embarked upon. I believe that government can best do this by continuing to encourage legislation that will enhance these kinds of modern trends—freedom of information comes immediately to mind. What we are talking about is a knowledge-based economy in that information will have to be readily available. The old methodologies and the old techniques of doing business will have to be shelved. Confidence will have to be shown and trust will have to be promoted. Interdependency will be a key factor, or key tenant, because this trade is not going to necessarily be in boatloads of goods, although it will be sometimes. Rather, it is going to be in transactions completed by click of a mouse.

It's not only an e-commerce law that we have to develop, although that is a quintessential element. We are also going to have to develop other peripheral legislation significantly related to electronic commerce and information technology, namely, freedom of information and ability to access certain information.

With all of this comes an almost ominous foreboding because already criminals, and those with criminal minds, have begun to take advantage of loopholes. So we shall have to be careful (and I heard the Minister of Education mention this a short while ago) to ensure that the proper encryption techniques are in place. We have to have complementary legislation to ensure that certain information and techniques do not fall into the hands of those who would go to extralegal activities to exploit the situation. I have no doubt that the Cayman Islands can continue to be a beneficiary of these developments. But it will necessitate us, in Parliament, working in tandem with the government and in tandem with the private sector to see that the fullest advantage is gained when we embark on this.

The economics of the Cayman Islands are intricately interwoven with the economics of the world, particularly the economics of the United States. I was reading in a journal today about the rise in interest rates. I would not consider myself a financier, but it is necessary if one is to offer intelligent contributions, to relate and be interested in these elements as they occur in the world. I have been following the methods of Mr. Greenspan ever since he took over the Federal Reserve. I noticed that the prime rate in the Cayman Islands has been increased by a quarter of a percentage point.

Many people will not see the significance of it because to the man in the street what is a quarter of a percentage point? However, when you are talking in terms of multimillion dollars, this is indeed significant. I worry about a problem that has been prominent among many Caymanians, particularly the aspiring Caymanians. I wonder when we will be in a position to guarantee that Caymanians who occupy the middle order on the economic scale will be able to realise their dreams by having access to affordable finance to build houses and to acquire mortgages for apartments and houses.

If you listen to the popular talk show "Talk Today," on Radio Cayman, you will learn that invariably this is a concern expressed to some degree or another each day the show is on. It is also a fact that those societies which afford people access to this kind of financing are most stable. I am also concerned that since there seems such an obvious absence of this that the middle classes has begun to shrink, thereby creating the potential for social problems and upheaval.

I am concerned too that in the Budget document the government does not seem to pay significant attention to the human side of enterprise, to the human side of this prosperity, and there is mention of financial industry highlights. There is significant mention of tourism and its continuing contribution. There is the Y2K issue, the world economy, the domestic economy, financial and business services, agriculture, real estate. But there is no section

that deals to any degree with the human element in the Caymanian society.

I suppose there are those people who would say that this is not important. But if one listens to the Budget debate in the United States, for example, the President goes to great lengths to say how the prosperity is going to benefit the people of the country, particularly the working class people, the people who are most vulnerable to economic fluctuations and significant financial changes.

Some years ago, it was popular to talk about the development of human capital. Well, more recently it seems that concept, that cliché, has been forgotten or worn out. I hope that does not mean that we have forgotten, or that we are taking those elements in the Caymanian society that do not inhabit the higher echelon of the income earning positions, or who do not frequent the cocktail circuit, for granted

I believe it is an injustice to present a document when you are talking about \$300 million and there is no mention made of how we are going to maintain the social balance and harmony in this society. You don't have to be Karl Marx to understand that the human element and the ability to satisfy the people who are least able to fend for themselves will, to a great extent, determine what kind of social order we have in this society.

So, Mr. Speaker, I lament the obvious absence of any comment having to do with the development of human enterprise, the concern for continued social harmony and the ability to continue to motivate and hold out some hope and encouragement for those people who find themselves in that area of the economic spectrum which is inhabited largely by the working class.

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. Roy Bodden: Yes sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.14 PM

The Speaker: Please be seated. Debate continued on the Second Reading of the Appropriation (2000) Bill, 1999. The Third Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: Before I depart from globalisation and what I see as some of its consequences and impact on the Cayman Islands, I wish to make a few more comments that I hope will be relevant in the context of the Budget.

I cannot say that I am enthusiastic about globalisation myself, because while it has its positive side, I realise that it also bears many negative consequences for the developing world, particularly microstates such as the Cayman Islands. It is my understanding that globalisation really emerged and evolved at the end of the Cold War with the demise of the rivalries between the ideologies of

the East and West. Globalisation emerged to fill that vacuum.

It is the brainchild of what were Western Capitalist States, but has grown to take in some countries of the old Soviet Empire, to the exclusion of developing countries in Africa and other areas of the Middle East and even some countries in the Pacific Rim. I believe that we in the Cayman Islands cannot expect much direct benefit, except the usual spin-off that comes our way, unless we are poised to continue to operate on the cutting edge as we have been. And then we are going to have to deal with the challenges to our autonomy and our ability to earn a livelihood and strike an economy, as can be witnessed by the OECD and their harmful tax initiatives, and G-7 and all these other countries which believe that they have a God-given right to launch attacks on jurisdictions such as the Cayman Islands.

I also want to quote from Rule 7 of what Lester Thurow has in his book, "Creating Knowledge." He says, "**Any society that values order above all else will not be creative. But without the right degree of order, creativity disappears as if into a black hole.**" He goes on to talk about the level of tension between tradition and the new constructive forces.

My model of economic development for the Cayman Islands has always been similar to what has been accomplished in Singapore. While it is true that we in the Cayman Islands cannot adopt full scale the methodologies used in Singapore, because we are two different societies, Singapore is largely developed. Their attitudes are based on the Confucian ethic, which is a little different from the ethic we have here in Cayman. But there are many similarities in that we are fairly small societies with small population, but a rather high economic standard of living.

The advantage that I think Singapore has over us is that from very early it launched out into the development of a kind of education system which made it eminently equipped to capitalise on its surrounding geographical areas. Nevertheless, I believe that it is not too late for us in the Cayman Islands to adopt some of these principles. I would hope that the next government can see fit to embark on a venture that would lead us down this path.

Singapore is a society that places great emphasis on human development, to the point where the whole society is adequately dealt with in terms of housing and other social requirements. The education system is completely compliant with information technology moves, with the latest in the computer world. The population is known and respected for its earning power. Even the prison system in Singapore—from which we could learn many lessons—is an ideal system that many countries covet and admire. But it does not come without a price.

We have to decide what we wish to accomplish. But I believe that if we don't take certain considerations at this time, we are going to find that the gap between the "haves" and the "have-nots" is going to widen, and we are going to take increasingly more of our budget to spend on social services, prison systems and also on the alternative education system. So we need to pause and take stock of the path we are on, and realise that if we don't

factor in more of the human element we are going to have to pay a greater price down the line for our progress and our prosperity.

It goes without saying that we cannot stop funding elements like tourism, and so on. But at this point, we have to strike a happy medium because our people are complaining. It would be interesting to learn what the results of the census will tell us about what kind of society we are living in, in terms of housing, leisure time, in terms of the numbers in the various socio-economic categories. Every year I see it to the point where it is becoming obvious that more and more of our dollars are going to be spent on corrective measures. One wonders where this is going to lead in the long term.

There was great fanfare when the Vision 2008 Plan was tabled in the Legislative Assembly. I think that is a good thing. As I recall it got unanimous support from the Legislative Assembly. But the Budget document did little other than to mention that this document was tabled and has received unanimity. I would be more satisfied if the Budget document contained some provision for the implementation for some of these plans because to be successful and to take it to the next stage we must now begin to talk about implementing some of these things that the populous wishes to see put in place. I am disappointed to see that no attempt has been made to arrive at some kind of figure, even if it were a preliminary figure, which would lead us to some realisation of what it might take for us to implement a part of this plan.

Mr. Speaker, that is a significant observation, especially in light of the fact that the plan is designed to be a rolling one where it is frequently updated. I have always contended that the problem with these kinds of exercises is not that we don't arrive at good and acceptable plans, sometimes even ideal plans. The problem lies in accessing the wherewithal to put the plans into implementation. I would say that that has been the failure of every plan embarked upon in recent times, recent times being within the last eight years.

There was great fanfare and effort to garner the plans, and people go to great lengths to volunteer. And I commend and appreciate all the volunteers' efforts. Many people gave up their time, made sacrifices. But the let-down is that there has been no attempt on the part of the government to quantify any amount that would be necessary to realise these plans.

That brings me to say that it has been a characteristic weakness in public administration of the recent past to prioritise. Certainly, the political directorate now in power, whether it still feels comfortable calling itself the "National Team"—since it has lost some of its most sensible members—or not, is particularly susceptible to this failure. I believe that that failure is singularly responsible for the quandary that we find ourselves in at this budget time, and, certainly, it was singularly responsible for the quandary we found ourselves in at the last budget time when we had to cut and paste, break and patch, bind and rebind. There is an absolute breakdown in communication and a breakdown in the ability to prioritise.

A good case in point is the fact that there is a big row (I have been made to understand) going on even as I

speak because the announcement was made that the government was going to take duty off some fruit. But no one seems to have consulted the Minister of Agriculture. And now the farmers are up in arms because the local farmers have been told that since the duty is coming off imported fruit, they will have to drop the prices on the fruit they supply to the supermarkets and local outlets by 15 percent. The farmers say that they cannot afford it, particularly the larger ones. They are already losing ground in trying to be competitive with the imported fruit.

So, there seems to be a breakdown in communication, and a lack of understanding in and between the various ministries and the government in arriving at these things. That being the case, I cannot be satisfied that this Budget, this document, is as rosy as it was made out to be. I will have to taste much more of the cake before I decide that it is a good cake! I am anxiously waiting to see how the government is going to deal with that problem, bearing in mind that this is an election year.

It is a lesson that all of us should learn. We cannot afford to manage by crisis any longer. A couple of years ago the Chamber of Commerce held a meeting at the Lions Centre, where 3,000 people came out and government had to backtrack. This may not be of the same significance, but it carries with it a certain risk. I would have thought that for all of the experience the ministers so ably and quickly remind persons like me they have, that they would have avoided such a conflict and contradiction at this time.

Planning is an essential part of the progress of any society. And any entity that exists without proper planning and prioritisation is bound to experience failure—failure that will bring serious economic setbacks.

We, on this side of the House, have been as responsible as we could be, bearing in mind the position we took last year when the budget was presented and the position we took in Finance Committee. The government should have had the presence of mind to be more focused. I know there are some elements who will find it advantageous to blame the reform process, trying to say, *'Well, if we weren't in the middle of implementing some of these reforms this wouldn't happen.'* Mr. Speaker, nothing could be further from the truth!

The quandary the government finds itself in now, as it relates to the problem I just outlined, has nothing to do with the reform process. Rather, it has to do with government's inability to arrive at proper prioritisation, and it's inability to communicate among the various ministries properly. I know what the problem is: This being an election year, government is doing its best to try to appear to be pleasing and appeasing all entities in this society. It is an impossible task; it cannot be done. It was not done by entities before, and it will not be done by these.

The final thing I wish to say on that is that persons like me who find themselves on the backbench would be ill advised, given these opportunities, not to take advantage of them. So government cannot expect that it is going to get any help from me in solving problems. It is their problem, they have to solve it. That is the reason why I reneged when the invitation was extended to sit down and meet with them. I was not in on the party at the be-

gining and I do not wish to come to the party at the end. It is not my budget; it is government's budget. If it is broken, they should fix it. If one were to believe them, they have enough capable people on that side to fix it. Let us see how efficient the fix will be—whether it's a quick fix or a long lasting fix.

Mr. Speaker, we have reached the hour of adjournment . . . do you wish me to go on?

The Speaker: No, I am satisfied.

We have reached the hour of 4.30. I would entertain a motion for the adjournment of this honourable House.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony Eden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 2 DECEMBER 1999.**

**EDITED
THURSDAY
2 DECEMBER 1999
10.48 AM**

[Prayers read by the Honourable Minister of Community Affairs, Sports, Women, Youth and Culture]

The Speaker: Proceedings are resumed.
Item number 2 on the Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

The Speaker: There are no announcements this morning. Item number 3, Questions to Honourable Members/Ministers. Question number 162 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 162

No. 162: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what percentage of the medical insurance claims submitted by the Health Services Department to the insurance providers during the past year have been honoured.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Of the total amount of medical insurance claims submitted by the Health Services Department to the insurance providers in the 12 months ending 31 August 1999, approximately 79 percent have been settled.

SUPPLEMENTARIES

The Speaker: Supplementary, the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister tell the House if the Health Services Department has experience problems in having claims submitted to the insurance company serviced?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Initially, in the preparation to the gearing-up, it was found out that the Health Services Department and some of the insurance companies were not quite ready. I know at the present time, things are start-

starting to flow much better now.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether he is aware of any problems experienced by the private practitioners with regard to accepting or accessing claims when submitted to the insurance companies?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr Speaker, nothing official has come to me at the Ministry, but I am aware of certain complaints. What I have done now is, I have spoken to the gentleman at the Monetary Authority who deals with this to check this out to make sure it gets sorted out.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I appreciate the comment from the Minister and I would ask that he undertakes to follow this matter up with his usual diligence because almost weekly I am approached by my constituents and members of the wider public who have problems accessing claims. There seems to be some serious misunderstandings to the point where some of these people are significantly put out of funds which they have to go to great expense to expend privately when it should have been coverage by insurance.

I am asking the Minister to give the undertaking to follow this up with the usual diligence of his office because these comments . . . I was listening some time ago to the public radio show, *Talk Today*, and that particular programme was filled with people calling in, experiencing breakdowns in accessing claims when submitted.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I appreciate the Third Elected Member bringing this point up again. What I will also undertake is to share the *Hansard* from this meeting. They will understand how important it is to this country that they stand up to their undertaking when we have literally provided a situation to benefit our people, and I am sure there is significant monetary gain, for some of them never had this before, that it is dealt with in the proper light and that our people don't suffer because of it.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will move on to Question number 163 standing in the name of the First Elected Member for George Town.

QUESTION 163

No. 163: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to give a breakdown of the projected operating cost of all Government health facilities for the year 1999.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. First of all, I would like to apologise to the Honourable Member and the House for the delay of getting this question on. It has been on for some time. I finally got all the figures. The projected operating cost of all Government health facilities for 1999 is as follows:

HEALTH FACILITIES	OPERATING COST
Faith Hospital	\$2,725,426
West Bay Health Centre	169,157
Bodden Town Health Centre	151,855
East End Health Centre	89,721
North Side Health Centre	78,859
Prison Clinic	45,141
Schools Clinic	161,479
George Town Hospital: <i>including Lion Eye Clinic, Dental Clinic, Public Health Services, Forensic Services</i>	35,532,524
Total Projected Operational Cost	\$38,954,162

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This being the projected cost to year-end 1999, can the Minister state then if funds have been allocated to cover all of these costs for 1999?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if in comparing this with what has been projected for the year 2000 there are any areas which may not be adequately served because of a lack of funding?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I am proud to say that when the Honourable Financial Secretary indicated to ministries, portfolios, and departments what he expected over last year's budget (which was 8% at first and then 5%) we indicated this to the Health Services Department. They very, very diligently . . . and I was most grateful to them were able to get within that position. They feel that what they got there is realistic. We have decided that it is belt-tightening time within there. There is a time of consolidation. As this House and the country know, significant amounts of money have been spent on our new facilities. We have put in a realistic figure. I would not say that we would not come back, but the senior managers who spent tremendous amounts of hours and time on this budget feel that they can work within this limit.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: I wonder if the Honourable Minister could give the House the revenue for each health facility that has been collected to-date.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the total collections, we don't have with us. But I would undertake to give that to the Honourable Member and this House.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I noticed in the breakdown of these operational costs, the Bodden Town Health Centre and the West Bay Health Centre are nearly on par with over \$150,000 as their operational cost. East End and North Side are nearly on par with one approximately \$80,000 and with the other one approximately \$90,000 being the operational cost.

Is the answer to this simply because of the amount of clients that are involved or are there any other differences in the operational cost?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Before asking the Honourable Member to give the answer, would you move the suspension of Standing Order 23(7) and (8) in order that Question Time can continue beyond 11.00 a.m.?

SUSPENSION OF STANDING ORDER 23(7) AND (8)

Hon. Anthony S. Eden: Mr. Speaker, I move the suspension of the relevant standing order so that Question Time may continue after 11.00 a.m.

The Speaker: I put the question, Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND THE HOUR OF 11.00 A.M.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Mr. Speaker, the First Elected Member for George Town [was right], it was the significant increase in utilisation of these two facilities.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister say what periods of time on a daily basis are these clinics being manned?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, I would prefer to give a written answer as the clinics in East End and North Side are not as busy as the ones in West Bay and Bodden Town. But to give you the accurate time schedule, I will provide that for you.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps, asking the question another way might make life a little easier. Can the Minister state if there are any plans to man any of these four clinics 24 hours a day?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, at this time because of the demand, I don't think it would be cost effective to put personnel there. I think it is about three evenings, and in West Bay, I think it is probably up to five evenings a week now, where the doctor is there until 8.30 p.m. or 9.00 p.m. At Bodden Town, I think it is 3.00 p.m. But at this time, we don't plan to go twenty-four hours.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Getting back to the question of insurance, in the estimates . . . and if possible, I would like to take it year by year for 1999 and 2000, one being actual or as close as can be projected and the other one

being a totally projected figure. Can the Minister say compared to what the expectations were for 1999, with regard to monies being received by the entire Health Services Department, whether this figure is on par with what has been projected? Is it lower? Or is it possibly better? In doing so, can that be an indication as to what is expected for the year 2000?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, in reference to what was projected for 1999, we will not collect what we expected at that time because as indicated earlier, the preparation by Health Services and the insurance companies, with us not being quite ready—this is one of the focuses we have put in place for 2000, that we have the personnel in place to deal with this. My hope and aspiration for 2000 is that it will be significantly more, first of all, with the implementation with the assistance of the Portfolio of Finance and Development. The provision of health insurance care of civil servants in entitled cases and also the fund we have for the indigents, once this is in place, the majority of revenue would come from civil servants. I expect that in the year 2000, revenue should improve significantly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity and just to ensure that we all understand exactly how it works. Is it the case that whatever funds are allocated in the estimates for the cost of operating the hospital, they are allocated whether or not the amount received as income falls short, and that only has a bearing on what Government's recurrent revenue becomes at the end of the year? I just wanted to make sure that it doesn't matter one way or the other with regard to the ability of the Health Services Department to function the way it should.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, sadly, that is a very good observation made by the First Elected Member from George Town. As we know, the trend . . . and hopefully as Government goes forward this will be taken care of through the health insurance.

At the present time, the Health Services Department absorbs the entire cost across all government departments for care provided to all departments. This is why when you look at the revenue side for the Health Services Department it is so incredibly lopsided. I know that some of the departments indicated in the past that ministries and departments should provide for the care—I think it specifically talks about Lands and Surveys, where whatever the cost, departments should include that in. But as I said, the health insurance will go a long way to alleviate that.

The Speaker: Are there any further supplementaries? If not that concludes Question Time for this morning. Moving on to item number 4 on today's Order Paper, Other Business, Private Member's Motion. Today being Thursday, Private Member's Motion appears on the Order Paper, but I would ask the Honourable Minister for Education, Aviation and Planning, if it is the wish of the House, to suspend Standing Order 14(3) in order that we can continue with the debate on the Appropriation Bill.

The Honourable Minister for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 14(3) so that debate on the budget speech can continue.

The Speaker: I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Standing Order 14(3) has been suspended.

AGREED: STANDING ORDER 14(3) SUSPENDED.

The Speaker: Moving on to item number 5 on today's Order Paper, Government Business, Bills, Second Reading debate on the Appropriation (2000) Bill, 1999. Continuation of the debate on the Budget Address delivered on Friday, 26 November 1999 by the Honourable Third Official Member responsible for the Portfolio of Finance and Economic Development.

The Third Elected Member for Bodden Town continuing.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (2000) BILL, 1999

DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON FRIDAY, 26 NOVEMBER, 1999

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Mr. Speaker. I would like to begin this morning by sharing some observations on the domestic economy as covered by the Honourable Financial Secretary on page 8 of his speech.

Mr. Speaker, for some years now the economy of the Cayman Islands has been growing at a considerable

rate. Indeed the Honourable Financial Secretary comments that in recent years, the Cayman Islands has experienced quite high levels of economic growth averaging 5.1% over the past five years.

Mr. Speaker, internationally accepted growth levels are put ideally around 3%. Indeed, some countries think the growth rate of 2½% is something to be proud of if it can be consistently achieved. So, what we find is that for the past five years, we have been doubling what is the internationally accepted economic growth rate.

Now, there are several implications for that. One is, of course, that the economy is doing so well that we have to be concerned that such a growth rate does not fuel inflation. The second thing is that we have also to be concerned that that growth rate is not merely confined to one sector of the society, but that it is achieved in such a way that all sectors of the society benefit.

Therein, Mr. Speaker, lies the challenge as I see it. Because the Cayman Islands economy based as it is with such a large part being dependent upon the international financial business, it stands to reason that if we are not careful, significant elements of the Caymanian population will not derive any direct feasible benefits from such growth. I believe that this is a situation of which the government will always have to be cognisant of because if we are privy to some of the concerns of the people in the wider Caymanian society, these kinds of complaints are beginning to be echoed.

There is dissatisfaction and a disappointment among some elements of our population because it seems to them that they are being left behind—that the process is not taking them along at the rate at which they would like to be taken along. Mr. Speaker, I believe that there is some justification for them to feel this way, particularly those elements that find themselves in the blue-collar worker section.

For many years I have wondered why it has not been possible for us in the Cayman Islands to develop some kind of macro-finance initiative that would allow those of our people who are entrepreneurial and business-minded to derive more benefits from the position in which these islands find themselves. Right now, there is an element of people who have hospitality related businesses, who are labouring under tremendous pressure to make those businesses work.

Many of them—established Caymanians, people who pioneered, for example, the North Sound diving, fishing and boat trip industries—are suffering a withering fire from competition by organisations much larger than theirs and much better financed and organised than theirs. I am sure other members particularly those Honourable members who come from those constituencies where the majority of these people come from, would seize the opportunity to comment upon this.

One of the reasons I believe that our people, our local entrepreneurs, have not been able to do better is because the business has evolved in such a way where it presupposes access to certain capital in order to develop it. For example, there is now the whole question of liability and responsibility in the event of accidents. Years ago when the industry just started, when there were pioneers

like Captain Ertis [Ebanks] and all these other people there was no concern about that. You hopped on a boat, you took a North Sound tour.

Now, things are much different. It started out with the old catboats and the sails. Now, we have motorised vehicles. Traffic is much heavier, the risks are much greater because people are in the water snorkelling, diving and swimming. So, we have to take certain contingencies into account.

Yet, Mr. Speaker, the fact that some of our people are in positions where they cannot easily afford insurance coverage, liability coverage, coverage for the patrons who ride their boats is used against them by the larger organisations to wean away business even though long time visitors prefer to deal with the small Caymanian family enterprises—because the people are personable, because of the fact that they are reliable. These are the real genuine Caymanians.

They can hear anecdotes, they understand the nuances of the language and they just feel at home. But there are also practical considerations when people come with young children, they also have certain responsibility to ensure that in the event (heaven forbid) of an accident that there is clear cut responsibility as to the liability.

I am aware that the First Elected Member for West Bay is working towards addressing some of these concerns of his constituents. But, Mr. Speaker, the fact is that when you have to access these kinds of funds at the commercial rates, when you are paying back at 15% or 16%, or even 10% or 12%, it is difficult for these people to service those kinds of loans even if there are small loans and at the same time maintain their equipment, pay themselves and support their households and remain competitive. We are under pressure and there is a segment of the domestic economy which is really under pressure and which is really beginning to question its benefit as regards the booming economy that we have been experiencing for all these years.

I don't propose to dwell too much on the larger finance houses, the banks, and these multi-national corporations. They play an important role in fuelling the domestic economy too. But they are not under threat. The only thing I would ask of them is that they be a little more sympathetic and a little more willing to dispense and make available some resources at rates which could be avoided by our people.

The callous disregard displayed by the attitude of Barclays Bank closing its branch in Cayman Brac . . . these kinds of situations and occurrences, you know, are kept to a minimum. One would have to question the loyalty but if the motive—and I understand the business principle is purely profit, then clearly we are being used if all of the responsibility and the relationship you have with me for 30 or 35 years is purely based on the profit motive. You have no consideration for the fact that I may be inconvenienced, I may be off put; my business may have to shut down, my family may be out of house and home just because your profit margin or the returns on your investment was not enough.

It doesn't reassure the Caymanian people that they are benefiting to extent that they should benefit. If you can just up and arbitrarily close your operations by just giving two weeks' notice. Mr. Speaker, you come from an established century old business house and you know the repercussions and ramifications of that kind of dealing. I want to say just like we the legislators and the people of the country have an obligation and a responsibility to keep the climate orderly, sociable, stable, so that these business houses can operate effectively, they in return have an obligation to consider our position and our plight.

I have to comment again that at a time when Cayman Brac is struggling, that was a callous and untimely act, which is bound to set back the good people of Cayman Brac who have been so loyal.

Mr. Speaker, I can only say that it smacks of unprofessionalism. I was even more stunned to learn on the news that it is a final decision. There is no thought and no more comment to even rethink. Mr. Speaker, I find it ludicrous to suggest telephone banking. Our people are not accustomed . . . that shows me that for all of the years these people have been operating in Cayman Brac, they don't know the people that they were dealing with—they never tried to understand them! To tell me that you are going to remove the service, remove the personableness and suggest that I should do telephone banking . . . Mr. Speaker, when I am at West End, or Spot Bay, or the Creek on a Friday afternoon with my paycheque, you tell me how telephoning someone is going to get my cheque cashed, pay my bills and get me to take home a basket of groceries to my families.

This is completely out of reality. And even given the greatest regards, stretching the imagination to its fullest that we are on the eve of the 21st century, this still cannot work.

Mr. Speaker, you know something, sir, I would venture a wager that they could not do that even in the smallest hamlet in the United Kingdom and get away with it. They could not do that in any other island in the Caribbean and get away with it. So, this kind of callous disregard does nothing to show us that we are anything but a convenience. I am sorry, but it also puts the government in a position where the government has to realise that its responsibility and its obligation to the people of the country is even greater. Not even the government could persuade them to stay a day or a week later.

I would venture to say from the little information I have that the government is probably one of the major clients of that bank. But it also puts the government in a position where the government must realise that its responsibility and obligation to the people in this kind of circumstance is greatly increased.

Mr. Speaker, I am saying all that to say that one of the challenges I would like to see the government rise to, is to explore the avenue where we could develop some micro-finance initiatives so that we could help these people that I am talking about—the little North Sound day trippers and all of the people who might want to get into the cottage industry—so that they may derive some small benefit from the tourism industry. Or maybe de-

velop some product or service that they could derive benefit from the regular Caymanian population—from those of us who are here all the time. It is not far fetched to say that something like that can be achieved.

Mr. Speaker, I am aware that the Agricultural and Industrial Development Board went into some ventures like that. But that is not my ideal model because every venture that they have funded . . . well, I wouldn't say every. Let me take that back because I wouldn't want to be promoting inaccuracy or untruth. But many of the ventures that they have been involved in, in terms of financing local people, have not gone well. Indeed, two that they financed in the hospitality industry failed, and I would venture to say that it ruined the owners.

Now, from my position I believe that there were a number of reasons for that. Two of which were the interest rates were really not affordable; and the second thing is that I believe that enough support was not forthcoming after the project had been established. I understand that the funds came from Caribbean Development Bank (CDB). I believe that they were not equipped to lend the kind of services and support that was necessary. Mr. Speaker, I want to propose a model that I believe is worthwhile pursuing. I mentioned this before to the previous Governor, and I was surprised because he said that he knew of this organisation.

Mr. Speaker, to go back to the ventures that I just mentioned, these ventures as I understand it were funded directly by the CDB. I believe that the CDB is not the best equipped organisation to provide these kinds of financial services. Because the situation which exists in the Cayman Islands is a little different from that which exists in other Caribbean countries serviced by the CDB.

The second thing is that these ventures did not receive any support beyond the financing and the setting up of the business. When you get into micro-finance initiatives, it is a handholding business. You have to hold the hand of the venture until they can step properly. It is just like learning to walk: you have to go from the crawling stage, to standing, taking one or two steps and then taking more steps. The hand has to be held until the entity can move on and stand on its own volition.

Now, there is an organisation out of Boston, Massachusetts called Accion International, which lends money to countries in Latin America to off lend to qualified individuals or entities to set up small business ventures. Even as small as to buy one or two sewing machines to make school uniforms out of somebody's house. Mr. Speaker, the greatest model of micro-financing initiatives in the world is a model out of Bangladesh called the Grameen Bank.

The bank was founded by a former university professor, Mohamed Yunis with US\$2,000. Today, Mr. Speaker, about 15 years since its inception the Grameen Bank is a multi-million dollar lending institution. Mr. Speaker, here is the startling fact: the Grameen Bank has over a 98% repayment rate. It has the best repayment record of any bank in the world. It is even more interesting to think that the Grameen Bank was founded principally to loan money to people who could not qualify for loans from the commercial bank.

Mohamed Yunis had an idea that he believed would work. That is especially striking in that Bangladesh is a Moslem country where women could not borrow money from commercial banks. The principal clients were women, and still are women. Today, the bank is international and its model has been studied by the United States and by the United Nations. Mohamed Yunis frequently travels the world, not only the developing world but the developed world, selling the model because the United States has decided to use that model to see if he can service some of the needs of the inner cities.

I believe, Mr. Speaker, that it is worthwhile for the government to explore micro finance initiatives so that it can lessen the obligations and the dependants upon the government to be all things to all people by setting up a system where those persons who are entrepreneurial can help themselves.

I certainly am suggesting now that if we had such an initiative in place it could help those persons who operate out of the North Sound, particularly those persons who operate out of small family businesses that they have been operating for decades. Mr. Speaker, my heart moves when I see these people because I know some of them have been in that business for years—far more years perhaps that I have even although mine is not insignificant at this stage.

I wonder what are they going to do when they cannot do that anymore, if they don't pass that on to their sons and daughters, who will be able to slip them a couple dollars on the side. It is not morally right for these people to have made such valuable contributions to the development of our tourism industry, and have to leave like they came in—at the same level—when we say we are doing so well and tourism is doing so well.

I think it is incumbent on the Minister of Tourism and all the other ministers and this government to pool their efforts together to see if they can acquire some kind of finance initiatives that could help these people not only to be competitive but to realise a livelihood that they can be proud of. Right now, Mr. Speaker, I know they are about to wilt in the face of withering fire from the competition from big organisations like Red Sails Sports.

You know something, sir, I am going to talk about this when I talk about tourism but I am going to just mention here now. These people, our local entrepreneurs who really pioneered these kinds of industries, don't get any help. They tell me when they put their brochures in the hotels, the hotels tell the concierge, *'if you put these out front, we are going to deal with you'* so they get put at the back. Even when people come up asking specifically to go on some of these tours, they get discouraged and dissuaded.

So, Mr. Speaker, it is these kinds of efforts that I am saying it is incumbent upon the government to find a way to provide for these people. They can best do that by trying to realise what these kinds of persons can have access to. It makes no sense to stand up and do lip service and say that we have the most bustling economy in the Caribbean and the highest in the western world, if we have people who have been working for 40 - 50 years

and are still at the same level and going out at the same level they came in at.

I am not preaching any *ism*. What I am preaching is a moral obligation and a sense of responsibility because until we realise this it is no wonder that the Caymanian people are now beginning to ask for whom are we developing the country. For whom are we developing the tourism industry? For whom are we developing all of the other industries? For whom are we developing e-commerce? If our people do not derive benefits from these kinds of things, it makes absolutely little or no sense.

If the government does not step forward and stand in the gap and bat for these people, it means that the government is going to have to take more and more of their money to give to the Social Services and to give to the other organisations that help them. So, we won't be progressing. On the one hand, we will have to take in more and more, and on the other hand, we will have to give out more and more.

I like the old oriental proverb '*give a man a fish and you feed him for a day; but you teach him to fish* (as my friend, the First Elected Member for George Town well knows) *and you feed him for a lifetime.*' The government can set this up, they can be free. You know how we benefit, Mr. Speaker? Each year we can vote less and less money for the Social Services because we will have more of our own people living in dignity, living with pride in that they are helping themselves. We will be able then to concentrate on the infrastructure which we need more and more of each year. The people who really need help will get all the help they need because they will be almost a wholly and captive clientele.

Mr. Speaker, I want to move now to the tourism section of the Budget Speech. If you can oblige me, sir, it would be a good time for the break—the throat is getting rather dry.

The Speaker: I had not planned to take a break this morning. It is my understanding that we are covering the funeral this afternoon and we are going until noon, if that is the wish of the House.

Mr. Roy Boddén: All right, sir, I will have a sip of water, and move on.

I have many considerations about the development of tourism, and I might as well begin with the greatest concern. I notice that a significant amount of millions of dollars are every year allotted to the Tourism Ministry. I am left to wonder, based on performance Mr. Speaker, if we are getting the best value for money spent. That question is so significant that I want to pose it again. I am beginning to harbour serious doubts in my mind as to whether or not we are getting the best value for the monies that we are spending on tourism.

Mr. Speaker, I want to begin with Pedro Castle. Pedro Castle, as everyone knows, is in the constituency of which I am one of the representatives. I want to say unequivocally that I supported the venture without reservation, because I believed that it had merits. I believe it still has some merit. However, being human I am now

beginning to harbour some doubts and suspicions because we have failed to be convinced that the money spent derived the optimum benefit and indeed there are many queries.

It is still not clear, Mr. Speaker, for how long we will have to subsidise this venture. Of course, right now the management is in a state of flux. Mr. Speaker, these contingencies do not bode well for the successful operation of a multi-million dollar venture.

I can only speak for myself, but the Minister of Tourism has not convinced me that he has the situation at hand. Indeed, I would say that sometimes his response to the whole seriousness seems rather cavalier. You know, Mr. Speaker, the concern goes beyond me because recently there was an economic advisor from the FCO down here. I made an appointment to speak with the man. We were talking about several areas of concern, particularly the contingent liabilities, and the matter of Pedro Castle came up—not by me, but by him, Mr. Mark Courtney.

He said that the FCO is concerned about this project, Mr. Speaker. I told him that we on this side of the House are very concerned because we have had a motion for some months on the Business Paper to debate the events of Pedro Castle and it seems to be stuck in some morass. Every time I pass the Meagre Bay Pond I look for it, but it is not up there so it must be further west!

Mr. Speaker, that is one of the greatest hurdles that we have to get over. And there is no sense in us talking about the financial reforms, transparency, and accountability, if we are going to play *geitje* and when it affects me I dodge it and say, '*Well, you must be transparent; but I don't have to be transparent.*' No Mr. Speaker.

I really have to record and express my disappointment because I have been around long enough to know how the game is played. When it comes to other ministers . . . well, I don't want to say because they are all colleagues and I don't want to sow any strife but sometimes it would seem like the Minister of Tourism encourages other ministers to look bad.

Then, Mr. Speaker, and I want to say this with all soberness and seriousness because this might shock some people. I am of the opinion that sales in the tourism industry . . . let me qualify what I am saying by sales in the tourism industry. The same business that I was just mentioning about the small boat operators booking tours to the North Sound from the various hotels, it seems to me that these kinds of sales in the tourism industry in Cayman today are driven by kickbacks.

Many of the Caymanians, particularly the old time Caymanians whom, Mr. Speaker, you know have nothing but honour, dignity, honesty, pride and these kinds of qualities, would never find themselves able to participate. I am saying this, Mr. Speaker, without fear of successful contradiction. If you want to get business from certain quarters, you have got to lay something off in order for the people to send the business your way.

Mr. Speaker, Caymanians who have been established in that business have come to me with the complaints. I don't want to be ethnocentric, but this is not a Caymanian style of doing business. This is, rather, a

North American style of doing business. We have never operated like that in these islands.

I remember the days of my grandfather and his contemporaries. We talk about the gentleman's agreement, sealed with a handshake. A man gave you his daughter based on that. He gave you land based on that kind of deal. He gave you other property based on that. So, these kinds of insidious qualities that are coming in now are further precluding our people from certain advantages because we have never been accustomed to dealing like that. We have never been accustomed to dealing with quid pro quo.

Even those of us, like yourself, who were merchants we were straight across the deal—everything was up front on the table—this is the product, this is the price. Similarly, if it was a service, Mr. Speaker, you well know if a man came to you and said, 'a day's work' you negotiated the price, that was it, and you got your eight hours and he got his money. So, Mr. Speaker, we have to watch this and the Minister of Tourism especially has to keep sharp eyes open.

Mr. Speaker, there is another significant matter happening. Last Friday evening (to be precise) I happened to be at the television station watching the newscast of a situation. The Cayman Islands Hotel and Condominium Association . . . all of the big foreign companies have pulled out of that. Why? Because the Hotel and Condominium Association is at a stage now where for the first time in its history it was getting a Caymanian head. Now, Mr. Speaker, there is politics in everything and we will be naïve to believe that these kinds of situations are not fraught with politics.

What happened? All the big hotels decide to pull out of the Hotel and Condominium Association. Mr. Speaker, I would like the Minister, when he gets up, to address this. What is his position? Is he going to allow this to happen? That is outright blatant prejudice against the Caymanian elements in the Association. And the Minister and the Government should not encourage and condone that, particularly as public funds are being used to pay for some of this advertising. Can't these people see what they are doing? They are creating an 'us against them,' they are dividing the ship; they are dividing the effort.

Mr. Speaker, the investment cannot work if there are those kinds of division. If there is friction between capital and labour, it cannot work. If the elements are going to identify themselves and claim exclusivity, it cannot work, the system is bound to break down. I would like the Minister to say what is the Government's position on this when he speaks. If that is encouraged, then I take exception to Government's monies—public funds—being voted to help with the advertising and promoting of these properties for people who do not wish to be associated with Caymanians in their effort to promote and bolster tourism in this country.

I listened intently to what Mr. Jerris Miller had to say. He was articulate, convincing, calm, and intelligent. I have to grudgingly admit that he was far calmer than I would have been under the circumstances. Mr. Speaker, it is simply not right for these people to use us for convenience like that. It is not right!

Mr. Speaker, I hear the complaints too from the transportation business, the taxis. Just recently someone came to me just and told me that one of the fleet operators (as I call them, people who operate tour business) asked, "Now, what in the world is Red Sails Sports doing, transporting people from the airport?" Mr. Speaker, that kind of greed ruins countries.

A young Caymanian entrepreneur, I know the gentleman . . . I have a pretty good idea of how much money he has invested in his fleet of busses. He came to me to say that the latest thing now is that this company, Red Sails Sports, was killing him because they joined up with a Caymanian company who was operating independently before and is now moving tours from the airport.

Mr. Speaker, do you know what, sir? They should not have been given a licence to do that. They take people on boat trips. They have a watersports industry booming and thriving. Now, they are killing the Caymanians who are holding their own in the tour bus business. No, Mr. Speaker! No sir! Enough is enough.

As my mother used to say, too much is as good as a feast. We cannot take this, and it makes no sense for us to continue to fund a ministry and an industry where the monies are going to be used against our own people.

Before it gets to the stage where there is total chaos and total breakdown, we should try to discuss it to see if we can come to some kind of understanding. They don't need to take all of the cake. Leave us a couple slices.

Mr. Speaker, I am convinced that some people never learned from history. History will have to repeat itself. As much as I would hope otherwise, it seems sometimes that the hopes are futile.

Mr. Speaker, I want to touch on another matter on this tourism business. I am reliably informed that two full scholarships were offered to qualified Caymanians to study at two of the finest institutions with records and faculties in the hospitality industry—Cornell University in Ithaca, New York, and the University of Michigan. I am reliably informed that the Minister of Tourism knows about these scholarships, yet nothing has been done for some years now to ensure that the posts be advertised and filled by Caymanians. They were reserved exclusively for Caymanians—no competition.

I am further informed that lack of Caymanians taking the positions up, the lack of interest, has put at least one person in a predicament, in a position that the Japanese people call 'loss of face.' Because it was this person's familiarity with the Cayman Islands that has led the scholarships to be reserved. I would hope that the Minister of Tourism sees fit to act upon this offer before it is too late—if it is not too late already. I am surprised, Mr. Speaker, that the gentleman has not had the time to ensure that this offer was taken up.

Mr. Speaker, I believe too that as far as tourism and its continued growth is concerned we have to be vigilant and flexible. We have to be prepared to learn from the errors of other people. It is my understanding that a few weeks ago, one of the major cruise lines gave notice that they would be pulling out of one of the islands in the Eastern Caribbean. When they were approached by the tourism

officials in this island and asked if they would reconsider, they were met with a cold and unequivocal no.

It is also my understanding that another island plans to up the rates. As a matter of fact, they doubled them. They are now \$10 per person. They went to \$25 per person. They also received notice that they would be dropped from the scheduled ports of call. I am talking about the person when they come to shore. When they went to speak with the cruise ship line representative, my informant told me that they were most humble because they offered, first, *'Well, if we take \$5 off, will you reconsider?'* The gentleman said, 'no' and they kept on bargaining until it dropped down to the original \$10 per person. The retort from the cruise ship representative was, *'Listen, you are hardly in a position to bargain with us when you need tourist arrivals.'*

I say that, sir, to say that we have to be very careful that we don't price ourselves out of existence in the face of stiff competition from all around—not the least of which is Cuba, which is gradually opening.

Mr. Speaker, I am not finished but we have reached the appointed noontime, sir.

The Speaker: I would like to advise Honourable Members that Dr. Marilyn Volker will be coming to address us informally at 12.30 p.m. here in the Chamber. It is in conjunction with the World AIDS Day.

At this time, I will recognise the Honourable Minister of Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I would like to move the adjournment of this Honourable House until next week, Wednesday, 8 December 1999. The reason for this is that the Honourable Attorney General, the Honourable Financial Secretary, the Honourable Minister of Tourism, the Third Elected Member for George Town, and I will be travelling to the UK tomorrow for official talks with the UK. We will be back on Tuesday night. We are asking the House for this courtesy.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. We know about the visit to the UK, and I don't know about other members, and notwithstanding that two or three members from Executive Council have to go, they have temporary members to serve in their place, and the government will be left with the backbench support. They will be left with the Minister of Health, the Minister of Agriculture, the Minister of Community Affairs and all their temporary members.

Mr. Speaker, we are in the month of December. I am just wondering whether we cannot continue debating the budget while these members are away, instead of losing two days. Certainly, the House will have more than a quorum. I cannot see why we cannot continue our work while they are on official business.

As I said, we all know that they have plans and this was a meeting that was planned. But we are late with the

budget. We have a load of other business, a load of questions that need to be answered and the budget process is a long one. We don't want to get to the point where we were last year where we didn't finish the budget until January or February whenever it was. So, I really cannot see that the House should adjourn, I would like to continue and try to get through with some of our business.

The Speaker: I shall put the question and the will of the House will prevail. I shall put the question that this House do now adjourn until 8 December at 10.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

Mr. W. McKeeva Bush: Can I have a division?

The Speaker: Certainly. Madam Clerk would you call a division, please?

The Clerk:

DIVISION NO. 10/99

AYES: 11

Hon. Donovan Ebanks
Hon. David F. Ballantyne
Hon. Joel A. Walton
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Hon. J. O'Connor-Connolly
Mr. D. Dalmain Ebanks
Mr. Linford A. Pierson
Dr. Frank S. McField
Miss Heather D. Bodden

NOES: 4

Mr. W. McKeeva Bush
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Ms. Edna M. Moyle

ABSENT: 1

Mr. John D. Jefferson, Jr.

The Speaker: The results: twelve Ayes, four Noes and one absentee. The motion is carried that this Honourable House do stand adjourned until December 8 at 10.00 a.m.

AGREED BY MAJORITY: AT 12.05 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 8 DECEMBER 1999.

**EDITED
WEDNESDAY
8 DECEMBER 1999
10.20 AM**

[Prayers read by the First Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. The Oath of Allegiance to Mr. Samuel Bulgin, Solicitor General, to be the Honourable Temporary Acting Second Official Member.

Mr. Bulgin will you come forward to the Clerk's table? Would all Honourable members please stand?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE
(Mr. Samuel Bulgin)**

Mr. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: Mr. Bulgin on behalf of all Honourable members, I welcome you to this House for the time of your service. Would you please take your seat as the Honourable Temporary Acting Second Official Member?

Please be seated. Item number 3, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies for the late arrival of the Honourable Third Official Member, and the Honourable Minister for Tourism, Commerce, Transport and Works.

Moving on to item number 4, Presentation of Papers and Reports. A report of Northward Prison by His Honour Sir Stephen Tumin, October 1999. The Honourable First Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**REPORT ON NORTHWARD PRISON
BY SIR STEPHEN TUMIN**

Hon. James M. Ryan: Mr. Speaker, I beg to lay on the Table of this Honourable House, the report on Northward Prison by His Honour Sir Stephen Tumin, and this is dated October 1999.

The Speaker: So ordered. Do you wish to speak to it?

Hon. James M. Ryan: Mr. Speaker, in the interest of time, I am not going to read the report. I will simply say that the report was very clearly written and I therefore decided that I would not read the report. I thank you.

The Speaker: Item number 5 on today's Order Paper, Questions to the Honourable Members/Ministers.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: In view of the absence of the Honourable Minister for Tourism, Commerce, Transport and Works, I would ask for a motion suspending Standing Order 23(5) so that the question can be answered at a later sitting.

The Honourable Minister for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 23(5)

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 23(5).

The Speaker: I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: IN THE ABSENCE OF THE HONOURABLE MINISTER FOR TOURISM, COMMERCE, TRANSPORT AND WORKS, QUESTIONS 158 AND 159 DEFERRED UNTIL A LATER SITTING.

Mr. W. McKeever Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

RAISING OF MATTER OF PRIVILEGE

ABSENCE OF QUESTIONS ON THE ORDER PAPER

Mr. W. McKeever Bush: If I may, sir, I rise to what I believe is an important aspect of this Legislative Assembly's work, that is, the absence of questions on the Order Paper.

Mr. Speaker, as a member of the Business Committee I am concerned that questions laying over from May have not yet been answered. It is now 8 December. Not-

withstanding members/ministers being busy, it is time that important questions be replied to in this House. I am really tired of seeing questions on the Order Paper that we know are just planted questions, and questions that should be answered are not being answered.

The Speaker: Moving on to item number 6 on today's Order Paper, Government Business, Bills. Second Reading debate on the Appropriation (2000) Bill, 1999. Continuation of the debate on the Budget Address delivered on Friday, 26 November 1999 by the Honourable Third Official Member responsible for the Portfolio of Finance and Economic Development.

The Third Elected Member for Bodden Town continuing.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (2000) BILL, 1999

DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON FRIDAY, 26 NOVEMBER, 1999

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Mr. Speaker. I contend that it is somewhat disadvantageous to have to speak in a disjointed fashion. Really, I don't believe that it lends itself to absolute coherence. Nevertheless, they were circumstances beyond my control so I shall determine to be as sensible as I can be under the circumstances.

I would like to begin by addressing that section of the Budget Address dealing with the aspects of Agriculture. I wish to begin with the comment that agriculture is one of those areas in which we in the Caymanian society are most challenged. There is a sector of the community, albeit small, that has earned our respect by continuing to strive in agriculture even under the most adverse circumstances, many, if not all of which are beyond their capacity to control. What we have emanating out of our position now, Mr. Speaker, is a contention in which the government has proposed to make a move that the agricultural sector claims (with some justification as far as I am concerned) is counter-productive to their efforts.

I noticed that on the Business Paper of the House some honourable members are expressing their concern for the plight of the people who practice agriculture by asking the government in a private member's motion to do something to help them. It seems that agricultural success in the Cayman Islands is plagued by a number of factors; the first of which is that there is no significant amount of arable land that can be mechanically farmed. While I pay the greatest tribute to those commercial farmers who insist on continuing their chosen vocation, I

have to remark that one of the principal obstacles they come up against is the fact that the large supermarkets import much of the fresh fruit from North America. These supermarkets have affiliation with food chains in the United States, which puts the Caymanian farmer at a definite disadvantage.

Many years ago it was suggested that we should put some kind of levy on fruits produced in the Cayman Islands in sufficient quantities but which at the same time are imported by the supermarkets so as to give our farmers some kind of advantage. I believe that this is a reasonable solution. It is done in other jurisdictions, but there is great resistance from the supermarket chains to the disadvantage of the Caymanian farmers. I believe that something needs to be worked out whereby the people who farm in the Cayman Islands can have access to the market and realise a reasonable return on their produce. It would strike me that the least the supermarket chains can do is be a little more accommodating than they are now.

According to the Financial Secretary's Address, the domestic agricultural production as of 30 September was \$1.2 million, and the projections are that by year-end this would exceed the \$1.7 million recorded for 1998. The Minister of Agriculture has invested great effort in promoting agriculture both in the form of crop and animal husbandry. It is my understanding now that as far as the animal husbandry is concerned, right now (and I recently heard this from the farmers themselves) there is a glut of beef on the market. So, Mr. Speaker, it shows that in some areas we have achieved success.

According to the Financial Secretary's Address, there have been significant increases in the yields of avocados, plantains, bananas, and citrus fruit. But this area of local production cannot expand because of the unwillingness of supermarket chains and large hotels to buy locally.

Now, an interesting point was made by a group of farmers at a meeting some of my colleagues and I attended recently, when we were talking about their inability to penetrate the large hotels. I have travelled to a few countries in the Caribbean and Latin America, and in every country that I have travelled to I noticed that on the Bill of Fare offered to these hotels there is a dearth of local fruits—in Mexico, Panama, Costa Rica, and Guatemala that I visited in Latin America; Trinidad, Jamaica and Barbados in the Caribbean. Yet in the Cayman Islands I don't see, when we have local mangoes in season, any of the hotels buying. Certainly, Furtherland Farms in East End is quite capable of producing all the citrus we need.

So, the government needs to dialogue with the large hotels and the supermarkets to ensure that the produce grown by local farmers is accepted and bought when available by these entities. Otherwise, Mr. Speaker, there is going to be a greater strain upon the government to subsidise these farmers and to make up for any loss the farmers may experience as a result of not being able to sell their produce.

The Farmer's Market has an outlet and does fine with the individual buyer, but it seems to me that where

the support is lacking is from the large entities, supermarkets and the hotels. In all fairness, I understand that at least one of the supermarkets is willing to entertain the local farmers, but there is some reluctance on others and certainly no response from the hotels.

Mr. Speaker, I don't know how we are going to deal with this. It seems to me that the hotels just want to operate here at their convenience and believe that they have absolutely no obligation moral or otherwise to the people of the country. That is not my business as a backbencher, but, rather, the challenge of the government to see if some kind of understanding can be arrived at whereby there is a more mutually beneficial relationship. We have a situation where people complain about the labour conditions and the treatment at the hotels. Then, on the other hand, we have a situation where the hotels do not buy the produce from the farmers. So, it seems to me that as far as the hotels are concerned, it is strictly a one way street. I would that beginning in the year 2000 we could arrive at a more satisfactory relationship so those farmers could realise some returns by having access to these kinds of markets.

I believe too that there will be situations where the government, to one extent or the other, will always have to render assistance to farmers. But I would like to see this assistance limited to technical support rather than any kind of monetary subsidies. I would rather see the government arrive at a situation where it offers technical support, training, and this kind of advice to the farmers rather than giving them any kind of direct monetary support. I am not saying that that happens now, I am saying that I hope that the government can be sufficiently sensitive to understand the plight of the farmers and strive to meet them.

I have always lamented the fact that we in the Cayman Islands have not been sufficiently conscious so as to arrive at a point where we can have some form of sufficiency in at least some of the products rather than having to depend on every food item being imported. What we don't realise is that it is a tremendous drain on the foreign exchange. Money that goes to pay for this merchandise in Miami leaves these shores never to return in quantities that could be beneficial to these islands. So, agriculture too is one of those areas where the government has a challenge. And now that the production levels in both the crop and animal areas are rising, the challenge for the government now is to promote and develop the interest from the large entities, where the farmers can have ease of access to sell their produce without being put out by having to wait long periods of time before they get paid.

The best way this can be done is for the government to set up some kind of programme, to hire someone who is responsible for developing some strategy to interest the hotels and the supermarkets. In other countries this is done and perhaps what the government can do to help the agricultural society or the Farmers Association is to help them set up some kind of liaison whereby they can deal with these entities. The government can then extricate itself from any direct dealings and will not be accused of being in a position where it is

applying pressure or a conflicting position, but, rather, where it, the government, is a facilitator. So, maybe the Minister of Agriculture can tell the House his disposition towards that suggestion so that agriculture can yield some more palpable returns from the investment government places in it year after year.

Mr. Speaker, I want now to move to make some comments on what I see is a concern in the Health Services sector. I want to begin by drawing reference to an answer that was given a short while ago, where the total projected operational cost for the Health Services is \$38,954,164. This is a sobering if not formidable cost, and one would have to wonder how we are going to recoup this given the problems that have begun to manifest themselves now.

Of this \$38 million plus, \$35.5 million is spent on the new Health Services complex. Mr. Speaker, one would have thought that the provision of the new health insurance would have put the government in a more favourable position. But I noticed that only \$5 million out of the \$11 million expected to be realised was earned as a result of this. In the budget of the year 2000, we have earmarked to earn \$15 million.

Now, Mr. Speaker, I have a question—if we have problems earning \$11 million, how realistic is it to think that we are going to earn \$15 million even given that the Health Insurance Scheme will be more mature and coming more into its own so to speak? I say this, Mr. Speaker, with the caution that if one were to listen to the comments of constituents and the wider public there is still a great problem with the health insurance scheme.

Mr. Speaker, it is not yet working as it should work. Indeed there are companies which seem to be very reluctant to honour claims. I have even heard of cases of Caymanian patients being referred abroad, getting treated, presenting their card and when the insurance company calls for a reference everything seems to be all right but later down problems develop and claims are dishonoured. And, the Caymanian patients are left sometimes embarrassed, sometimes with threatened lawsuits, and most times out-of-pocket, for some of them have to go to the banks to borrow and to negotiate loans to pay.

Mr. Speaker, many of our local doctors experience grave difficulties in getting their money from the insurance companies after they have treated patients. Mr. Speaker, what is worse, some people do not accept the cards outright and it is not an exaggeration to say that it is an Aegean mess that cries out for Hercules. If we don't get on it sooner rather than later, the whole system is going to break down and it is going to detrimentally affect the government.

I believe that the system as set up by the ministry, by the government, was done so in great faith and with the primary objective that of benefiting the people and of putting the government in a situation where it did not have to realise the heavy financial burden of this health care, particularly of overseas medical. But it needs further examination and scrutiny because the insurance companies, some of them, seem to be abnegating their responsibility or, at the very least, they seem to be reluctant to honour the claims even when policy holders have

been conscientious and diligent in paying their premiums.

It is, Mr. Speaker, a situation that the government must address at the earliest rather than leaving it until it is too late. I have numerous complaints from my constituents. I get complaints even from people outside of my constituency and all of these that I have followed up are legitimate complaints. People are embarrassed, they are made to look like they are dishonest when it is no fault of theirs—their premiums have been paid up. I believe, Mr. Speaker (and I am going to be very charitable in this and I am going to give the insurance companies the benefit of the doubt), that part of the problem may be a lack of communication or breakdown in communication.

I believe that some of the problems lie in the fact that people, clients, do not understand what they are paying for, what they are entitled to, and do not fully understand the waivers that they have and the deductibles. But, Mr. Speaker, I would not be so lenient, so generous, or so liberal as to suggest that all of the problems stem from that.

I believe, Mr. Speaker, that there is great reluctance on the insurance companies to part with some of the claims made against them because somehow they grudgingly did not expect that they would be called upon to make these kinds of claims. Mr. Speaker, the challenge is for the government to ensure that the clients, the policyholders, are protected. But above all, the government and the ministry must ensure that ultimately they are not responsible when the insurance companies are collecting policyholders' money. So, the government must force them to live up to their obligations. Otherwise, Mr. Speaker, this amount will increase year by year and we will have to vote more monies for this.

The Speaker: If I could interrupt the speaker for a moment . . . there is a private member's motion pending on health insurance. I know you are at liberty to some extent, but you could be pre-empting this motion which will come before the House.

Mr. Roy Bodden: There is also one area in the Health Services that I think the government would be well advised to look more closely into. I recall, Mr. Speaker, the previous government (during the period 1988 - 1992) attempted to do something in this area and met with some objections. It is an examination into how realistic the cost of those services are, and facilities used and accessed by private physicians and surgeons offered through the Government Health Services complex.

I cannot recall, Mr. Speaker, when last there was a review for these services using the operating theatre and ancillary services. Some years ago it was found that the private practitioners were really the great beneficiaries of the government services, because the government rates were not realistic in comparison to what accessing of similar services by private physicians would be in other jurisdictions, like Miami. And yet, Mr. Speaker, these persons using these facilities did not pass these beneficial rates on to the patients.

If the patients were benefiting then the government could be well advised to take the approach that they were taking because at least some of the citizens would be benefiting. So, I think, Mr. Speaker, in an assessment, the minister may well have to visit these to see that the services which are utilised by private physicians and surgeons from the Health Services complex have realistic rates attached to them. This too would be a means of the government earning revenue to offset the expenses of their health services.

So, I am going to ask the minister, if he has not already set this assessment in motion, if he would do so because it would ease up his burden and it would provide a source of revenue and he would not have to depend on the Parliament voting all of this money. And, it all bodes well for a more efficient running of the health services complex.

Mr. Speaker, I believe that we have a good physical facility and I am not off-put by the large amount of monies voted or needed to have the facility operating. I am prepared to continue its support and hope that the government may see fit always to keep an eye on it so that we have the best management and that we offer the best service to the users of this facility.

Mr. Speaker, I want to turn now to the business of education. This is a most important area, if not the most important area of our budget. I want to remark that I am somewhat disappointed that in the budget speech there was no specific reference to education, save for a reference to monies voted for the scholarship.

The reason I express this disappointment is because on the eve of the new millennium, and with all of this talk about globalisation and e-commerce and the further development of technology and conducting business through electronic media, I would have hoped that we in the Cayman Islands would have placed ourselves in a position to take full advantage of these developments by virtue of the fact that we would lay down in our educational system the necessary foundations to promote this so that we could equip our people with the marketable skills needed to cope in the 21st century.

Mr. Speaker, we have a strategic plan which was developed with great fanfare, great enthusiasm and which was presented in this House as a rolling plan. I believe that the plan is workable. Certainly, I appreciate the manpower that went into putting it together, all of the polling, conferencing and dialoguing. However, it is my considered opinion that the plan could be somewhat strengthened by arriving at what I would call budgetary expenditures on education. Mr. Speaker, we cannot just produce the plans without arriving at some quantification of what it would cost to put these plans into effect.

A long time ago, one of the foremost economists, as far as education is concerned, Mark Blaug, posited that there are five major questions we should ask. These five questions are especially relevant in the Cayman Islands where education has to compete among other ministries with high profiles (for example, tourism) for scarce budgetary allotments. I believe we could improve our educational product by arriving at a system where we know exactly, calculate scientifically, what fraction of our

budget should be spent on education and even what areas of education should be addressed.

I want to quote what Mark Blaug said about educational planning involving a hierarchy of these decisions. The first question that he said should be addressed is, How much of the total resources of an economy should we devote to education? How much of the total budget should we devote to education? How much should we spend on education out of the government's budget? and whether or not we should rely on private finance to fill out the rest.

How should we divide public expenditures on education between what is called formal education, provided by educational institutions, and informal education, provided by industry and various government agencies?

He goes on to elaborate what informal education is by saying it covers on-the-job training, adult education, literacy campaigns, agricultural extension, community development and certain forms of technical and vocational education outside of the parameters of regular schooling.

And then, fourthly, How should we divide public expenditures on formal education between the different levels of the educational system—between, for example, the primary system, the secondary system, and the higher educational system?

How should we divide public expenditures on formal education at a particular level comprising of the institutions, which function at that level?

So, Mr. Speaker, what we are talking about is arriving at a position where we know exactly what percentage of the budget should be spent on education and whether education should derive more monies, for example, than tourism, or agriculture, than health and than all the other areas that we have in our budget.

Mr. Speaker, what is interesting is that those five questions that Mark Blaug recommended do not have to be taken in the strict order in which I read them. They could be reversed or taken in any order. But what is important is that they form the basis, according to educational economists, for deriving the right amounts. If we were to go by recent trends, particularly the provision of educational facilities, . . . sometime ago, the Minister of Education handed us a sheet with Capital Works priorities for 1998, 1999 and 2000, where for educational facilities both building, maintaining, and refurbishing the total amount came to \$55,631,510.

Now, that is a very significant, if not formidable, figure when we think that we have allotted a total budget of about \$300 million. So, if we do not arrive at a specific percentage of the budget to spend on education and then further break that down into what we are going to spend on maintenance, refurbishing, as against what we are going to spend on developing new physical facilities, we will never be in a position to catch up to the objectives we have set. We will never be in a position to realise all the facilities needed in order to have an efficient functioning educational system.

It is even more foreboding when we at the same time we have to take care of and build new facilities, we also have to keep an eye on staffing, training, on provid-

ing the educational tools. Mr. Speaker, the time has come for a more scientific management of the educational plant, a more scientific management of the way we handle education in the country. We need to be able to more accurately detail what portion is going to be spent on the development of physical facilities, that is, the provision of classrooms, maintenance as against what is going to be spent on staff development and the acquiring of new learning tools.

Mr. Speaker, I lament the fact that in my opinion we are not making enough use of the electronic media and the possibilities these hold for teaching in our schools and for developing and challenging our student's intellect. I have always contended that being computer literate, being able to handle the computer, being able to access the World Wide Web is in and of itself a marketable skill. So what I am saying is, if our students learn nothing else other than to be able to use the computer to access certain information on the World Wide Web, that in itself is a marketable skill that could earn them entry level employment in many organisations. To go beyond that, Mr. Speaker, is to put them in a bonus position.

I contended a long time ago in this Honourable House that we should have set up a pilot project in at least one school where computer-assisted instruction was gone in on a whole scale so that we could make an assessment as to whether it would be effective as to warrant us developing it further. This, by the way, is not to mean that the traditional classroom teacher as we know would be obsolete or defunct. Rather, these persons would be trained to be more effective. Mr. Speaker, what is true is that it would lessen the weariness and burnout factor among these people.

This is definitely the way to go. The technological revolution holds great promise for education, and it should hold great promise for education in the Cayman Islands. The standard to which we have aspired and attained places us in an eminent position to be able to afford much of the technological tools that our pupils can use. I would like to see computers introduced from the very primary level. But I suppose that these things will be poked fun at, and I will be told (when the Minister of Education gets up to speak) that I don't know anything because I left the classroom from the time Noah parked the Ark on Mount Ararat; and that I am defunct and all that.

Mr. Speaker, believe you me, these things are not for me. I have only the interest of my country and the interest of the government. I am saying it, Mr. Speaker, hoping that it would be accepted in a constructive way and I am prepared to do anything in my power, whatever that is sitting on the backbench, to facilitate this. The country, the children at school are greater and far more important than I am, now entering my fifth decade. I will soon be worthless as far as work and production is concerned. But it is for them, the generation which is up and coming.

So, I hope that we can get at this. Mr. Speaker, that is why I have to go back to Singapore because these are the things that Singapore seized and capitalised on. I well understand that it is a different society. It is a society

where they operate under the Confucius ethic, which is different from the western work ethic and from western aspirations and expectations. But I contend that there are many positive things that we can pick up from that society. The significant common element is that both societies are reasonably economically prosperous. So, I think the minister should embark on this venture now.

There are organisations dedicated to this assessment, dedicated to this change, who indeed are on the cutting edge of this technological revolution in education. The international consulting firm, Arthur Andersen comes to mind. Mr. Speaker, this firm has an organisation called the *'School of the Future.'* They have in Oakland-Alameda, California, a special school with state-of-the-art technology.

The First Elected Member for George Town and I saw first hand how this technology is utilised. We stayed in an auditorium in Chicago and by a videoconference with this school in Oakland-Alameda, California, on a big screen we spoke with the students, questioned them. They spoke with us and we had an exchange where we saw each other, we dialogued.

Mr. Speaker, it is possible for Caymanian children to stay in their classrooms in the Cayman Islands and video-conference with students in London, New York, Miami, or anywhere else. I believe, Mr. Speaker, that the Minister knows about that because certainly I saw from time to time visits made from the University of the West Indies to the Community College, where they have some kind of distance learning project, they call it "distance learning." Mr Speaker, this is the way to go because at Arthur Andersen—and they are the experts—they say that traditional teaching methods as we know them are giving way to these latest technological trends.

There are companies that provide the latest in educational technology at various levels. There is a company I know of called Creative Learning Systems Inc, in California that travels the world setting up these systems—systems which begin anywhere from \$300,000 and go up to \$1 million. You can get partial traditional classrooms, partial computer assisted instruction, or you can get wholly automated electronic technology.

I got a call some months ago from some representatives of this company who told me that they were going down to Antigua and then to Bermuda to give some exhibitions and wondered if it would make sense to come to the Cayman Islands because they were negotiating some contracts to set up such systems in one of the schools in Antigua, and in one of the schools in Bermuda. Mr. Speaker, unfortunately, I could not invite them to the Cayman Islands because I had no authority or was in no position to. Certainly, I didn't want to risk embarrassment by calling a minister who would remind me that I was defunct.

So, once again, an opportunity was passed. It is not my business to make those kinds of arrangements. I am saying if the minister is interested, I am certain he can access it. I found this out by surfing the web. I am sure the government has more opportunity to surf the web than I do so they can find it out too.

But I would certainly recommend that this is the route to go because the world is moving in that direction. It gives us great value for money and puts our students and young people in positions where they can really capitalise on what is happening in the world of work.

Mr. Speaker, I am still on education but I was wondering if you could oblige me by taking the morning break now because my throat is getting a little dry, sir.

The Speaker: Certainly! We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.15 AM

PROCEEDINGS RESUMED AT 11.49 AM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the Budget Address. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I have taken the high road because I believe that these matters we are talking about are exactly like Georges Clemenceau said, when he was President of France, that war was too important a matter to be left to the generals. I believe that education is too important a matter to be left entirely to the politicians!

I want to draw the distinction that I am not speaking only from the point of view of a representative of the people, but also from the point of view of one whom has trained and practised in the profession and who will always have education at heart. Many years ago (long before I really realise the importance of education), my grandfather used to say to me, in the cool of the afternoon when we were assembled on the veranda, that education was the best tool that one could equip himself with because it was . . . he called it the great equaliser.

I didn't realise until many years after, Mr. Speaker, the profoundness of that statement and the profound and wisdom in his encouragement. But I certainly do so now. And, I will pass that on to honourable members, many of whom are very familiar with that truism even though it may not have been expressed to them in that way.

But we also have to be concerned that we get the greatest yields, the greatest returns on money we have spent on education because our system right now seems to be in a crisis. We seem to be in a position where we are just treading water. We are overwhelmed by a number of factors, we are overwhelmed by the necessity to provide physical facilities, which seem very expensive, and at the same time, we have growing enrolments, some of which we are not exactly certain about the numbers. At a time where educational expenditure is growing, it is entirely necessary for us to be able to realise the best value for money spent.

I have here an answer to a question that the Minister provided in 1998 when he was asked to provide the total recurrent cost for operating government schools during the 1998 school year. The total recurrent cost for operating the schools in 1998 was \$16,183,357. And he drew the distinction that that included administration

costs, which were \$6,634,996. The figure for 1997 was \$15,341,000. So, Mr. Speaker, we can see from 1997 and 1998, the cost of operating the government schools in the Cayman Islands cost is increasing.

It was further broken down for 1997, the average cost per student was \$3,942. In 1998, it was \$4,112 per student for the year. The number of students in 1997 was 3,892; the number of students in 1998 was 3,936. So, enrolment is increasing and so is the cost per student per year.

Now, the government system is wholly and solely responsible for the provision of the cost of educating the students. This is a significant amount of money expended on educating the students. That makes it critically important that the government place itself in a position where it can ascertain whether or not it is getting the best value for money spent. Mr. Speaker, I contend that we have not yet arrived at this position because for this \$4,112 . . . and it would be interesting to see by how this has risen for 1999. For this \$4,112 per student, we have to begin to ask ourselves, what are we getting? Are we just getting the basics? Is this providing only basic traditional instruction? Or are we utilising the latest in technological trends to equip our students.

I saw recently as a result of the educational conference that was held—a conference to which, I find unfortunate to have to remark, no member of this Honourable House (to the best of my knowledge) was invited . . . I made that observation known to the minister—

[Inaudible comment]

Mr. Roy Boddén: Nobody, that is, except the Minister who gave a keynote address. He proceeded to tell me that it was the fault of some people in the department—a breakdown in communication. That is the excuse used for the most (how should I put it?) unacceptable atrocities all over the world. People blame breakdown in communications for any number of things. I think it is a poor excuse when a national conference for education was being held and no one was invited except the minister when every honourable member of the Parliament has expressed an interest in education. I can guarantee you, Mr. Speaker, that when the government changes (as I am praying it will) and when the new minister comes in, every honourable member of the Legislative Assembly will receive an invitation to such conferences.

Anyway, I saw on that report in the newspaper that the Minister of Education was saying that one of the concerns is now, and the centre of focus will be, to teach children to think. Mr. Speaker, there is no better avenue to accomplish this than to introduce these children to the latest technological trends, allowing the children to work at their own pace, and freeing up the classroom teacher to move around giving assistance to those students who need help and support. What is important about this is that these kinds of ventures will yield returns because often students are able to practice because an increasing number of them will be coming from homes where they have access to personal computers.

Mr. Speaker, most importantly in circumstances where the only exposure to these instruments and technological trends are the schools, it is guaranteed that even students who come from the lowest socio-economic strata will gain some experience in working with these computers and in technological trends through their exposure in the classroom. So, Mr. Speaker, it becomes increasingly important that the government examine this per student cost to ensure that some of the cost is affording these students experience working with computers and the teaching of computers at the schools.

Mr. Speaker, at long last we see that the government embarking on the Lighthouse School Project. There was great and acrimonious debate on that project when it came before the Finance Committee. I have to remark that I still believe that government made a mistake in trying to refurbish or rebuild that Old Cayman Foods Building—a building which is well past twenty years—rather than building something specifically designed.

I recall very vividly when the government valuation was delivered, the Minister of Education decided that he would reject the government's valuation because according to him it was unrealistic—being that it was too low. He sought the support of his colleagues to increase that amount. Mr. Speaker, that was a very unorthodox procedure, particularly, at a time when the government valuator had placed a value on that. I still have to question the logic in the minister doing that. I remain to be convinced that the excuse he tried to proffer was a convincing excuse.

I remain to be convinced because I have heard that minister too often in this House talk about the ability to save money and the ability to realise savings and how good government is depending on these kinds of ventures. Well, it is a contradiction, Mr. Speaker, but then that doesn't surprise me because I have labelled that minister *Janus*, the Roman God who has two faces. On the one hand, he talks about the necessity to save money, and on the other hand, he takes it upon himself with the support, of course, of his colleagues—but he was the instigator—to reject this valuation, saying it was too conservative.

I believe that the weakness of the Minister of Education is that he needs to spend more time in developing the avenues of communication, and ensuring that the significant amount we spend on education is yielding the optimum results it can yield. We need to find a way to catch up with the physical structures that we need, the classroom space, and when we have that, find out how we can furnish them and provide teaching facilities and technology that will enhance the interest of the students and will make the efforts of the teacher, if not easier, a little more challenging and more (how should I put it?) easy to manage.

Mr. Speaker, I want to mention a couple of things now about another area of responsibility for that honourable minister and, that is Cayman Airways. I notice that there was nothing specific in the budget again about Cayman Airways. I was a little surprised coming at a time when Cayman Airways has just embarked upon outfitting a third aircraft.

The first comment I want to make is that I find it difficult if not impossible to rationalise that this aircraft has to be refitted at great expense and will not be back in service until some time in the New Year. What is more striking Mr. Speaker, is that this type of aircraft, namely, the 737-200 will soon be obsolete. Indeed, aircraft publications suggest . . . and I want to crave the Chair's indulgence to just read from a couple journals I have here.

These types of aircraft are increasingly being mothballed by airline companies. I want to read from a journal called *Airways*, December 1999. I want to read a brief excerpt from page 39. It says, "**During the past two years, the Memphis Group** [and the Memphis Group is a group of companies which specialises in buying obsolete aircraft, scrapping them and reselling the parts. Sometimes they resell the whole airframe to companies that want to put up unusual restaurants or whatever they want to use the bodies of these aircraft for] **acquired 23 airplanes to dismantle. Fourteen ex-United Boeing 737-200s and three ex-Air Canada DC-9 Series 30s . . .**" Then it goes on to say that one of the problems with these aircraft is that they have to be hushkitted sometimes at great expense.

The same magazine in November of 1999, the same *Airways* magazine talking about some aircraft that are old said, "**The last SABENA 747 flight is scheduled to operate on October 28 this year, and the 737s are all being phased out as the Airbuses arrive. 'The Boeings 737s are showing their age,' Captain Drapier admits. 'The 737-200s have doubled the maintenance cost of the -300, it is time for them to go.'**" Doubled the maintenance cost of the 300s! This is what SABENA, which is the Belgian airline, is saying: that the cost of the 737-200s are doubled those on the 300s and that they are phasing them out of their fleet.

Interestingly too, Mr. Speaker, a magazine called *Aircraft Economics*, for March and April of this year, says, "**The European Union is freezing further registration of Stage III, hushkitted aircraft from April 1, this is significantly more restrictive than the agreed International Civil Aviation Organisation (ICAO) ruling which sets April 1, 2002 as the date by which all Stage II aircraft must be phased out.**" So, what I am saying, Mr. Speaker, is that our equipment is bound (737 200s) sooner or later to come under pressure even when they are hush kitted. So that, we will soon have to think, if we are smart, of retiring them and replacing them with new equipment. Well, we need to begin to think from now what our alternatives in this area are. What kind of services are we going to be offering? We need to look around for replacement equipment.

I believe, Mr. Speaker, that it is wise to embark on these kinds of contingencies well before we are faced with the decision. It is not always the best management practice to have to be placed in a position where you have to make decisions of exigency when it comes to these kinds of things. I say that, in the hope that my comments may be accepted in a constructive light. I could have expressed it in a different way, but I realise the delicacy of the situation. I want to be purely construc-

tive, because I want to make it clear that I have absolutely no ego to stroke.

I am on a mission to derive what is best for the country. My personal ambition, Mr. Speaker, is limited to being a conscientious representative and an honest and diligent Member of the Legislative Assembly. So, I have no ego to stroke, and I have tried to avoid putting down people. I have expressed what I have had to say in a delicate, diplomatic, and acceptable fashion. And, by the same token, Mr. Speaker, I expect when the government gets up they will accord me the same respect and dignity that I have accorded them.

I am not begging for any mercy or any consideration because everyone inside here knows that there is no more articulate member of this Honourable House than the Third Elected Member for Bodden Town. I can take the high road, and I am equally comfortable on the low road. But I think it is necessary to go to great lengths to make the distinction that as the first person speaking I have deliberately set out to keep the debate to a constructively high standard. As we are entering an election year, this is not necessarily the time to play politics.

We are talking about the money, and I contend that the government mismanaged the economy. I am saying that from the deepest recesses in my heart believing the same to be true based on the conduct of the government not only in the last year but, in the last couple of years—especially from 1996 when they were swept into power with such great promise. Anyway, enough on that line, Mr. Speaker. I would expect that when the minister gets up, he would provide some constructive redress to the concerns I have raised.

Mr. Speaker, I want to wind my way towards the conclusion of my debate. I want to make some comments on the public debt. I find it curious that the government's figures for the public debt are rather conservative. The way they have expressed it is far less alarming than what is expressed by other commentators on our position as far as the public debt is concerned. I want to say that I am disappointed that the government is not paying greater attention to the contingent liabilities we have because this is a significant amount.

If we recall there was some concern expressed about contingent liabilities in the report by the Comptroller and Auditor General, in May 1997, of the UK Parliament.

Mr. Speaker, the contingent liability of the Cayman Islands Government has grown to an alarming proportion and I believe that while the government is making some effort in one significant area, namely, the area of the Public Pensions Liability, I believe that we have to be very careful. The government's excuse about the public debt is that it is well below the magical 10 percent upper limit government established for itself. Indeed, the government says that it remains at 6.2 per cent, that is the 1999 forecasted recurrent revenue.

However, what the government is not saying is that while it may remain at this 6.2 percent, what it is doing is removing the option in the eventuality that greater loans have to be negotiated. What the government is doing is

not leaving successive governments in a position where they may have greater options.

So, Mr. Speaker, what I am saying is that the government cannot afford to be smug and self-congratulatory in that they have not reached the 10 per cent upper limit they have established for themselves.

One of my concerns, Mr. Speaker, is the fact that just recently we established a National Disaster Fund. I want to say something because I mentioned this before and I want the Government to take stock of this. It is my studied belief that we have arrived at the position now that not only should we set up a National Disaster Fund but that we should begin to think about an Economic Recovery Disaster Fund, in the event that we have a major failure of the tourism industry, in the event that we have a major financial collapse, in the event (heaven forbid) that some criminal element takes a significant toll through electronic trading or otherwise in our establishment. I think we should seek to set up some kind of Economic Recovery Fund.

I would suggest, Mr. Speaker, that the government explore the ramifications and the possibility of this, ideally in partnership with the private sector, with the tourism entities, with the entities involved in the development of offshore financial institutions and certainly with the corporation of the monetary fund. I believe that on the eve of the 21st Century this is a sound and practical avenue for us to explore, if we are to remain on the cutting edge of the path we have chosen for ourselves. We have to be proactive, we have to be forward thinking. It is not far fetched.

Mr. Speaker, just this morning I was listening to the *Caribbean on 5* on Radio Cayman. I chuckled to myself when I learned that a few days ago in Miami there was a gathering of representatives from various Caribbean governments. Antigua and Bermuda proposed that the Caribbean governments get together to set up a National Disaster Fund. My mind went back to the [private member's] motion that was brought in 1995 by myself, when I said that was one of the ways we could explore setting up a joint fund. The motion at that time was rejected because the government, I suppose as usual, never saw the wisdom in accepting a motion that I brought.

Later, however, the government set up a National Disaster Fund. So, although we were late, I am happy to say that as far as that is concerned we are not too late.

But here we are now, other countries realise the efficacy and the importance of setting up such a fund and they are talking about it. We in the Cayman Islands must be prepared to be proactive if we are to remain, retain our position of leadership in this region, leadership among these countries. That is why I am saying now we should seek to go a step further and explore the ramifications of setting up and developing some kind of economic disaster recovery plan.

I want to say something I was told in a forum comprised of many persons from the armed forces. The greatest leaders, the greatest strategists, the greatest field marshals are those who are able to anticipate the events of the battle before they take place and set up the contingencies and organise their forces. When the battle

is upon them, they are already in place and have their strategy crafted, including (should the necessity arise) a retreat. Failure to do so leaves one in a disadvantageous position and, certainly, one cannot bear the name or the title of a strategist if you have to wait until you are overtaken by events to decide how you should react.

If you check military history, the greatest generals and admirals were those people who went through the battle plans in their minds and had everything laid out, including the eventually of retreat. It is a wise general who wins the battle with the least loss of life. It is the wise public administrator who takes account of the eventualities before they happen, particularly when we deal in monetary costs involving millions and hundreds of millions of dollars.

Mr. Speaker, the civil service plays a very important and vital role in our budget. The recurrent expenditure for salaries is significant indeed. The time has come for us to try to arrive at a sensible position where the increase in personnel is kept to an absolutely essential level in tandem with the reforms. I have said before (and will repeat again) that perhaps we can begin by examining the requirements we place on students whom we send abroad for tertiary education and begin to free them from the absolute bond of having to come back and work in the public service. Rather than making that an obligation, we should make that an option so that we do not overburden and over-tax the civil service to the point where recurrent expenditure is so high that we cannot cope.

One again the government finds itself in a position where it has to remove the duties of certain selected items. I mentioned the problem with the farmers, and I won't repeat that. One of the things government has waived duties on has to do with bakery products—biscuits, cakes, pies, custards, and the like. That is hasty, ill thought out, and counterproductive. What is going to happen to the local establishments? What will now happen to the poor people?

By removing the duty from these products, the government has enabled importers to now offer more attractive prices than the people who produce these goods locally, and the kicker is this: I contend that the poor people and the local consumers are not going to benefit from any lower prices.

Mr. W. McKeeva Bush: True!

Mr. Roy Boddén: Mr. Speaker, I have estimated that government is losing between \$6 million to \$8 million on this venture.

Remember now, this list includes biscuits and all the types of biscuits—everything that Nabisco and every other . . . pies, cakes, bread—

[A Member] Oh yeah!

Mr. Roy Boddén: . . . flour, Mr. Speaker, the finished products.

We cannot continue this break and patch business. We cannot continue to put Band-Aids over open-heart surgery. It is not going to work. And I am surprised be-

cause the government shows symptoms of a government in crisis! And you can't continue to play to the gallery.

Mr. W. McKeeva Bush: Right!

Mr. Roy Bodden: If you play to the gallery, you are going to wind up in trouble. You have to play the game, if you want to win . . . because nobody plays to lose, Mr. Speaker. The government is playing to the gallery and the government is being buffeted.

This special interest group says they don't want this on them; this one says they want it off of them. And the government is tossed like a schooner in a terrible storm.

[Inaudible comments]

Mr. Roy Bodden: And, Mr. Speaker, how can people who like to tout their experience—like the Minister of Education—be in a position where they change their minds (depending upon what they have heard) four times in a short space of time? Before you take the position you [should] study the position, study the terrain. Then, when you take a stand it is an educated and informed stand; it can be defended.

Do you think the public does not know that this is an election year? And that if they don't put a certain amount of pressure the government will have to cave in? Believe you me, I have no interest in saving them. Heaven knows I have no interest in saving them. But I have an interest in seeing that the country is run right.

The government will be wishy-washy and continue to waffle. Why am I concerned about that? Here is why: The political directorate that succeeds them will be in a significantly weakened and disadvantageous position—and worse, if this government is planning to succeed itself. Heaven help us if they do!

What I am saying is that they should be concerned too, because if, by any stretch of the imagination, they succeed themselves, they cannot dig themselves out of the hole they have put themselves into at this time. They cannot!

But you know, I hear some members on the back-bench talking about how the government needs them. So, the government better listen to what they are saying. Otherwise, they might not get their budget through. And it seems to me that these members have formed themselves into a special interest group too!

Mr. W. McKeeva Bush: That's true, that's true! Nothing but self-interest!

Mr. Roy Bodden: There will be plenty of talk, Mr. Speaker. Every honourable member inside here represents the people's interests. And there is no one with any more legitimate claim than the other's to say that he or she is the exclusive representative of the people's interest. I speak without fear of successful contradiction. I say that these moves are not going to benefit the people!

Mr. W. McKeeva Bush: True!

Mr. Roy Bodden: And I say that the government is visionless! They are reactionary! They are unprepared! There is an absence of planning, but a dearth of confusion.

Mr. W. McKeeva Bush: They only save Wendy's and pizza—self-interest. Yes, and shellfish and lobster. Who's selling it?

Mr. Roy Bodden: Mr. Speaker, my position is clear. It has been clear because thank heaven I have always tried to speak my truth boldly. History will be the proof. But I end with the position I began with. I got up on the 27th day of November 1996 to say that the government had no vision, to say that it would fail; to say that its policies lacked coherence. And I was castigated! '*How dare you set yourself up to be the watchdog.*' I was taken apart!

But, do you know what? Time and the performance of what is left of the National Team Government have proven that I was right. I want to say that I have never been afraid of taking positions, even when I am alone, if I believe that I am correct and if my judgment and thought were made upon sound basis. Neither am I afraid of making mistakes and being wrong, because there will always be a part of me that will admit that I was wrong; that seeks forgiveness and apologises.

As I said, I do not have any ego to stroke. I have a job to do and I believe I have been fortunate, if not blessed. I think that the National Team for the most part made a mess of the mandate it was handed. I wouldn't be so unfair as to say that they didn't have some successes, but I want to make the distinction because I know it is easy for detractors to talk about criticism and objections. I supported them when I thought they deserved support; but in instances where I had to come out loud in the exercise of responsibility saying that I disassociated myself from their actions, I have done so.

I cannot see where this Budget is balanced, and I am not convinced that it is a budget designed to achieve the objectives that need to be achieved in the country at this time. I guess one could say that my most basic question is, If you can cut \$100 million from a document in one week, what does that say about how the document was constructed in the first place? I am not a mathematician.

A long time ago, the Third Elected Member for George Town reminded me that I was only a single entry bookkeeper, but I have good common sense. And I have a little association with the running of a successful business. I know that if I came to my managing director with a budget and he told me that I had to take it back because it was over by \$100 million, and I took it back to him in one week and cut \$100 million off it, he would ask '*What kind of budget did you bring me in the first place, that you could cut \$100 million off in one week? How can I be assured that all of the objectives you have set will be achieved? How can I be assured that you are going to adequately service all of the areas that need service?*

It would be a situation I would not want to find myself in because it would have the potential of embarrassing me to the point where I would be discredited as a manager. That is the position the government finds itself in. I will not be any fly in their ointment, but I am going to be watching with all the eyes I have to see where the breakdowns occur, and where they are going to try to practice the *ad hoc* and patch as the situations arise.

Mr. Speaker, we need roads. We need school buildings. We need maintenance on many of our facilities. We need a mental health facility. We need to do something about our juveniles. At the same time, we have Cayman Airways to keep up among all the other needs. Then, the recurrent expenditure is significant.

I wish the government well. My job is to help them by offering constructive criticism, which I have done. In the upcoming months, time will tell. And we are living in times where there is going to be plenty of talk, plenty of chest thumping, plenty horn blowing. But let us remember that Solomon said in Ecclesiastes, "the race is not always to the swift, nor is the battle always to the strong." While the government's position may allow them to be arrogant, fortunately (for some of us on this side) it does not guarantee them safety. So they cannot afford to be smug and apathetic, because the proof of the pudding will be in the tasting.

I challenge those coming behind me to keep on the high road because the progress of the country is too important to be dragged down by gutter politicians. Now is the time to lay a clear vision, to lay clear plans. Now is not the time for put-downs. Now is the time to build up. When the game is called the people will be the final arbiters, as they deserve to be. Let us hope that the country continues to derive the best from the representatives.

In this history of the Westminster system, it has never been the responsibility of the backbench, particular those who see themselves as (how shall I put this?) . . . particularly it has never been the responsibility of those who do not see themselves as appendages or extension cords of the government under the Westminster system to make the government look good. It has been their responsibility to make the government function; but it has never been their responsibility to make the government look good. Only government can make the government look good. Thank you.

The Speaker: The floor is open for debate, does any other member wish to speak? (Pause) The floor is open for debate. Does any other member wish to speak? (Pause)

There is a lot of business on this Order Paper, and we cannot wait too long on any individual item. This is my last call: Does any other member wish to speak? (Pause)

If no other honourable member wishes to speak, does the honourable mover wish to exercise his right of reply? The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Thank you, Mr. Speaker.

Mr Speaker, as you can appreciate, after being absent from this honourable House, I have missed quite a number of the points that have been raised. I managed to hear this morning some of the thoughts that have been shared by the honourable Third Elected Member for Bodden Town. I have taken cognisance of those points, and I have taken cognisance of those points on behalf of the government. As I did not have the opportunity to review the *Hansards*, I will not be able to comment on the points that were raised earlier. I was expecting to do that exercise later on today.

One of the points I have picked up on is the question as to whether the fees that have been set out for the hospital for the year 2000, fixed in the area of \$15 million, are realistic when compared to the position for 1999. Although \$11 million was budgeted in 1999, and the revised figure of \$5 million is what is targeted to be collected, honourable members will recall that included in this \$11 million is a sum of \$3.5 million that was put in to cover the insurance premium of those entitled cases, civil servants, and other persons who benefit from free medical. It was expected that that policy would have been taken out by the government toward the latter part of the year, and at a minimum, revenue flows into government would equate the sum of the premium that would have been paid out.

So, at least \$3.5 million was included as a part of the \$11 million. So when the \$3.5 [million] is taken together with the \$5 million that has been budgeted for the year (based on the revised figures), this comes up to approximately \$8.5 million. This leaves a gap of \$2.5 million, which I will admit was an over projection, if we look at it that way. But, bearing in mind as the honourable Third Elected Member for Bodden Town has pointed out (and this was the view of the government), having in place the national health insurance scheme, the general view was that we would have seen a significant improvement in the revenue flow for medical services.

That incremental increase initially anticipated is taking place over a period of time and at a gradual rate. So when we look at the position for the year 2000, inclusive in the \$15 million is \$8 million (honourable members will note under the Portfolio of Finance and Economic Development is the sum of \$8,564,540), which is the sum to cover the insurance premium for the year 2000. It is expected that that policy will be taken out, or the contract for that will be signed in the early part of the New Year. Taking into account the \$5 million budgeted for the year 2000, adding that onto the \$8,500,000 brings it up to \$13.5 million.

We know that quite a number of the insurance providers are getting their systems up and running. There are quite a substantial amount of claims generated in 1999 that will remain uncleared at the end of the year and will be added onto the revenue that will be generated in the year 2000. This, in consultation with the hospital department, brought about the need to do a further project (to make an add-on, as such) to the \$5 million that has been revised for the year 1999 and to take it up by a further \$1.4 million.

When we spoke to the hospital department, they said that on an average they were receiving 48% settlement of the claims that are being submitted to the insurance companies. This is a matter that needs to be addressed quite urgently. It is one that needs to be looked at because when one weighs the operational costs of the hospital, which the Third Elected Member for Bodden Town pointed out was in excess of \$30 million—quite a substantial sum—and we look at the revenue flow on the other side, we know that if the hospital was recovering the cost of all of the services provided, while it would probably not get into a break-even position at this immediate point in time, there would be substantial recoveries to justify the expenditure now taking place.

There are other aspects of the Budget that were commented on in the Budget Address. We spoke briefly on the OECD Initiative. The Honourable Ministers of Tourism and Education, the Third Elected Member for George Town and I returned from the United Kingdom recently. There will be a report made to honourable members as to the discussion that took place with the Inland Revenue Department.

I should point out that I left here much earlier than the ministers and the member to attend a meeting of the United Nations Offshore Forum in Vienna. That was quite successful. It was initially felt that the meeting could be spread over a period of three days. After we looked very carefully at the agenda, it was agreed that the meeting could be compressed into a two-day period. It was pointed out (as I pointed out earlier) that we were expecting in excess of 100 delegates coming into the Cayman Islands for this meeting. Previously, where reference to the offshore financial services was based on the location of centres such as the Overseas Territories (which will include Bermuda, the Cayman Islands, British Virgin Islands, Turks and Caicos, Anguilla, Montserrat, the Channel Islands, Isle of Man, Jersey, Guernsey and others, Dublin and so on) this will now have an activity focus whereby quite a number of those countries that were previously referred to as “onshore,” because of the fact that the activities are very much similar as activities taking place in the Cayman Islands and elsewhere, the general view is that everyone should be brought around the table to sit down and have a general discussion as to the acceptability of minimum standards and the implementation of those standards where necessary in order to ensure uniformity in conduct and practices right across the board.

This will be quite an important conference for the Cayman Islands. Various senior level ministers from various jurisdictions will be coming to these islands to have a discussion on these standards in order for us to chart the way forward as the United Nations, an “apolitical organisation.” So, the reasonable assumption is not driving a specific agenda such as what can be attributed to other organisations that may be pushing certain agendas. At the end of the day, and given the role that the Cayman Islands has been playing in the Caribbean Financial Action Task Force, and also as a leading international financial centre, it is quite appropriate that this conference is being held here in the Cayman Islands.

As we get closer to the time, we will work very hard on the agenda. There is a small committee refining the agenda at this time, and this will be made available to honourable members.

The question was also raised as to how the Budget could be reduced by \$100 million in the space of one week. That is a very good question. Some of the programmes that have been targeted by departments will be affected by the reduction of this \$100 million. But, at the end of the day, a value judgment will have to be made as to what the essential programmes are. We have many wants. Ideally, it would have been useful if the Budget could have accommodated all of the requests from various departments.

When some departments were invited to meet with the Budget Review Committee and sit around the table to see if they could examine their budgets, we had one response I found very interesting. There was one controlling officer who chuckled quite a bit and said, “We are now being invited to reduce our budgets, and when we get down there [meaning the Legislative Assembly] what has been taken out will be put back in.” At the end of the day, that was quite interesting.

Some of the programmes will be affected. But because of the fact that government did not go through and make the cuts, controlling officers were invited to make the reductions themselves. So, where we will find that there may be certain variances at this time between the departmental plans . . . because as one can appreciate it wasn't a week, it was a period of four or five days because time had to be allowed for the budget document to be produced. Some of them may not have had time to go back and correct or bring their departmental plans in line with their revised budgets, as such. But we do trust that given the fact that we have a Budget of over \$300 million—which is a significant increase over 1999—that departments will realise that while they will not have received every bit they have asked for, every attempt will be made to manage the resources that have been allocated to them as carefully as possible.

The Third Elected Member for Bodden Town made a very important point in the area of salaries. This is an area that needs to be looked at very carefully. We know that we are a service-based economy. But at the end of the day we have to look at how much of the recurrent budget, or revenue, is being consumed by way of salaries. We have to look at it very carefully because as a financial reform gets underway we have to get to a point that when we sit around the table with a budget it must be based on a formula.

As was said, so much of a percentage should be allocated for recurrent and statutory revenue; so much to go into the general reserves; so much to support the capital development fund and other funds that have been set up. These are the targets we are putting in place.

We have to look very carefully at what goes on with the statutory authorities. We saw, for example with the heavy rains quite recently, . . . I am not sure whether this was the statutory authorities or other agencies out there, the main road leading up to the airport and into the industrial park area was being cut, meaning that water was

seeping under the road surface interfering with the integrity of the road structure. Even though I am not an engineer, I knew that didn't make too much sense. So these are areas that we have to look at.

At the end of the day, all arms of the government will have to be integrated and linked in such a way that what is done at this point in time is supported by other agencies. If work is done by the Water Authority that interferes with the integrity of the road structure, the government's capital development road works will have to be taken into account. I know that the honourable minister with responsibility for roads is now working on that. It is getting to the point where it is generally felt that legislation could be put in place. I know that the honourable minister has that under active consideration, but I am just pointing out that synergy needs to exist.

When capital works are carried out by the statutory authorities a determination of how that is impacting upon the budget of central government for capital works will have to be made.

I will not go into detail on the subject of education, but the question was whether there was a need to have all of the students being sent overseas bonded to work with government. I know this has been talked about in the past. I think what has been said is a very good idea because on a whole what is important is to secure the skills of those persons within the Cayman Islands community. They do not necessarily have to be with central government once they are in the community as a whole.

At the end of the day, we are talking about the viability of the economic engine. We know this has to be supported by skilled labour, so it is important to have those persons in the community. There should be no difficulty in supporting this concept.

Overall, on the technology side we know that work is presently underway. I heard that the honourable Third Elected Member for George Town did a very good job on the motion for E-commerce. I heard that government's response was equally appropriate and that there was unanimous agreement in the Legislative Assembly on this. That was quite heartening to hear, because we have to turn our attention to the potential technology offers. While E-commerce offers quite a lot of opportunities, and we want to be in the forefront of this, we have to look at the implications. So, in talking to the Third Elected Member for George Town, and the committee under the chairmanship of the minister with responsibility for commerce, we will be looking at the regulatory side because we want that to run in tandem with exploring the economic viability. We do not want to have in place any structure that opens the way for abuse or manipulation. That has been agreed. It is good to know that everyone is on board.

As we move forward, we will have to look very much at the implications. We know that it will impact upon our education system and it will have to inform the academic area in terms of the skills needed to be acquired by the students coming into the workforce. One of the things I am quite impressed with is the high level of computer literacy that exists within the Cayman Islands, especially

within the workforce. We see this especially with those students presently coming back from overseas.

For example, one of the persons whom I worked with very closely on this budget exercise was Mr. Michael Nixon. This young gentleman has a lot of potential in the civil service. From what I have seen in terms of his capacity for work and not watching the clock and waiting around until 5:00 comes to pack up and go home, and others like him . . . I must say it was very interesting to work with an individual with that level of commitment.

When I delivered the Budget Address, I did not extend my appreciation to the Accountant General, who put in many, many hours of work. We worked very carefully, the Deputy Financial Secretary, the Accountant General, the Director of Internal Audit, Richard Roberts, and I. We looked very carefully at those revenue figures. We went over and above some by a percentage point or two of what the trend would suggest for 1999, but it was generally felt that where departments are getting sizeable expenditure budgets and controlling officers have a responsibility for the collection of revenue, that those controlling officers should not sit and wait on directives to come from the Portfolio of Finance and Development because every area of revenue is supported by legislation.

It is quite clear. We have in place the Public Finance and Audit Law. We have to operate as a team in order to ensure that monies due government are collected. Controlling officers are being paid substantial salaries today. And when we look in terms of ensuring that monies are collected, we have to work together and take a team approach in order to achieve this.

I am quite heartened when I look at the quality of the work reflected in the Budget document. When we look at the sample exercise in terms of the output budget that will be tabled during this meeting of the Legislative Assembly, to see the quality of work where functions are now being costed, rather than saying a computer is needed, or one motor vehicle is needed. When we look at the range of services that will be provided and see that attempts are being made, or costed, so that at the end of the day it will be known what it will cost to deliver the services by each department of government, each agency. That is very heartening because it will give the government a good sense in terms of why resources are being sought by controlling officers, what outcome can be expected by allocating a given sum of money to a department or statutory body of government.

Collectively, the entire governmental programme will be under scrutiny so that it will be known why resources are being allocated. This is very, very important.

The Speaker: Can I interrupt you for just one moment? We have actually reached the time that we normally take the break for lunch. Would it be convenient to take the luncheon break, and at that time discuss the meetings for Finance Committee and you complete after lunch?

Hon. George A. McCarthy: Mr. Speaker, my remarks will be brought to an end in another minute or so.

The Speaker: But I would prefer you to wait and finish after we have discussed the Finance Committee. I would rather take the luncheon break first, if that is okay with you.

Hon. George A. McCarthy: I will not be discussing the Finance Committee any further. I am just concluding my comments on the Budget Address.

The Speaker: But I would like you to do that after lunch, please. I have asked that we could take the luncheon break now, and you can conclude your speech after the luncheon break.

Hon. George A. McCarthy: Yes, Mr. Speaker, we can do that, but I have just come to the end of my remarks. I just want to thank . . . anyway, just to let you know that I am through with my remarks on the Budget and to thank you.

The Speaker: That's not really what I asked. I want you to complete after we have completed the luncheon break. At this time we shall suspend until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.03 PM

PROCEEDINGS RESUMED AT 2.55 PM

The Speaker: Please be seated.

The Honourable Third Official Member responsible for Finance and Economic Development, continuing.

Hon. George A. McCarthy: Thank you, Mr. Speaker.

When the break for lunch was taken, I had mentioned the number of persons involved with the Budget activity, those who were to be thanked, those who I had omitted, such as Mr. Michael Nixon, who spent quite a number of hours during the days and nights leading up to the presentation of the Budget in the Legislative Assembly, the Accountant General.

The honourable Third Elected Member for Bodden Town also made reference to the need to carefully watch the public debt position. I don't think that anyone will disagree with that. As pointed out during the Budget Address, the total public debt as at 1st January was \$93.7 million. However, after taking into consideration loan repayments of \$11 million, and receipts of \$13.7 million during the course of the year, the public debt is expected to rise by approximately \$2 million through the end of the year.

This suggests that, while it poses quite a significant burden on the government in terms of its public debt repayment, and it is quite good, that that upper limit of 10 percent is used as a gauge over which the amount of revenue being used for the funding of public debt should not exceed. And that the position as it stood meant that only approximately 6.2 percent of revenue would be used up in order to service public debt. What this is in effect showing is that the short-term repayment, while quite onerous, provides certain protection in that substantial amounts of these loans are being paid off in any one

one given year.

A schedule was presented during the debate on the Budget for the year 1999 which showed that the public debt position, with the exception of \$1 million (if everything remained constant and no further borrowings took place), would be approximately \$1 million by the end of year 2012.

We know that there is a proposal for further borrowings during the course of 2000 of approximately \$15 million. When this is factored into the debt rescheduling over this period of time, it will mean that at the end of year 2012 the balance remaining to be paid will be relatively small. But this is an area we have to watch very carefully because it is unlikely that governments between the year 2000 and 2012 will not enter into further borrowing.

It is very good that the financial management review is presently underway. That will embrace certain arrangements that should be put in place in order to streamline the management of government finances.

On the question of the general reserve fund, members are very much aware that the desired target is to have a sum approximating one quarter of one year's recurrent and statutory expenditure. Where we see the balance at the end of the year 2000 is expected to be in the region of \$14 million, we know as a part of the financial reform initiative an arrangement will have to be set out quite likely in legislation dealing with that so that a given percentage of revenue is earmarked to be put into this fund in order to ensure that this target is reached. Then, when that target is reached, a decision can be made in terms of how the level will be maintained on a year to year basis.

We also took note that at the end of 1999 the public service pension fund will have a balance of \$55.2 million. We have seen where approximately \$11 million is scheduled to be put into that fund during the year 2000. This will bring it up to \$66 million. This does not take into account investment earnings on the fund which, at the rate of return this fund has benefited from over the past years, is quite likely to be in the region of \$70 million by the end of the year 2000.

So attempts are being made to build up these various funds in order to minimise or reduce the contingent liability. And during the course of the year there was a parliamentary question I responded to which showed that there is a marginal decline taking place. We know that when we get on to accrual accounting what is now regarded as a contingent liability by way of past service costs for the pension fund will become a direct liability. But that will be offset by assets on the other side. In effect what will be shown is the true position of the government's financial position.

We have also seen the Housing Reserve Fund, which is likely to be in the region of \$700,000 at the end of the year. This will be increased by a further \$230,000 by the end of 2000, bringing it up to approximately \$1 million.

As I mentioned earlier concerning the OECD, G-7 and EU initiatives, Members of this Legislative Assembly are aware that there are two other initiatives coming

upon the heels of these. One by the Financial Stability Forum, this is an organisation that has been established by the International Monetary Fund to look into the operations of offshore financial centres, and whether they have any likely adverse impact upon the international financial community. Their initial conclusion was that such was not the case. And, Mr. Speaker, it would surprise me if the conclusion were otherwise.

Regardless of what is being said we know that international financial centres such as the Cayman Islands play a very significant role within the world economic community. So far, when we consider the base that has been built up in Cayman in terms of assets that are here, the expertise available within our community, and all of these components that we have to our credit, it is everyone's view that optimism should prevail. I have every reason to believe, as does every Member of this Legislative Assembly, that with proper due diligence being exercised over our financial industry, the Cayman Islands will continue to be a major international financial centre.

We are also aware of the fact that the Financial Action Task Force had a meeting about a fortnight ago, where they are thinking of developing a list of countries deemed to uncooperative in terms of allowing for their regulators to speak to regulators in other jurisdictions, those who have not been attending meetings of organisations such as the Financial Action Task Force, the Caribbean Financial Action Task Force, and those who have not been paying their dues. As far as the Cayman Islands is concerned, the Caribbean community and world community are very much aware of the active role these islands have played.

We all know that these demands are taxing human and other resources within this country, yet we always felt that we should take the approach of being our brother's keeper. It is very good that the Cayman Islands was the first country in the Caribbean region to submit itself to a mutual evaluation by our peers in the region. Legal, financial and law enforcement experts came in to look at the systems we had in place. And the mutual evaluation report of the Cayman Islands was the first to be made available to the membership of the Financial Action Task force. They could see those areas we had working in our favour, those that needed to be improved upon, and they could use these as yardsticks to determine what they should be doing within their systems.

We have never been hesitant to make our legislation available so that the Caribbean and the world community could benefit. We know that even agencies in the US have drawn on our insurance legislation, the one put up to allow for the special sell arrangements under the captive insurance programme. That one was mentioned at one of the RIMS Conferences. That was drawn upon by one of the bodies in the United States and the response was why reinvent the wheel when such a good piece of legislation existed.

I am very much aware that next year will be a year for general elections. It is normally a year where Members of the Legislative Assembly will have a go at one another. But I am quite heartened in that all of the comments that I have heard from honourable members of

this House are that they remain unified on what is in the interest of the Cayman Islands. I see evidence of this when we meet in committee meetings that are not aired whereby the public will hear what is being said. I am saying that while differences will be expressed, there is always this camaraderie and collective commitment among members in order to do whatever is necessary to continue to protect, promote and reinforce the continuing growth and development of our financial industry.

We have seen this by many private sector organisations. There are many individuals who could be named. Our Stock Exchange has experienced phenomenal growth, notwithstanding the unfavourable incident that occurred during the earlier part of the year where certain unacceptable developments took place. The financial community, the government and Members of the Legislative Assembly rallied together. It is very good that honourable members of this House have never sought to have the Stock Exchange established for the purpose of generating revenue immediately to at least offset the cost. Everyone recognised that this was a long-term commitment for the benefit of our country and we have seen good growth taking place.

We are hoping in the not-too-distant future to get into a breakeven position and that it will begin to contribute excess revenue into the general revenue of government, for it to become a capital formation entity whereby local businesses seeking to gain capital, or individuals seeking to invest in some lucrative opportunity who would not want to undertake a specific venture will be able to buy into these going concerns through the Stock Exchange.

Overall, the future of the Cayman Islands looks very bright. But we are mindful that we will have to put our hearts and minds together. We must also never forget to get on our knees and give the Good Lord thanks. I have travelled the Caribbean and several countries in the world community. It is always good to get home. Last night I returned from the United Kingdom after being in Vienna. And I have not found anywhere that I would trade these islands for. This is home. I know I am not the only one who feels this way.

As the Third Elected Member for Bodden Town said he is getting up in age, and we have to prepare the way for the younger Caymanians coming along. I am getting up in age myself. And I know that I will not be here forever. That is life. But the time I would have spent here, God has given me a very good life in these islands. Not only me, but a good life for our people. It is very good when we can come together and enjoy this.

But when we pass on, I would like our children and their children to be able to read about "Once upon a time. . ." they should be able to continue to enjoy a part of the stable structure of the Cayman Islands. There should be a legacy left in place for them. That is why we are here doing our part. None of us knows it all. But when we put our collective wisdom and judgment together under the guidance of God, we will succeed. It is in that hope that I live and move from day to day knowing there is a good God who has protected these islands. As long as we continue to look to Him and seek His guidance, we will

ance, we will continue to be protected.

We will be going into Finance Committee, and controlling officers will be coming here. Some of them will be saying that they asked for X, but they will be receiving Y. They would have been a part of this process. We do know that even the Portfolio of Finance and Economic Development had to look at every department within the Portfolio and every section. Cuts have been made. Some of the programmes that were scheduled for the year 2000 have had to be scaled back.

Although we know that this is a principle that all members of this honourable House subscribe to, because we always believe in cutting our coats to fit our cloth, at the end of the day it is very important that we do this. And, as we continue to look very carefully at streamlining our revenue measures, at curtailing or streamlining the expenditure programmes we have in place, and seeking ways to effect improvements, and also to achieve greater levels of efficiency, we always have to be mindful that resources are limited.

The government worked very hard at putting together the Budget that has been presented to honourable members of this House. Civil servants have worked very hard. On behalf of the government, I would like to thank those controlling officers who really made the sacrifice, not only in time to streamline their proposals for the year 2000, but also to make the sacrifices they know should be made, while at the same time trying to optimise the services they will be providing through their various departments.

We are saying to departments that notwithstanding the fact that sums of money will be allocated for the year 2000, if there are ways and means by which programmes can be further streamlined to effect savings, that should be pursued. At the end of the day, what we want is to optimise the benefit we are receiving for each dollar.

I heard the First Elected Member for George Town say that in his judgment the government is benefiting from about 70 cents out of each dollar spent. While that may seem to be strange, and all efforts are made to try to effect improvement, it could be the case. It has not been confirmed. But the government, which includes me, is very heartened in seeing the efforts that have been made by controlling officers. To have wound up the year with an under-spending of close to \$20 million in itself is a statement of commitment where all civil servants working together, Members of the Legislative Assembly, being very astute in their scrutiny of the budget . . . we are talking about a collective management process that is working.

Controlling officers are now benefiting from greater transparency because in the review process a lot of them had the opportunity to exhaustively review their budgets and programmes. They are themselves initiating improvements. I am very heartened to know that I am a part of this process. And I am seeing it.

When I look at the sample document that has been prepared, which I mentioned during my delivery of the Budget Address the government will be tabling, Members of this Legislative Assembly will be impressed with this

this document, in terms of the output side. In addition, I would just like to thank the Deputy Financial Secretary because he has been spearheading that part of the financial management reform at a point where the OECD, EU, G-7 Initiatives became very intense for Executive Council, which includes all of the ministers and me. The Deputy Financial Secretary and the First Elected Member for George Town are also on the committee that has been set up, along with the Honourable Minister for Tourism. The Deputy Financial Secretary did not hesitate to come in and take over the chairmanship of that committee from me, and to continue working with the team. So good work is being done. Progress is being made.

As we continue to move into the future, if we continue to keep our hearts in the right place and our minds focused where they should be, we know that the opportunities for these islands will continue to abound. Whenever I get up to speak I give God thanks. I know no other way. And I am just asking honourable members to bear with me. But I have to get on my knees everyday before I can stand. And I will invite every member of this Legislative Assembly, and every person within our community to look to the Divine Master, especially in the times we are in.

As we go into Finance Committee, I know it is going to be quite an exercise. But honourable members will understand that departments could not get everything they asked for. But, importantly, in those departments where reductions were necessary, they were the ones who participated in the process.

I have to thank the ministers very much because they sat down and looked very much at the capital budget. They have done a very good job bringing it into line. Again, there are areas where sacrifices will have to be made. But it's on a priority basis.

So, we have a Budget in front of us that reflects what resources are available that can best be projected for the year 1999 and programmes that can best be attained. At this time, Mr. Speaker, I would like to thank you and honourable Members of this Legislative Assembly and my fellow civil servants who have worked very hard to present the budget for the year 2000 to this honourable House.

The Speaker: The question before this House is that the Appropriation (2000) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. THE APPROPRIATION (2000) BILL, 1999 GIVEN A SECOND READING.

The Speaker: The Appropriation (2000) Bill, 1999, together with the Estimates now stand referred to the Finance Committee. At this time I will entertain a motion for the adjournment of this honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until the finalisation of Finance Committee and its reporting back to the House.

The Speaker: The question is that this honourable House do now adjourn until Finance Committee has completed its sittings and reports back to this honourable House. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 3.20 PM THE HOUSE STOOD ADJOURNED UNTIL FINANCE COMMITTEE COMPLETES ITS DELIBERATIONS AND REPORTS BACK TO THE HOUSE.

**EDITED
THURSDAY
3 FEBRUARY 2000
10.20 AM**

[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who is off the island to the National Prayer Breakfast in Washington, DC; also the Second Elected Member for Bodden Town, and the Third Elected Member for West Bay are off the Island.

Item number 3 on today's Order Paper, Questions to the Honourable Members/Ministers. Question 164, is standing in the name of the Third Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am not sure if the member might be late. Perhaps we could do the other questions and then revert back to that.

The Speaker: We can do that. Since the mover of that question is not present, we will move on to question 165, standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 165

No. 165: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce, Transport and Works what is the present working relationship with the Tourism Association of Cayman Brac and Little Cayman and the Department of Tourism.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The relationship between the Cayman Brac and Little Cayman Tourism Association and the Department of Tourism is very strong. The Department supports numerous initiatives through training programmes, co-op programmes for the diving sector, visiting journalists and familiarisation trips for travel agents. Additionally, the Department maintains a sub-

office on Cayman Brac which is open daily and which provides brochures and information to visitors on the Island as well as other types of assistance.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable minister say what sort of arrangement, if any, CETA has with Cayman Airways?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am unable to answer the arrangements between CETA and Cayman Airways. I don't have that kind of information.

Mr. W. McKeeva Bush: Well, Mr. Speaker, what kind of arrangement does DOT have with CETA? Like marketing.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I can give some examples of the programmes and co-op advertising which related to cost in 1999 if that is helpful to the member. Specific examples of support to CETA in 1999, we did dive co-op advertising that amounts to roughly US \$28,000; *Travel Agent Magazine* co-op advertising, an amount in excess of \$18,000; visiting journalist programmes which amounted to more than \$10,000; travel agent familiarisation trips which amounted to more than \$15,000.

What is much larger than all of this is the strong brand advertising. Our updated logo now carries the three islands named as part of it in all material. Printed broadcast commercials as well as all efforts on our website. This means that with every mention of Grand Cayman, the Sister Islands are there twice. The logo was simply Cayman Islands before. We have a marketing rep dedicated to the Sister Islands who attends their meetings regularly.

Additionally, we produced dedicated Sister Island posters and I am right now in production of a video, Wall-to-Wall Diving, which will feature the Sister Islands strongly.

The Speaker: Are there any further supplementaries? If not, we move on to question 166, standing in the name of the First Elected Member for West Bay.

QUESTION 166

No. 166: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce, Transport and Works what is the Ministry's budget for the Miss Cayman Islands' Pageant.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The 1999 Budget for the Miss Cayman Islands' Pageant was approved at CI\$75,000.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if the Miss Cayman Islands Pageant is staying within the budgeted amount government approves each year?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Perhaps I should elaborate a little in that the Miss Cayman Pageant receives a grant from the government of \$75,000. In addition, the pageant committee does a number of fundraising events which also raise funds for the expenditure required to fund the pageant. They are living within that framework, but it's more than the \$75,000. That's why I was elaborating.

The Speaker: Are there any further supplementaries? If not, we move on to question 167, standing in the name of The First Elected Member for West Bay.

QUESTION 167

No. 167: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce, Transport and Works what is the policy on materials taken from roads that are being re-constructed.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The Public Works Department has no formal written policy on materials taken from road works. Materials removed from areas where roads are being constructed or reconstructed is referred to as "unsuitable materials," mainly because it is unsuitable for road construction. The materials are usually peat, soft marl or a combination of both. What it is unsuitable as road base materials, the Public Works Department makes use of the materials for other purposes on government projects such as fill for playfields and shoulder works on minor roads. Where the material is mainly peat, it can be sieved and used as topsoil.

The Public Works Department has been approached by several churches, private schools, charita-

ble and non-profit organisations, as well as members of the public, regarding donation and/or purchase of the materials. As the material is of considerable use to the Public Works Department, it refuses such requests.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if this policy has been in force for quite some time, or has this developed after having given some of the fill away to some of the people mentioned in the answer?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As I understand it, it is a longstanding arrangement. I think the First Elected Member for George Town brought out that on occasion the government takes the decision to do some donating of material at some time. So it's not a foolproof system, but Public Works itself does not give it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the minister then saying that Public Works holds fast to this policy, but on occasion the government intervenes and takes decisions which are actually varying from the policy?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think it is true to say that on occasion the government has taken a decision, and because of extenuating circumstances has decided to give the material for a non-charitable organisation or some event that in the view of government is important to assist.

While there is a policy, I am saying that there is always government looking at the overall picture, trying to assist the overall good of the country.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state what government's policy is, or what criteria is used to make such decisions?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I think that if I try to give some examples of when government steps in and decides to provide material it might be helpful to everyone.

In the case where a school is under construction, or there is need to develop a playfield for a school, some-

times government decides to assist by giving it material. It may be persons who are indigent, who need some material in order to make their property a little bit more above the water, so to speak . . . in other words, there are some areas that we know flood in heavy rain. Government assists in giving away material for that purpose to assist the less fortunate.

The Speaker: Are there any further supplementaries? If not, we move on to question 168, standing in the name of the Elected Member for North Side.

QUESTION 168

(withdrawn)

Mrs. Edna M. Moyle: I have no choice this morning but to withdraw this question, seeing that the announcement has already been made even though this question was on the Business Paper. It was sent for a reply on 9 November, and today is 3 February. So, I beg to withdraw this question standing in my name.

No. 168: Mrs. Edna M. Moyle asked the Honourable First Official Member responsible for Internal and External Affairs if the Government has named a replacement for the United Kingdom Representative.

The Speaker: In accordance with Standing Order 23(5), I put the question that this question be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 168 WITHDRAWN.

The Speaker: Moving on to question 169, standing in the name of the First Elected Member for George Town.

QUESTION 169

No. 169: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce, Transport and Works if any representative of the Department of Tourism in North America receives remuneration on a regular basis from Cayman Airways Ltd.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: All staff who hold a Cayman Airways Ltd identification card receive remuneration on a regular basis.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This answer is straightforward, but I guess it requires a few supplementary questions. Can the honourable minister state the number of staff of the Department of Tourism in North America who hold Cayman Airways ID cards?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am unable to provide a definitive number, but I can say that the remuneration for the Department of Tourism staff in North America ranges from US \$300 to \$728 per month. It is generally dealing with sales staff doing promotions in different parts of the US. It is not only promoting the Cayman Islands it is also promoting Cayman Airways at that same meeting.

If the member wants to have a definitive number, I can certainly provide it. I know that the number of employees in the United States is somewhere in the range of 55, something of that order.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if the staff members of the Department of Tourism who receive this remuneration on a regular basis from Cayman Airways are considered to be employees of the national airline being able to hold these ID cards internationally?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As these employees are receiving salaries from the airline, we would consider them to be employees of Cayman Airways. This arrangement (to put it into perspective) was made probably 20 years ago when the then Minister of Aviation and Tourism put this arrangement together which means that the person's overall salary would be split between the Department of Tourism and Cayman Airways since they are promoting the Cayman Islands and Cayman Airways in particular.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I would like to ask the minister why they are getting this salary, what do they do for Cayman Airways, and is this in addition to their salary from DOT?

The Speaker: I think he answered that in two previous questions. If the honourable minister wishes to repeat, he may. The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Just to add some clarity to what I said before, the arrangement that was put in place caused the employee to earn a particular salary. Let's say it's \$20,000. Cayman Airways pays \$3,600 of

that \$20,000, the Department of Tourism pays the remaining portion, \$16,400. It has always been a mix, and it was arranged probably 20 years ago (but I hope the members don't hold me to 20, it might have been 18). I think that when we look at it, we all know that employees of an airline do get some benefit of travel within the US from other airlines. As a result the bill (the amount of money spent) is significantly reduced. Otherwise, the DOT would have to pay pretty substantial amounts of money in addition to what they are already paying to do promotions throughout the US and the UK.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if since this strange practice was instituted there has been any review or intention to review it to ascertain its effectiveness?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to the member's question is, yes. We have reviewed it. Even in recent times we have reviewed it. But we find that the arrangement is beneficial to the employees. And the other point is that since these individuals who have been working for us, in some cases for 20 years, some for ten or 15, that that arrangement is beneficial to them in more ways than one not only for their particular official duties, but obviously in other ways as well. Then it becomes a remuneration package.

So, if we take something away from them, we would then have to replace it with something else. Those who come on stream in the future would have to be strictly sales people who would qualify those who would go out and actually conduct promotions in the field.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am not sure if the minister said what these people do for Cayman Airways. If he did, he doesn't need to repeat it. But if he didn't, I would like to hear. Is this normal in the industry? Are DOT and Cayman Airways having any problems with the situation via the authorities in the US or other companies?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The answer to the first part is that these US staff are representing the Department of Tourism as well as Cayman Airways when they do promotions, be it in Florida, or New York, or Houston, or Los Angeles, or any other state or city in any one of those states. Thus, the benefit to Cayman Airways is that their brochures, the queries about how to get here and the promotion is really trying to create an awareness of the Cayman Islands and what it offers. In addition,

the promotion also deals with how to get here and the recommendation is Cayman Airways in that process.

Just about everything we do from time to time has hiccoughs among the departments, the private sector and ourselves. So I am not saying that we don't have problems from time to time, but generally the matters seem to have worked well so far. In all that we do, with the best intentions by everyone, there are differing views on some of these issues. So there will be some information that differs with what I am saying. Maybe somebody thinks totally different from what I am saying, or partially different. But I think when we look at it overall the arrangement is beneficial to the Cayman Islands, beneficial to the Department of Tourism, and also to Cayman Airways.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the minister still has not answered the question. Can the honourable minister say what problems are being experienced, if any, via authorities in the United States, or with other airlines? And is it the norm in the industry? And while he is at it, shouldn't what they do as their substantive post at DOT entail these things he has named out for Cayman Airways?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I am not aware of any real difficulty in this regard. I heard on one occasion where someone tried to use his privilege for some travel that the airline did not allow. But apart from that, I don't know of any specific problem. I do know that from time to time the whole package is reviewed. There is legal advice taken from time to time. But beyond that, I don't know of any specific problem at all.

I believe there are some views that the whole thing should be cancelled. I believe that is out there. But I don't see that personally as a resolution of the whole matter. I believe that the system we have in place needs to be revisited, reviewed, and refined so that we are sure it is the best way to conduct the business of this country.

I don't believe we are the only ones involved in this process. I have heard of other organisations that do something similar. So, I believe in all honesty that the system we have in place . . . yes, we set it up 18 or 20 years ago, and we have reviewed it, and refined it, and we will continue to do that. Nothing is perfect.

The Speaker: Moving on to question 170—

Mr. W. McKeeva Bush: Mr. Speaker, if I may, sir.

The Speaker: No. We are moving on to question 170, standing in the name of the First Elected Member for—

Mr. W. McKeeva Bush: Mr. Speaker, I note that you are cutting our supplementary questions short. But if you are

going to cut them short, I think you need to pay attention to what the ministers are answering.

The Speaker: I am paying very close attention. That's why I am cutting this off. I am going on to question 170.

Mr. W. McKeever Bush: Can I ask you a question, or can I address you on a matter sir?

The Speaker: We will do that after the session please. Let's go on to question 170, the First Elected Member for George Town.

QUESTION 170
(Withdrawn)

Mr. D. Kurt Tibbetts: Mr. Speaker, when I asked question 169, I did not realise that the answer would tie into question 170 because I had planned to seek leave of the House to withdraw question 170. Bearing in mind what has transpired with question 169, I would like to seek permission to withdraw question 170.

No. 170: If the Department of Tourism's staff in North America and the United Kingdom have Cayman Airways Ltd. identification cards.

The Speaker: In accordance with Standing Order 23(5), I put the question that this question be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 170 WITHDRAWN.

The Speaker: Moving on to question 171, standing in the name of the First Elected Member for George Town.

QUESTION 171
(withdrawn)

No. 171: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce, Transport and Works To state the terms of the contract with the advertising firm of O'Leary-Clarke & Partners.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The terms of the contract between the firm of O'Leary-Clarke & Partners and the Cayman Islands Government is Minimum Guaranteed Compensation. The minimum guaranteed compensation shall be agreed between both parties from time to time.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the minister saying that a contract which might exist between the Cayman Islands Government and O'Leary-Clarke and Partners simply has just what this answer is, and that's it? Is that what he is saying?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: What I am saying is that this is the terms under which the contract is agreed. Now, it goes on to talk about the specifics later on, of 15% for advertising, or 17.5% of the item if it's a collateral piece being produced.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I did not ask the minister what are the terms under which the contract is agreed. I asked the minister what are the terms of the contract. In my view, there is a difference and the minister has not answered my question. I would like the minister, if he would, to comment on that.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: As regards the terms, the contract continues until six months' notice has been given.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I might as well ask you to withdraw this question too, because the minister evades my question. I didn't ask him about term, I asked him about terms. If the minister wishes to pursue the matter the way he is, sir, I would ask you again can I withdraw this question before he and I hook into something this morning.

The Speaker: Are you asking that it be withdrawn?

Mr. D. Kurt Tibbetts: Exactly so sir, if procedure allows that to happen.

The Speaker: The question is that this question be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 171 WITHDRAWN.

Mr. W. McKeever Bush: This is a joke you know.

The Speaker: Returning to question 164, standing in the name of the Third Elected Member for George Town.

QUESTION 164
(*withdrawn*)

Mr. Linford A. Pierson: Mr. Speaker, this question has become redundant because in an earlier sitting it was answered. So I would ask that this also be withdrawn.

But I would like to call to the attention of the honourable House that on the Business Papers before us now, Business Papers 3 and 4, there are three questions set down for me that have already been asked and answered. Perhaps there are others for other members. I would ask that you direct the Business Committee to have another look at this paper, and try to delete those questions that have received answers. I would ask that this question be withdrawn.

No. 164: To provide: (a) a list of all Government departments, sections, statutory authorities which are Y2K compliant; and (b) a list of those Government departments, sections, statutory authorities which are not Y2K compliant, together with an estimated date for completion.

The Speaker: The question is that question 164 be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 164 WITHDRAWN.

The Speaker: That concludes Question Time for this morning.

The Elected Member for North Side.

STATEMENT

**UNDERTAKINGS GIVEN DURING
FINANCE COMMITTEE**

Mrs. Edna M. Moyle: Mr. Speaker, during the eighteen sittings in which the Standing Finance Committee considered the Appropriation Bill, together with the Draft Estimates of Revenue and Expenditure for the Government of the Cayman Islands, various undertakings were given by Honourable Ministers in respect of the following items:

1. Cayman Airways Limited;
2. contracted Officers' Supplement;
3. handheld radios and cellular telephones in the civil service; and
4. training of Caymanians to pilot MRCU aircraft.

Mr. Speaker, on Cayman Airways, the Honourable Minister of Education gave the Committee the undertaking—which is recorded in the minutes—that he would entertain questions and answers on Cayman Airways during Capital Development. This did not occur to my knowledge.

Contracted Officers' Supplement was not dealt with as agreed by the Finance Committee to give me an answer on this situation.

Mr. Speaker, during a presentation by the Deputy Chief Secretary and the Deputy Financial Secretary on the new salary scale, when being asked a question by myself as to whether or not the Contracted Officers' Supplement would fall away, the Honourable Chief Secretary informed the Committee that new Officers being recruited would not receive a Contracted Officers' Supplement but would join the defined contributions scheme under the Public Service Pension Law 1999.

Mr. Speaker, in regard to the Contracted Officers' Supplement, the Committee voted monies—even though I was given an undertaking to clear up the situation—for an increase in this supplement in the sum of some \$776,000 for the year 2000. Mr. Speaker, in my opinion, this is contrary to the Honourable Chief Secretary's explanation to the Finance Committee in 1998 when the new salary scale was being discussed and came into effect.

If this is not the case, in 1998 the Finance Committee was misled in our opinion when voting for the new salary scales. The situation in our opinion smirks of discrimination against our own Caymanians in the civil service—the largest body employing Caymanians in the Cayman Islands—who are only receiving 12% in the contribution to the Pensions Fund.

We believe that it would be totally wrong for the Standing Finance Committee to report to this Honourable House on the Appropriation Bill until the Committee is assured that the Contracted Officers' Supplement for new officers does fall away.

Mr. Speaker, as new funds were voted for handheld radios and cellular telephones and training of Caymanians to pilot MRCU aircraft, I will not go into these in-depth. Mr. Speaker, if I had more time I would do exactly as I just said I wouldn't do, I would go into more depth on these items which the Government undertook to address. Be that as it may, it is my humble opinion (and that of other backbenchers) that not having these undertakings addressed during Finance Committee constitutes a breach of procedure, and we beseech a ruling from the Chair in regard to this.

Mr. Speaker, my colleagues, the First Elected Member for George Town, the Third Elected Member for George Town, the Fourth Elected Member for George Town, the First Elected Member for West Bay and the Third Elected Member for Bodden Town, join me in this request. Thank you.

The Speaker: The only thing I will say at this moment is that I have to receive that in writing.

The next item on the Order Paper is Government Business. I ask for the suspension of Standing Order

14(3) in order to take Government Business, in lieu of it being Thursday, which is set aside for Private Members' Motions.

SUSPENSION OF STANDING ORDER 14(3)

Hon. Truman M. Bodden: Mr. Speaker, I move the suspension of Standing Order 14(3).

The Speaker: I put the question that Standing Order 14(3) be suspended in order to take Government Business. Those in favour please say Aye—

Mr. W. McKeeva Bush: Mr. Speaker.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: At this time, I would like to suspend proceedings for 15 minutes.

PROCEEDING SUSPENDED AT 11.05 AM

PROCEEDINGS RESUMED AT 11.57 AM

The Speaker: Please be seated. Proceedings are resumed.

SPEAKER'S RULING

(On Statement made by the Elected Member for North Side)

The Speaker: Prior to taking the break I was asked by the Elected Member for North Side, "**Mr. Speaker, . . . not having these undertakings addressed during Finance Committee constitutes a breach of procedure and I beseech a ruling from the Chair in regard to this.**"

Having done an in-depth search during the prolonged adjournment I call the attention of honourable members to Standing Order 4 (4), which states, "**The person presiding in the House and the chairman of a Committee shall exercise all the powers conferred by these Standing Orders.**"

I interpret that, since the Finance Committee is constituted under a provision of our Constitution, it clearly states that Finance Committee shall consist of the Financial Secretary as Chairman, and the fifteen elected members as members. The Financial Secretary, as Chairman, has no original vote but in case of an equality of votes has a casting vote. Therefore, not being a Committee of the whole House in which the Speaker has responsibility, the full responsibility for procedure in that Committee is a responsibility of the Chairman.

Having researched further the financial procedures under our Standing Orders 65 right through 67 . . . Standing Order 67(4) says, "**When the motion 'That the Finance Committee approves the proposal/proposals set out in the paper' or that motion as amended, has been agreed upon in Finance Committee, and the report of the Finance Committee is laid on the Table the Member of the Government who moved the mo-**

tion shall report the motion or the motion as amended in the Finance Committee, and the House shall thereupon be deemed to have agreed to the motion, or to the motion as amended, as the case may be."

It is my interpretation that whatever deliberations we had to make in Finance Committee should have been made prior to the Honourable Chairman asking the question that the report be now made. That was passed by a majority in Finance Committee.

Therefore, it is my ruling that there is no breach of procedure. It has been followed in accordance with our Standing Orders and the provisions of the Constitution, which appoints the Financial Secretary as the Chairman of a Committee, it not being a Committee of the whole House.

Mrs. Edna Moyle: Mr. Speaker, I bow to your ruling sir, Standing Order 4 gives the Chairman of the Finance Committee the same power as the Speaker. I totally agree. But the Finance Committee agreed that these undertakings would have been done before Finance Committee concluded its business. So it is a breach of procedure, maybe not of the House.

The Speaker: I hear what you are saying and maybe it is something that could be discussed informally. I have nothing further to say. I have made my ruling.

We shall move on to item number 4 on today's Order Paper, Bills, Reports, the Appropriation (2000) Bill, 1999, the Honourable Third Official Member.

GOVERNMENT BUSINESS

BILLS

REPORT

APPROPRIATION (2000) BILL, 1999

Hon. George A. McCarthy: I beg to lay on the Table of this honourable House the Report of the Standing Finance Committee on the Appropriation (2000) Bill, 1999, together with the Draft Estimates of Revenue and Expenditure of the Government of the Cayman Islands for the year ended 2000.

The Speaker: In accordance with Standing Order 67(4) the House shall thereupon be deemed to have accepted the motion as amended. The Bill is accordingly set down for Third Reading.

Bills, Third Reading.

Do you wish to speak to the Bill?

Mr. W. McKeeva Bush: Mr. Speaker, before the honourable Financial Secretary rises, can the Chairman (which is the Financial Secretary) say whether the report he is going to give is a total document, or are things left out of the report? If the Member for North Side, the Deputy Speaker, is correct, and there have been things left

out of the report or not dealt with, can he be giving a complete report of Finance Committee?

The Speaker: I don't think we are going to rehash this. I made my ruling. I said that—

Mr. W. McKeever Bush: Mr. Speaker, it's not your ruling that I am quarrelling with. But it's the report that is now going to be laid that I am questioning.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, I am ready to report. But do you want me to respond to the First Elected Member for West Bay?

The Speaker: I do not feel that this is the appropriate arena. But if you so wish, you may. I am not directing you.

Hon. George A. McCarthy: Mr. Speaker, I should mention that it was understood that the information which the honourable member for North Side had requested would be provided. Various ministers of Executive Council have responsibility for the various items that have been raised. The honourable First Official Member deals with the issue of contracted officers' supplement. But I am sure that information can be provided to the honourable member for North Side.

I have to report that a Bill entitled, A Bill for a Law to Appropriate certain expenditure to various government services for the financial year 2000, was considered by the Standing Finance Committee and passed with the following amendments.

Under Head 7005—Ministry of Agriculture, Communications, Environment, and Natural Resources, \$2,927,177 appropriated for this Head was increased by \$1 million in respect of subhead 57-250, Loans, item 57-254, Affordable Housing Loan, bringing the amended increase for Head 7005 to \$3,927,177.

Head 7300—Environmental Health: The sum of \$6,049,299 appropriated for this Head was reduced by \$325,000 in respect of subhead 57-065, Vehicle & Equipment Maintenance for the purchase of various vehicles, bringing the amended reduced total for Head 7300 to \$5,724,299.

Head 8600—Ministry of Education, Aviation, and Planning: Head 8800, Education. The sum of \$27,326,087 appropriated for this Head was increased by \$470,590 in respect of subhead 54-700, Grants, Contributions and Subsidies. The specific item is site-based program, \$203,512.

- ◆ Subhead 50-010, Personal Emoluments: Temporary Relief, \$63,840.
- ◆ Subhead 54-700, Grants, Contributions and Subsidies, Extracurricular Activities, \$39,514; Summer School Programs, \$27,300.
- ◆ Subhead 50-010, Personal Emoluments: Temporary Relief, \$64,524.

- ◆ Subhead 50-200, Travel and Subsistence, Official Travel, \$35,000.
- ◆ Subhead 56-150, Reference Materials and others, School Libraries, \$13,000.
- ◆ Subhead 54-700, Grants, Contributions and Subsidies, Training of Teachers, \$23,900.

This brings the amended increase total for Head 8800 to \$27,796,677.

Capital Acquisitions: The sum of \$4,529,701 appropriated for Capital Acquisitions was twice amended by (1) Increasing subhead 60-010 by \$108,180 in respect of item 66-014, Information Technology, Furniture and Equipment for site-based planning; and increasing subhead 60-010 under Head 7300, Environmental Health by \$325,000 in respect of item 60-011, transportation. This was for the purchase of one crane truck, one recycling truck, one collection vehicle, one rear-loading compactor, and 30 garbage containers, bringing the amended increase total for Capital Acquisitions to \$4,962,881.

Capital Development: The sum of \$45,100,382 appropriated for Capital Development was amended by reducing Head 8800, Education, by \$578,770 in respect of subhead 88-015, Capital Development, project #4009, Primary School for George Town, bringing the amended reduced total for Capital Development to \$44,521,612.

The Committee also agreed to (1) reduce item 78, Education, Primary School #1 for George Town, item 60-201, Public Buildings, by \$200,000 and to place that amount against item 66, Postal, New Development Projects, for West Bay Post Office, Cayman Brac; and (2) reduce item 78, Education, Primary School #1 for George Town, item 60-201, Public Buildings, by a further \$100,000 and placed that amount against item 118 Sunrise Centre. These two changes did not affect the amount appropriated for Capital Development.

The Committee also agreed to an early release of \$1,950,000 for district road programmes, new projects for Grand Cayman, Cayman Brac and Little Cayman. Authority was also given to have funds released pertaining to continuing capital projects and for one quarter of recurrent expenditure for the year 2000.

In regard to the Environmental Protection Fund, the following motion was agreed to: "Motion to Defray Expenditure from the Environmental Protection Fund." Government Motion 14/97 resolved that "**(1) an environmental protection fund be established in accordance with the powers contained in section 30 of the Public Finance and Audit Law (1997 Revision); (2) that all environmental protection fees collected under section 7 of the Miscellaneous Provisions (Fees and Duties) (Temporary) Law, 1997 shall be credited to the fund . . .**"

Section 4 requires that a resolution by Finance Committee defray the expenditure incurred in protection and preserving the environment of the Islands. Accordingly, the government is of the view that the expenditure items set out below are in compliance with section 4 of [Government Motion] 14/97 and accordingly seeks approval of Finance Committee for these items to be funded from the Environmental Protection Fund:

1. \$1,344,772 to cover the total cost of recurrent and statutory expenditure of the Department of Environment.
2. \$560,000 to cover the recurrent cost of environmental studies, marl mining study and liquid petroleum gas study under the Ministry of Agriculture, Communications, Environment, and Natural Resources.
3. \$4 million to cover a part of the recurrent and statutory expenditure of the Department of Environmental Health.

THEREFORE, BE IT RESOLVED that this Finance Committee, in accordance with section 4 of [Government Motion] 14/97 grant approval of \$5,904,772 to be transferred from the Environmental Protection Fund to General Revenue to cover expenditure relating to the operational cost of the Department of the Environment, Department of Environmental Health, and the carrying out of the environmental studies to be undertaken by the Ministry of Agriculture, Communications, Environment, and Natural Resources.

With the aforementioned amendments to the Appropriation (2000) Bill, 1999, the Committee approved a total appropriation for the year 2000 of CI\$315,940,510.

The Speaker: The Bill has accordingly been set down for Third Reading.

Bills, Third Reading.

THIRD READING

THE APPROPRIATION (2000) BILL, 1999

The Clerk: The Appropriation (2000) Bill, 1999.

The Speaker: The question is that the Appropriation (2000) Bill, 1999, be given a third reading and do pass.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, on the question being put, I have listened to the tape of Finance Committee. I am wondering whether the proper procedure in Finance Committee on the Bill was conducted at the end, and whether [Standing Order] 64(1) was adhered to where the Bill was voted on. I know the Schedule was agreed upon.

Mr. Speaker, I don't think it was, and I was wondering sir, before you take this vote, if you would listen to the tape yourself so that you yourself can hear the procedure. If not, I submit that we are out of procedure and I don't think it is right to take the vote on the national budget without that being done.

The Speaker: I have put the question. If it fails, it fails.

Mr. W. McKeeva Bush: Mr. Speaker, you have put the question, isn't that the time people can say something?

The Speaker: You said 64(1).

Mr. W. McKeeva Bush: Mr. Speaker, please, sir. Why don't you go in, out of an abundance of caution, and listen to that tape yourself.

The Speaker: You said 64(1): "**On the consideration of an appropriation Bill in the Finance Committee the clauses of the Bill shall stand postponed until after consideration of the schedule or schedules.**" That is what you are speaking to?

Mr. W. McKeeva Bush: Yes.

The Speaker: I thought the object was for us to get out of here. But this is not the way to do it.

Mr. W. McKeeva Bush: Right.

The Speaker: I will now suspend for lunch. We will come back at 2.00. I beg members, please let us be back here so that we can reconvene at 2.00 PM.

PROCEEDINGS SUSPENDED AT 12.18 PM

PROCEEDINGS RESUMED AT 2.15 PM

The Speaker: Please be seated. Proceedings are resumed.

The Honourable Third Official Member responsible for Finance and Economic Development,

Hon. George A. McCarthy: Mr. Speaker, I have listened very carefully to the comments by honourable members as to what is considered to be the breach of procedure in Finance Committee. There are many individuals who can claim infallibility, but I would not be bold enough to say I am one of them. In my daily walk through life, there are times when I do some things better than others. I will not deny that omissions were made in dealing with the Appropriation Schedule by the Chair. But I think the substance of these omissions should be judged by what they represent.

When the motion was made under Standing Order 64(7), seeking the approval of the Committee to report to this honourable House, it would seem to me that that would have been the appropriate time to point out to the Chair any breach in procedure. If members will recall, it had gotten to around 7:00 PM, there was a motion, an amending motion to that motion, followed shortly thereafter by the closure motion.

I can recall that I mentioned, under Standing Order 64(4), that I would like to move that the Schedule as amended stand part of the Bill. I can also further recall that I mentioned that in accordance with Standing Order 64(7) I would put the question that I do report the Bill as amended to the honourable House. I will not say that at that point the vote was unanimous, but I can recall that the majority were in favour of voting on that motion.

The question I now invite honourable members to contemplate is the clauses in the Schedule in accor-

dance with Standing Order 64(1), called before the motion to report to this honourable House, would they have been voted against, or disallowed? These are two questions I am putting together. It would seem that the answer to these questions should determine the substance of the breach of procedure, which I admit.

Mr. W. McKeever Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: If you would allow, the matter is not whether this omission is one that we can just easily let go. It is a requirement of the Standing Orders that needed to have been done at the time. What I think can be done is the Chairman can summon Finance Committee back and we just go through those Heads in the Bill and vote on them as they are called. In other words, go through the Bill as the Standing Order requires.

I would say that nobody is criticising the Financial Secretary, and I listened to his submission. No one is criticising him, saying he is not human or anything else. What confused him confused me! And I was the only Opposition member on the backbench that evening.

They took a closure motion, a vote on that motion. I think it confused him. It certainly confused me at that point. Certainly, there were no ulterior motives in not bringing it to his attention because I only looked at it today and realised it. And I did vote against the closure motion. I would just like to make that absolutely clear.

The Speaker: The position of the Chair is that we are no longer dealing with the report of the Finance Committee. What is before this honourable House is the Third Reading of the Appropriation Bill. I hold in my hand a green copy of the Appropriation Bill duly collected by the Clerk, which shows what the appropriations are. That is what we are taking the third reading on.

As it was said by the honourable Third Official Member, he did put that “**I do report the Bill [he asked for permission] as amended to the honourable House. Those in favour please say Aye. Those against No.**” The *Hansard* records that the Ayes had it. Therefore, all that went before that was approved.

I again repeat that what is now before this honourable House is the Third Reading of the Appropriation (2000) Bill, 1999.

Mr. W. McKeever Bush: Mr. Speaker, may I?

The Speaker: You may, but I intend to put the question to this Bill.

Mr. W. McKeever Bush: Well, be that as it may sir, you are god in the House.

Mr. Speaker, it is true what you are saying. I completely agree. All I am saying is that the Bill cannot be put before the House if each item was not committed to a vote in Finance Committee. And that's exactly what happened. I just can't see how the Bill can be before the

House. The Committee stage of the Bill, as you know, requires that those be voted on.

I am saying that I don't see how we can make the report without accepting the clauses of the Bill. That is the purpose of Finance Committee, and that is what the Standing Orders say. Albeit that we might say it is not important because we are past that stage, the fact is that we didn't do it properly, that the Bill cannot come to the House because it was not voted upon. We said we would report it. That was a . . . mistake!

The Speaker: I would ask that you withdraw that it cannot come. Maybe you say it *should* not come, but it is not that it cannot come.

Mr. W. McKeever Bush: Well, that's my opinion sir. I have made my thoughts known on it. I think the House is doing itself a great disservice and laying a bad record for posterity when we come to a Bill of this magnitude—the national budget of the country, which has a certain financial procedure in the Standing Orders—and we just mess up on it. And that's exactly what happened.

I think we should recommit it, go through the clauses and come back.

THIRD READING

THE APPROPRIATION (2000) BILL, 1999

(Question put)

The Speaker: We have already laid the report. We are now in the Third Reading. We moved the Third Reading of the Appropriation (2000) Bill, 1999. The Clerk read the Third Reading. Am I not correct, Madam Clerk?

So, I shall now put the question on the Third Reading of the Appropriation Bill. The question is that a Bill entitled The Appropriation (2000) Bill, 1999 be given a third reading and do pass. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: In my opinion the Ayes have it. The Bill has been given a third reading and passed.

Mr. Roy Bodden: Mr. Speaker, can we have a division?

The Speaker: Certainly.

The Clerk:

DIVISION NO. 11/99

AYES: 7

Hon. James M. Ryan
Hon. David Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. John B. McLean
Hon. Anthony Eden
Mr. Linford A. Pierson

NOES: 4

Mr. W. McKeever Bush
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Mrs. Edna M. Moyle

ABSENT: 6

Hon. Thomas C. Jefferson
 Hon. Julianna O'Connor-Connolly
 Mr. John D. Jefferson, Jr.
 Mr. D. Dalmain Ebanks
 Dr. Frank McField
 Miss Heather D. Bodden

The Speaker: The result of the division, seven Ayes, four Noes, six absent. The Bill has passed.

AGREED BY MAJORITY: THE APPROPRIATION (2000) BILL, 1999, GIVEN A THIRD READING AND PASSED.

The Speaker: Moving on to Other Business, Private Members' Motions. Private Member's Motion No. 29/99, Government Action Needed in Taxis Watersports and Tour Operators, to be moved by The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 29/99

GOVERNMENT ACTION NEEDED IN TAXIS WATERSPORTS AND TOUR OPERATORS

Mr. W. McKeeva Bush: I beg to move Private Member's Motion . . . well, it's been so long now, I don't know if it's 29 or 1, Government Action Needed in Taxis Watersports and Tour Operators, which states:

"WHEREAS there have been a vast number of complaints from local operators in taxi, tours and the watersports industry about monopolies, unfair treatment and lack of business therefrom;

"AND WHEREAS some of these watersports businesses operate from the North Sound in West Bay;

"BE IT RESOLVED THAT Government immediately take whatever action may be needed to ensure that all taxis, watersports operators and tour buses operating from the Port get a fair share of the business emanating from the cruise ships operating in these Islands;

"AND BE IT FURTHER RESOLVED THAT Government investigate the feasibility of extending the North Sound Jetty in West Bay and, if necessary, the building of boat slips to accommodate the number of boats now operating in the North Sound."

The Speaker: Is there a seconder?
 The Elected Member for North Side.

Mrs. Edna M. Moyle: I beg to second the motion.

The Speaker: Private Member's Motion No. 29/99 has been duly moved and seconded, does the mover wish to speak to it? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I certainly would like to speak to it, but these days speaking in the House doesn't mean it's going to get you anywhere.

This matter is one that is very important. It is one where there have been a vast number of complaints, as the resolution states, from the various people involved in the business. It is a matter that is causing quite a bit of concern, and rightly so.

We are all aware that tourism is one of the biggest, if not the biggest sector of our economy, yet these concerns have been ongoing for many, many, many years with various governments. That concern is that local Caymanians are not getting the benefits they should reasonably expect from what is usually a strong and vibrant sector. I say usually because there is some debate as to how strong the economy has been in the past two or three years.

Over 700,000 visitors come to our islands each year from the cruise ships. Yet, far too many hardworking people who labour in those fields spend whole days on the docks or at the airport and go home with barely enough to pay their mortgage at the end of the month. What is causing this? Is it because our people are not able to look after the clients? I don't think so.

Is it because they don't know what the tourists want or expect? Is it because the tourists don't want to deal with them? The answer is No! It is because our tourism industry has been allowed to grow and there are artificial barriers created to stop the success of the people operating their businesses—tours, watersports, taxi operators.

Is it easy to fix? I don't think so. But there must be a solution found. First of all, there needs to be a level playing field. But all too often in this country today the playing fields are not level so that our people can take advantage. Instead, it's the other way around. It is made unlevelled so that our people are taken advantage of. Various problems are involved in this matter. And problems stem from a lack of leadership in government, those in authority, and also some leadership needs to come out of the people involved. It's not that they don't work hard, I think they just need to change the strategy. They are up against big companies and big influence.

It's not that success is a bad thing. We should applaud those who lift themselves up and do well. But big companies have created and instituted programmes that prevent our people, the smaller operators, from competing. Influence creates artificial barriers that keep the small operators down.

When we look at the groups, and there are a few that get the vast majority of the business from these visitors to our islands, you can see a common thread. They are all primarily groups with special connections, both in business and probably somewhere in government that allow them to take all the cream and leave only the crumbs for the smaller operators.

In the taxi, tour, and watersports industries we are told that the client, that is the tourist, wants a quality product delivered in a safe environment at a good price. Are our people unable to deliver a good product? A safe

product at a competitive price? Of course, Mr. Speaker. The answer is yes that they are able to. They need the opportunity to do so, a level playing field.

As I said earlier, they need to do some things themselves. They are doing that. I can tell you without a shadow of a doubt that any tourist who made the effort to come to our islands would far prefer to have the islands shown to him by a native who knows about the island. People come to our islands to experience what we are, and if we can give that to them not only will they enjoy it more, they will come back and tell their friends to come also. That is the positive cycle of tourism that we want and need.

There have been complaints from all around. Various people, both handlers who don't know very much about boats . . . you go to the North Sound and you see 300 to 400 people on a boat. And suddenly, our people are being pushed against the wall. There is over \$25 million that government will spend on promoting our islands. These funds should be focused on providing good wages and income to the people who are operating those businesses.

I have moved motions in this House before. Other people have moved them. People talk about it all the time. The cruise ships seem to dominate and manipulate the business, they monopolise. The way I understand what is happening is that the cruise lines book the local tours both on land and on sea. They negotiate with the big tour operators here in the Cayman Islands to create their packages and the cruise ships get their commission from selling these packages. As a result, they limit their business to the big operators, leaving the small operators with little or nothing.

Sometimes they have a man at the dock that comes ashore and tells the people what to do—Selling, right there on the dock! Not on the ship, on the dock! They badmouth the local stores. They tell them which ones to go into because these people are operating in a fashion . . . as I understand it they pay a commission to the cruise ship for sending the business their way.

The hotels are also operating with businesses in a way to create a monopoly. Hyatt, Westin, and Marriott ensure that one company gets their business and maybe there's a little bit for another company. But that leaves the smaller operators with nothing. The new Holiday Inn, which will be completed this year, has already given a monopoly to one of the large companies, I understand. Nothing is being left for the smaller operators.

And I know a little bit about this business because my stepfather has been in that business from the late 1950s. Of course in those days, you never had to worry about the big monopolies. They could go and negotiate with the tourists for their North Sound trips, their taxi tours, and people made money. But the day they gave the monopolies to the big businesses in the hotels is the day the small local Caymanian operator was practically put out of business.

As I said, the success of those big companies is not a bad thing. We applaud those who can do it. But I believe that more can be done from a governmental point of

of view to ensure that a certain amount of business stays within the reach of the small local operator.

I think that most members received a letter some time in November from various North Sound operators and taxi and bus drivers. It reads, and I want to read it into the record. It went to His Excellency the Governor and all Members. I quote:

[The First Elected Member for West Bay read the letter, in its entirety, into the Official Record. Please see copy of letter immediately following page 1375]

This letter is signed by several people representing local business. And, as far as I am concerned, it is well written, well thought out, it outlines the problems that these people are experiencing. So, we need to address the matter.

I am going to wait to hear what government's reply is going to be. However, before I sit down, the motion also talks about the North Sound jetty and government will note that the motion asks government to investigate the feasibility of extending the North Sound jetty in West Bay. I said investigate the feasibility because I don't know about those things. I believe that something needs to be done because there are a number of local boats that are left in a bind.

I wait to hear what the Minister of Tourism is going to say.

The Speaker: The floor is open to debate. Does any member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: I wish to speak on this motion also because I would like to create a framework for a better understanding of the problem we have in regard to this situation which concerns the watersports operators and the North Sound operators and tour operators and taxi drivers.

I believe that part of what has happened in this country over a long period of time is this piece solution to problems, where people fail to realise the interconnection between things, and the necessity to look at issues as a whole rather than part of the issue. The problem that the persons who wrote to us is dealing with is a problem that other Caymanians are experiencing as well, the workers in the hotels are obviously experiencing similar problems. Persons are complaining of not getting a sufficient piece of the pie.

The question from the government's point of view is, How to you regard the importance and urgencies of a professional group? We have seen how the lawyers in the Cayman Islands have been able to create quite a stir simply because one person badmouthed a member of that fraternity. As a result, many of them took their pens and very skilfully defended their position as lawyers and Caymanians.

The fact that other groups cannot do that as well in Cayman does not necessarily mean that they should not be represented. And this is the reason why we formed the National Alliance of Cayman Islands Employees,

NACE, to give a voice to Caymanians who feel the same way that Caymanian lawyers felt when they said that people were trying to devalue their education, usefulness and professionalism, and their ability to serve the Cayman Islands as well as any imported professional.

I think that the problem of how to maintain a value for the Caymanian contribution to the Caymanian economy and society is a problem that government must become concerned with. It would be easy for us to advance the non-protectionist philosophy to not interfere in the market and allow the market factors to determine the outcome, who's going to win and who's going to have the pie at the end of the day.

The disadvantage that Caymanians have been placed in because of people coming in here with more organisational skills, more willingness to organise, and the capital to organise around, we will find that if we allow the so-called market factors to determine who shares in the economic rewards we will have a situation of have's and have not's—with Caymanians being the have not's, and foreign persons being those who have. That creates a specific social and political problem that would not be the same in a country that was homogeneous, where people assimilated and merged into the same nationality, where there were no recognised social differences between people that could be used to agitate jealousy, hatred, resentment, and at the end violence.

As a government we have a core function to be responsible for the social control in this society. And government relinquishes this obligation when it begins to pull away from the economic institutions to the point where it only sees that it has to regulate when it has to do with crime interfering with the financial industry, and when it doesn't see unfair competition or advantage as similar, and therefore demanding some kind of intervention in this area.

That particular philosophy of *let it alone it will solve itself; let everybody work and see who is going to win at the end of the day*, this kind of playing of monopoly doesn't work. It will not be beneficial to Caymanian humanity, Caymanian philosophy, Caymanian values and consciousness at the end of the day simply because it is depriving and impoverishing the Caymanians who have some degree of entrepreneurial spirit.

The little guy who goes and gets a loan to buy a bus or taxi, or to get a boat (and I know several of them who have taken up that risk), has to pay. So, he has even more to lose than the worker who has paid for his tools to work. If he is not able to employ his tools and his labour he is losing twice, whereas the worker who is denied the possibility to employ his skill does not really take the same risk. There is a heightened degree of concern that should be shown towards these small entrepreneurs who are a cross between employers and employees. They have a unique predicament in that they both provide themselves with the tools for their own employment.

Let us look at the areas they are complaining about, and let us look at the growth. Let us look at the tendency worldwide. The reality worldwide is that companies become larger. We are dealing with monopoly capitalism. We are dealing with a system that does not necessarily

value the small entrepreneur anymore because he is considered to be outdated, outmoded, archaic. So he is pushed aside because he is not considered to be efficient and rational. He does not run his business based upon profit, growth, and annual return. He does not want to abandon the friendliness and the time he gives to individual passengers, clients, or visitors.

In fact, it is a kind of asset stripping. The industry is asset stripping by depriving the small Caymanian entrepreneur of his position as an ambassador of Caymanian humanity and hospitality. It is saying that he has to become one of the pack, organised in this very regimented way where he has to become their worker completely, rather than somebody who is bringing the tools to the job, who has invested his capital. I think we need to understand overall some of the dynamics involved here, and therefore, once we understand this, we understand some of the difficulties in resolving the problems.

The fact is that the interest group on the side of bringing forward this rationalisation of capital and the use of capital and the use of labour is in some way in conflict with the old traditional way of Caymanian independence and we are going to run our own little business ourselves. So, we need to give a certain amount of protection to this particular unique kind of Caymanian entrepreneurship, just like we gave protection to the merchant Caymanian entrepreneurship in the early stage of our development, some 30 years ago, when we decided that 60% of a company would have to be owned by a Caymanian, and that a foreign owner could only own 40% unless that person then applied to the Protection Board to get a Local (Company Control) License.

From the very beginning government, in terms of the creation of laws, had certain concepts about protecting at least certain types of economic activities because it understood that in protecting those economic institutions it would be protecting the social and political fabric of the society as a whole.

There are those who argue that if the Caymanian merchant families were exposed to international competition overnight that that could destroy the homogeneity of the society, it could destroy a lot of the social fabric in the society. There are those who have advanced that particular argument.

If that particular argument has been advanced for a particular group of entrepreneurs, what argument can be advanced for the small group of entrepreneurs? That group that comes about as a result of the growth in the tourist industry, as a result of the stay-over tourist and those coming by cruise ship. The entrepreneurs have been able to work for a while, free themselves from their jobs by becoming independent taxi, tour, and North Sound operators, people who are independent of these companies. But they still need these companies cooperation in order to make their venture profitable, in order to exist.

Therefore, if they are not seen as important enough to be supported by government in some way—the same government that has traditionally given subsidies to the hoteliers by way of reduction in duties and by promoting the tourism product to the extent where the people's in-

vestments are sure of a definite return . . . the type of special consideration I think these persons are asking could be made—should be made—for their particular industry.

Their industry is not just an economic industry, but a social and cultural industry as well. We see this more so in the district of West Bay than we do in any other district, this particular tourism-oriented independent provider. There is a very important culture that has developed around this over the years, and I have known some of the people who have been involved in this in the early stages. They are people with a special kind of spirit, people who will work for people for a while, but at the end of the day they are going to make themselves independent if they can do so.

These people have a very valuable function from a social, political standpoint to the island. One would not just support them because they would be people who would participate in elections, but because once you gain their understanding, once the state has their understanding and once they believe that the state is conducting its affairs in a just manner, the state can rely on that particular group for support of the norms and values of the society. And this is, of course, very important because those of us who are sociologists understand the role of economic reward in creating the motivation for people to become involved in maintaining the norms.

I want to just bring this perspective to the House to support and to give more theoretical meat to what the First Elected Member for West Bay has been saying in order to make the types of connections I feel in terms of trying to gain government's understanding and the public's understanding, as to the possible ramifications if this group of people were not able to exist.

We are not just looking at how people will react; we are looking at what society as a whole would lose. So we have to go beyond their interest as a limited interest group and see how this support of their interest as a limited interest group supports the society as a whole. That is the exercise I have attempted to do here. We are giving them credit for playing more of a role because their role is a social role, an economic role with ramifications to this extent.

In regard to the way the hotels are set up . . . and I have a little experience with the stubbornness of some of the managers in the hotels. I now have some experience with their unwillingness to see us as anything other than a place, like a factory where you come to make money, but not to live. We have obligations that go beyond the economic obligations. So when a manager who is not from this territory tells the concierge that she should not give jobs to certain Caymanians . . . and I know of one or two cases where a person was actually fired from a hotel because the person insisted on trying to recruit Caymanians where there was a jog around the hotel in regard to the North Sound trips.

The structure as it is organised in the hotel means that the independent operators are operating outside the structure or the organisation of the hotel. The hotels are organised in such a way as to not complement their existence, but to compete with and eliminate their existence.

That is the dynamics. If you have a hotel that is going to set up the same type of services that the independent persons are setting up, the hotel managers will prefer those services inside whether or not they are inferior to those outside. Basic laws of economics say that they are going to be unfair. There will not be fair competition.

If this is the same with the cruise ships, if it is set up to provide the same basic goods and services as we have here locally, the same phenomena will occur. What has to be remembered is that it is the Caymanian who is providing the marketplace for business to be done, and therefore the Caymanian should be benefiting the way he feels he should. It is not unreasonable for these persons to get together and make demands to government.

I am not necessarily advocating that government jump in and make legislation to change things. But I do believe that government has to have its ear to the ground, and has to be reading the writing on the wall. I think it's quite clear that people are saying *'We need to get a little more piece of the action.'*

I went to look at some shops yesterday, because somebody invited me to look at some real estate. I was surprised at the number of shops that are now supposed to be duty free shops that are going down in this island. I wonder where they are going to get the people to pay the rent, to come up with the capital to be able to go in there. Okay, at the end of the day, what the Caymanians are saying is that they have something now that they can afford. They can afford the little taxi, they can afford the little bus, they can afford the little boat, let them make a living from their investment.

The reason why a lot of people quit and go on and do their own business is because the diving industry and the snorkelling industry pay them so little. They pay them so little because they can bring the kids in from Australia, New Zealand, Canada and other places like that and pay them so little. So, if the Caymanian does not toe the line, he is shown the door because they have the open door policy—that is, if you don't like it, you go—and the Caymanian says *'I don't like it, so I am going to go because there are other jobs I can do and I might be able to get my grandmother or my mother to give the little piece of land we have as security so I can get a little business started.'* And they get involved in starting these things.

There is a legitimate reason why government should become concerned and pay attention to these demands. I have said on many occasions that I believe that lawyers have accomplished what they have because they see themselves as a fraternity. Rotary and Rotarians have accomplished what they have in this society because they see themselves as a fraternity. Parliamentarians have accomplished what they have because they see themselves as a fraternity. Any group that cannot develop fraternity among its members is an inferior group. When we hold the right to organise against people, then we are holding their right to develop this fraternity among themselves. We are preventing something that is essential and natural.

Therefore, when we heard about the formation of the Sea and Land Cooperative, I was saying myself that it was not necessarily how I might have done this, but I

was happy that at least the organistaion was taking place. It was only after people became sufficiently organised to see their interest in common, and to present their interest in common, there could be any respect for their interest and any type of consideration of their interest, and ultimately a resolution in regard to the demand.

So, as Parliamentarians we all received a letter from these concerned persons before we saw the motion brought by the First Elected Member for West Bay. I returned a telephone call to at least one of those, Eldon Ebanks in West Bay, before the First Elected Member for West Bay had the meeting. I was hoping that those persons would be interested in joining the National Alliance of Cayman Islands Employees. As of now, they have not come forward to do so. But I understand they are making arrangements to create some organisation that will assist in creating a voice to speak to government to find some kind of workable solution to their complaints.

Their complaint is that there exists unfair competition. There are those of us who say unfair competition is not because you have \$2 million and I only have \$2. That that's not unfair, that's only competition. It means that because I have \$2, I have to come work for you. But a lot of these people are saying '*No. We want to be able to use our \$2 to buy the tools to make ourselves independent workers.*' And that is what these people have done.

We see the situation on the docks. Those of us who have gone around there to see how it is going see how the cruise ships continue to take a big portion from their organisation. As time goes on, they will take more, and more, and more. These people will be more and more upset with government because they are saying that government is not doing enough.

We understand there is private enterprise. But government can work something out to improve what those persons can make as a result of their investment and involvement. The question would also be, if those persons had not taken the risk to get these buses, boats and taxis to provide the island with this service, and all the ships are coming in and people coming in by airplane, then we would not have transportation because government did not get involved with creating a transportation system and subsidising it. Obviously, you cannot have commerce without transport. So these people have also served this country well.

Why is it, now that we have other people coming in with the \$2 million, that they should just jump out of their position and give up their independence and their love of working for themselves in order to accommodate these persons? I believe that there has to be greater accommodation of the demands of Caymanians whether or not they be those persons who are in housekeeping in the hotels, or those people who are running the taxis that are taking people to and from the hotels. There has to be a greater recognition of the role they play in providing the Caymanian economy with the success it has been experiencing.

Too often we only stress the foreign investor's part, the foreigner's contribution, and we forget that the Caymanians contributed long and hard and tireless to the growth, success and prosperity of the Cayman Islands.

If government must do something in order to ensure that Caymanians get a fair share of the pie, I suggest it is better that government does it, then it be done by persons who no longer care if there is a government, or a society, because they become too desperate, too jealous, too hateful of the fact that they believe that other persons have become more successful in their society than they have simply because their government has not paid attention to their needs and their demands.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I want to add my contribution before the minister gets up to speak because I want to put the minister in a position where he has to take the contributions made by the mover, by the Fourth Elected Member for George Town, and me as serious; and where he, in his response, has to come out and say what his government is prepared to do.

This matter has not just sprung up in our faces. It has been going on for quite some time. I find it lamentable that the government has not yet realised that prosperity in this country is based on the formula that the Caymanian people, with their willingness to work, and their ability to be entrepreneurs must be factored in. We can't just look at one side, the side of the people who produce capital—big capital, big money. We also have to look at those who have nothing to contribute to the equation but their labour, meaning their diligence, conscientiousness and honesty, and those who find themselves in a position to make a contribution to capital, albeit on a smaller scale.

I want to take us back a few years, Mr. Speaker, because in this very House on two occasions I brought a private member's motion calling for the establishment of a fair competition act, and fair trading legislation. It was brought twice. On the second occasion it passed. As is not unusual, it has been left to languish in the doldrums. In that period of the 1992 to 1996 Parliament, if memory serves me correctly, it was in either 1994 or 1995. It had to come on two occasions. The same government that's in power now accepted it. They have done nothing!

Had we had that instrument, the government could have saved itself from major embarrassment on two recent occasions. But that is not unusual, and I have come to the conclusion that the difference between great leaders and ordinary leaders is that great leaders have the ability to perceive the problems before they confront us; ordinary leaders react. They are reactionary crisis managers. So they are constantly outing fires. Great leaders cut the swathes in the jungle and make sure the forest is so that there are no fires, and even when there are they can be controlled.

If we don't take these cues we have been getting, soon the country will reach a state where its development will benefit no one. There will be so many disparate forces, so many rivalries, so much tension, so much social unease and venom, anger, disgust and animosity, that we will be spending all of our times soothing society rather than making progress.

I am not going to repeat . . . and I don't have the ability to capture it like the Fourth Elected Member for George Town, but anyone with sense (and you don't have to be a reader in sociology or economics or anything else) will understand that these things are usually a partnership. The pie has to be shared. We are not asking for all of the pie. We are not asking for a majority share, we are just asking for parity. We are saying that our people must have the ability to earn a livelihood in dignity and to be allowed to compete on a level playing field.

I hear horror stories—and they are true!—about advantage being taken, about regulations being flaunted, about some persons in this society who appear to be untouchable, who buy more boats than they are supposed to have, who operate without licenses in blatant contravention of what is supposed to be the norm. And they seem to be untouchable.

Mr. Speaker, I didn't know that we were living in a Hindu society, because that's the only place where they have "untouchables." I thought we lived in a democracy.

And now, quite rightly, the people have begun to organise themselves. That is their democratic right. I encourage them to do that because if the government they depended upon to be the regulator is blind to all of their struggles and the pains they suffer, then ultimately the people have to organise themselves so that they can protect and defend their democratic rights.

Now, there are many ways we can address these problems. I made some comments during my debate on the Budget Address and I received a letter from one of these large operators. The letter could be interpreted as chastisement. But, you know I have a way with words, and I read and re-read the letter before I answered it. And I decided that I would be a diplomat. I told the gentleman that I had nothing against big business, his ability to operate a large company to make money. He's in business and I know because one of my other hats is that I work for a business and I know the profit motive. But my primary responsibility as a legislator and representative of the people is to protect my people from being crushed by steamrollers.

I reassured the gentleman that I had nothing against his ability to turn a profit. But I will not let him railroad and ride the Caymanian entrepreneurs who have carried out this calling for years, and were indeed the pioneers in the North Sound boat tour and dive business. I will not let them become extinct. We have to share the turf. And, if the turf is not shared voluntarily then we will have to create some rules where we get our share.

Government has a responsibility to heed the calls of these people. I understand that some of the ammunition used against these people is *'If you patronise them you do so at great risk because they have no liability insurance; their craft is not up to standard,'* this thing and the next thing. I think government should give serious heed to this. The best way to help these people, to ensure they can compete in all facets according to the limited resources they have, is for government to explore the possibilities of establishing some kind of micro finance initiative whereby these people can access money to buy boats, to refurbish them, to buy equipment so they can

be competitive at the scale and level they have been accustomed to. They don't have access to financial resources where they can go and buy a \$.5 million craft, or afford to effect repairs and adjustments that will cost them \$200,000. They cannot access commercial loans because they don't earn the money to service those loans.

In circumstances like that in other jurisdictions the initiative is taken by government to establish some kind of micro finance initiative where these people can access money at a rate they can afford to pay back. They may be given soft loans, preferential rates where they don't have to pay any interest for three or five years. I don't think these operators are looking for any charity. I think they are willing to carry their share of responsibilities, but they need some help. To me, that is one way government can look towards offering them some kind of help.

Clearly, the situation cannot continue as it has. These people are being forced out gradually. And in a few years' time, if it continues they will become extinct. This is not good. The wider society is watching and already under pressure. The forces are converging on us so that we are daily under pressure. People are beginning to wonder for whom we are developing.

I think that the motion brought is a timely motion. I think that government needs to pay attention to the cries emanating from these people. We need to come up with practical and realistic solutions that are going to enable the people to maintain their dignity, their independence, their diligence and respect; while at the same time helping them to earn a decent livelihood and allowing for those operators, large as they may be, who operate in the field to also continue to operate.

I am left to wonder because I walk along the waterfront often. Quite frankly, I take certain umbrage to seeing my people out with signs that say "To the Beach" like they are beggars. I have to wonder why, in the dawn of the 21st Century, we cannot have a better organisation than that. I see people who have invested their money going around like they have no status, like they are fending for crumbs. I mean, why do our people who operate these vehicles have to go with signs? Why? I don't see that anywhere else.

Can we not have better organisation than that? Is that evidence of what we are being reduced to? Is that symptomatic of the kind of times we are going to live in? If it is, the prognosis is not good. We are going to have trouble. I hear stories about everything being organised from the ship, how if you are not certified, the purser says you shouldn't take that tour or shop in that store. Is this free enterprise?

Is that what the government is allowing? Is government impotent to deal with that? Is government satisfied that that is what our people should be reduced to? I mean, this is not Haiti! This is not Port-o-Prince, or Port Said, Egypt, or Bangkok, Thailand.

Mr. Speaker, if we don't heed the signal, if we don't listen to the signs and pick up the vibes . . . and I am not giving any lesson in sociology this afternoon. Now is not the time for sophistry. This is the time for action! I expect that when these kinds of motions come to the House the

government is going to respond with a plan that is satisfactory to this side of the House, a plan that has the confidence of the people affected. I am reminded by my colleague, the First Elected Member for George Town, that the motion has been here long enough for government—if it is serious—to have assiduously come up with some plan or proposition we can use to address this.

These things are warnings of times to come. If we don't heed these warnings, or if we flaunt them or dismiss them and say, *'Well, that is nothing, look at who's moving it. We don't have to pay that any mind, or we can play games like we are sometimes accustomed to playing. . . ,'* we will be losing valuable time. Our people will be losing ground and be further pressed. The economic development of the Cayman Islands must be done in such a way that the Caymanians—particularly those people who were pioneers who worked long and hard when there were few people to patronise them, few tourists, and few rewards—have their place carved right until the bitter end.

It is patently fallacious and grossly unfair for the islands to develop in such a way that those people will be forced out and become extinct. I will share their bitterness and concern. I will be unforgiving at any entity that runs them out. And I say this without fear of successful contradiction: The environment in the Cayman Islands is open and big enough for everyone. But I was not elected to have any outside entity drive my people out of the businesses they were practising for generations.

Mr. W. McKeeva Bush: Hear, hear!

Mr. Roy Bodden: If the present situation needs improvement it is our job, and I give the undertaking that we on this side will be cooperative with government. We will search for the solutions to help them improve the situation. But we cannot be expected to sit idly by while Caymanian entrepreneurs and businesspeople that have been operating for generations are run out by big business, some of which come from yonder.

I want to reiterate that it is my conviction that there is enough to share with everyone. I hold prejudice against anyone from the outside. Like Churchill said when there was discussion of devolution of the empire, he wasn't elected to preside over the demise of the British Empire, so too, I have not been elected to preside over the demise of the Caymanian in whatever form, shape, or fashion that be.

Believe you me, if nothing is done to address this problem, my voice is going to grow louder, and louder, and one day it won't be a voice, it will be the feet. I will vote with my feet. I will march with my people because they cannot be put down in this way.

I am sure that the Minister of Tourism has the ability, and he knows that it is the inherent responsibility of his government and more closely his ministry to deal with this shortcoming. We have been crying for too many years on seemingly deaf ears. I have every confidence that when the minister gets up it won't be a callous response in any way derogatory, but will be serious and something we can have confidence in. It will be some-

thing we can associate with, and not generic. We want a definite stamp. We want to see something positive.

The word is out. There are plenty of cries on the street. There are plenty of advantages being taken of the Caymanian people, and these were the pioneers. This is the last frontier and they should not be obliterated in this way. I think it behoves the government to get together and see that something is done to address this crying need—sooner rather than later.

Thank you for your indulgence.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 29/99. Does any other member wish to speak? (Pause)

The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Thank you.

It is fair to say that the subject of taxis, tour buses, and watersports has been one of the areas that has caused a series of governments to really get down to the details as to how to solve the many issues that arise from time to time.

I want to say that rather than talking on all of these items at one time, perhaps the best approach is to try to single out item by item, and to record to some extent what has been done by this government while it has been in power since 1992.

It was about five years ago that we got representation one morning in this Parliament from a number of persons operating at the Port who were concerned about the same issue that members across the floor are talking about—the big operator bringing in three big buses at one time. It was this government that passed the legislation and took the action to ensure that the local people at the Port were protected. I don't want to go into great detail, Mr. Speaker, because I think we all remember that particular situation.

It was also this government that at that same time moved an amendment to the Customs Law, which required importation of boats for commercial purposes to be approved by government—boats and buses, particularly those Omni buses that are beyond nine seats. You need permission to import that vehicle into the island and to also register it at the Vehicle Licensing unit. It was this government that set up that system. We set it up with one main objective in mind, and that was to protect the local person, the same persons members across the floor are talking about.

It is also true that when I assumed responsibility for the Port that I heard about the number of people operating from the Port driving taxis or buses who, the word was, were not Caymanians. But when we checked, al-

though some were born in another country, they possessed Caymanian status.

It is this same government that only last year removed the moratorium, or cap, on the number of vehicles that could be licensed as taxis. And we moved the addition (initially the approval was for 25) because we thought until that day that there was sufficient to really carry out the service required by visitors as well as residents. When we advertised for persons to apply for taxi licenses, we thought we would get 20 or 25. We actually got 70-odd applications. And the majority—if not, 90%—were from Caymanians. We took the decision then that as we were always interested in ensuring that Caymanians supply this kind of service to the visitor and resident, provided they could pass the test we would license everyone.

As a result of that, we now have 243 taxi drivers spread between Grand Cayman and Cayman Brac. Only a quarter of them are dedicated to the Port. About 9% are operating from the airport, less than 5% are in the Brac, and about 10% of them operate both at the airport and also at the dock. And about 53% are operating at other areas including around the hotels.

I think that as we search our memories and think about the taxi drivers operating in Grand Cayman, and even if we go back to the early days, we will find that the majority of them were Caymanian. Today, it's good to say that they are all Caymanian. Although some are not indigenous, they possess Caymanian status.

Another accomplishment we did (and we are still working on this exercise) was to set up category of licenses, meaning taxi driver, Omni bus driver, tour bus driver, as well as limousine driver. I believe this categorisation is going well. It's only about one year ago that we took this particular responsibility on. And I believe that what we have accomplished so far is worthy of note.

We know too that when we talk about tour bus operators, and when we think about all the tour bus seats in this country, there are about 1100 seats. Forty-nine percent of them are at the dock, and 32% is shared between the dock and the airport on top of the 49%. We also have about 15% of those seats dedicated to the airport and about 5% elsewhere. What is clear is that the owners of these particular operations, as documented at the Vehicle Licensing Unit, are Caymanian.

Now, we hear about some participation by this one or the other with some of these operators, but I don't believe we have a lot of evidence in that particular area.

We know that the best way to get the flavour of Cayman is through the first people tourists come in contact with. And some of these people, after you get by Immigration and Customs, would be those operating vehicles at the airport or the dock. And they are . . . all taxi drivers are Caymanians.

About a year ago we also established the Omni bus system in this island which never before was in existence, where you could get on a bus in West Bay, come to George Town, take another bus and go to North Side or East End, and get back to West Bay using that same process. And we heard the loud cry about the number of foreigners providing this service. Isn't that true? That's

not true? Eighty-five percent of the Omni bus permits issued are issued to Caymanians.

When we look at the seats allocated to the various districts, 179 are allocated to West Bay route 1; 235 seats are allocated to West Bay route 2; and we could go on and on about the seats. What is important is that the number of persons driving those Omni buses (with the exception of some who are not Caymanian, but married to Caymanians) . . . we took the view that since they have already been there earning their livelihood and their spouse is Caymanian that it would be morally wrong, if not legally wrong, to discontinue their applications. We have given them until June of this year to sort out their Caymanian status and get within the law. That's the reason why the letter was issued sometime ago saying to them the law actually requires that all these drivers be Caymanian. So we want to be within the law.

But we felt that if we got challenged and taken to court (and we felt this as lay people, we didn't take any legal advice) that the court was likely to come down in favour of that driver simply because he's been out there providing that service for five or six years. And the system in those days did not challenge his being there. So we agreed to allow them to have a license, temporary though it may be, until June which gives them (and we said this in November or December last year) six months to sort out their status.

We hear all sorts of remarks from people who operate at the Port that *'You know, last month I only made \$48 operating down there.'* But the next question should be, How many days did you work? And the answer would have to be *'I worked two days.'*

And how many hours were you there each day? is another question. We know that having taken up the responsibility for it eight years ago, when tours by these particular bus drivers, namely the 30- and 40-seater drivers and bus owners providing that service, we know that going on tour was almost a rarity. The service they were providing was taking people from the Port down to the beach, and back to the Port. Normally they collected \$3 each way.

But we find that there are over 100 drivers operating from the Port. And we find that just their time at the Port, which is not their entire operation, some of these same people are earning \$1200 to \$1400 a month, which means they can only accomplish that if they are in the tour business. So there has been some improvement and persons operating at the Port have been getting more business as time goes on.

Now, how much is enough, or how much is the right figure is a question mark. But we do know that when you have 1200 seats, and all of these applications have come during these months in particular, the peak season for cruise ships is October to mid April, unless Good Friday falls late in April. During that period of time, most people are making a reasonable sum of money providing tours and taxi service from the Port. The problem really comes in May to September when these 1200 seats are more than you actually need because you approved that sum to cope with the winter traffic. Therefore, during May to September, we know there are a reduced number of

boats that come to Cayman, and as a result, less money is spent, fewer people are here to transport. That's normally when you hear the largest amount of complaint.

But this government has always been committed to trying to assist persons operating at the port or any other part of the Cayman Islands, and we hold fast to that commitment.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Minister, we are at the hour of 4.30. If it is the wish that we now adjourn, I would entertain a motion for the adjournment.

ADJOURNMENT

Hon. Thomas C. Jefferson: Mr. Speaker, I am pleased to move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 4 FEBRUARY 2000.

**EDITED
FRIDAY
4 FEBRUARY 2000
10.20 AM**

[Prayers read by the Elected Member for North Side]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER
OF MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: We have apologies from the Honourable Minister for Tourism, Commerce, Transport and Works, who will be arriving later this morning. We also have apologies from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who is off the island, from the Second Elected Member for Bodden Town, and from the Third Elected Member for West Bay is also off the island.

Moving on to item 3, Presentation of Papers and Reports. National Trust for the Cayman Islands Annual Report 1998, year ending 31 August 1998. The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**PRESENTATION OF
PAPERS AND REPORTS**

**NATIONAL TRUST FOR THE CAYMAN ISLANDS
ANNUAL REPORT 1998
(Year Ending 31 August 1998)**

Hon. John B. McLean: I beg to lay upon the Table of this honourable House, The National Trust for the Cayman Islands Annual Report 1998, year ending 31 August 1998.

The Speaker: So ordered. Do you wish to speak to it?

Moving on to item 4, Questions to Honourable Members/Ministers. Question 172 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 172

No. 172: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning if there are any plans to place the required number of teacher's aides in the George Town and the Red Bay Primary Schools.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Presently, Savannah Primary has been allocated five extra support assistants, in addition to two previously assigned to this school, plus one teacher's aide was assigned in September. George Town Primary presently has one support assistant plus two teacher's aides, and two additional support assistants were added in October. Red Bay Primary has five support assistants and one teacher's aide.

The distinction should be made between teacher's aides and support assistants. Teacher's aides are school leavers who plan to undertake teacher training in one year's time. Support assistants are more mature adults generally with some classroom experience who are recruited for an indefinite period.

Additional support assistants were requested in the new staff allocation for 2000, and were only approved last week. No one has been interviewed to date, but this will get underway when the budget is approved.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I do appreciate his explanation of the difference between teachers' aides and support assistants. Taking the schools one by one, can the honourable minister say if the number of these requested by each of the schools equates to the number approved in the new services of the estimates?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that 15 were in the new budget. These were put in on the basis of the criteria of classes over 25 that the assistant or the aide would be put into. As to whether they are more or less, I think that it may be more than was requested in some schools. But what we did was take the criteria of 25 children to a class, and anything over that, we added one.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on the numbers in the classes at the Savannah Primary School, which obviously call for seven support assistants and one teacher's aide, can we look at the George Town Primary School first and then the Red Bay Primary School, and can we understand what the numbers would equate to compared to the seven

support assistants and one teacher's aide at Savannah Primary?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: The criteria is where the class is more than 25, and Savannah actually has the highest number of classes in that category. George Town has one assistant, two aides, and two further assistants were added in October, so that is five. That, together with what is in the new budget, I understand will cover any class that has more than 25.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I know that we are limited with supplementaries, and I am going to ask you please sir, if these supplementaries are not answered don't count that as a supplementary.

The Speaker: We are running against the clock.

Mr. D. Kurt Tibbetts: But I am just letting you know, sir. And I think it's only fair for you to consider that, regardless of how fast the clock is running.

I heard what the minister just said, but my specific question . . . basically, what I need to know is how many classes in George Town Primary School have over 25? How many classes in Red Bay have over 25? And what numbers should they have based on what is done in Savannah?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: I don't have that information readily available. I will undertake to provide it in writing to the member. I have the Chief Education Officer here, but I don't have the information.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Although this question does not refer to the Savannah Primary School, the honourable minister used it as an example. Are the two assigned support assistants at Savannah Primary not specifically there for the special needs children of Savannah Primary, rather than as the other five who have just been put there?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: That's correct. Those two assistants were for the two children who needed them. And the five new ones are generally assigned. The other was generally assigned.

The Speaker: The Elected Member for North Side. Two additional supplementaries.

Mrs. Edna M. Moyle: The minister agreed that these two support assistants are specifically at the school for the special needs children. Am I to assume that that school is still lacking support staff, and if every class with over 25 students at Savannah has a support assistant?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: I am told that every class with over 25 has an aide or an assistant.

The Speaker: The First Elected Member for George Town, the last supplementary.

Mr. D. Kurt Tibbetts: I have looked on the Order Paper, and I was hoping the minister had too. There is a question that has all the answers for the things he says he doesn't have the answers here for.

We don't have to get anything in writing, Mr Speaker, but since this is the final supplementary you are going to allow, and rather than get mixed up between the two questions, since the minister now knows this, can the honourable minister clearly state how many classes in the Red Bay Primary School have over 25 students? How many classes in the George Town Primary School have over 25, and how does that equate to the number of support staff both of those schools will have for this school year?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: The answer to Savannah (and I will read the numbers) class 1A has 26; 1W, 25; 2M, 25, 2B, 21; 3B, 30; 3W, 29; 4E, 24; 4W, 23; 5L, 27; 5P, 27; GM, 18; GW, 20. So that's five that are over 25, and two that are 25.

George Town . . . let me not call the numbers of the classes because this has a lot. But the numbers in there are 16, 25, 13, 24, 23, 27, that's one; 19, 24, 24, 27, that's two; 24, 24, 23, 23, 25, 25, 19, 25, 18, 24, 14, so it seems they have three.

There are two points I would like to make on this: When the enrolment was done, it would have been as at enrolment last year. Whether some of these classes may have changed in this year is possible. The other matter I would like to point out is that not all principals have requested, or need aides in each class. George Town needs three, as I mentioned. Two were assigned in October. There are two in George Town and then two additional are out of the 15 new ones, which will give one extra aide there.

Red Bay is 27, 28, 27, 30, 31, 26, 27, 27, 29, 26, 26, 22, 22, 24, 27, 29. So that seems to be 13. With the new budget, they will get 13 out of 15.

The Speaker: Moving on to question 173, standing in the name of the First Elected Member for George Town.

QUESTION 173

No. 173: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning if the ministry is aware of any incidents involving physical violence reported at the George Hicks and John Gray High Schools since the beginning of this school term.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: There have been 16 incidents of physical violence at George Hicks High School since the beginning of September. While most were fights between two individuals, suspensions were administered, but police action was not taken.

In one incident, a student was seriously injured and required medical attention. This matter was dealt with by the police. Reports were given to the Chief Education Officer who extended the suspension by the Principal under the Education Law.

There have been three major incidents of physical violence at John Gray High School since the start of this term. The three incidents resulted in extended suspension from the Chief Education Officer under the Education Law. Parents were required to meet with the Chief Education Officer and the Principal prior to the students' return to school. In each of the incidents, medical treatment was administered to at least one student. The police were involved in one of the incidents. Students were placed on contracts prior to returning to school in two of these incidents.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Before I ask the supplementary question, I wonder if the minister can tell me when this answer was prepared so that we can have an idea of how many actual incidents this answer encapsulates.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: The original question was prepared last year. But this is updated up to yesterday. This is up to date.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if these figures caused any great alarm within the Ministry and/or the Education Department, and what course of action is planned to address what seems to be an escalating situation?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddén: There is always concern, even if there was only one incident. It is good that at John Gray High School the number of incidents are down. However, I would like to point out that out of these 17 incidents, there are 1700 good children in those schools. I guess most of the time we concentrate on these incidents—the bad side—but we have a far higher number of good children in our schools. These, compared to the number of good children . . . I think we should thank them and try to set a good example for them.

The question was what are we doing. Sometime ago some of these things were put forward, and I am going to put them forward again.

The issue of gangs in the school system is a fairly new one. Therefore, a number of strategies both preventive and curative in nature have been introduced to deal with violence. Furthermore, there is ongoing assessment/evaluation to ensure that the strategies are having the desired effects:

1) **Group Therapy:** Weekly group therapy meetings are held at the John Gray High School to help adolescents who are at risk of becoming gang members or violent. The focus at these meetings is on pair relationship, self-concept, conflict and time management, and other related topics. The approach is preventative and includes discussions, video, and case presentations. Meetings are conducted by the two counsellors at the school and the educational psychologist from the department.

2) **Placement:** Students identified as potential gang leaders and who are also not coping in the school system are usually transferred to the Cayman Islands Marine Institute where they receive more intensive behaviour therapy. Full time and part time placement decisions are made depending upon the severity of the case. Generally, part time placements are made for students who do not have adequate supervision at home after school.

3) **Parent meetings:** Parents of students who are referred for behavioural matters usually attend parents' meetings to discuss strategies for helping their child to cope with the home environment. These meetings are conducted by the educational psychologist.

4) **Interagency contact:** Schools liaise with social services and the police department on students' behaviour. This is done within a multidisciplinary context and strategies for change are identified.

5) **Staff development for school psychologist and counsellors:** In order to help specialist staff to address the problems in the school system, staff development meetings are held. One such meeting was conducted by a member of the police force who showed information and distributed handouts from a gang awareness seminar he attended in the United States. At another meeting, the prison chaplain was invited to give information on the prison population and conditions. Information will be used to help students understand some serious consequences of their behaviour.

6) **Staff meeting John Gray High School:** A staff meeting was conducted to show the principals, heads of years and counsellors confidential information on students who could be at risk for gang-like violence behaviour. The Chief

Education Officer, educational psychologists, the assistant educational psychologist, shared the information with members present. The information was provided by the police department. At the previous meeting educational and assistant educational psychologist identified strategies for change.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I notice that in all of the strategies the minister just outlined, there was no attempt to involve the parents or guardians of students who may be at risk or involved. Can the honourable minister say why this has been omitted? And can he tell the House if there are any strategies that involve these parents or guardians of at risk students?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Let me just read this part again: **“(3) Parent meetings: Parents of students who are referred for behavioural matters usually attend parents’ meetings to discuss strategies for helping their child to cope with the home environment. These meetings are conducted by the educational psychologist.”** I can add to that that parents are met with, not all the time obviously do they come. It is discussed on a one-to-one basis in order to assist and produce strategies for dealing with the children within the home.

No matter how much can be done in the schools, children spend a considerable amount of time out of school. The home environment and their relationship with their parents are very important. To that effect, our educational psychologist, as well as the teachers, do whatever can be done to discuss the child’s conduct and strategies for improvement when the child is not in school.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I understood what the minister said, and I understood that from the very beginning. What I want to find out is if there are any joint sessions with children who are at risk who demonstrate this antisocial behaviour and their parents and guardians at the same time with the educational psychologist or authorities?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: On the actual group meetings the Chief Education Officer tells me that he doesn’t think children were in the group meetings with the other parents. But I would assume that as normally happens where they are meeting with the parent, that the child is also brought into part of that meeting. I would have to get more details on this if the member wishes a further explanation.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The minister must understand that the majority of children he calls the “good children” are part and parcel of the concern. That is why the questions arise. No one is concentrating on the “bad students.” It is not just because of the bad students why the questions are being asked; it is out of concern for that majority of students not involved in such activity.

With all that he has said, can the honourable minister say if any consideration is being given to the wider picture? The wider picture being that of students being expelled. What happens then?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Expulsion is something that is done by the Education Council. It is fairly rare. I think that what the member is really getting at is that it is a much bigger picture than just the school. A child has to be looked at as a whole. It’s the home environment. The behaviour in this House obviously has influence on children who hear this on the radio, the behaviour of persons in the public sector. The after school programmes are very important and, obviously, it is a much wider picture.

What we do within the school is at least try to reach the parent in relation to the school aspect. As the member knows, different ministries deal with different areas. But we do have coordination between the schools and the social services and that liaison is there. I know it is also there with the courts.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am wondering whether the authorities, that is the Department of Education and the Ministry, have found any trends of gangs in those two schools yet?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: There have been some traces of this within the schools. For example, children may try to come to school with specific bandannas or some type of identification. This has been stopped. That has been come down on fairly quickly. Obviously, the gang-like behaviour outside of the schools is a matter that concerns the community. We are very aware of this, and any signs within the schools, I am told it is dealt with firmly and rapidly.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: In his reply, the honourable minister said, **“The three incidents resulted in extended suspensions.”** Is there any supervision of these students once they are suspended? During that period of suspension, what rules are put in place for those students to ad-

here to? Or do they just walk the streets and get themselves into trouble?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Suspended children go into the suspension unit where they are taught, supervised, disciplined and monitored. It would not be right for them to be on the street as the member said. This is a suspension unit. The more serious suspension would be at the suspension unit at the Alternative Education Centre.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I am glad the honourable minister cleared that up because the public is of the impression that these students are suspended from the school and sent home with no supervision.

Has any study been carried out to see if anything is being achieved by suspending these students? Are we getting fewer suspensions?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: We haven't done a study specifically on suspension at the school. However, we have quite a range of specialists that are full time. They would make up a case study group that would make decisions, on what is best for the student on more serious matters.

As to whether there are more or less suspensions, I don't have that information. But I could get that. I think what's important is the difference between the short-term and the long-term suspension. There is a difference in gravity between the two. I would try to distinguish between those for the member.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: In the minister's reply to one of the supplementaries, he stated that the bad behaviour of some of the youngsters could possibly be caused by the behaviour in this House. I just wanted to find out to what extent the minister is serious about that, because it's a big problem that we are dealing with. And if he has some scientific evidence to prove that this has some effect on the behaviour of the children, I am sure that all members would be interested in knowing.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The member is putting some words into what I said. What I said was that children look at what adults do and at what their peers do. We are talking about behaviour here. They look at the behaviour in this House and outside; the behaviour of public officials (I think I said), and if the member wishes to call the behaviour here

bad behaviour, that's his prerogative. I didn't refer to it as that, all I said was . . . and he, as a psychologist will know that children look at the example set by their peers.

When it comes to behaviour, then those who listen to the radio would listen to the behaviour in this House, which if I may say Mr. Speaker with all due respect, and I know you have done a very good job in keeping this House as a good House, not just here but other Parliaments . . . look at what goes on in Canada and in the UK. But that is behaviour that these children see. And it's behaviour that will not be tolerated in schools.

It would not be tolerated in schools. I point that out. Therefore, it's difficult at times to say to children that they should listen when being spoken to, or they should try to talk in a normal manner when examples that go against that are seen in places as powerful as this House.

So, what I am really saying, Mr. Speaker, is there is a different type of behaviour here than in the classroom. It's no different than what is found in other Parliaments. I am not criticising that aspect. I know you do a good job of keeping behaviour here. But we have to accept . . . and while I am not a psychologist or a psychiatrist, I know that children look at adults, at their peers, and their behaviour has to be affected by the behaviour of their peers.

The Speaker: This is the final supplementary. The Fourth Elected Member for George Town.

Dr. Frank McField: I was just going to comment because . . . and I will formulate this into a question. What we are trying to ascertain is very important.

The Speaker: I call to your attention that this is Question Time, so please bring it into a question.

Dr. Frank McField: Yes, sir.

The Speaker: But before we do that, we have reached the hour of 11.00, and I would appreciate a motion for the suspension of Standing Order 23(7) & (8), in order to continue Question Time beyond 11.00.

The Elected Member for North Side.

SUSPENSION OF STANDING ORDER 23 (7) AND (8)

Mrs. Edna M. Moyle: I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue beyond 11.00.

The Speaker: The Third Elected Member for George Town.

Mr. Roy Bodden: I second that motion.

The Speaker: The motion has been made and seconded that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock.

Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The question to the minister, if he agrees that it is important for young people to be able to distinguish between different kinds of behaviour and different kinds of circumstances, would he now consider introducing in the schools civic education that would teach people the difference between political behaviour, criminal behaviour, deviant behaviour, and all those different types of behaviours?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: There is no excuse, whether it's in this House or any other forum, for bad behaviour. I don't intend to try to introduce into the schools rules that say when you become a politician you can act the way politicians act. Good behaviour is good behaviour, and that is a standard that is set in the society. There is no reason to deviate from that. Regardless of who one is, or what one is, or where one is, there is no way of condoning bad behaviour. That's what this whole question is about. Let's face it.

How can we go out now and say to the children *'You must behave yourself in school; you must answer politely, you must obey your teacher; you must be a role model for your class,'* and then say to them, *'But when you become a politician you can break all of that?'* There has to be one standard for society regardless of who one is. And we are not exempt in this House from good behaviour.

Mr. Speaker, your life would be so much simpler if we followed the rules in the school and tried to obey your rulings, as they obey their teacher; try not to talk when other members are speaking; try to be relevant when there is a debate going on.

My view is that many children look at members in this House as role models. The behaviour here should be the same type of behaviour that is tolerated in the class, which is good behaviour. And I am not getting into what is bad behaviour here or otherwise. I am not saying that, sir. I am just saying that good behaviour should prevail throughout.

I know you do an extremely good job when you persist sir in those high standards, which is really the highest House in the land, it's the seat of power.

The Speaker: Moving on to question 174, standing in the name of the—

Mrs. Edna M. Moyle: Mr. Speaker, if I may, sir.

In my opinion, the honourable minister has put every member in this House in the same category—that of not behaving. I would like to make it very clear that this member knows how to behave because I remember what my parents taught me way back.

The Speaker: Moving on to question 174, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 174

No. 174: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning if the Education Council and the Cayman Islands Government recognise certification from the College of Preceptors as acceptable teacher certification for purposes of teaching in the Cayman Islands.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The College of Preceptors was founded in 1846 by a group of private schoolmasters from Brighton concerned about standards within their profession. It pioneered a system for the formal examination and qualification of secondary school teachers and many teachers have acquired the qualifications of the College: ACP (Associate), LCP (Licentiate) an FCP (Fellow).

The certification is acceptable for purposes of teaching in the Cayman Islands provided overseas candidates meet all other criteria including at least five years of teaching experience, which is a general qualification laid down by personnel regulations.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say if at the secondary level a person having either the Associate, Licentiate or Fellowship would need a degree in addition to that, for example, a degree in the discipline in which he or she was expected to teach?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that we have only had one application from an Associate of the College of Preceptors, and that is acceptable as an assistant teacher. It would appear from other institutions that the hierarchy is Licentiate, Associate, Fellow, in that order.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: This question is somewhat unrelated to the substantive one, but I am going to ask it anyway. In view of the fact that we have been talking about developing

some kind of teacher education programme, can the honourable minister say if the Community College might be interested in pursuing the College of Preceptors, perhaps as an initial foundation to Caymanians being able to acquire some kind of teaching qualification?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: In September the Community College will be introducing the Associate in teaching of two years being done here and two with colleges and universities abroad. Whether they have considered the College of Preceptors, I am not sure. I can find out. But I do know that there is liaison and accreditation process going on with other colleges.

The Speaker: Are there any further supplementaries? If not, we move on to question 175, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 175

No. 175: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning to state what strategies have been effected within the last three years to improve the communication between the government schools, the various Parent Teacher Associations or Home School Associations, the Education Department and the Ministry.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Over the last three years the adoption of the Strategic Plan for Education has given much impetus to the relationship between government, schools, and their Parent Teacher Associations, or Home School Associations. Parents have sought greater involvement in assisting schools with their various projects, as well as taking a greater interest in the areas of learning such as participation in reading days and other community projects.

This involvement has resulted in better communication between homes and schools. Other strategies that have improved communication are the growth of newsletters, the weekly-computerised reports, reporting evenings and the use of community bulletin boards. This improvement in communication between home and school has also impacted the links between home school, the Education Department, and the Ministry.

The formation of a National Parent Teacher Association/Home School Association will continue to improve these already well established links. The Chief Education Officer met with the steering committee for one year to create guidelines for the National Home School Association. The Education Department staff frequently visits the schools as well as communicates with principals and teachers on a daily basis. The visits have developed a

much stronger relationship between schools and the department.

Various staff at the Education Department have also met with PTAs to discuss issues or to respond to questions. The Ministry meets, when necessary, with PTAs, HSAs, the Education Department and, on quarterly visits, meets with all staff.

Fax machines have been placed in all schools and the student information system (Starbase) has been implemented to communicate between schools and the department. Other important means of improving communication include monthly principal meetings, and special meetings to address specific issues such as testing and curriculum revision.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: It has been stated in the past that the weakness of the Parent Teacher Association/Home School Associations, has been the fact that parents whose children are at greatest risk in terms of not keeping up with what they are expected to learn as well as behaviour problems, are likely to be the parents in least attendance at these meetings when they are called.

Is the minister in a position to say what strategies, incentives, or techniques will be used to ensure that the attendance is more representative of this type of parent and guardian? And is this problem still experienced?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The school makes phone calls to parents. There is also a hotline for information. I know that one of the PTAs in the school involved, had a special day when fathers would come out to the school. They also have days when there are reporting sessions. They also have open days at the schools. But it is a problem getting some parents to come out. I would be happy for any suggestions the honourable member may have to deal with this real problem.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy to hear that the minister has changed his mind about any suggestions I am able to give, since I have the *Hansard* where he said he had no time to accept any suggestions from me, as far as education was concerned.

Mr. D. Kurt Tibbetts: I am glad to hear he is too!

Mr. Roy Bodden: That was a form of bad behaviour!

Mr. D. Kurt Tibbetts: That's right!

Mr. Roy Bodden: Anyway, I have grown up, and I will continue to grow and mature.

I would like to share with the minister that one of the school districts in St. Louis, Missouri, had effected some strategies to deal with this. I would certainly be glad to share those with the minister if he is so disposed.

I want to ask now about the communication between the ministry and the parents. I saw a statement some time ago by some of the parents at the Savannah school complaining about lack of communication between the ministry and parents in regard to a little demonstration they had at the Government Administration Building. I would ask the minister to state what has been done to ensure that these kinds of misunderstandings are not frequent occurrences in the future.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I have met with PTAs every time they have asked me to. One of the problems I do have is that when members of this House, Ministers and Official Members especially, have to spend three continuous months in here, I cannot have meetings as quickly as I would like to. I would have liked to gone into the schools last year, but by the time the House let out the children were on vacation.

Over Christmas, one PTA asked for a meeting. I did that as soon as I could. I believe it was either right after Christmas or early in the year. But I had to meet with them down here in the Committee Room, and the speaker was on and spurts of behaviour disrupted even the meeting in there.

When we are in here continuously every day, week after week, and month after month, it is a real burden to do what ministers would do in a normal environment where the legislature sits for a week or two at a time. Then one gets out to do one's work. I am behind now with visiting the schools. I guess that will be the next question, and the answer is I am in here answering questions, or doing whatever work is before the House. And the ministers are only people. It has really hurt during the last year and one half, two years, with us getting this work done.

Yes, I had to meet with that PTA in here and I am sorry I couldn't get to meet before. But I am only one person. Hopefully, in the good spirit that has gone on today, these meetings will speed up and get to where they are only, say a month at a time, rather than three months at a time. In fact, this one won't really stop, it will just go into the next meeting give or take four or five days that we have to go abroad on government business.

The Speaker: Are there any further supplementaries? If not, we move on to question 176, standing in the name of the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Perhaps out of sympathy for the minister, we can consider sitting at night.

No. 176: Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning to state what support and advice from other countries has been received by the Education Department in the Planning and Development of the National Curriculum.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Just to say that I am happy to sit at night if this would speed this up. I think most of us are that way. When we sat on Friday night, that honourable member left just after five. Anyhow, I am not going to get into that.

The Education Department has received support and advice from many countries in the planning and development of the National Curriculum. This support and advice has included printed materials as well as direct consultation. Information gathered has included the methods of developing a national curriculum, the provision of curriculum guides, and other resource materials as well as expert advice on test development techniques.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I think I made it plain that I had to go because I had an appointment with one of my constituents. Mr. Speaker, this is an election year; I had to ensure that I got the vote!

Can the honourable minister say if this advice has enabled the speeding up of the development of the National Curriculum seeing that we are some years behind from the time the minister promised to deliver it? And if it has, can he state in what ways?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The answer is yes, we have had assistance from these. But, for example in the United Kingdom, the national curriculum took ten years to develop. We are just about to the end of finishing ours in four years.

To the remark about a vote, I stayed in here and did the country's business on Friday night rather than going out and looking for a vote. It would . . . anyhow, let me not go any further into that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I guess you can see how easily some people can fall into pettiness, and into my trap.

Can the honourable minister state, in terms of the development of the National Curriculum, if the subjects as they are being developed are being validated or is the vali-

dition going to come at the end when the total curriculum is completed?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The schools are now doing the piloting of the curriculum. This will mean that there will be testing and that will basically (if that is what the member is referring to) decide on whether that curriculum goes into full use within the schools or not.

The Speaker: Are there any further supplementaries? If not, we move on to question 177, standing in the name of the Elected Member for North Side.

QUESTION 177

No. 177: Mrs. Edna M. Moyle asked the Honourable Minister responsible for Education, Aviation and Planning to give the following breakdown for each government primary school in these Islands: (a) the number of students per class; and (b) the number of teachers per class.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The number of students and teachers are as follows: (Please see appendix)

SUPPLEMENTARY

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable minister state if the policy is for classes of 25 and over to have a support assistant, or is it classes over 25?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: It is where there are more than 25 in each class. It is not embodied in a formal policy, if that is the question.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am not questioning why the difficulties have arisen at this point, so we don't have to debate that part of it. Bearing in mind that it is obvious come September of this year there will not be another new primary school on stream, and looking at the Red Bay Primary School where there are two Year 6 classes that will be leaving, and there are three Year 5 classes at present, and come September there will have to be three Year 6 classes; appreciating the fact that there will obviously be three new Year 1 classes coming in, Red Bay Primary School will obviously be one classroom short. Can the honourable minister say how that is going to be handled?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Despite as much as I did strive to get that, and this House has as well . . . I would like to make that clear, this House has cooperated fully, has put the money there, we have it available to build the ten classrooms that we should have had on line this coming September. But, as members know, we still can't get Planning approval. And the harsh reality is what the member has stated. It is a fact that we can't get ten classrooms by September. I have asked the department to give us the alternatives on this.

We are lucky that we have just finished the administration block at Red Bay, which has eased up pressure in the schools themselves. Somewhere within the special rooms we have there we will have to accommodate the extra class. That's the only thing that I see we can do at this stage.

But I believe that this House needs to look carefully . . . and I know it is my duty to bring that back at the legislation to try to ensure that matters which are a public necessity, while following the democratic principle, if it reaches a crunch where hundreds of children are going to suffer as a result of not being able to get Planning permission or permission in some other area that it can be looked at on a one for one case so that we can move on with what is reasonable and in the best interest of a majority. Now, how that is done, I don't know. I know I have a dilemma on my hands, and I say again that this legislature has put the money there. They have also rode me, as they are doing now, with questions to ensure that we get this.

Believe me, sir, I have done everything I can to try to get this school on line. I have been personally involved. I basically have a task force made up of quite a few people from the ministry, from public works, and I just don't know . . . we will have to get a plan in place. But I just don't think we are going to get those classrooms then. I am fairly certain we are not.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If the minister examines the situation with the John A. Cumber Primary School, he will find a similar circumstance. If the minister examines the situation even with the George Town Primary School, he will find a similar circumstance.

While the minister answered my initial question the way he did, understanding the situation that obtains, not every one of those schools has an extra room that you can convert. At least I don't think they do. I ask the minister again, and I understand they are talking about formulating a plan, is there anything specific in mind at this point in time? Understanding that it is not easy, September is not far away.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I don't have a comprehensive answer to that question. But I can assure the member that it is uppermost in my mind. I have had a lot of meetings here, as he knows, with the building group and also the department. We will have to go back and come up with a solution to the problem. I mean, I believe there is always a solution. It mightn't be the best, but we will have to find a solution to it and I give the member an undertaking that that will be done.

But he is right, in many of those schools there is not the flexibility. It may well be that in the course of this we may have to see what schools can take additional.

Hindsight is always 20/20. For example, the West Bay . . . if I had in my wildest dreams thought I couldn't get Planning permission for a school—I mean a school. It's not . . . it's a school, do you know what I mean? West Bay has their approval. Maybe I could have deflected to there. It may have been a bit of bussing but at least we would have had some rooms. However, that's hindsight at this stage.

I will have to come up with a plan. I will let members know. They will not have to ask me on that. Once I have a plan, I will meet with members because this is a grave concern to everyone.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say if with the provisions for the new services in 2000 for an additional teacher for the primary school in the district of North Side there will no longer be a necessity to combine classes?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The answer is yes. We will have enough teachers so that they won't be split.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I also notice in the answer to the question that at John A. Cumber there is one class with 25 students, in Savannah there are two classes with 25, and in George Town there are four with 25 students. Perhaps this can only be a thought for the future, and perhaps if and when enough classrooms are available the problem may not persist. But obviously that is not in the immediate future and the problem will persist for a while. While there is no definitive policy as the minister has said regarding the numbers where it is over 25, when you are on the borderline of 25 you have to draw the line somewhere, but you basically have the same problem with 25 as you have with 27.

I would like to ask the minister for a commitment in regard to these growing classes at this level to ensure that the children are not paying the price because of a lack of support staff in these areas.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: All I can say is that I take the professional advice of the department who also takes and listens to the advice of the principals and teachers. Within that, there has been tremendous increase, as the honourable member mentioned 15 new aides and support assistants are coming in with this budget. But it's something that is always under review and we naturally try to get the classes down to as few as possible.

The Speaker: The First Elected Member for George Town, the final supplementary.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. You usually say two more, but I accept what you have said.

In regard to Red Bay Primary, and the report in the newspaper not so very long ago regarding the lack of facilities, can the honourable minister state what, if anything, can be done until whatever construction may be underway is completed regarding the lunch facilities specifically at that primary school? It is my understanding that they are working under some circumstances that are not only difficult, but also deplorable, and that it has persisted for quite some time.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The hall will be ready for the new term. It will not be ready for this September.

What I will do is ask the Chief Education Officer to liaise with the principal to see what alternatives there are. I accept that the facility there for lunch is not good. I will ask them to look at what alternatives there may be.

The Speaker: We move on to question 178, standing in the name of the Third Elected Member for George Town.

Mr. Linford A. Pierson: I had two questions put on the Order Paper in as many days, but this one is also somewhat redundant in that Y2K is the acronym for the year 2000 and that transition from 31st December to 1st January. But nonetheless, with your permission Mr. Speaker, I wish to ask this question, as there might still be certain outstanding matters.

QUESTION 178

No. 178: Mr. Linford A. Pierson asked the Honourable Minister responsible for Education, Aviation and Planning to state if the Civil Aviation Authority of the Cayman Islands (CAA) is Y2K compliant; if Cayman Airways Limited and Island Air are Y2K compliant; and, if the answers are in the affirmative, would the Honourable Minister give an undertaking to advise the United States' Department of Transportation, the Federal Aviation Authority (FAA), IATA, ICAO and/or other relevant international authorities accordingly, as soon as possible, if this has not yet been done. If the answer is in the negative, when will this be done?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: (a) A comprehensive and thorough programme to identify and correct potential Y2K problems has been undertaken and the CAA is satisfied that the systems will not be affected by the Y2K millennium bug. (b) Cayman Airways Ltd and Island Air have reported to the CAA that Y2K preparations are complete. (c) All relevant authorities have been advised.

I may just say, sir, that I realise the member's keen interest. This was asked last year and this answer is in relation to that. But subsequently, it has proved that all of them are compliant.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.55 AM

PROCEEDINGS RESUMED AT 12.35 PM

The Speaker: Please be seated.
The Honourable Third Official Member.

GOVERNMENT BUSINESS

WITHDRAWAL OF THE STAMP DUTY (AMENDMENT) (POLICIES OF INSURANCE AND TIME SHARES) BILL, 1999

Standing Order 58

Hon. George A. McCarthy: In accordance with Standing Order 58, I would like to seek the leave of this Honourable House for the withdrawal of The Stamp Duty (Amendment) (Policies of Insurance and Time Shares) Bill, 1999.

The Speaker: I shall put the question that The Stamp Duty (Amendment) (Policies of Insurance and Time Shares) Bill, 1999 be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE STAMP DUTY (AMENDMENT) (POLICIES OF INSURANCE AND TIMESHARES) BILL 1999 WITHDRAWN.

The Speaker: Bills, First Reading.

BILLS

FIRST READINGS

THE STAMP DUTY (AMENDMENT) (INSURANCE POLICIES) BILL, 1999

The Clerk: The Stamp Duty (Amendment)(Insurance Policies) Bill, 1999.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

DEFERMENT OF SECOND READING

Hon. George A. McCarthy: I would again seek the indulgence of the Chair and honourable members to defer the second reading of The Stamp Duty (Amendment)(Insurance Policies) Bill, 1999. There are consultations now taking place with representatives of the financial industry and it is anticipated that these consultations should be concluded early next week. At this time, I will provide notice to the Clerk who will then bring it to your attention when we are ready to proceed with the Bill.

The Speaker: The Stamp Duty (Amendment)(Insurance Policies) Bill, 1999, has been read a first time and is set down for second reading.
Bills, First Reading.

THE NATIONAL DRUG COUNCIL (AMENDMENT) (FUND RAISING POWERS) BILL, 2000

The Clerk: The National Drug Council (Amendment) (Fund Raising Powers) Bill, 2000.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: I beg to move the first reading of a Bill for a Law to amend the National Drug Council Law 1997 to enable the National Drug Council to solicit or otherwise raise funds and for incidental and connected purposes.

The Speaker: The Bill is deemed to have been read a first time and is set down for second reading.
Bills, First Reading.

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

The Clerk: The Loan (Capital Projects 2000) Bill, 1999.

The Speaker: The Bill has been given its first reading and is set down for second reading.
Second Readings.

SECOND READINGS

**THE NATIONAL DRUG COUNCIL (AMENDMENT)
(FUND RAISING POWERS) BILL, 2000**

The Clerk: The National Drug Council (Amendment) (Fund Raising Powers) Bill, 2000.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: I brought this amendment which will allow the National Drug Council to be able to receive grants, technical assistant funds or other gifts in kind made or given, or bequeathed to the Council.

Some time last year, there were concerns about the power of . . . it was suggested that we do it through Executive Council. But in discussions with many people, we felt it was better to enshrine it into the law. As we know, government gives an annual subsidy of a little bit over \$400,000 to the National Drug Council for its implementation of the National Strategic Plan. This will not at all times be sufficient to fund it. So, what we wanted to do was give them the power to solicit. I would ask the honourable House to give support to this amending legislation.

In regard to the borrowing, it would have to have the authority of Executive Council before it does any borrowing.

The Speaker: The question is that a Bill entitled, The National Drug Council (Amendment) (Fund Raising Powers) Bill, 2000, be given a second reading. Does any member wish to speak? (pause) The floor is open for debate. (pause) The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the Bill is mostly self-explanatory, and even when we try to put together how section 3(2) will read with the proposed amendment, I think that some examples could be given as to when and why the Drug Council, after receiving subsidy, would wish to engage in any borrowing. While I understand it would have to seek authority from Executive Council, I think some of us wish to have a very clear understanding as to what this borrowing might entail and for what purposes.

I don't think anyone is suggesting that it shouldn't happen. But, because laws are laws, and they are as concise as possible with the Queen's English, many times some of us on the backbench are not quite clear. So, perhaps if we can get some explanation of that before the Bill is put to the vote, we might be more comfortable in dealing the vote one way or the other.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I have a similar concern. Perhaps when the minister sums up he will be able to say. I realise that a lot of companies or organisations have included in their constitutions the right to borrow. But in this particular case, I would assume that the right to borrow would be not an independent liability. So, would the minister could say whether or not government would ultimately be responsible

as in the case with government's statutory organisations, like the Water Authority and the Port Authority, Aviation Authority, and so forth?

I am conscious of the fact that an organisation such as the Drug Council in exercising its independence should have the right to do the borrowing and to solicit support. But I am not that familiar with the Memorandum of Objects and Reasons to know to what extent they are able to dispose of property and what kind of control they have over property.

I assume this Bill is to create an independent entity. If this Bill is to recognise their right to borrow, the question I would like to ask the minister is whether or not government would have liability for it. If so, my position on it would be formed based upon that.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I too have concern, particularly on the borrowing of money. When I read part 3 of Finance of the National Drug Council Law, it says: "**16. The funds of the Council shall consist of (a) grants from the Government . . . ; (b) any money accruing to the Council . . . ; (c) any money lawfully borrowed by the Council . . .**"

I really don't understand, if that provision really already exists in section 16 of the Law, unless I am not interpreting it correctly, that we need to move this amendment to allow it to borrow money once again.

I totally agree with the contribution by the Fourth Elected Member for George Town. It would be interesting if, when the honourable minister replies, just for the benefit of the House, because we are now studying the White Paper, *Progress in Partnership*. If I am not mistaken there is reference in that White Paper to the borrowing of funds for projects or departments, that it should be confined to those who can repay those monies. So, if he can explain those two points for me, I would be most appreciative.

The Speaker: Does any other member wish to speak? (Pause) If not, does the mover wish to exercise his right of reply? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: I would like to thank those who have made contributions, and asked some questions.

The setting up of the National Drug Council was under the 1997 Law. The feeling was that we wanted something like this to have an arms-length reach from government without any political interference. Thank goodness that up to this stage I have been able to do this under sometimes difficult circumstances. That is the reasoning, as an independent entity.

In regard to the funding, I think we all know of the massive undertaking in dealing with drugs in this country. I think that if we put one-third of the national budget into drugs it would be insufficient to put in programmes that need to deal with rehabilitation. I personally feel that demand reduction is the way to go, which is through education at its earliest levels.

Two years ago, we did a survey in the schools. We plan to redo that this year. We plan to do a community needs assessment survey. We need more programmes in regard to education, working along with the Lions Club and their Quest Programme. I am most grateful for the time and efforts they have given in working with this. I also appreciate the Minister of Education through his Department and the schools assisting us with this.

When the First Elected Member for West Bay was there, he developed the community development programmes. We need to join them in getting the young people involved. All of this takes money. The \$400,000 that we put there will go a long way. I don't really anticipate that as we go forward with implementation of the Drug National Strategic Plan we know it cannot all be done at one time. But because of the seriousness of drugs and crime in this island, we must now put that emphasis there.

In regard to government's liability if the National Drug Council should borrow, yes it would have to come to Executive Council. I would perceive that there would be a liability. But at this time, I don't anticipate any massive borrowings. We have been able to get to this stage without doing that. I think the main emphasis is on allowing the community and private sector to assist us in this situation of dealing with such a massive undertaking.

There has been some funding coming forward, but this really attempts to protect the National Drug Council in its going forward. I thank all members for the support they have given me on this.

I think 16(c) would be hinged on 19, where it says, "**The Council shall not borrow without the prior written consent of the Governor in Council.**" I mentioned earlier in the debate that we are trying to put many programmes in place for the National Drug Council. There are about four new staff members who were not there prior to this, and to bring everything together, working with the NGOs, CASA and other agencies that deal with the drug problem, we are trying to coordinate and bring everything together in this programme.

The Speaker: The question is that a Bill entitled, The National Drug Council (Amendment) (Fund Raising Powers) Bill, 2000 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL DRUG COUNCIL (AMENDMENT) (FUND RAISING POWERS) BILL, 2000 GIVEN A SECOND READING.

The Speaker: At this time we shall take the luncheon break. We shall suspend until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.55 PM

PROCEEDINGS RESUMED AT 2.52 PM

The Speaker: Please be seated.

Proceedings are resumed. Government Business, Second Reading.

SECOND READING

THE LOANS (CAPITAL PROJECTS 2000) BILL, 1999 *Deferred*

The Deputy Clerk: The Loans (Capital Projects 2000) Bill, 1999.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development

Hon. George A. McCarthy: Before I do the second reading of the Loans (Capital Projects 2000) Bill 1999, I sought your indulgence to defer the second reading of the Stamp Duty (Amendment) (Insurance Policies) Bill, 1999, and you kindly allowed it.

The matters that had to be examined have now been dealt with, and I am wondering if you would allow for the second reading to take place under the relevant Standing Order before I do the second reading of the Loans (Capital Projects 2000) Bill, 1999.

The Speaker: I have no objection if that is the wish of the House. I was going to put that after the Loans (Capital Projects 2000) Bill, 1999, but if that is the wish of the House, we shall proceed accordingly.

THE STAMP DUTY (AMENDMENT) **(INSURANCE POLICIES) BILL, 1999**

The Deputy Clerk: The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I thank you and honourable members for allowing that change to take place.

I beg to move the second reading of a Bill entitled, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999. Before I get into the Bill, I should mention that there are two amendments that will be made during the committee stage. I think it would be useful to point these out to honourable members at this point because the amendments will be factored into my comments on the Bill.

The Speaker: I may add that I have waived the two days' notice.

Hon. George A. McCarthy: Thank you. While the amendments are being circulated, I will just point out what they are. Clause 2(b) of the Bill where it makes reference to .05%, it will read ".001% up to a maximum of \$200." And clause 3, \$100 will be substituted for \$200 where it appears.

Against the backdrop of these amendments, what is very significant is that persons now buying insurance poli-

cies there will be a cap of \$200 for policies in excess of \$200,000. For example, a life policy of \$50,000 will attract stamp duty of \$50; \$100,000 will be \$100; \$200,000 will be \$200. For those who wish to buy policies for \$1 million, the cap will be \$200. For those who are affluent enough to afford a \$10 million policy, the stamp duty will be \$200.

What this is doing is regularising the arrangements in terms of the stamp duty payable under the various categories of life insurance or products issued within the Cayman Islands.

The Bill also makes reference or provision for policies issued upon the life of a person to ensure for occurrence of death other than by natural causes as we can see in clause 2 of the Bill. There will be a standard charge of \$5 per policy. For policies that will be issued under the captive insurance industry, I would seek your indulgence Mr. Speaker, because we have quite a number of captive insurance companies being formed in the Cayman Islands. I think it would be useful for members to get the information that was passed to me some time ago by the then head of insurance supervision, Mr. Bill McCullough, who set up the background as to why there is a proposal for a stamp duty charge of \$100, and why this will be advantageous to the Cayman Islands.

I will read the memorandum. It reads: **"To: The Financial Secretary; From: The Head of Insurance Supervision Department: 26 August 1997. The stamp duty proposed revision.**

"The Monetary Authority has an interest in the provision of the Stamp Duty Law inasmuch as it applies to insurance policies, and as there are some anomalies as shown hereunder we believe that some consideration should be given to revision.

"In addition the changes and innovations that have taken place in our offshore business market have overtaken the simple reference to life insurance at the time the Stamp Duty Law was originally enacted and now place Cayman at a potentially serious competitive disadvantage compared with other jurisdictions in attracting special offshore life and annuity companies.

"The principle anomalies appear to be:

1. **Policies of insurance for accidental death or personal accident seems to be exempt from Stamp Duty.** [This is where there is a proposal that this type of insurance policy attract a charge of \$5 per policy.]
2. **"Although certain instruments are required to be stamped, there appears to be no direction as to who is required to apply the stamp or from whom any discrepancy is recoverable."** Whether it is the insurance company or the policyholder. This is what I am interpreting this to mean in terms of who should be responsible for payment of the stamp duty.
3. **"The law states that in respect of immovable property outside the Cayman Islands there is an exemption from duty; there is, however, no exemption for policies of insurance issued on life resident outside of the Cayman Islands.**

4. **"Deferred variable annual annuities are not specifically referred to in the Law.**

"It is our opinion [that is, the Insurance Department] that if we, in Cayman, are to be competitive with our potential domiciles, then a cap should be placed on the amount of duty payable on variable annuity and variable life assurance contracts issued for overseas residents." These are those insurance policies that are issued under the captive insurance arrangement.

"Previous discussions on this subject have addressed the situation relating to life insurance companies operating in what might be termed "the traditional market" in particular your decision on . . ." and he names a particular insurance company, and I would have to look back to see what the specific decision was but he used that as an example.

"However, I am referring in this instance to captive insurance companies that have been set up specifically to provide Deferred Variable Annuities, Deferred Variable Life Assurance Policies are very often a combination of both. These policies should probably be more properly viewed as investment vehicles and are primarily utilised in tax planning by high net worth overseas residents.

"We as a domicile are in competition [and he names two countries in the Caribbean] for this type of business, and would mention that in one of these two countries life insurance policies attract a stamp duty of US\$25 per policy except that in respect of those policies issued to the non-residents of that country the stamp duty is nil.

"I understand that the Financial Secretary has discretion to allow the removal or reduction of stamp duty under the 1990 amendment to the Stamp Duty Law, such discretion being introduced to improve the attractiveness of Cayman as an offshore domicile.

"Taken in isolation there would appear to be a case for allowing the removal of, or the reduction in duty, as there is no similar requirement of duty for such proportions for property/casualty insurance.

"We are not proposing removal but a cap of, say, \$100 [this is where the \$100 comes in] per policy specifically relative to the captive insurance companies established for the purpose of writing Deferred Variable Annuities, Deferred Variable Life Assurance Policies, and associated or related products on lives of overseas residents."

So, for those policies issued by insurance companies that are formed in the Cayman Islands as captive insurance companies, there will be a flat stamp duty rate of \$100 per policy. Although it has been mentioned that in two of our competitive jurisdictions such policies would attract nil stamp duty, it was felt that the \$100 here would still make the Cayman Islands attractive.

For local life insurance policies that are issued, there will be a minimum charge of \$25 per policy rising to a maximum of \$200. This should be quite acceptable within our local industry because it will then be specific in terms of the rate of stamp duty applicable to policies.

Finally, for those life insurance policies that are specifically taken out for incidents other than death by natural occurrence, there will be a standard charge of \$5 per policy.

I submit this Bill for consideration by honourable members.

The Speaker: The question is that the Stamp Duty (Amendment) (Insurance Policies) Bill, 1999, be given a second reading. The motion is open for debate.

The Fourth Elected Member for George Town.

Dr. Frank McField: What I have to say in regard to the Stamp Duty (Amendment) (Insurance Policies) Bill, 1999 is related to trying to create some framework within which to understand government's policy of trying to raise revenue by attaching a duty to consumer services or goods. Government is usually very considerate when it comes to how it will affect the so-called financial industry. But it seems to bring no input as to how it would affect local consumers.

This can be attributed to the one-sided perspective that we have where government has access to very qualified very competent professionals looking after their interest, whereas the consumer in the majority represented by working people has no institution to be able to provide government with his perspective. Therefore, we find always that there is no consideration, if any, from an empirical perspective in any case, of the consumer.

Now, if we were working with the idea that insurance companies would be willing to accept a reduction in profit in order to accommodate this government's stamp duty, then we would have no concern. But if we are to work with the knowledge that every time government puts on a duty or surcharge that is passed on to the consumer, and the consumer in the majority of cases is the working person in this country who has to experience very high prices, we know this will be just one additional cost. Of course, some persons might not see it as being significant, but when it all adds up together in all the different areas this comes we find it is in fact significant.

I am not going to say that I have any alternative to give to government in regard what to do if not this, but I am in the position to suggest to government that the consumer the person trying to get life insurance, the person trying to get other kinds of insurance will have to pay additional monies out of their pockets, whether it's \$5 or five cents, it's an additional burden. What are they getting in return for this additional payment to government? Can government concretely say what it is going to provide the consumer with? Or is this just a form of taxation?

If the purpose is taxation, I believe that government is continuing on the path of taxing the very poor in order to subsidise the very rich. It's a destructive course that cannot lead to any good. Therefore, when the Financial Secretary reads a letter from people in the industry talking about how it will impact the insurance industry in the Cayman Islands, and make the Cayman Islands less competitive as a place for captive insurance companies, what he is saying is that the concern is a business concern. He could in his summation give us an idea of how this business concern would

have such a trickle down effect at this particular moment in the Cayman Islands that the consumer would be compensated by this addition tax.

I would not offer any alternative, but I hope that the critique I made can be useful to the Financial Secretary in seeing where I am coming from, mainly that we need to be more careful about even small additional burdens that we place on the consumers in the Cayman Islands.

Maybe the honourable Third Official Member can also say how much revenue government calculates it will raise as a result of this additional tax.

The Speaker: The floor is open for debate, does any other member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: My contribution won't be very long, but I would also like to express the basic concern just expressed by the Fourth Elected Member for George Town. I have a bit of difficulty, and perhaps it can be overcome without creating any difficulty with the passage of the Bill, but if we look at our competition overseas, and where we say a policy of life insurance is certified as being issued by an exempted company that only undertakes business of a class which requires a company to hold an unrestricted class B insurance license granted under the Insurance Law (1995 Revision) and issued by a company the maximum duty payable on that policy shall be \$200, that amendment put forward will put it to \$100, if I am correct.

Perhaps I am being petty. If we are looking at competition overseas, and we are going to say that the maximum anybody will pay if a policy is issued through an exempted company, because of our competition overseas, is \$100, then how can we have a situation where our local people are paying more?

I don't have a huge beef with that, but I have a problem I must admit. I know that we are caught on the one hand talking about raising revenue. But the point that the Fourth Elected Member for George Town made is a very valid point. It is not today that the point has been made. I believe that every opportunity to make the point should be taken. It makes no sense whatsoever, regardless of how one puts the whole theory together. To me it makes no sense to look for areas of revenue for government to provide the services, roads and all of that, if everything we do to raise revenue . . . the people who are paying the initial fee have the ability to immediately pass that increased expenditure on to the consumer, you may as well tax the consumer directly. It makes no sense.

I keep talking about the disparity of the wealth distribution in this country. People might not like to talk about it, but we have to talk about it. It is a real serious issue, and it is part and parcel of the root of our social problems. If you have money, you don't want to do anything wrong; and if you don't have it, sometimes you do things wrong to get it. It's simple!

This might seem like an extended argument, when all we are talking about is insurance, but there is hardly anything anymore that doesn't relate to something else. This may not bring about any solution, but it is not that my inten-

tion for people to interpret my line of argument to say that we should have direct taxation in the country. I am not suggesting that. And I understand the benefits of not having that when we look at the global picture.

But if the benefits that are derived from our tax regime do not accrue to the mass of the population, then what good is it? I don't see it making much sense. I am saying that we have to devise the ways and means to accommodate both. When the population was a lot smaller, it was not a big problem. Nobody thought of it then. But while we would not want to stray and be irrelevant in the line of debate, I think it is important to make the point. And I believe that whatever methods of raising revenue come forward in the future, it must require that revenue to be raised without the additional cost being directly to the consumer.

It is a difficult situation, and I respect the difficulty. But what continues to happen . . . Mr. Speaker, you know, years ago I would have been afraid to say this because they would have called me a socialist. But we have to be real about the situation now. If there is a family with four cars, let's be brutally frank about the situation. Chances are the family that can afford four cars has an earning power that is above average. Chances are they also have that earning power from some type of business. Now, you have another family that has no car. But then government needs revenue so government is going to tax certain areas that might affect the earning power of that family with four cars.

Once that family with four cars finds there is an additional cost to have four cars, they are going to pass on that additional cost. It is not a question of right and wrong, that's the way business works. If you charge CUC more duty on their diesel, CUC is going to charge the people who use electricity.

While the point may seem to be straying, it is something that I believe is relevant and it is something we must get a grip on. The question is not about a family of that nature being wrong by passing it on to the consumer. That's the nature of life. I am part of the whole cycle. Everyone in here is part of the whole cycle in one form or fashion. But we have to come to grips with the situation.

If you are going to extract a fee of \$25 for the government by way of a specific action on the part of government by way of duty or tax, and by the time it multiplies itself and the consumer is paying \$125 it makes no sense. Government only gets \$25 and it costs the consumer \$125 more to live. That makes no sense whatsoever. That's not the fancy way to put it, but I know that what I am saying is right.

Perhaps that is enough said, because this Bill is actually about stamp duty. But whatever the government is going to be thinking about when it comes to increased revenue, the Third Elected Member for George Town has continuously chimed about increasing the revenue base. I am certain that while his thoughts are right on line as far as I am concerned about increasing the revenue base; there is also the concern I just raised. You cannot address one and not the other because you are only magnifying the problem.

I hope that the point I tried to make is received in the right manner, and I also hope that the people who are in charge of policy in this point in time and who are responsible for deciding on any areas to raise revenue will bear that in mind whenever decisions are being made.

The Speaker: Does any other member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. Like my two Honourable colleagues that spoke previously, my comments will be rather brief.

I could not let this opportunity pass without voicing my views on this amendment and what it proposes to do. Mr. Speaker, unfortunately we did not get the details from the honourable mover as to how much income is expected to be produced through this amendment. It is unfortunate that we have to be going at life insurance policies, an area where our people depend on some protection. As was said by the Fourth Elected Member for George Town and the First Elected Member for George Town, my concern also is that it is going to have the effect of increasing the cost of living. This increase is going to be filtered down to those who can least afford these costs.

As was alluded to by the First Elected Member for George Town, I have on a number of occasions expressed my concern about the widening base of our consumption tax system and the negative effect it is having not only on the economy but also on our people. I have heard a number of people saying that we are pricing ourselves out of the market. But what is not recognised is that the revenue base that we have now that is creating this increased cost of living is insufficient to carry an economy as sophisticated as the Cayman Islands.

I think it was the Fourth Elected Member for George Town who mentioned in a previous contribution during Finance Committee that we are trying to run a First World country on a Third World revenue base, or budget. Mr. Speaker, I am not here suggesting that we should look at a direct form of taxation, but I am saying that the time has come when we must stop increasing little bits and pieces on gasoline and diesel duty, alcohol beverages, tobacco products, motor vehicle charges, insurance fees and so on and so forth. These have existed for the past 30 years and it is time now that we should be looking at a more sophisticated system that can carry our economy.

I was speaking to an investor a few days ago and he was complaining about the high cost of living and I had to remind him that the high cost of living is really caused because the government is trying to provide the necessary and appropriate infrastructure from an inadequate revenue base from consumption taxes. The investor is coming in here asking for the very best communication system, he is asking for the very best road system, water supply and everything that you will find in a First World country, like where he is coming from. But, Mr. Speaker, he is not recognising that the revenue to generate that type of infrastructure is being taken from the backs of the poor people in this country. When we add it to import duties, when we add it onto their insurance policies, licensing their cars and

other fees, we are indirectly placing it on the backs of the people in this country.

Mr. Speaker, when the merchant is charged high duties at the port, he has got to pass it on to the consumer, the person that it is going to hurt most. Mr. Speaker, this cannot continue. It does not matter which government sits on that side of the House, they are going to have the same problem and it needs to be a situation where both sides of the House come together and decide on how best we can deal with this problem.

It is ridiculous when in the Cayman Islands I understand that at some places now you are paying \$10 for a beer. I don't drink it, but I know a lot of the tourists do and our economy is 50% tourism—we are pricing ourselves out. We cannot stand still, we have to continue to move. And in order to do that, Mr. Speaker, we must keep up with developments but there must be an adequate revenue base to cope with that development. Consumption taxes are not the answer and increasing a little bit here and there on things like life insurance policies is not the answer, Mr. Speaker.

I would again say (even though I have said it a number of times in this House) that it is high time that the government gets together with the private sector and sit down and look at this problem. It is not just a government problem; it is a country problem that must be looked at by the private sector as well as the government.

Mr. Speaker, I am not throwing any blame here because, as I said earlier, it does not matter who is sitting on the government side of this House, they have to deal with the same revenue base. Of course, we (as the opposition) are very critical of some of the things we saw in the budget but when I look at that (and I am not bringing up that subject again, Mr. Speaker, it is a reference to it), and I look at the demands that are made, I have to wonder where is the money coming from and how else could it have been handled.

Mr. Speaker, the reason also why I supported the Appropriation Bill is that I felt it was my responsibility to ensure that education and other services in this country proceeded uninterrupted. Not voting for it in my opinion would not have been the right way to go and that is why I voted for it. Not that I am happy with the system. I have expressed in this House on a number of occasions that I am not happy with the revenue system in this country and something has to be done. It is high time that we stop.

Each year the Finance Department is worried about where the money is coming from. One week before the last budget there was \$100 million over the budget and I would wager a bet that a large proportion of that \$100 million that had to be chopped was services that were needed for this country.

Mr. Speaker, it is time that we stop pointing fingers. It is time that we sit down and have a serious look at our revenue base. It is time that we stop adding little bits and pieces here and there. It is time that we look at the high cost of living in this country because we are gradually pricing ourselves out of the market. We are getting a lot of competition, Mr. Speaker. We just look to the north of us and we see the interest in places like Cuba, and we see

other islands in the Caribbean getting a lot of attention. Many of us sometimes fool ourselves that the Cayman Islands is the only place that tourists can come, but that is a big mistake.

Mr. Speaker, I have broadened this to include what I see as the major problem. The major problem is not amending the Stamp Duty Law, that is just one of the problems that we have facing us. The major problem right now is getting sufficient revenue to run this sophisticated centre—the fifth largest financial centre in the world operating as a First World country, but still operating on a Third World revenue base.

Mr. Speaker, I trust that these few words will be heard. If there is anything I can do as a Member of this Legislative Assembly to sit with the members of government and try to deal with this problem, I will be more than happy to do it. I am not one that gets up in the House and criticises for the sake of criticising. I am willing to do whatever I can to help. I think that I have demonstrated this by my co-operation in assisting the government in anyway that I can, even though I know that on occasion my motives have been misconstrued.

I have even heard that people out there are deciding for me already who I am running with—I have heard that, Mr. Speaker. But I think that the important thing is that we must work as a government and we must work together with the government in the interest of the country. And when we work in the interest of the country, we are working in the direct interest of our people. It is the people that put us in this House, and we have a responsibility to represent them to the best of our ability.

If it means that I have to get on the plane and go to England or Washington with the government to discuss things to do with OECD or any other matter to do with this country, Mr. Speaker, that is my duty. I am sure that people of this country understand it regardless of who out there wants to play politics with it. The people of the country understand it and when the time comes, I will remind them in the proper forum.

Mr. Speaker, as I said, I am concerned as a matter of policy about the way we are moving towards even broadening an already wide consumption base revenue.

Mr. Speaker, I am very concerned about this. I make one promise: if I am ever given the opportunity to be on that other side of the House I will agitate and agitate until this thing is changed because it is going to destroy these beautiful islands. We cannot continue the way we are going. We cannot continue doing it, Mr. Speaker.

I hope that with these few words the honourable mover will see it in his heart to heed some of the things that I have said and that very soon we will see the Think Tank in motion and that some ideas will be coming to this House that will indeed be beneficial not only to the country but the people that lives here. Thank you, Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: I too was concerned when the Bill was given to us. On looking at the law when it was found out the kind of expenditure or payments people would have

had to pay on their insurance policy, I was glad that the Financial Secretary has changed it. However, what we are doing now is increasing the cost of insurance. If the insurance company pays, the client is going to pay more.

When you borrow \$100,000 or \$125,000 to buy a house, for a \$100,000 mortgage you would have to pay \$100 on your insurance policy, stamp duty. It is a one time payment, but it is a payment nevertheless, an increase. I have always said that we continue to hit hardest those that can least afford it. And I am glad that I am hearing in this House members talk about the have's and have-not's, because I remember in the 1980s when I was raising that in the House I was called a Communist, a Socialist. I will never forget it.

So, I am indeed glad that others much more eloquent than I can talk about it in the way they are doing to enlighten the public. That is what has been perpetrated in this country for far too long—a widening of the have's from the have-not's. We do it in every shape and form in this country. If you take this Bill from that point of view, you can't support it.

We have been hearing for many, many years that the increases government puts on to various fees have gotten out of line. And various governments have said they were going to try to do something about it, '*We are going to create an economic council.*' And we moved a motion (I believe I moved it, and the Third Elected Member for Bodden Town seconded it between 1988 and 1992). And again it was promised in 1992 by the present administration, and nothing has happened. They continue to put on the same fees here and there. Even if they are clearing up anomalies in the Bills, it is still an increase on those least able to pay.

They say they are clearing up anomalies. But perhaps it's an effort to balance a budget that is so lopsided, or out of whack, whichever you want to term it. Perhaps they need the extra money from this transfer or stamp duty throughout the country.

We keep asking what are we going to do to get revenue. We don't have oil. The tourism base is not producing as much to government at the end of the day as it should; the financial sector is producing but we can't put up much more on fees. What then are we going to do? Who is going to say that you must have some sort of tax on property? Who is going to say that it will be on income? Who is going to say it's going to be debt dues or whatever? Who is going to say that? Nobody!

But everybody talks about the need to get more revenue and of course, the demands are there for you, Mr. Speaker as a representative, and me, and everybody here. The demands are made for more and more.

Perhaps it's high time that we looked at the amount of money going out of the country. We have various money-gram . . . I am not using any company name, I am trying to find the right language . . . those agencies who send money out of the country. Money transfers. I don't know if they are paying anything to government. But certainly there is a tremendous amount of money going out of this country via that avenue.

Then you have the amount of money that the Cayman Islands is losing on the illegal lottery. Why has government

not looked at that and done something about it? Those are various issues that people need to look at.

I am not a finance person in any way. I am just a backyard sociologist.

[Members' laughter]

Mr. W. McKeeva Bush: I thought that would awaken the sleeping lions!

[Members' laughter]

Mr. W. McKeeva Bush: We talk about the amount of Euro dollars, and the amount of money that goes through this country, \$350 million or whatever.

Mr. Roy Bodden: Billion!

Mr. W. McKeeva Bush: Billions of dollars in this little Cayman Islands! And here we are struggling for peanuts to pay our way, to educate our children, to give proper health care.

When you stop and think of a small country like Singapore, and they have various taxes and I am not saying that that's what we should do, but when we look at how well organised they are and we are bigger than they are—they have many more people of course. We need to be up and above this kind of management, the systems of yesterday. I can look at the problem and be the first to admit that I don't know very much about fixing it, but I do know that something needs to be done.

If we had a fraction of a cent that passes through this country, this Billion dollars that passes through here each year, we wouldn't have to worry about whether or not we are going to get proper roads. We wouldn't have to worry about where we are going to get proper educational facilities, or the George Town Hospital. It is time that one and all stood up and said that and looked at it. It is time that Executive Council or whatever committee they make up sit down and look in that direction because we are not an oil producing country. We are not a manufacturing country, we are not an agricultural based country, so where then is the money coming from? It is going to come from the financial sector and they must—they must—they have to do it.

For that reason I cannot support whether it is \$60 or \$100 per year because they have to mean business now. Whether it's an election year and everybody wants to say I am electioneering, let them say that. Mr. Speaker, that's what I am put here to do, and if I didn't do it then they would have something else to talk about. But it is time they looked at that. And those who say they are financiers, and those who say they are the academics, and those who say they have the management strengths and the skills, those are the people who must sit down and see where we can get money from via the financial sector, the billions of dollars that pass through this country every year. Take a fraction of a cent from that and we would have much more than a \$350 million budget. That's what we need to do.

Until they start to do that, and until any administration or any politician . . . we are not going to be able to do it.

I know what has happened to the government. The Third Elected Member for George Town has sat on Executive Council. I have sat on Executive Council. We know what they go through when they try to balance the budget, when you are trying to meet the needs of your people. And we know what it is when they play politics too! We know that.

Sit down, be sensible, and say we are going to do something about it. Let's get the money from where the money is. Let's not take the money from where it does not exist. The money does not exist with the people you are trying to raise garbage fees on. It does not exist with the people who are trying to get a home and cannot get the mortgage.

That's enough of my hollering, Mr. Speaker. But I mean that as a firm recommendation. Get the money from where the money is! Get it from the financial sector. Get a fraction of a cent out of the money that goes out of this country or that passes through the country. Thank you.

The Speaker: Do honourable members want to take a break at this time? We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.50 PM

PROCEEDINGS RESUMED AT 4.21 PM

The Speaker: Please be seated. Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddin: Thank you.

There has been an obvious misunderstanding of what this amendment proposes to do. We listened to several impassioned speeches about putting taxes on the people. I want to first explain and show where that is totally wrong and to really say that if the Opposition is expecting to run this country one day, they have to do a lot better than this.

Mr. Speaker, while I haven't had a lot of time on this, I got the amendments. The section in the Schedule at present states on a policy of life insurance where the assured does not exceed \$1000 and where the sum assured exceeds \$1000, 0.05 percent upon the principle calculated without bonus. We are really talking about this and as I understand it, the members in here were really talking about the 0.05 percent upon the policy.

At present, Mr. Speaker, the amendment before the House repeats what is presently in the Law other than where there is an insurance policy under \$1000 and that wasn't an issue because there would not be a lot of them issued under that. But it is really dealing with where the policy exceeds \$1000.

At present, Mr. Speaker, the policy of say \$200,000 would produce under the present Law, stamp duty of \$1000. A policy that is for \$1 million, the stamp duty would be \$5,000 and that is the law as it now stands.

Mr. Speaker, the amendment that the Honourable Financial Secretary is making reduces this to 0.01 percent, which is four times less than it now is. On top of that, it reduces the amount that has to be paid on any policy that

goes over (if my calculations are right) \$40,000 to \$200. So, what the Law is in effect doing is totally different from what the Opposition says it is doing.

We are taking the stamp duty off and relieving the public to encourage them to take out life insurance and on top of that the maximum under the amendment—

POINT OF ORDER

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

The Speaker: Let me hear your point of order, please.

Mr. D. Kurt Tibbetts: Mr. Speaker, the Minister has just said that what the Law (and I am presuming that he is talking about the Bill that is in front of us with the amendment) is proposing is the opposite of what the Opposition is saying.

I have spoken already on that Bill, sir, and I have suggested at no time during what I said that what the proposed Bill is doing is not making it less than what the Law calls for now. The Minister has just said . . . and we are saying the opposite of that and that is not true. That is misleading.

The Speaker: Are we talking about the Bill or the Law?

Mr. D. Kurt Tibbetts: Mr. Speaker, the Minister used the word "Law" and we know what the Law says now. When he talks about the Law that is changing, it cannot be "Law" because it is a Bill now. I presume that he means the Bill, but I am saying that he has said that it is doing the opposite of what the Opposition has said that it is doing, and the Opposition, whether he calls them singly or together is not saying that, sir. None of us have said that and the statement is misleading.

Any arguments that were put forward were extending the argument outside of the realm of stamp duty for life insurance policies and his statement is misleading, sir.

The Speaker: Honourable Minister for Education, Aviation and Planning, I take the point the First Elected Member for George Town has said. He had an argument on one point and other members had on others. I do not think that you can take it under a blanket so I will ask you to withdraw that please.

Hon. Truman M. Boddin: Mr. Speaker, I bend to your ruling and I withdraw what I said. And I would not make it apply to the First Elected Member for George Town, but let me understand clearly . . . I understood the other members to be saying that we were putting a tax on the people and we shouldn't be doing that. We should be looking at other ways to put it on.

I mean, was this your understanding of what the First Elected Member for West Bay for example, said? I am really saying that the government should not be taxing the poor persons.

The Speaker: I understand clearly what the Honourable Minister of Education is saying. There have been different

arguments put forth, but what is being said is that there is a percentage being put on insurance policies and I think it was from that angle that they took their argument. That's the way I understood it.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, the Minister of Education is correct from his line of argument that from 1.05 percent to 0.001% would have been a reduction, but our line of argument was really that there should really no duty at all on insurance. The whole thing needs to be looked at, that was the line of argument from this side of the House but 0.001 percent I think it was, was changing it. But the whole question was that there should be no duty on insurance because it was going to pass on to the poor people that could least afford it.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable members, we have reached the hour of 4.30 p.m. and if it satisfies the Honourable Minister for Education, Aviation and Planning who is speaking, I would entertain a motion for the adjournment of this Honourable House.

Hon. Truman M. Boddan: Yes sir, and I would ask that I have a transcript of what the members said to ensure that what I am saying is accurate, sir.

The Speaker: That will be prepared.

ADJOURNMENT

Hon. Truman M. Boddan: I move the adjournment of this Honourable House until Monday morning at 10.00 a.m.

The Speaker: I shall put the question that this Honourable House do now adjourn until 10.00 a.m. on Monday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. Monday.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, 7 FEBRUARY 2000.**

**EDITED
MONDAY
7 FEBRUARY 2000
10.48 AM**

[Prayers read by the Honourable Second Official Member]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies from the Honourable Minister for Education, Aviation and Planning; the Honourable Minister for Tourism, Commerce, Transport and Works; the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation; the Honourable Minister for Agriculture, Communications, Environment and Natural Resources; the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture. They are attending a very important meeting and they will be arriving as soon as the meeting has concluded.

Moving on to item number 3 on today's Order Paper, [Questions to Honourable Members/Ministers], Question No. 179 standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 179

No. 179: Mr. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what is government's policy on making official travel arrangements?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: All official travel must be approved and an "official travel advance" is normally obtained.

Cayman Airways Ltd (CAL) should be used when making travel arrangements, regardless of the airline. The exception to this policy is on "long-haul" travel where the price quoted by CAL seems unreasonably high. In these cases a quote is also obtained from a local travel agency and, if it is considerably lower, then the Head of Department may write to the Financial Secretary requesting an exemption from using CAL on the particular trip.

SUPPLEMENTARIES

The Speaker: Supplementaries, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable First Official Member state if any type of (for lack of a better word) study has been done with regard to making any comparison on an overall basis with the cost of government doing business in this manner compared with doing it in another manner? And if type of study has been done, what is the relationship between the two costs?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am aware of a study being done sometime ago, but I cannot state at this time how precise that study would have been. But I know, for example, where arrangements allow for direct costs to be defrayed, such as costs of hotels and other incidental charges necessary when travelling, that a set per day be granted. At this point in time, I would have to go back and to do some research to respond very accurately to the Honourable First Elected Member for George Town.

I am aware of that, but up to this point in time, this is the practice we have observed. It was generally felt that it would have probably been more efficient to have a direct per day, in that this sum would then cover necessary travelling arrangements and it would avoid having to account for the costs upon a person's return to the island such as having to provide receipts and other details that are currently provided to the Treasury Department to justify the expenditure which has been incurred.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there have been any incidents of official travel reported where advances were collected but the person actually had not been travelling?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am not aware of any such incident.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am going to ask a question but just to inform the Honourable Third Official Member if I

even had that information I would not be allowed to pass it on for fear of the government calling it a 'leak'.

My next supplementary is, Can the Honourable Third Official Member say with regard to official travel advances, whether at this point in time the number of unsettled accounts have been brought down to a most acceptable level, as we all know there were some problems in the past getting these matters accounted for?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: There has been a significant reduction in the travel advances that are outstanding but in order to provide the precise details I would have to do so in writing I do not have that information with me at this point in time.

I should also mention, Mr. Speaker, that a variation to the travel advances, and I can talk about this from personal experience and it is quite likely that other senior officers in government have travelled and would have experienced the incident(s) that I am about to relate. For example, when I was invited by the United Nations to attend two of their offshore plenaries held in Vienna, upon arrival the United Nations would normally give a stipend to cover costs. But what I did, in order to remain consistent with the practice in government, whenever such amounts were given to me it was brought back and deposited with the Treasury Department.

This has happened to me on two occasions and, I think it may have happened on another occasion when I visited Tokyo with the CFATF. I would imagine other persons have done that, but what I normally do is to deposit such money through the Budget Unit with the Treasury Department and obtain a receipt for the record so that verification can take place.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Thank you, Mr. Speaker, would the Honourable Minister say if the Public Accounts recommendation of some two years ago that the government issue corporate credit cards to senior management of the government has been put in place?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it has only been done in two areas but not across the board. For the benefit of the Elected Member for North Side, I know that this was brought up some time ago, but there was a question in terms of the accountability aspect of it. It was felt that the procedures needed to be clearly set out, and there were certain views that there would be certain disadvantages in terms of going that route.

The Speaker: Are there any further supplementaries? If not, we will move on to Question 180 standing in the name of the First Elected Member for George Town.

QUESTION 180

No. 180: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to give a breakdown of any amounts owed by the government which are not included in current accounts payable and government's public debt.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: A breakdown of the amounts owed by the government which are not included in the current accounts payable and government's public debt are as follows:

A purchase agreement was entered into on 8 April 1998 for the acquisition of the Racquet Club, block parcel 14CJ. The face value of the agreement was \$1,111,500. There is an interest rate of 5 percent per annum being charged on the unpaid balance. The term over which the sum will have to be paid in full is three years and the balance currently outstanding is \$796,575.

The second amount relates to the acquisition of Cayman Foods Building, block parcel 23C. The agreement to purchase that property was entered into on the 8 July 1998. The sum set out in the agreement was \$1 million. The interest on the unpaid balance is at 10 percent per annum. The payment period is three years and the balance outstanding is \$636,690.

Mr. Speaker, the block and parcel reference numbers have been given to the left-hand section of the question.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if at the time when this question was originally asked there were any other outstanding amounts not recorded that have consequently been taken care of?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, at the end of 1998 there were two amounts which have since been settled. There was a sum of \$33,500 owing on a piece of land that was acquired to extend the Cayman Brac Administration. Also, there was a sum of \$199,635 owing on a piece of land that was acquired in Spotts, reference number 25B 495-6. These are the sums of money that were outstanding and have since been settled.

SUSPENSION OF STANDING ORDER 23 (7) & (8)

The Speaker: This would be an opportune time to suspend Standing Order 23 (7) and (8) in order that we continue beyond 11.00 a.m.

Mr. D. Kurt Tibbetts: I so move, sir.

The Speaker: The seconder, the Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I second that motion.

The Speaker: The motion has been made and seconded that we suspend Standing Order 23 (7) and (8) in order that Question Time can continue beyond the hour of 11.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED IN ORDER THAT QUESTION TIME CAN CONTINUE BEYOND THE HOUR OF 11.00 AM.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. With the second of the two items listed in the answer, I must say that I was of the opinion that the sale of the Cayman Foods Building to government was completed before 8 July 1998, but I am not necessarily questioning the veracity of the statement.

Can the Honourable Member state at present and even going back for two or three years, what type of interest rates the government has been receiving from institutions when it is engaging in borrowing.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it varies it is normally LIBOR (London Inter-Bank Offer Rate) plus 1% to 1½%.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps, then the Honourable Member could reply to this supplementary. If we go back to 1998 that would have left interest rates to the government somewhere between 7% and 8%. To be safe, let us say 8½%. If that is the case, why then would the government make private negotiations for purchase of property and be quite willing to pay a fixed interest rate of 10%?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: It is definitely correct that the interest rate in terms of the rate that is normally made available to government (which is normally LIBOR) could have been lower than 10%. But I am not sure whether we would have been able to acquire a loan for let's say \$1 million at LIBOR. But rather than sit here and speculate I always try to be as accurate and precise as possible when I am giving information. This is a matter that I

would require some time to look into, to go back and talk with the Lands and Survey Department as to what were the conditions, in terms of what was covered in the negotiations and I could provide an answer to the Honourable Member.

I agree that wherever possible every attempt should be made to secure financing at the least. I would not dispute that position, Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For clarity, this amount of \$1 million for the Cayman Foods Building was not necessarily the purchase price, as I am sure there would have been a deposit and this may well have been the balance that was left. Can the Honourable Third Official Member clarify that please?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, as far as I am aware the sum quite likely would have been higher, but I do not have the precise amount with me at this time.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member simply explain to us what transpires to cause matters like this to occur whereby we don't have these figures reported in the public debt? I am sure there is a reasonable explanation but I am not so sure that I or perhaps other members quite understand why this would happen.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, it comes down to a deficiency which exists at this point in time in the system in terms of reporting financial information. For example, accounts receivables are not shown as a part of the government's financial position at the end of the year. We are trusting, Mr. Speaker, that all relevant information showing obligations of the government and amounts that are due to the government will be available once we have the accrual system in place. But, very simply, it is a deficiency in the existing system that accounts for this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, I will beat you to the draw, this will be my final supplementary.

What the Honourable Third Official Member just answered was in relation to receivables. I just want to confirm with him that it is the same position that may relate to the payables as this would be under the payable section.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: All accounts payable, all accounts receivable, contingent liability, everything for which there is an obligation on the part of the government should be regarded as relevant information. Since reporting will be done in accordance with generally accepted accounting principles or international accounting standards, both standards require that such information be provided as a part of the financial reporting.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Third Official Member explain to the House the difference in the interest rate charged between Block 14CJ, Parcel 120, and Block 23C, Parcel 167? The first is 5%, the second is 10%, and one would reasonably expect that the repayment rates would be the same percentage.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, ideally what the Honourable Third Elected Member for Bodden Town has said is correct. We should have consistency right across the Board. But as we can see, there is a variation here. I can offer no other explanation other than the terms under which the payment over time would have been negotiated in respect of these two transactions. Ideally, it should be consistent right across the board.

The Speaker: Are there any further supplementaries? If not, we will move on to question 181 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 181

No. 181: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development how much money has been collected since October 1997 from real estate companies for signs placed along the roadsides.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: According to the Planning Department's records the amount of \$750 has been collected from eight real estate companies. The breakdown of this sum is given in the schedule attached to the question. This amount represents application fees paid for signs by real estate companies since October 1997.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I wish to bring to the Honourable Third Official Member's attention that there is no schedule attached.

Hon. George A. McCarthy: I apologise to honourable members and I will make available my schedule to be photocopied.

If you will permit while I make available the list to be copied, I can just read off the amount that has been collected comprising \$750. The schedule reads:

Rene Hislop	\$50
Tropical Real Estate	\$50
HAB Developers	\$150
Coldwell Bankers	\$50
Century 21	\$150
Crighton Properties	\$50
Remax	\$200
ERA	\$50

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Third Official Member tell the House what is the schedule of fees and is the fees structure set in relation to size of signs?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: There is a set fee of \$50 for the erection of a sign.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Third Official Member tell the House why the amount collected since 1997 is so small as this only represents 15 signs and certainly on any single stretch of road about a mile or more there are approximately 15 signs?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: In accordance with Section 10(2)(h) of the Development and Planning Regulations (1998 Revision), the Central Planning Authority may specify signs for which planning permission is not required. To that extent on 30 March 1999, the Authority adopted a policy whereby real estate signs up to 6 feet in size would not require planning permission. I have been made to understand from the Director of Planning that this is the position that was arrived at after extensive negotiations with the real estate developers.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member state if there are any other types of signs besides real estate signs which attract this \$50 fee?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, all other signs they would attract an application fee of \$50. The only category in which this exemption is allowed would be the real estate area.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, the Member is saying then if other categories of people are mindful, what they need to do is to get together and come to Central Planning Authority and negotiate, and perhaps they might be waived too?

The Speaker: That is a question?

Mr. D. Kurt Tibbetts: Yes, sir, that is a question. I am asking him if that is what he is saying, sir.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the interpretation that has been given by the Honourable First Elected Member of George Town to what I have said . . . I don't think that is quite a representation. I have been made to understand that in the real estate industry, because the signs are of a temporary nature, this is why this concession is normally allowed. But under normal circumstances, payment would have to be made.

So, in effect, from what I have been made to understand from the Planning Department, for all other categories there will have to be payment made in order for the erection of signs to be allowed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to say to you, sir, contrary to what the Honourable Third Official Member has said, I gave no interpretation, I simply asked the question.

The Speaker: Are there any further supplementaries? If not, at this time will suspend proceedings until—

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Are we going to suspend proceedings to wait until the government comes down?

The Speaker: That is correct as the Honourable Minister for Education, Aviation and Planning was debating the Bill when we adjourned on Friday afternoon.

Mr. W. McKeeva Bush: Mr. Speaker, the House is in session and if the minister is not in his seat, notwithstanding whatever else he is doing, then the House goes on to another speaker.

The Speaker: We shall suspend for fifteen minutes and when the fifteen minutes is up we will make our decision.

PROCEEDINGS SUSPENDED AT 11.22 AM

PROCEEDINGS RESUMED AT 12.11 PM

The Speaker: Proceedings are resumed. We had intended to return to Question number 158 but the Honourable Minister for Tourism, Commerce, Transport and Works is not in the Chamber so that concludes Question Time for this morning.

Moving on to item number 4 on today's Order Paper, Government Business, Bills—

Honourable Minister for Agriculture do you think he would want those set down for a later date?

Hon. John. B. McLean: I would agree to that, just set them down for a later date, sir.

DEFERENTIAL OF QUESTIONS 158 & 159

The Speaker: Those in favour of setting questions 158 and 159 down for a later sitting, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 158 AND 159 DEFERRED TO A LATER SITTING.

The Speaker: Government Business, Bills, Second Reading, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999 continuation of debate thereon.

When we took the adjournment on Friday afternoon, the Honourable Minister for Education, Aviation and Planning was debating, continuation of debate thereon.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE STAMP DUTY (AMENDMENT) (INSURANCE POLICIES) BILL, 1999

(Continuation of debate thereon)

Hon. Truman M. Boddan: Mr. Speaker, when we broke on Friday, I think transcripts were going to be provided to ascertain exactly the position put forward by the previous speakers. They are not here on my desk. I don't know if they have been.

The Speaker: They were prepared so we will hold for a few moments and then they will be brought to you.

Hon. Truman M. Boddén: They have been? If they are long I may not be able to obviously speak and read them.

Mr. D. Kurt Tibbetts: Mr. Speaker, unless my memory fails me, sir, I raised a point of order and you accepted and made a ruling on that as a point of order. Therefore, whatever else the minister wishes to discuss is totally on his own volition, and if he needs time to research the *Hansard*, certainly that is again for him to do on his own volition. I don't think anything will have any bearing on your ruling because you have already made that sir.

The Speaker: That is correct, I think, he is dealing with another point.

Hon. Truman M. Boddén: Mr. Speaker, I never said anything about your ruling at all sir. I don't know where that came in. I accept your ruling as I always have done and always will do sir.

The Speaker: I have been advised by the Clerk that those transcripts are still being worked on. I don't know whether you need them before you can continue your debate.

Hon. Truman M. Boddén: Mr. Speaker, I was hoping to have them because I had . . . but if I cannot have them so be it, I will move on. I don't want to hold the House up any further.

Mr. Speaker, the Stamp Duty Amendment, the Green Paper that came out, repeated what was in the previous Law. In other words, it did not change the percentage that was calculated over and above the \$1,000 policy. So any policy over \$1,000, the amount under it was 0.05% or ½ of 1% of the amount.

POINT OF ORDER
(*Point of Elucidation*)

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

The Speaker: Let me hear your point of order.

Mr. D. Kurt Tibbetts: Perhaps, it might just be a point of elucidation because I don't want the minister to misunderstand. If it is 0.05% of 1%, it is not ½ of 1%. Perhaps he just needs to clear that up.

The Speaker: Honourable Minister would you clear what the First Elected Member for George Town as said?

Hon. Truman M. Boddén: Sure, I will just state exactly what the Law says and there can be no misinterpretation, sir.

What the Law says is that where the sum insured on the policy of life insurance exceeds \$1000 "**there shall be charged duty on the policy of whichever is the greater of \$25 or 0.05% upon the amount insured calculated without bonus.**" That, Mr. Speaker, is the

same as is set out in the present Law. So, the Green Paper that came out, the amendment to the Stamp Duty Law, did not change that percentage at all, it was the same in the old Law, it was merely repeated. I guess it just goes to show you, sometimes it is better to be left alone, and perhaps it can never be an issue.

So, Mr. Speaker, under the Law as it now stands (and which was repeated in this amendment) there was no cap at all on a local policy. That is all I intend to deal with in any depth here. If we were dealing, for example, with \$1 million, then the premium would have been \$500 that was actually put into the policy itself and would then have been spread over the life of the policy. So, this was without any limit at all on the policy.

Now, what we have before us is an amendment. And if I may just say then, an amendment to the original Law that was passed probably 15 or 20 years ago. In fact, the first Stamp Duty Law came in 1977. Whether that had this specific part in it or not, I don't know. But all local policies of insurance were subject to 0.05% of the amount insured. There was no cap, no limit on it.

The present amendment is seeking to reduce the amount for local policies under the Law. It is not imposing any extra stamp duty on local people. It has reduced it from 0.05% to 0.01%. In order words, it has reduced it by 400%. So, that is a benefit to the local person—local policies have now been reduced under this amendment from 0.05% of the sum insured to 0.01%.

Anything that may have been said about the government trying to impose or increase stamp duty on the local person is not correct—in fact the government is giving the local person a break and we are reducing by 400% the stamp duty on local policies. So, a lot of the passionate submissions that may have been made about not helping the local person, we see that in effect the government is helping. The government is reducing the amount paid by a very large sum.

But even more important, Mr. Speaker, the government is now capping the local insurance policy stamp duty at \$200. Remember, before this it was unlimited; the sky was a limit. It was 400% more, and it had no cap on it. So, I submit that this is a good Bill, and I don't see any room for anybody to try to say that this is not what is good and in the interest of the country.

Now, Mr. Speaker, there was some comment about the Class B exempted companies and the policies that are done overseas and whether the \$200 cap that is on locally, which didn't exist before, should not be reduced to \$100. The position is that in our competitor countries there is no stamp duty imposed on offshore policies, the same as now there is no tax or duty of any sort imposed on most external transactions in this country. The reason was that it was better to put a lesser amount on those policies and get some revenue than to go to a higher amount and not get any.

There was some reference to taxing money that flows through the country. History will show that the Cayman Islands got its beginnings in a time some twenty-odd years ago when the Bahamas attempted to do the very same thing and the business just simply moved.

So, what is being sought by Honourable Financial Secretary in relation to insurance policies which is a flat fee . . . remember, with the local policy it is a percentage. In fact, many of the local policies, I would think the vast majority, will not reach the maximum now that we have reduced the stamp duty by 400%. But it is an attempt to get a small amount of policies that are issued abroad by exempted companies, or at least are issued for business abroad. These can be a very large amount of policies. I am sure we are looking at hundreds of thousands, maybe millions of policies that may be issued abroad, and \$100 in each of those could be a substantial amount.

So, we are talking on the one hand about creating new ways to raise money. Subsection (3) deals with policies for exempted or overseas companies. That will in fact be a new head of revenue. Remember before this, as I understand it, there was no stamp duty on those. So, that has to be good. It is another innovative way that the government has looked at to raise funds for the country, and I think that members here should support that.

It is one way that we can begin spreading the base of our revenue. Mr. Speaker, it is better not to get too greedy and try getting too much too quickly because as we saw with the Bahamas, where they tried to tap the X billion dollars that was going through there, and the percentage was extremely small, it did cause them to lose substantial business then. I think those of us with experience have learned to look carefully before one touches what is working good and bringing in good revenue into this country.

Mr. Speaker, I would hope that members would support that. I do point out, it defers from the local policies in that it is a flat sum. In other words, it is not 0.01% or 0.05% as it was before, it's just simply a flat sum and that in itself will bring in I think substantial revenue over the years. We do have some very good insurance business in the country.

Now, Mr. Speaker, I realise that this is a year where we are going to get speeches that try to produce votes for the elections. But, on the other hand, I think, we have to look at this in a calm way at one that is what is good for the people of the Cayman Islands and for the country. Therefore, I don't believe that the public knowing that we are reducing the stamp duty on life insurance policies . . . and I would encourage everyone especially young people who have homes to take out insurance because it is one way of providing for one's future. I am speaking about insurance generally now, not necessarily in relation to this amendment. Take out insurance as a way of guaranteeing your future.

Therefore, in summary, while there is a new stamp duty on exempted companies, and it is really on restricted class B exempted companies. On the local policy that affects Caymanians and residents, we find that there is a 400% decrease. And, more importantly sir, it is now being capped at \$200. I would think, sir, that the vast majority of policies (and I am not too sure what the calculation is but say it is \$100) would be \$25, which is a minimum. So, the chances of really even reaching \$200 on a policy would have to be a fairly substantial amount.

Mr. Speaker (subject to a calculator), to reach the maximum amount of \$200 at 0.01%, the policy would have to be \$2 million so there is no worry to the local person of reaching even the \$200 range, therefore, \$1 million is only \$100. So, to worry about the \$200 maximum, I think since we have reduced this by 400% to 0.01% will really never come into effect. But the cap is still there in case it is needed.

So, the amount is very small. It will lose some revenue on local policies to the government but the government is always prepared, as it has just done with the reduction and import duty, to make concessions that are in the interest of the public to assist them in every way that we possibly can. And this is a clear example of that. So, we are not—and I repeat, we are not—imposing any new stamp duty on local people. We are taking it off. We are reducing it by 400% and we are also capping it at \$200 maximum for each insurance policy.

But what we are doing is imposing \$100 on all life policies that are done abroad from a class B insurer in the Cayman Islands. That is a new head of revenue, something that's continuously called for by the opposition. In fact (I am referring to the vocal opposition, so to distinguish), they have never really come up with any new heads of revenue that we could pursue in the last 3½ years.

So, it is good to see that the Honourable Financial Secretary and the government are putting in a new head that does not affect the public at all. So, I support this Bill, sir, it is giving a break to local people and it is one that is important because it is dealing with inducing people to take out life insurance which is so important for their future and their children. Thank you.

The Speaker: The floor is open to debate. Does any other Member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, sir.

Mr. Speaker, the last honourable minister that spoke must be a joker if he believes that if the opposition has any strategies or any sources that they would be sufficiently disinterested in their own political future as to give it to the government that's in power to implement, to keep the opposition perpetual opposition. Mr. Speaker, nowhere in the Westminster system does it work like that!

Of course, the opposition has alternatives. They better have alternatives! And certainly, the persons with whom I am associated have alternatives, but it would be foolhardy of us if we told the government our alternatives for the government to implement in this election year and take our cannon and our ammunition and keep us perpetually on the backbench. Mr. Speaker, when the players' positions have changed, that honourable minister and others who are zealots like him will see what the opposition is going to do to make the system less onerous on the people.

As for his comments about in this election year, there will be famous proponents of speeches to propel votes. Mr. Speaker, the person who echoed those com-

ments originally is the greatest culprit of playing that kind of position. I have never decried anyone for doing that because this is the house of politics. I heard him say the other day that he doesn't need to go out to look votes, Mr. Speaker, I hope his results at the polls show that he was right!

Fortunately, or unfortunately, I do not find myself in such a generous position, and I have to work very hard all of the time to ensure that I have an advantage and an ability to get elected—especially if he is going to come at me like he came in 1996. I was lucky to have escaped. So, he cannot lure me into any false sense of security now by telling me that I shouldn't go out to look votes.

Now, Mr. Speaker, no one on the opposition has stated that they are not supporting this Bill. Indeed, we are happy to find that the government has reduced the percentage down from 0.05% to 0.01%. But even in that reduction there is a disparity, an anomaly, and a paradox because the honourable minister last speaking says that our competitors do not have this tax imposed on persons in their jurisdiction, yet we have it.

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order?

POINT OF ORDER

Hon. Truman M. Bodden: What I said, sir, was that the competitive jurisdictions do not have this tax imposed on policies of insurance that are offshore, not on the local side.

The Speaker: That is really what I understood.

Mr. Roy Bodden: Thank you, Mr. Speaker. So, the honourable gentleman doesn't have any point of order.
[Laughter]

Mr. Speaker, it was clear to me from the honourable minister's contribution that he didn't understand the position taken by honourable members on this side. Particularly as the Financial Secretary (when he brought the Bill) clearly explained it in such a way that it could have been understood by all of us on this side. We have, Mr. Speaker, no less able people on this side than the government has on its side. What was obvious to me was that the minister was unable to understand it. For much of the time that the Financial Secretary was presenting the Bill, the minister was not in the Chamber, therefore he could not have understood the position outlined by my colleagues when they got up to speak.

One of the significant observations that must be made with the bringing of this Bill is that it appears to have been an afterthought on the part of the government. I would describe it, Mr. Speaker, as an amendment to an amendment. I have to wonder whether the position taken by the government in amending the original amendment was not indeed taken as a result of positions and points outlined by my honourable colleagues who spoke from this side of the House previously.

The government cannot pretend that all of the credit should be given to them. And in this regard, I have to echo the sentiments that I have heard frequently, that no one can dispute were originally echoed by the Third Elected Member for George Town: The time has come for us to implement a Think Tank because we have to begin to realise new areas of revenue. We cannot continue, in spite of what we are saying . . . and the reduction is commendable. The fact remains, however, that we are tapping into the same old source.

So, the calls from this side are accurate and legitimate. The Honourable Leader of Government Business cannot exonerate himself and cannot try to lead listeners into believing that we on this side are not supporting the Bill. Of course, we are supporting it. But in that support, we have said that the government should wisely set mechanisms in place to look for new areas of revenue. We are convinced that they exist if the government looks hard enough.

Mr. Speaker, anyone following the sequence of events would certainly be alarmed and concerned with government continuously making a lot of what I called petty ante amendments, little amendments. We believe that is the greatest manifestation of electioneering that there is currently, and any government that sets itself up to be a superior government should not have to resort to what my colleague, the Third Elected Member for George Town, described as petty ante amendments at this stage but should have been able to come up with original sources from which we could draw significant amounts of revenue. So, the passionate submissions that we made (according to the Honourable Leader of Government Business) have nothing to do with us not supporting this Bill. Rather, it has to do with our expressing alarm at the continued tapping into this structure of a tax system that we have set up. And, I echo that again that we cannot continue to go along the route that we are going; we must find ways of easing the burden off our people.

So, Mr. Speaker, the Honourable Leader of Government Business has to be commended for taking his zealous stand. But I would like to reiterate that there was no one on this side who expressed any opposition or who said that he was not supporting the Bill at this time. What we have said to the government is that if they are as conscientious and diligent as they said they are that they must come to us with new and original sources of raising money. They are flogging the same horse year after year and one of these years the horse is going to drop down.

Mr. Speaker, the comment about our competitors is a valid and sensible comment because we have to be sure that we position ourselves in such a way that we do not lose the advantage we now have. I am happy that the minister recalls what happened in the Bahamas years ago, because competitors are quick to point out to prospective investors and businessmen the weaknesses in our system. We are supporting the Bill, but we said the onus is upon the government now to come up with different ways—original, less onerous ways—of raising money in these kinds of cases.

The Speaker: The floor is open to debate. Does any other member wishes to speak? If no other member wishes to speak, does the Honourable mover wish to exercise his right of reply? The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I would like to commence by thanking honourable members for their comments on this Bill. I must say that quite a lot of useful information has been given.

Mr. Speaker, quite a few members initially suggested that the acquisition of local insurance by persons within the community could be put at a disadvantage having to pay a higher rate of stamp duty. It is good to see that right across the Board there is support of the Bill. I am certainly glad to point out that all honourable members in supporting the Bill have given recognition to the fact that first of all where the sum paid locally would exceed what would normally be paid by persons taking out insurance under section 3 of the Law, dealing with the offshore market, the policies to be taken out would have to be exceedingly substantial. So overall, our local community would benefit tremendously from this reduction in the rate of stamp duty on local policies.

Mr. Speaker, the reference to 0.05% as mentioned in section 2B of the Bill is not new as pointed out by the Honourable Minister for Education. But absent this amendment which is now being proposed by the government, this would have preserved the status quo as set out in Law. The only difference between the new Bill and the existing provision (absent the amendment) would have been the statutory minimum of \$25 now being proposed in the new Bill.

Mr. Speaker, under existing provision in the Stamp Duty Law, the stamp duty payable on policies of life insurance amounts to 0.05% of the principal sum calculated without bonus. This 0.05% as pointed out by the Honourable Minister for Education and recognised by other honourable members translates into one-twentieth of 1% according to everyone's calculation. Based on this calculation, if a person acquired a life insurance policy of say \$50,000, the stamp duty payable would be \$25. If we were to take a policy of \$100,000 (this is under the existing legislation absent the amendment) the stamp duty payable would be \$50. On a policy of \$400,000 at 5%, the stamp duty payable would be \$200. On a policy of \$1,000,000, the stamp duty payable would be \$500.

Following the passage of this amending Bill, if allowed, the rate of stamp duty payable will be one-one hundredth of 1% in comparison to the one-twentieth of 1%. In addition to the statutory minimum of \$25, there will be a statutory maximum of \$200. This will, in effect, prove very favourable for our local community because although the difference between \$200 and \$500 doesn't seem to be much, at the end of the day we know that most persons that are acquiring life insurance policies . . . often times when a person buys a policy for \$100,000, this is not necessarily the amount that is needed, but often times this is what their income level can afford. Any help that can be given in that direction is very much wel-

comed. When I say the local community that includes all of us.

If we were to take a policy of \$50,000, there is a statutory minimum of \$25 because often at 0.01% this would translate into \$10. But it is generally felt that by having a statutory minimum it is very useful because we know at the regulatory level, there are administrative charges.

At this point in time, we know that the Monetary Authority has introduced the concept of on-site inspection. When these inspections are carried out, usually one of the things that is looked at is to ensure that all requirements of the Law are complied with. This would mean having to examine the records in respect of the policies issued to ensure that the local stamp duty would have paid.

Let's say a policy of \$100,000 at 0.01%, again, the statutory minimum is \$25. Under the existing legislation, the sum payable would be \$50. On \$400,000 at 0.01%, the charge is \$40 as against what currently obtains in Law, the stamp duty is \$200. On \$1 million, as said earlier, the stamp duty payable is \$100 as against at 0.05% at \$500. On a policy of \$5 million at 0.01%, the statutory maximum will come into play which will put it at \$200 as against what is now the provision in Law, which allows for stamp duty of \$2,500 to be paid.

The existing provision in Law, as is recognised, Mr. Speaker, is not only more costly if a person is acquiring large policies locally but it has also restricted the development of products within the offshore market. Hopefully, Mr. Speaker, this amendment will now address both aspects making it more affordable for persons acquiring insurance locally and also allowing for us to tap into that aspect of the captive market as pointed out by our previous Head of Insurance Division.

We have been advised that there is one local company in particular, that is currently in negotiations with a large insurance company outside of the Cayman Islands. It is anticipated that it will be seeking to offer such life insurance products within the Cayman Islands to overseas residents. If this materialises, this will generate a considerable amount of revenue to offset the amount of stamp duty that would currently be given up in terms of those policies that are being purchased locally.

So, there is an offsetting effect and hopefully everyone will be better off for this. Therefore, at this time I would like to say thanks to honourable members for supporting the passage of this legislation. As I said earlier, the natural question to be raised is what will be the impact on government revenue. As I said, it is quite likely that the government will be losing some revenue on local policies, but it is anticipated that such loss will be more than offset by the increase in revenue that will flow from the captive market. This view, honourable members should note, is very consistent with views expressed, as I said earlier, by the past Head of the Insurance Department.

We would anticipate, Mr. Speaker, that the local insurance providers (as soon as this amending legislation is assented to) will take note of the change and this will be factored into the insurance premium. The reduc-

tion should be shown, because as a part of the on-site examination the Monetary Authority will continue to look at this aspect and whenever examinations are carried out, files will be examined to ensure that the reduction as a result of moving from 0.05% or one-twentieth of 1% to 0.01% (which is one-one hundredth of 1%) will be reflected in the premiums and this will be looked at to ensure that the benefits are passed on within the local community.

Mr. Speaker, the amendment that was circulated to honourable members indicated that the amendment 2B should have been 0.001%. Mr. Speaker, that was an error, and I will take responsibility for this. It should be 0.01%, this is what it should show. This 0.01% translates into one-one hundredth of 1%. I have since spoken to the Clerk's office and this amendment will be circulated. Therefore, it can be correctly addressed in the committee stage on this Bill.

I would like to thank honourable members for their support.

The Speaker: The question is that a Bill entitled, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999 be given a second reading. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE STAMP DUTY (AMENDMENT) (INSURANCE POLICIES) BILL, 1999 GIVEN A SECOND READING.

The Speaker: At this time we shall suspend proceedings until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 1.04 PM

PROCEEDINGS RESUMED AT 2.52 PM

The Speaker: Please be seated. Proceedings are resumed. The Honourable Minister for Tourism, Commerce, Transport and Works.

SUSPENSION OF STANDING ORDER 14(1)

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Under Standing Order 83, I wish to move the suspension of Standing 14(1) to allow a Member of Government to read a statement under Standing Order 31.

The reason for this, Mr. Speaker, is that we believe it is in the best interest of the public that we clarify the headline in today's *Caymanian Compass*, which is entitled, "**Civil Service Call for Parity.**" It talks about the Government. My statement will seek to clarify that particular point.

The Speaker: The question is the suspension of Standing Order 14(1) and 4 and under Standing Order 30(1)

and (2) that the government make a statement. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(2) SUSPENDED TO ALLOW THE HONOURABLE MINISTER OF TOURISM COMMERCE, TRANSPORT AND WORKS TO MAKE A STATEMENT UNDER STANDING ORDER 30(1).

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

STATEMENT BY HONOURABLE MEMBERS/MINISTERS OF GOVERNMENT

CAYMANIAN COMPASS HEADLINE "CIVIL SERVANTS CALL FOR PARITY"

Hon. Thomas C. Jefferson: Mr. Speaker, the statement reads as follows: "Headline in *Caymanian Compass* of 7 February 2000 entitled, 'Civil Servants Call For Parity' 7 February 2000." We refer to the headline article in the *Compass* of Monday, 7 February 2000 referring to the Government.

The fact is that under the Caymanian Islands Constitution, section 7, the civil service is the sole responsibility of His Excellence the Governor with delegated responsibility to the Honourable Chief Secretary.

Section 7(1)(c)(v) of the Constitution reads as follows: "**The Governor shall, subject to the following provisions of this section, consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in the Islands, except in the exercise of— (c) any power that in his opinion relates to—(v) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision"**

Mr. Speaker, the development of the Cayman Islands over the past 30 years has been accomplished significantly by a strong civil service contribution as it provides stability in the decision process of all governments.

This government appreciates the contribution of the civil service, and has and will continue to be supportive

of decisions that are in the best interest of the country and the civil service.

Thank you, Mr. Speaker.

The Speaker: Government Business, Bills, Second Reading.

The Clerk: The Loan (Capital Projects 2000) Bill, 1999.

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the second reading of a Bill entitled, The Loan (Capital Projects 2000) Bill, 1999.

The Speaker: You may continue.

Hon. George A. McCarthy: Mr. Speaker, as Honourable members will recall, the Bill that was circulated at the time the Appropriation Bill was presented to this Honourable House indicated that the government would be seeking to raise new financing by way of borrowings in the amount of \$15 million for the year 2000.

This would be required as part of the funding necessary to finance the capital development programme which (as amended for the year 2000) now stands at \$44,521,612. Mr. Speaker, honourable members will recall with the decision being taken to transfer \$1 million to provide financing for low income housing, this reduced the initial amount of \$9.35 million intended to be transferred from general revenue in order to be part of that financing package. As a consequence, a decision was taken to increase the borrowings by \$1 million to compensate for that \$1 million reduction from general revenue.

Honourable members will recall that an exhaustive review has been done of the Capital Development Programme, which as set out in section 3 of the budget document shows this area has been broken down into different segments. We have, for example with public buildings, the amount to be expended in the year 2000 amounts to \$22,673,512.

If we were to take programmes in excess of, let's say, \$200,000, we can see that the very first item appearing would be the extension of the male cellblock at the Prison Department. Programmable expenditure for the year 2000 amounts to \$555,346 and we can see, Mr. Speaker, that this is the part of an expenditure package commencing in 1989 which at the completion the overall cost will be in the region of approximately \$1 million or \$978,000.

We see at the Prison Department again, there will be expenditure in the amount of \$240,580 for electrical main upgrade. We see that this is a part of an overall cost that will amount to \$379,912 on completion.

Continuing further, Mr. Speaker (and I trust that Honourable members and you will bear with me because we have gone into these items significantly already but I think it is very important that we repeat them), we see for

the Customs Department that there is programmable expenditure of \$1,796,847. Mr. Speaker, we know that the Customs Department is one of government's significant revenue earning departments, but at this point in time because of shortage of office space the Collector of Customs and [some] of his administration staff are presently housed in the Tower Building. It would lead to greater efficiency, not only for the Collector and all of the Customs Officers to be in the same location in terms of having a centralised administration block, but it will also be beneficial to the community at large because when everyone is working together there will be synergy.

Although the telephone is quite useful and there is not much of a distance as would be perceived in terms of travelling from the offices at the airport to the Tower Building, when everything is taken into account even the travelling time on the road and even the time when the Collector of Customs takes the decision that it is necessary to visit the airport offices, all of this travelling time will be obviated. Thus, there will be a greater amount of time available to the Collector and his administration staff to attend to the duties and responsibilities of the Customs Department, and his senior staff members will have him available to consult with them and he will also have his senior staff members to consult with. So, overall it should lead to greater efficiency.

Mr. Speaker, when we look again, we see that there is a sum provided of \$700,000. This is to cover expenditure for the year on the secured children's home facility. We see that there is a sum of \$10.8 million, which suggests that the overall completion cost of this facility will be in that region. But as we know, these figures are continuously being refined. Any savings that can be realised by taking a very close look at these capital projects will be very helpful and we trust that the Public Works Department and all the persons involved in the costing will look very carefully in order to try and minimise the expenditure to government.

We see for the Drug Rehabilitation Centre Phase I, at Breakers, there is programmable expenditure of \$910,000 and there is an estimated cost of completion of approximately \$1.3 million. We see that Phase II of that facility will involve a costing of \$300,000. And again in Phase II there is an estimated cost to completion of \$580,000.

So, when we look at the capital schedule, first, I should point out that the government will have to express gratitude to honourable members of this House and also to all who have shown an interest. What we have by way of a budget document now, setting out the capital projects starts out by providing information as to estimated cost of completion, expenditure in the immediate preceding year, what will be expended in the current year and future programmable expenditures. So, for example we take the civic centre/hurricane shelter in George Town, we see that there is \$1,250,000 that has been provided in the year 2000 against an estimated cost to completion of \$2,378,000.

Just going down the line, we see that for the Lighthouse School or the primary school number one for George Town, there is a sum of \$1,901,230. Mr.

Speaker, this is part of an overall financing cost of approximately \$9.2 million.

Therefore, as we continue down the line, for example, we see that we have the George Hicks High School: Administration Building—extension and alterations, provision in the year of \$450,000 against the cost to completion of \$1,118,000.

We see for the Savannah Primary School: Development Projects: Four classroom block, there is programmable expenditure of \$900,000 against cost to completion of \$1,116,000.

Continuing with educational facilities, we see that the new Lighthouse School Facility, the amount provided for the year 2000 is in the region of \$6.5 million. The estimated cost to completion is \$7.6 million so therefore the bulk of expenditure that will be incurred on this facility will be spent in the year 2000.

Mr. Speaker, it is to be noted that for the Education Department, the sum provided for the year 2000 is in the region of approximately \$14 million and of this, approximately 50% of it has been allocated for the new Lighthouse School. So, this is approximately 31% of the total capital budget for the year 2000.

Again, when we look at roads throughout Grand Cayman, Cayman Brac and Little Cayman, the overall programmable expenditure for the year 2000 amounts to approximately \$12.4 million and this represents approximately 28% of the capital budget for the year 2000.

Quite a lot of statements have been made by the Honourable Minister with responsibility for Roads and we can see the works that are presently being done in Grand Cayman. I cannot state exactly what level of improvements are being done in our Sister Islands, but we know that at the time the discussion was taken to release funds for continuing projects in Grand Cayman, the same was agreed for Cayman Brac and Little Cayman. So, there should be continuation of road works thus providing continuing employment to those persons especially in Cayman Brac who would be engaged by the government in this programme.

We see for Recreational and Cultural Facilities that the programmable expenditure . . . it has just been confirmed to me by the First and Second Elected Members for Cayman Brac and Little Cayman that road works are well on the way and continuing.

Mr. Speaker, as honourable members will recall, the government welcomes the support of all honourable members of this House to try and get as much of the road works carried out within the dry months because we know that although monies have been allocated in the budget in previous years that quite a significant part of the road works have always been hampered because of the rainy season. So, we can see the results here in Grand Cayman and it is also evident in Cayman Brac and Little Cayman what is being done.

So, capital works in the area of roads are currently under way, everyone is very satisfied in terms of the results now, and we will be optimistic that the road works as programmed for the year 2000 will be substantially accomplished.

First of all, we heard the undertaking given by the government that supports the continuing construction and development of the West Bay Civic Centre/Hurricane Shelter. We see that \$523,000 has been provided in the budget for the year 2000 against estimated cost to completion of approximately \$4 million.

We see, again, \$325,000 provided for community parks in Grand Cayman and \$50,000 for the development of community parks in Cayman Brac and Little Cayman. In Grand Cayman, the estimated cost to completion is \$1,198,838 and in Cayman Brac and Little Cayman, \$182,000.

So, we can see that all significant areas are currently being addressed by the government. We see under this same section dealing with recreational and cultural facilities that the government will be spending \$200,000 in the year 2000 against estimated cost to completion of \$469,000 or approximately \$470,000 for the continuing development of the cricket oval pavilion facility. Also, \$250,000 against estimated cost to completion of \$675,000 for the Cayman Brac Football Field.

Mr. Speaker, we can see that the government in terms of its commitment to maintain existing projects that have been developed will be spending approximately \$140,000 in the year 2000 to provide for upgrading and irrigation works at the Truman Bodden Sports Complex.

We can continue to look down this area and we can see where sufficient provisions have been made to not only commence the development of new projects but also a commitment to the maintenance of existing facilities.

We see for cemeteries that the government has programmable expenditure of \$171,000 in the year 2000 against estimated cost to completion of \$975,074 and this is within all of our islands.

We see for harbours and docks, \$149,000 has been provided against estimated cost to completion of \$1,254,000.

We see for purchase of lands, the government has also provided \$2 million and we know, Mr. Speaker, this is an on-going expenditure because as the government continues to develop especially road facilities that it is necessary to acquire land in order to facilitate such development.

We see for the landfill development that \$360,100 has been provided against estimated cost to completion of projects in the amount of \$5,305,634. This is broken down between Grand Cayman and Cayman Brac.

We see for health care facilities that the government will be spending \$3,250,500 and the bulk of this will be for continuing works at the George Town Hospital, completion of the existing new facilities plus allowing for the commencement of construction on a mental health and geriatric unit.

As we continue, we see for agricultural development that there is a sum provided of \$450,000 against estimated cost to completion of projects that have been programmed in the region of approximately \$3 million. We see for project development, design and costing, \$505,000 has been provided against estimated cost in

terms of the proper evaluation of these projects of \$1,091,000.

It should be noted that until the items in this section of the budget are transferred into their proper section within the capital budget that these in themselves will not constitute approval to go ahead with these projects. I think this was pointed out when the budget address was being presented for the year 2000.

Mr. Speaker, I am hoping that by Wednesday of this week, I will be able to provide a schedule stating the end of year financial position on the public debt. According to the Treasury Department, the amount owing as at 31 December 1999 is in the region of \$82,424,663, and for self-financing loans, \$15,904,138. We know that in the budget itself a significant amount of this . . . When I say significant amount because of the fact that the government has been borrowing short over the years, this aspect is currently being examined and every attempt will be made to continue to explore long-term financing.

But that long-term financing, Mr. Speaker, hinges on a very significant factor. We know that because of our GDP, our per capita income, there is a presumption that the Cayman Islands is exceedingly wealthy. Therefore, financial institutions that normally would lend on a long-term basis are somewhat hesitant to provide any form of substantial financing to the Cayman Islands at subsidised rates.

We are anticipating that we will at a given point in time (and I am hoping in the not-too-distant future, as was pointed out in response to questions that were raised and discussions taking place in Finance Committee) we will be able to break down the GDP and come up with what is referred to as an "indigenous factor," rather than taking it right across the board as it now stands. When it is said that we have a per capita income in excess of the figures that are now being given, we know that this is not reflective of an accurate position right across our community. This is when the Cayman Islands is embarking on the development of a needed infrastructure and every assistance that can be given to us at this point in time in achieving that goal should be given.

I recall that the Honourable First Elected Member for West Bay and I approximately two years ago met with representatives of Caribbean Development Bank (CDB) and we thought at that time it was a useful meeting because shortly thereafter they sent a delegation to the Cayman Islands to meet with us.

We know that the CDB is always willing to lend us money, but it is not at a subsidised or reduced interest rate. It is normally from what we call ordinary resources pool, and it is very difficult (according to them) to justify any portion of those borrowings coming out of their special development funds.

But when we have this indigenous per capital income, when this has been done (and we are hoping that it will be accepted) this will be probably a new methodology in terms of developing that type of statistical data to show the different tiers that exists within the economic strata within a country that will be accepted as valid by CDB and other financial institutions that we will be approaching, and will not be taken to mean that these fig-

ures have been specially developed in order to reflect a position that is not representative of the Cayman Islands. This is really what we are hoping, Mr. Speaker.

We have spoken to CDB along those lines and we have asked for assistance in developing this information in the past, but we have not come to a precise position where this is an indication that help will be provided. So, we are going to go at it ourselves. I cannot say exactly how it will be done, but we are hoping that the community, when we start to gather information for this exercise, will be willing to assist the government and not to misconstrue the reason why this data is being collected. But it is very useful for us to get this data, Mr. Speaker, in order to reflect truly the indigenous per capita income of the Cayman Islands really is.

We know that we have quite a significant sector of our economy that is represented by the offshore sector. We know that we have quite a large number of persons that could be regarded as transient and are working in that area, and that not all of the monies that are earned remain within the community. This is not a criticism, as such, but we have to come to a realistic understanding as to what is our current position. This again will have to be complemented.

The Honourable Third Elected Member for George Town has been talking about the Think Tank Committee and I am fully in agreement with him. The government is in agreement with him on this. As I pointed out during Finance Committee, as soon as the costing information is done whereby we can have a group of people sit and look at that information . . . because that information will be relevant in terms of looking at the costing of services that are now being provided by the Government sector and that is all areas.

Another very important aspect of this, is to have in place a cost recovery programme in that we will look in terms of the cost of providing all of the services right across the board and a decision can be taken by members of this honourable House as to what areas of services should the government continue to subsidise as against what the government will seek to recover at 100% of the cost of providing those services.

Under the Financial Reform Initiative, we are looking in terms of indexing the revenue measures that are there. So, on an annual basis, rather than having to wait three to six years to come to this honourable House to introduce what appears to be new revenue measures because on one hand what costs \$1 today—inflation factors will come into it for the 2001 budget—next year it is likely to cost \$1.10. What is unlikely to happen is that there will be a complementary shift on the revenue side to raise that additional 10 cents in order to equate revenue with expenditure or expenditure with revenue. That additional 10 cents will be treated as new revenue measures. So, the way to address all of this is to have everything moving in tandem.

What will also be provided to this honourable House by Wednesday of this week, will be the details in terms of the impact that the borrowings will have upon the position of government at this point in time showing the position reflected through the end of December 2000. It will

show the beginning balance in terms of the public debt balance as at 1 January 1999. It will show programmable drawdowns, as best can be estimated, during the course of the year. These drawdowns will increase that balance but there will be a reduction to reflect the payments that will be made during the course of the year 2000. So, every effort will be made to minimise drawdowns in the year 2000 thus trying to keep the public debt position to a minimum.

In keeping with the policy instituted by the government, the first expenditure to take place against capital projects in the year 2000 will be the \$8.35 million that will be transferred from general revenue in the first instance. The second source of funding will be monies that will be coming in from the various funds from which monies will be transferred. Thirdly, will be the drawdowns against the unexpended loan that was approved in 1999, and, lastly, in terms of the loan for 2000. So, all of the monies that will be available from central government, general revenue and funds will be used up in the first instance before any attempt is made to draw down against loan balances for 1999 that has already been approved and for the year 2000 that will be approved.

So, Mr. Speaker, every effort will be made in order to try and keep the cost of borrowings to a minimum. As I said, Mr. Speaker, ideally when look at our position, we know it is likely that we are going to be slightly over the \$100 million mark. But rather than giving this as a precise figure, as soon as the information is received as it is presently being worked on by the Economics and Statistics Unit . . . honourable members will recall that there was a schedule that was presented to them during the course of last year when that loan package was being presented. This information will be available by the government to honourable members of this House to show what the position was at the beginning of the year plus what is likely to take place by way of add-ons to that balance by way of drawdowns and reduction by way of payments during the course of the year.

Mr. Speaker, as I pointed out the capital programme for the year 2000 is in the region of approximately \$44.5 million. Every attempt will be made among the Public Works Department, the Treasury Department, and all departments of government concerned, to ensure that the best management processes are employed in dealing with capital projects for the year 2000. Thank you.

The Speaker: The question is that a Bill entitled, The Loan (Capital Projects 2000) Bill, 1999 be given a second reading. The floor is now open to debate. The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, we are borrowing to assist with running the country when supposedly the economy is doing well? That tells us that we are still on the wrong road. We borrow, and we raise small fees here and there affecting everybody in this, the new millennium.

We have talked about reform seriously now for the last couple of years. By now I would have thought we would have been well on the way so as to alleviate the

need to go through the hell we have gone through in the last budget process of the government.

The result, Mr. Speaker, of our system, our wants and our needs, has put us at what I feel is a serious crossroad because of the gaps that have shown up in the last budget. The only way out for the government is going to be to request for supplementary expenditure during this year, allocations which will not be matched by an increase in revenue, and consequently, may give rise to a cash flow crisis later on in the year. I have seen this happen before, Mr. Speaker. The gap in the budget is the unfunded past pension liability that has come about and there are undertakings by the government that were not budgeted for. So, there could be a problem later on.

Mr. Speaker, we have an economy that is growing by about 5% per annum. That is the last figures I heard. And yet we have this problem. Some people are saying we are going too fast, but I have to wonder what we would be like if we stopped. I wonder what kind of problems we would raise by stopping. We would be a country of poorer people—much poorer than we are now.

Mr. Speaker, I am one that says we don't need to stop. We need to manage better. We must sustain what we have, but change the way we are doing things. I said on Friday that we couldn't keep hitting the same areas, raising garbage fees and so on and borrowing. The poor people of this country cannot take any more. The middle income [earners] are at their limit also, and I will give you an example. At the top of the range, a young upper-middle income Caymanian couple with two children, the husband makes \$3,000 per month and the wife makes \$2,500 per month, a total of \$5,500 per month. First of all, they take about 8% - 8½% for pension and health. They are left with about \$5,000. They have a mortgage of \$1,700, car loans of \$700. They are then left with \$2,600. They have various other costs including house insurance in the region of \$500 and they are then left with \$2,100. They must buy food, they have telephone, gas and electricity bills and this adds up to \$1,200 plus \$300 for life insurance, that is \$1,500. They are left with \$600 not including car maintenance, house maintenance and household help.

We can see, Mr. Speaker, what is happening to our people. If this is the monthly position of what you call the upper middle income, where do we expect to further burden them.

Now, we have not gotten to the average Caymanian who is making much less but has the same burdens. This is the position our people are in. It is as plain as the nose on our face that we must change the way we are doing business and in so doing allow our people to be able to do better. We cannot hit them any more. Borrowing too much will only ruin us in the long run. I have said often enough that we need to find money from elsewhere to run the country. That is what others and I said on Friday. I said that a lot of funds are going out of this country to build up other countries through the illegal lottery.

Mr. Speaker, I said that government should seek to get money to run the country from where money exists in the financial industry. I believe that we can do that successfully if it is done right. I don't know whether the gov-

ernment believes that everything they do is done right, but certainly, the end result doesn't say so. When we say that reform is necessary and government needs to get more revenue, we believe that we are on solid ground. In mutual funds, lawyers get \$25,000 or in that region I understand—this is information that was given to me—for setting it up. An auditor gets \$15,000 for auditing. We get \$500. We pay regulators, set up money authorities and so on and we have to do that for the country to be properly a regulated, stable country. We have to bear these costs in setting up these institutions.

But this is what I am talking about when we talk about we need to change. We need to see how government has to run its business too. Lawyers get \$25,000. Auditors, I understand gets something like \$15,000, and we get \$500. I understand that an investor gets about \$3 million out of a mutual fund of some \$20 million or \$30 million. Of course, the investor must be paid properly. He must make money from his business, that is what we are all about. We would never want to change that.

So, Mr. Speaker, I believe that we can do some things to change, but there has to be a change in the mindset on Executive Council when it comes to certain areas that affect certain people. I am not suggesting that government be like a thief in the night, I have never promoted that. Government would have to be forthright with the public in examining the ideas put forward on Friday evening. It cannot be done arbitrarily and unexpected by government intervention. It would have to be well planned so that everyone is on an even keel.

The financial section would have to be brought into dialogue. Sit down, talk and discuss what needs to be done to keep us on the right track where we don't get in trouble at the end of the day. The financial sector would have to be brought into dialogue to discuss where they see their role in contributing equitably into the orderly and sustainable development of the Caymanian economy more than is being done now.

We talk a lot about public and private sector dialogue. Well sir, this is what I am saying, develop where we can come to a more equitable arrangement in these islands. In 1986, we changed from a tax haven to a financial centre, an international business centre, and now we have more credible, upstanding business in our country. In the old days, suitcases of dollars came into the industry and now all that has changed.

As I said, we changed from a tax haven to a well-regulated financial centre. Now, the global situation has demanded that business conducted here is more above board and it is wire driven.

Mr. Speaker, in saying that about the old days suitcases of dollars we heard passed through, is not to say that we never had regulations. We did. But I am saying that today we are better regulated. In any event, Mr. Speaker, the changing global situation has demanded that business conducted here is more above board and it is wire driven. I believe as I said on Friday, we could be better off if we examined ways and means of putting in place (after the discussions I talked about) a fee on this wire driven business.

As I said, Mr. Speaker, a fraction of a cent . . . and we would have sufficient funds to budget for good roads, better educational facilities, budget enough to fund tertiary health care and pay our civil servants better, including paying our teachers, our policeman, doctors and nurses, salaries that are equal to their professions.

Mr. Speaker, someone talked about the Bahamas running away business in the early 1970s. But it is not what you do so much, as how it is done. I am not here to denigrate any foreign country. What I am saying is that we can learn from others, we can do better if it is done right but I believe that we can do that. If that could be done, this country could afford to remove duty from all foodstuffs where it doesn't bother our local businesses, where it doesn't hurt our farmers and our entrepreneurs who have bakeries. There is no reason for this country to be in the pitiful position of presenting deformed budgets.

This Loan Bill is to shore up the pitiful budget. It became clearer as we went through the process just how pitiful a position we are in. All those that say otherwise let them say it. I have gone through the process and I have seen it. Someone said this is opinion, but facts are there to back-up opinions.

Now, Mr. Speaker, this year I thought the government after hearing so much about reforms and priority would have tried to do capital work that is absolutely necessary and work that can be done this year.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.52 PM

PROCEEDINGS RESUMED AT 4.40 PM

The Speaker: Proceedings are resumed. We have passed the hour of adjournment; I would entertain a motion for the adjournment of this Honourable House. Honourable Minister for Tourism, Commerce, Transport and Works.

ADJOURNMENT

Hon. Thomas C. Jefferson: Mr. Speaker, I take pleasure in moving the adjournment of this Honourable House until 10.00 Wednesday morning.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 am on Wednesday. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. Wednesday.

AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 9 FEBRUARY 2000.

**EDITED
WEDNESDAY
9 FEBRUARY 2000
10.30 AM**

[Prayers read by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item 3 on today's Order Paper, Questions to Honourable Members and Ministers. Deferred Question 87 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 87

Deferred Question – 8 September, 1999

No. 87: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development for the total public debt to date.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The total public debt as at 31 December 1999 was C\$82,424,663. This does not include self-financing loans which stood at \$15,904,138 as at 31 December 1999.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable Third Official Member state if there are any available figures for what is termed "contingent liabilities"?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I have the contingent liabilities up until 31 December 1998. I can make that information as at 31 December 1999, but the Treasury would need a few days in order to refine that information and make it available. But as at 31 December 1998, the contingent liability was \$149.9 million; as at 31 December 1997, \$157.5 million; as at 31 December 1996, \$171.6 million.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable Third Official Member state if that figure as at 31 December 1998 includes the public service pension liability?

The Chairman: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes, it was showing the public service pensions liability as at 31 December . . . Mr. Speaker, the amount shown as at 31 December 1998 was \$117,181,436. But I should mention that this was the figure based on the actuarial valuation as at 1 January 1996. That has been extrapolated to achieve this balance because this figure as at 31 December 1997, again, based on the actuarial valuation carried out as at 1 January 1996, was \$127,626,146.

So, as the assets in the fund continue to build up, this is being offset against the deficiency in terms of the public service pensions liability, hence we have a declining balance.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Will the honourable Third Official Member agree that while the 1996 figure was the only figure to go by, it doesn't necessarily mean it is an accurate figure? It is possible that the liability might rise rather than fall.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: It would have been an accurate figure as at 1 January 1996, but we know that changes would have been brought about subsequent to that because the band of persons to be included in the pension scheme has since widened. All of that will have to be taken into account. That is why we are now awaiting the actuarial valuation that is currently being conducted. As members were advised in Finance Committee, that will be available by 1 April 2000.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable Third Official Member explain what timeline for completion of payments we have facing us on this total public debt figure mentioned in the answer?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: What has been done takes into account the Loan Bill that is presently before the House. As I mentioned on Monday when the Bill was presented, there would be a schedule developed in order to show projections in terms of when the indebtedness of government would be liquidated based on the current balance taking into account drawdowns that will be made in the year 2000. This would be on the basis that drawdowns are made in full. But we know that oftentimes that is not the case.

Taking into account the drawdowns against the loan that was approved in 1999, and is also under review at this time, this will take the indebtedness projected through the end of 2000 to \$103.9 million. Against that, it is expected that 13 loans for a value of \$6.4 million, or representing 6.1% of the total, will be paid off within a period of zero to five years. That's between the years 2000 to 2004. Running between five and ten years, that's between the year 2000 and 2009 there will be a total of 19 loans for a value of \$67 million, comprising 64.4% of the projected loan balance as at 31 December.

Between ten to 15 years, again taking into account up to the year ending 2014, there will be seven loans for a value of \$29 million, or 27.9% of the loans portfolio. And beyond 15 years, there will be a balance of \$1.6 million representing 1.5%.

So, what we are looking at between now and the end of 2014, if no further loans were taken out, based on the programme of repayments set out in the schedule and taking into account what is anticipated against the new loan of \$16 million, that the balance owing at the end of 2014 (31 December) will be \$1.6 million.

The assumption is that by the end of year 2015, from now through 2015, all loans on the government's books will be liquidated.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the honourable member say if this included the loans from the authorities as well?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: No, Mr. Speaker, I am dealing with government's public debt position.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is there any way the member could say what the contingent liabilities are now? That would be the loans from the authorities.

The Speaker: That was in the answer to the substantive question, "self-financing loans."

The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The contingent liabilities would represent those loans that have been guaranteed by Finance Committee. But, in terms of obligations where the authorities themselves have negotiated loans without guarantees issued by the government, those would be separate and not factored into the contingent liabilities of government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the honourable Third Official Member state if these include the guarantees given by Finance Committee for Cayman Airways?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes, these would include the guarantees issued in respect of Cayman Airways.

The Speaker: I am going to have to limit supplementaries, so we will say three more. I am being reasonable this morning.

Mr. D. Kurt Tibbetts: You're a very kind man, Mr. Speaker.

The member mentioned some \$29 million in loans, which would be repaid within ten to 15 years. Can the honourable member state the nature of these loans? I have heard on more than one occasion that the borrowings by government are, by and large, short-term borrowing and not medium to long term.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: It would take some time to go through the schedule to identify the specific seven loans in question.

Mr. D. Kurt Tibbetts: Mr. Speaker, perhaps he could supply us with a copy of the schedule. That would be fine with us.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes, a copy of that schedule can be made available. The schedule would be set out in the 1998 accounts of government and will also be included in the 1999 accounts. But I will provide a copy of the schedule I have in front of me.

The Speaker: Are there any further supplementaries? If not, we move on to deferred question 158, standing in the name of the Third Elected Member for West Bay.

QUESTION 158

Deferred Question – 1 December, 1999

No. 158: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide a list of roads with related costs which are scheduled to be done in West Bay during 1999.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In addition to routine maintenance activities, the following roadworks have been completed in West Bay during 1999:

- | | |
|-------------------------|---------------------|
| ◆ Finch Drive | ◆ Weir Close |
| ◆ Logwood Drive | ◆ Dill Lane |
| ◆ Cemetery Road | ◆ Mar Close |
| ◆ Agua Lane | ◆ Foremast Close |
| ◆ Florence Lane | ◆ Capt Cadian Drive |
| ◆ Billy Manderson Drive | ◆ Schooner Lane |

The total expenditure as of 31 December 1999 is C\$273,858.00.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say whether or not this is a complete list of roads scheduled to be done in West Bay for the year 1999? If not what are the additional roads that were not done?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: In conducting a road visit we had made an agreement on some other roads that we unfortunately did not get done in West Bay. I think one in particular was off Powell Smith Drive. Although there was an indication on the map that there was a right-of-way to it, or an easement, we needed to get the information from the individual who latter brought it along. I think at that stage it was probably late November, and we never got finished with that exercise. It was an easement over private land that would take it to his house, which is some distance away from Powell Smith Drive.

There were a couple of other roads that we never got an opportunity to do as well. Some of the roads mentioned were not really finalised. For example, we did some work on Aqua Lane, but it certainly needs a second application.

So, I would say to the Third Elected Member for West Bay that there are probably a couple of roads we never got to. I did not bring that list this morning. But I am happy to provide that, if he so wishes, in writing.

The Speaker: Are there any further supplementaries? If not, we move on to deferred question 159, standing in the name of the Third Elected Member for West Bay.

QUESTION 159

Deferred Question – 1 December, 1999

No. 159: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide an update with respect to the construction of the Dalmain Ebanks Civic Centre in West Bay.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Design drawings and costing have been completed for the Dalmain Ebanks Civic Centre/Hurricane Shelter at the approved funding of C\$3,997,000 in the 2000 Budget. It is anticipated that construction of the facility will commence in the third quarter of 2000 with an expected completion date of mid 2001.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: In Finance Committee we passed a motion moved by me for government to consider moving ahead more quickly with the civic centre/hurricane shelter. Can the honourable minister say what is being done in regard to that motion?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: There was general agreement all around that if it were possible to move this project on faster than has been indicated in the answer (which we've had for some weeks), that we would certainly do so. This project has not been put before the Central Planning Board yet for their approval. Following that, we will have to go out to tender, and then the tender would have to be selected or agreed by the Central Tenders Committee. Then we would be in a position to award a contract and that person or firm would then mobilise. That process takes a significant amount of time.

I think we will have to see how we get on with that exercise if we can start earlier than what has been said in this answer (the third quarter of 2000), I am certainly pleased to do so.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say when it is anticipated that we will have planning approval for that project?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I asked the Permanent Secretary responsible for the area of sports to meet with a number of sporting organisations to have them review

these design drawings and for their comments on the facility. It is our intention that a number of games, such as basketball, volleyball, and badminton among others, could be played when we have inclement weather. We wanted their views, and we have their views. There may be some minor modifications made.

Following that we go for outline approval for the Central Planning Authority (CPA). In order to get final approval we need final drawings, which will take about two months to get, and be able to put it before the CPA.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The minister has the project document. I understand from the Third Elected Member for West Bay that he has seen this document since last year. I asked for a copy of the document while in Finance Committee. I would like the minister to have a copy made available to all of us sometime this week. Other members from the district have seen it, but I have not. I would like a copy.

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: I gave an indication of my willingness to provide a copy to the member some time ago. I believe that the Third Elected Member for West Bay saw the plans this year if not last year. One of the reasons why I didn't submit it already is because we had the sporting representatives commenting on the present design. I wanted to have those features embodied into the design of the facility so that I could give members what we call the final draft version of the building. But if they want what we have at the moment, there is no problem. I have actually asked for it to be given to them already.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you. At least other members from the district have had the advantage of seeing something. This member has not. I would like to point that out, and I would like the first draft of the document.

The Speaker: Turn that into a question please.

Mr. W. McKeeva Bush: Well, that's what I just said: Can he give me the first draft?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: We have been after this draft now for the last four years. There was a point when the First Elected Member for West Bay was dealing with it. When he was dealing with it I didn't see it either. So—

Mr. W. McKeeva Bush: Mr. Speaker, the draft—

The Speaker: One at a time, please.

Mr. W. McKeeva Bush: Well, I would like to explain something since the minister said that.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I had no draft. The plan that he has is what I had. And he certainly did see it in the early stages. What happened after that everybody already knows. But I am a representative from West Bay!

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the honourable minister say how much money is in the 2000 budget for the Dalmain Ebanks Civic Centre?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: It's a question we've gone over before, but for the member's information it's \$523,000. As a result of the agreement we made in Finance Committee, if funds can be made available (some other project not moving forward, if revenue increases and expenditure is held in line) it may be possible to move this project on faster. That's what we intend to do.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say how the present draft plans differ from the original plan that we all had access to some three or four years ago?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: My understanding of this original draft being talked about—because I don't ever recall seeing it—I think it started out around \$3.5 million and later, I would assume because of modifications, the figure moved to \$6 million. It could be that the modification was caused by the fact that we wanted to also use it as a hurricane shelter. I just don't know.

As a result of that, when we came to the Legislative Assembly, members of the Legislative Assembly said they were not prepared to support \$6 million plus for a civic centre in West Bay. As a result we asked what figure you would support. The number of \$4 million came forward. So we went back to the Public Works Department saying we had general agreement for a \$4 million facility, and asked them to modify the plan to bring it in line with that, which means that the building has been reduced from over 33,000 square feet to 18,500. That's really the big change.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The minister mentioned that the original plan was to also use it as a hurricane shelter. Can the honourable minister confirm if the present facility being proposed lives up to that standard? Can we use it as a hurricane shelter?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The building is the Dalmain Ebanks Civic Centre/Hurricane Shelter. Those words are not used loosely. It is the intention for this building to serve both purposes. Therefore, the facility would be in a position to be used as a hurricane shelter and built to that specification.

The Speaker: The Third Elected Member for West Bay. I will allow two more supplementaries.

Mr. John D. Jefferson, Jr.: This is my last one, Mr. Speaker. The only reason I raised that is because he mentioned that the *original* plans called for a hurricane shelter. Can the honourable minister say what the present capacity is compared to the original plan?

I recall that we thought we needed a facility in West Bay for at least 1,000 to 1,200 people, as far as a hurricane shelter. Can he say how that compares with what is now being proposed in regard to the number of people?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: Maybe I should elaborate. The building when used as a civic centre for graduations or functions of that nature where chairs are lined up side-by-side would sit 1,300 people. When we use it as a hurricane shelter we need more space per person. That figure would probably drop to half of that number, to 650.

The Speaker: I would appreciate a motion for the suspension of Standing Order 23(7) & (8) in order for Question Time to continue beyond 11.00.

The Honourable Minister for Tourism, Commerce, Transport and Works.

SUSPENSION OF STANDING ORDER 23 (7) AND (8)

Hon. Thomas C. Jefferson: I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

The Speaker: The question is that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The honourable minister said in the substantive answer, "**Design drawings and costing have been completed for the Dalmain Ebanks Civic Centre/Hurricane Shelter at the approved funding of C\$3,997,000 in the 2000 Budget.**" Can the honourable minister say where that is in the budget?

The Speaker: The Honourable Minister for Tourism, Commerce, Transport and Works.

Hon. Thomas C. Jefferson: The reference there, when we look at the schedule provided by Public Works, the project cost is \$3,997,000. The amount . . . so, in essence we are approving the project at that value. While the provision in the budget is \$523,000, we are saying to Finance Committee and the Legislative Assembly that the total project cost is \$3,997,000 so we are not misleading anyone that by committing ourselves to \$523,000 you are also committing yourself to the remaining portion in 2000. Or, if we can get to a position where we can start the project earlier, perhaps more than \$523,000 will be spent in 2000.

The Speaker: moving on to question 182, standing in the name of the First Elected Member for George Town.

QUESTION 182 Deferred

No. 182: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what monetary contributions were made to the government for the year 1998 by the Civil Aviation Authority, the Water Authority and the Port Authority.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

DEFERMENT OF QUESTION 182 Standing Order 23 (5)

Hon. George A. McCarthy: In accordance with Standing Order 23(5), I would like to move that this House allow for the question to be answered on Friday instead of this morning.

The Speaker: Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION NO. 182 DEFERRED FOR ANSWER UNTIL FRIDAY 11 FEBRUARY 2000.

The Speaker: Moving on to question 183, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 183

No. 183: Mr. Roy Bodden asked the Honourable First Official Member responsible for the Portfolio of Internal and External Affairs to state the staff complement of the Computer Services Department by post and nationality.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: The total staff complement of the Computer Services Department is 53 comprised of 28 Caymanians, 9 British citizens, 4 Canadians, and 1 Bahamian. There are 11 vacancies at the moment. The staff complement by post and nationality is as follows:

#	Post	Nationality
1	Director	Caymanian
2	Deputy Director	Caymanian
5	Applications Project Managers	3 British/1 Canadian/1 vacant
3	Support Project Managers	2 Caymanian/1 British
2	Systems Managers	1 Caymanian/1 British
5	Sr. Analyst Programmers	2 British/1 Canadian/2 vacant
1	Sr. Network Administrator	Vacant
4	Sr. Support Administrator	all Caymanian
4	Support Administrator II	all Caymanian
2	Sr. Systems Administrators	1 British/1 vacant
4	Analyst/Programmers	1 British/1 Canadian/2 vacant
4	Support Administrator I	all Caymanian
1	Administration Manager	Caymanian
1	Central Services Manager	Vacant
1	System Administrator	Vacant
4	Programmers I	2 Caymanian/1 Canadian/1 vacant
1	Higher Executive Officer	Bahamian
1	Accounts Officer	Caymanian
2	Central Services Supervisors	Caymanian
3	Jr Support Administrators	2 Caymanian/1 vacant
2	Central Services Assistants	Caymanian
1	Store Room Keeper (group employee)	Caymanian

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable member say whether these 11 vacancies are as a result of people leaving the department? If so, how many? Or, does it represent growth in the department?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: The vacancies are the result of a combination of reasons. Some have resulted from internal promotions within the department. Some have come about by persons who have left the department.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable member say how many have left the department?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: I believe approximately three, but I don't have that information accurately. From memory that's what it is, but I am not absolute on that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am curious to hear if all of these 11 vacancies were filled, would the present physical space be able to accommodate these?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Yes. We do have sufficient space if the 11 vacancies were filled. I can't say the same for all areas of the Glass House, but, yes, in this particular department there is space for the 11.

The Speaker: Are there any further supplementaries? If not, we move on to question 184, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 184

No. 184: Mr. Roy Bodden asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to state whether the Education Department or Ministry has held any meetings with their Education Committee since 27 November 1996.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: Yes, the Ministry has recently held a series of meetings with the Chamber of Commerce, both its Manager and the Chairman of its E-commerce subcommittee on education and training. It is my understanding that this subcommittee has largely

replaced the general education subcommittee. The Ministry and Department of Education are looking forward to working with the Chamber and this subcommittee on a major new initiative called Cayman P3E, Public/Private Partnership in Education.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister say whether the Education Committee of the Chamber of Commerce was one of those sources through which he got information and support for the development of the national curriculum?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand, while this is a bit off the beaten track, that Mr. Wil Pineau, who basically runs the Chamber of Commerce, is on the national curriculum committee.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the minister in a position to give the House any information on this new initiative called Cayman P3E?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: This is a DVID initiative. It is going to be held in Jamaica. I actually gave the dates and the particulars of this maybe three or four days ago in a question or something. It's somewhere in the middle of March.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the honourable minister explain how it is that a new initiative that is going to involve Cayman is going to be held in Jamaica? And what is the term DVID? And what is Cayman's connection to it if it is going to be held in Jamaica?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: It is a Department of the United Kingdom, and the initiative is pulling Commonwealth countries together, specifically the Overseas Territories. It is one in which countries will participate, as they do in other Commonwealth fora.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is this initiative limited to the forum that will take place in Jamaica, or does it include other things?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: This is the first time they are holding this. I was just trying to see if I could find the little booklet I had on it, but it obviously is at the ministry. But I can get a copy for the member.

As far as I know it's really the UK and the Commonwealth that are involved. It would obviously have input from related private sector arms.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In his answer the minister stated, "The Ministry and Department of Education are looking forward to working with the Chamber and this subcommittee on a major new initiative called Cayman P3E, Public/Private Partnership in Education." I am trying to determine if this initiative P3E is limited to this connection with this UK forum, or are there other things involved in this initiative not only specific to Cayman, but involving the ministry, the department and the Chamber?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I am reasonably certain that the Chamber would send a person to it, together with some other private persons. I was trying as well to see whether I might have had a list of who may be going. I should say that this is fairly new and that's the reason why I don't have . . . My Permanent Secretary has been dealing with this, but we did look at a list that was maybe six or seven people in total.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps I am not conveying the question correctly. What I am trying to determine . . . I understand if the initiative involves the UK, and some connection with some forum being held in Jamaica. The way the answer is worded, it speaks about this initiative called Public/Private Partnership in Education. Are we talking about a forum, or are we talking about an ongoing affair. That's what I am trying to determine.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: It is an ongoing committee that is basically being kicked off by this forum. But they have now been put together and attending that. They will be dealing with different areas, some of which will

come out of the forum. For example, the conference seems to be . . . if I may just read a bit of this: **"Within the Caribbean changes are occurring and education is responsible for a variety of issues. Computers are being deployed in ways that are demanding changes in curriculum and school organisations."** And I know there's an IT arm in this.

"Second, education is being expanded with its associated demands for change in the curriculum. There is concern about untrained teachers, poor delivery, failing standards in education." Well, we have no untrained teachers.

"Management is characterised as being inefficient and cumbersome."

They have an advisory group that will deal with ownership and stocktaking, audit, and school/student mentoring. These seem to be areas that they will be going into. What I have isn't very much, but I am happy to let the member have this. It's largely a UK driven Caribbean Commonwealth initiative.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: We certainly would appreciate the honourable minister making any information he has available to members of the House. We appreciate his congeniality and look forward to receiving the information. Thank you.

The Speaker: Are there any further supplementaries? If not, we move on to question 185, standing in the name of the Third Elected Member for West Bay.

QUESTION 185

No. 185: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Education, Aviation and Planning if, in light of recent research which shows that children's critical age of learning is 0-3 years, any consideration is being given by the government to changing its policy for the granting of financial assistance to parents with children below the age of three years, nine months.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: While research does show that significant learning occurs before the age of four, the pre-school assistance was introduced to compensate for the fact that the Reception Class was taken out of government schools in 1991. The pre-school assistance to parents of four-year-olds who might not otherwise be able to send their children for this important year of readiness for formal school is intended to support parents in providing this important opportunity for students.

The Department of Education supports pre-schools in other ways such as training for staff and curriculum guidance and support.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Can the honourable minister say if the recent research showing the critical age of 0-3 years differs from what was believed to be the situation with learning prior to now?

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: I understand that this research that brought this out is more recent. In other words, it has been within recent times that this discovery has come about.

I would also like to say that we do have our early intervention programme. I know this is a bit off the beaten track, where children from birth to school age who have any recognised developmental delays, or who are identified as being at risk, there is a programme that deals with them. Now, that's different from what the member is raising. But we do have that from birth all the way up.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: It kind of baffles me as to why education does not follow the latest trends in technology. In light of the fact that recent research shows that the critical years are from 0-3, I would have thought that education would be geared towards funding that age group. The problem we have is that the emphasis is on high school. If we don't get the foundation right, it's too late to spend it on them when they reach high school age. So I am kind of baffled as to why education has not taken advantage of this new research.

The Speaker: Turn it into a question.

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister could say why.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Bodden: The member is right when he says that from birth to four years are very critical. His suggestion that we reduce the time that we . . . I mean, what perhaps could be done is to start maybe one year earlier, provided funds are released so that we may be able to catch children a bit earlier, those who cannot afford to get into the pre-schools.

The real early age, birth up to one year, is perhaps not quite as important if we could come down one year into the three-year-olds, which I think is what the member is saying. This is something that I know has been discussed. It does have merit. I could get an assessment on what those funds are and would be happy, sub-

ject to the funds, to discuss it with the member, and if the House is happy, introduce it.

I personally think it would be good. I know the department thinks it would be good. It would cost some money, but what better way can the money of this country be spent than on our youth?

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I am concerned that learning opportunities be made available to all children. You and I may be in a position where we can fund our children, but there are many parents who have a genuine interest in regard to their children's education but are not in a financial position to do so. That's the parent I am concerned about. I appreciate what the minister said. Even a year earlier would make a tremendous difference. I assure him that he has my support and I am quite sure the support of my colleagues in regard to funding.

The Speaker: The Honourable Minister responsible for Education, Aviation, and Planning.

Hon. Truman M. Boddin: I have asked the Deputy CEO to deal with getting this done fairly quickly. I will come back to the House with an amount and also how it would be implemented and what we regard as the outcome and outputs from it.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning. We shall suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.34 AM

PROCEEDINGS RESUMED AT 12.35 PM

The Speaker: Please be seated.

Government Business, Bills. Continuation of the Second Reading debate on the Loan (Capital Projects 2000) Bill, 1999. The First Elected Member for West Bay.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

(Continuation of debate thereon)

Mr. W. McKeeva Bush: Thank you.

When I was last speaking on the Bill, I talked about the need for serious reform of our system. I talked about the gaps that showed up in the budget and the request for supplementary expenditure during the course of this year that might come about because of those gaps. He

said that we have an economy that is growing by about 5% per annum, yet we still have this problem.

People are saying that we are growing too fast. But what would we be like if we stopped? What kinds of problems would be raised by stopping? I said that we don't need to stop, but we need to manage better. I said that we must sustain what we have, but change the way we are doing things. I said that we couldn't keep hitting the same areas, raising garbage fees and so on, and borrowing because the poor people of this country can't take any more burdens.

I said that we need to find funds from elsewhere to run the country. I said that the financial sector should be brought in to discuss where they see their role in contributing equitably into the orderly and sustained development of the Caymanian economy. I said there had to be a more equitable arrangement in these islands. I said if we had sufficient funds and certainly need to pay our teachers, policemen, our doctors, and our nurses salaries that are equal to their profession.

Certainly, this Loan Bill is to shore up the pitiful budget we have. We are at a crossroads. That in dialogue with the financial industry and government, government has to be forthright with the public in examining any such idea, and it couldn't be done arbitrarily expecting government intervention. It would have to be well planned, and well discussed, so that the public and private sectors are on an even keel.

I thought government after hearing so much about reform and priority would have tried to do capital work that is only absolutely necessary and that can be completed this year. We see the government removing duty and my position has always been that it does not help our people because there is no mechanism in place to ensure that the benefits of removing the duty are passed on to our people.

At the same time, they lose the revenue, they have to go out and borrow and pay a lot of interest, and the country loses that much more. And the cost of living keeps going up, and the poor get poorer. There are no mechanisms to ensure that the fruit or the bakery items will result in cheaper prices for the people of this country. But it seems that some members like this arrangement because it affords them the support of a certain sector.

While I am elected to look out for the interests of everyone, I always consider the plight of the poorer people. It is no longer of any use to anybody in this House to believe that there are not poor people in this country. Everywhere you go they are complaining about the fees that government hit them with every time they turn around. This year, in particular, I have seen and heard more of that because of the fee on education.

While people can say it is not a high fee to pay for educating your child, it is a fact that this is a serious burden for families that have three or four children attending school. They not only have to pay for books they have to buy uniforms. And people are finding it difficult. All the more reason why government needs to find the alternatives I have been talking about, or some kind of alternative. But certainly, they need to do something about the

high cost of living and government contributes to the increasing cost of living. The evidence is very clear that the old way of doing things has stopped working. If it had not stopped, government could be in a better position and the country the better for it.

There are several places in the budget that, if treated in a different manner, would have resulted in a better Loan Bill. If they took off the \$16 million they are borrowing, the \$27 million might be all that they could do this year. I found quite a bit of capital expenditure that, had some members of Executive Council been more considerate with the capital development for this year, need not be in the budget at this time. I said in Finance Committee that it cannot be fair for the Cayman Brac minister to ask for another civic centre/hurricane shelter when there exists a large one there now, and the good veterans of Cayman Brac are going to build one.

It cannot be prudent when there is such a shortage of funds, nor fair, when West Bay and George Town have no civic centre/hurricane shelter as such.

In 1988, the representatives for West Bay said that we would put our civic centre on hold while we built a badly needed school hall for the John A. Cumber Primary School. This has been done. However, only some \$500,000 has been put in the budget for this year for West Bay. Nevertheless, the government agreed to my motion in Finance Committee to get on with the building of the civic centre/hurricane shelter in a more meaningful way this year. Now that they have agreed with me, I hope they are going to keep with the spirit and the intent of that motion. But I have my doubts after listening to the Minister of Works.

I know what I heard in Finance Committee, and the manoeuvring that took place so as not to pass that motion. But they are coming behind me, and perhaps they can say otherwise. We all know that I can ask a question, but I am limited and they have full sway in the answer and can say anything they want to.

The fact is that Executive Council is allowing another civic centre in Cayman Brac and we are not well underway with ours. We put it sensibly back to build the school hall, but now that that has been done I would have thought that this year's estimates would have contained a far bigger share to get going with the civic centre/hurricane shelter. And it would seem to me that in a district with a population as big as West Bay that priority should have been given to that district and the district the size of George Town, to get our civic centres/hurricane shelters built.

I said to the minister that if the Aston Ruddy Centre roof needs to be strengthened—well do that. Money could have been voted to do that. But to embark on a project that would make Cayman Brac have three civic centre/hurricane shelters—when others have none—cannot be fair to the country and cannot be prudent. I would say that if we cannot get any more done than begin the civic centre some time around June this year, that hopefully it would be built.

We hear a lot about the amount of money in the budget for COS. It seems to me, in spite of all the uproar now from the civil service about it, and statements made

by Executive Council through the Minister of Tourism, that Executive Council meant it to be continued or else some explanation should have been made to the civil service and the country about its inclusion in the budget, and its continuance. But no, nothing has been or was said at that time.

I contend that that if they were genuine, it was a good time for them to have made it known to the public, the civil service, and it would only have been fair to say '*We are including this thing in the budget and this is what we are doing about it.*' No, they didn't do that, and this situation is the same as removing the funds for the past pension liabilities—nothing said until we found it and it blew up.

The loan position was given this morning, and we stand now at \$82.4 million, plus \$15 million, which is said to be self-financing. That was at 31 December last year. But this year's borrowing will put us to the \$100 million mark. As I understand it, this does not include the contingent liabilities that are for the various authorities. But we do know that those authorities pay their way, plus the public service pension funds. All of it! No matter whether they have a legal obligation or not, the fact is that they have an obligation.

So, if they had moved in the direction to put those funds in place it makes much sense cut down on the capital expenditure that cannot be done this year instead of all the funds that were left after recurrent and other expenditure. Instead of sending the eight point something million to capital expenditure, some of that should have been put into the civil service.

Now, I know they will be quick to jump up to say they are putting in the civil service. They are taking copious notes over there. But I hope they are listening and will get it right, because they certainly didn't get it right in the budget process. They made a mess of the situation!

This amount of \$100 million in borrowing, while they say we can pay it back . . . thank God we are in a position to do so. But it does not mean that because we are in a position to do so that we should borrow when we could do something else. I don't think that the government is being prudent in this matter. Can they get all \$44 million of capital development done this year? Can they? That is the question. That is why we are borrowing so much.

This is an election year. And we know what that is all about. Everybody wants to look good. We want roads, we want buildings; we want all those things. But, as I said, wants and the reality of what can be done are different. I know they will tell me that this is what has always been done, and that's probably true. But it is time that we moved to a different level using a different road.

I don't think that I can support this Loan Bill because there is no evidence that all the work can be done. I don't think they are being prudent. They are certainly not prioritising. Therefore, I don't see why I should support the government in rushing ahead with this expenditure.

The Speaker: I think this would be a convenient time to take the luncheon suspension. We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.50 PM

The Speaker: Please be seated. Debate continues on the Second Reading of the Loans (Capital Projects 2000) Bill, 1999. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) The floor is open to debate. (Pause) We cannot wait much longer. Does any other member wish to speak? (Pause)

If no other member wishes to speak, does the mover wish to exercise his right of reply? The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Thank you.

I would like to thank honourable members for their tacit support of the Loan Bill. All of the relevant details to support the capital projects have already been provided to honourable members of this House. I do not think that there is a need to make any further comment. Therefore, I would like to thank you and honourable members for support of this legislation.

The Speaker: The question is that a Bill entitled The Loan (Capital Projects 2000) Bill, 1999, be given a second reading. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: The Ayes have it.

Mr. Roy Bodden: May we have a division, please sir?

The Speaker: Certainly.
Madam Clerk, please call a division.

The Deputy Clerk:

DIVISION NO. 12/99

AYES: 9

Hon. James M. Ryan
Hon. David Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony Eden
Hon. Julianna O'Connor-Connolly
Mr. John D. Jefferson, Jr.

NOES: 4

Mr. W. McKeever Bush
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Mrs. Edna M. Moyle

ABSTENTIONS: 1
Mr. Linford A. Pierson

ABSENT: 3
Mr. D. Dalmain Ebanks

Dr. Frank McField
*Miss Heather D. Bodden

**Miss Heather D. Bodden: Madam Clerk, I was not in my chair when the vote was called unfortunately. I would have said "Aye."*

The Speaker: The result of the division is nine Ayes, four Noes, one abstention. The Bill has been given a second reading.

AGREED BY MAJORITY: THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999, GIVEN A SECOND READING.

The Speaker: The House will now go into committee to consider a Bill entitled The Loan (Capital Projects 2000) Bill, 1999, and two other Bills.

HOUSE IN COMMITTEE 2.57 PM

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct all printing errors and such likes in these Bills?

Would the Clerk state each Bill and read its clauses?

**THE STAMP DUTY (AMENDMENT)
(INSURANCE POLICIES) BILL, 1999**

The Deputy Clerk: The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999.
Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

The Deputy Clerk: Clause 2. Amendment to the Schedule of the Stamp Duty Law (1998 Revision).

The Chairman: There is an amendment to Clause 2.
The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: In accordance with the provision of Standing Order 52(1) & (2) I, the Member responsible for the Portfolio of Finance and Economic Development, seek to move an amendment to the Stamp Duty (Amendment) (Insurance Policies) Bill, 1999 : (i) by deleting "0.05%" as it appears in paragraph

(2)(b) of the proposed new Schedule of Clause 2 and by substituting ".01% up to a maximum of \$200"; and (ii) by deleting "\$200" as it appears in paragraph (3) of the proposed new Schedule of Clause 2 and substituting "\$100."

The Chairman: The question is that Clause 2 be amended. Is there any debate? If not, I shall put the question Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The question is that Clause 2, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2, AS AMENDED, PASSED.

The Deputy Clerk: A Bill for a Law to amend the Stamp Duty Law (1998 Revision) to change the rates of duty on policies of life insurance and policies of insurance other than life insurance; and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

**THE NATIONAL DRUG COUNCIL (AMENDMENT)
(FUND RAISING POWERS) BILL, 1999**

The Deputy Clerk: The National Drug Council (Amendment) (Fund Raising Powers) Bill, 1999.
Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

The Deputy Clerk: Clause 2. Amendment of section 3—Establishment of Council.

The Chairman: The question is that Clause 2 do stand part of the Bill.

The Elected Member for North Side.

Mrs. Edna M. Moyle: I would like an explanation so that I am not accused of passing laws that I don't understand. Where we are giving the National Drug Council the right to borrow money, I would like section 16 (c) of the National Drug Council Law explained to me, where it says, "**(c) any money lawfully borrowed by the Council;**" Can someone explain to me the necessity of what "lawfully borrowed" means now in the law?

Hon. Anthony Eden: Mr. Chairman, the representative from North Side spoke to me about this and I asked the Attorney General to kindly comment on this. My understanding is that this section does not give the power to borrow. I don't know if he could just expand on this for the benefit of the committee.

The Chairman: The honourable Second Official Member.

Hon. David Ballantyne: Thank you.

That represents my view of that section. Although it does talk about "lawfully borrowed," the section in itself doesn't in my opinion confer upon the National Drugs Council a power to borrow. It simply says "any money lawfully borrowed." It doesn't empower it to borrow. Whereas the section that is supposed to be amended is the section that contains the powers of the National Drugs Council. So, in my opinion, there is no contradiction between the two, it simply is a case of adding an express power to borrow as well as to solicit funds.

The Chairman: Any further debate? If not, I shall put the question that Clause 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2 PASSED.

The Deputy Clerk: A Bill for a Law to Amend the National Drugs Council Law (1997) to enable the National Drugs Council to solicit or otherwise raise funds and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

The Deputy Clerk: The Loan (Capital Projects 2000) Bill, 1999.

Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

The Deputy Clerk: Clause 2. Power to borrow.

The Chairman: The question is that Clause 2 do stand part of the Bill.

The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: In accordance with the provisions of Standing Order 52(1) & (2) I, the Member responsible for the Portfolio of Finance and Economic Development, would like to move that Clause 2 be amended by deleting "\$15,000,000" and substituting "\$16,000,000."

The Chairman: The question is that Clause 2 be amended. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AMENDMENT PASSED.

The Chairman: The question is that Clause 2, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2, AS AMENDED, PASSED.

The Deputy Clerk: Clause 3. Appropriation of loan.
Clause 4. Principal and interest of loan.

The Chairman: The question is that Clauses 3 and 4 do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 3 AND 4 PASSED.

The Deputy Clerk: The Schedule.

The Chairman: The question is that the Schedule do stand part of the Bill.

Hon. George A. McCarthy: In accordance with the provisions of Standing Order 52(1) & (2) I, would like to move an amendment that the sum of "\$15,000,000" where it twice appears, be deleted and substituted by "\$16,000,000."

The Chairman: I waive the two day's notice.

The question is that the amendment do stand part of the schedule. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT PASSED.

The Chairman: The question is that the Schedule, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: THE SCHEDULE, AS AMENDED, PASSED.

The Deputy Clerk: A Bill for a Law to authorise the borrowing of up to \$15 million for the financing of capital projects.

The Chairman: The question is that the Title do stand part of the Bill.

Hon. George A. McCarthy: Mr. Chairman, I would like to move in accordance with Standing Order 52(1) & (2) that the sum of "\$15,000,000" as it appears in the long title be deleted and substituted by "\$16,000,000."

The Chairman: Leave is granted. I shall put the question that the Title as amended do stand part of the Bill.

Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: TITLE, AS AMENDED, PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled The Stamp Duty (Amendment)(Insurance Policies) Bill, 1999, The National Drug

Council (Amendment) (Fund Raising Powers) Bill, 2000, The Loan (Capital Projects 2000) Bill, 1999.

The question is that the Bills be reported to the House. Those in favour please say Aye. Those against No.

AYES and NOES.

The Chairman: The Ayes have it.

AGREED: BILLS TO BE REPORTED TO THE HOUSE.

House resumed at 3.02 PM

REPORTS ON BILLS

The Speaker: Please be seated. Reports.

The Honourable Third Official Member responsible for Finance and Economic Development

THE STAMP DUTY (AMENDMENT) (INSURANCE POLICIES) BILL, 1999

Hon. George A. McCarthy: I am to report that a Bill entitled, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999, was considered by a committee of the whole House and passed with amendments.

The Speaker: The Bill is accordingly set down for Third Reading.

Reports. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

THE NATIONAL DRUG COUNCIL (AMENDMENT) (FUND RAISING POWERS) BILL, 1999

Hon. Anthony Eden: I am to report that a Bill entitled, The National Drug Council (Amendment) (Fund Raising Powers) Bill, 1999, was considered by a committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for Third Reading.

Reports. The Honourable Third Official Member responsible for Finance and Economic Development.

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

Hon. George A. McCarthy: I am to report that a Bill entitled, The Loan (Capital Projects 2000) Bill, 1999, was considered by a committee of the whole House and passed with amendments.

The Speaker: The Bill is accordingly set down for Third Reading.

Bills, Third Readings

THIRD READINGS

THE STAMP DUTY (AMENDMENT (INSURANCE POLICIES) BILL, 1999

The Deputy Clerk: The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Stamp Duty (Amendment) (Insurance Policies) Bill, 1999, be given a third reading and passed. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE STAMP DUTY (AMENDMENT) (INSURANCE POLICIES) BILL, 1999 GIVEN A THIRD READING AND PASSED.

THE NATIONAL DRUG COUNCIL (AMENDMENT) (FUND RAISING POWERS) BILL, 1999

The Deputy Clerk: The National Drug Council (Amendment) (Fund Raising Powers) Bill, 1999.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: I beg to move that a Bill entitled, The National Drug Council (Amendment) (Fund Raising Powers) Bill, 1999, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The National Drug Council (Amendment) (Fund Raising Powers) Bill, 1999, be given a third reading and passed. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL DRUG COUNCIL (AMENDMENT) (FUND RAISING POWERS) BILL 1999 GIVEN A THIRD READING AND PASSED.

THE LOAN (CAPITAL PROJECTS 2000) BILL, 1999

The Deputy Clerk: The Loan (Capital Projects 2000) Bill, 1999.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled, The Loan (Capital Projects 2000) Bill, 1999, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Loan (Capital Projects 2000) Bill, 1999, be given a third reading and passed. Those in favour please say Aye. Those against No.

AYES and NOES.

The Speaker: The Ayes have it.

AGREED BY MAJORITY: THE LOAN (CAPITAL PROJECTS 2000) BILL 1999 GIVEN A THIRD READING AND PASSED.

The Speaker: Moving on to Other Business, Private Members' Motions. Continuation of the debate on Private Member's Motion No. 29/99, Government Action needed in Taxi, Watersports and Tour Operators.

The Honourable Minister for Tourism, Commerce, Transport and Works, continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 29/99

GOVERNMENT ACTION NEEDED IN TAXI, WATERSPORTS AND TOUR OPERATORS

(Continuation of debate thereon)

Hon. Thomas C. Jefferson: Thank you.

When we last offered our contribution to Private Member's Motion 29/99 Government Action needed in Taxi, Watersports and Tour Operators, I had made a number of observations and comments on the way this government has taken action to assist the watersports, taxi and tour bus operators.

I mentioned that in either 1994 or 1995 (I never had the time to check which year it was) this government took the decision to amend legislation, both the Customs Law and the Traffic Law, requiring government permission be obtained before any boats for commercial purposes could be imported into this country; and secondly that vehicles with a seating capacity above nine seats would also be required to seek governments permission to import and register that vehicle. That decision was the government's move to ensure that the small operator was allowed to operate his business and not be overrun by the bigger operations.

The tour bus operators are mainly local people, and those who are not indigenous Caymanians are actually persons who possess Caymanian status. We wanted to ensure that the small operator did not get overrun by the importation of boats to add to a fleet of boats already in place, thus carving out a bigger part of the market share

reducing the share going to the individual watersport operator or taxi or tour bus operation, namely the 14-seats, eight or nine seats.

We know that government has also assisted the watersports operators, that is the local operators who operate out of the North Sound and who deal with snorkelling and bonefishing and other services. The Ministry of Tourism through the Department of Tourism has been paying for advertisement of their services in *Horizon* magazine and *What's Hot?* for the last three years or more to ensure they have exposure. We know that *Destination Cayman* is put in the back of the seat on the airline so the tourists have access to it and can glean services available and provided in the country.

We also have these same operators on our website where the world can find out who they are, and how to reach them. So, government has been assisting those operators for quite some time and will continue to do so.

We know that the Select Committee on the Immigration Law and the Trade and Business Licensing Law has met twice. And although the arrow is pointed in the direction of the Ministry of Tourism, nothing has ever been recommended in this Select Committee for those same persons we say need help. But I could go on to say that government is considering a number of matters that it hopes to be able to bring in consultation with the watersports operators—mainly those involved with snorkelling in the North Sound and Bonefishing—and we hope that when we bring those proposals to the Legislative Assembly that we will gain the support to put it all through.

I have always taken the approach (and I think the people of this country understand this approach) that it's easier to promise than to deliver. When I promise to do something, I have a good sense that I can do it and get it done. Otherwise, I will tell you that it may be possible, but I will have to work on it.

I am not a person who makes statements just for the sake of making a statement, creating some hope by someone that Tom Jefferson is going to do something for them when in reality I know that it cannot be done. And that is what happens sometimes in this country whether it's an election year or not. A lot of times people are telling people what those people want to hear and sometimes those people find out that he or she promised but it did not happen. And I am wondering whether the approach that I use is not the best approach in the end.

Mr. D. Kurt Tibbetts: You notice he never said "the government"? He said "I"!

Hon. Thomas C. Jefferson: One of the members is basically suggesting that I am saying "I." I must say that I am saying "I" because I am speaking for Thomas Jefferson, I am not speaking for the government at this particular time. Every one of us has the ability to speak for himself, so I leave that to each respective person on this side of the House, whom I respect.

Mr. D. Kurt Tibbets: Make Truman say that for himself.

Hon. Thomas C. Jefferson: I want to say . . . and I am going to be a bit repetitive, so I hope you will bear with me. I have heard so many promises in this House, and sometimes so much noise about a particular issue, and yet when it comes to a time when some action could be recommended, nothing happens. I am saying that because I know that the Select Committee dealing with the Immigration Law and the Local Companies Law and the Trade and Business Law . . . this is the second occasion since I have been here as Minister of Tourism that we have talked about a number of things, but nothing really got put forward to the public as issues as we see them in order to take public opinion on it.

I don't believe that on this occasion (and I don't want to leak any information, and if I am out of order, Mr. Speaker, I will bend to your ruling), but I would like to say that I hope to see in the next release of information to the public that there are some recommendations about these people to help them, meaning the taxi drivers, the watersports and tour operators among others.

I would venture to say (and this is the one time I am going to go on "I") that my record in assisting those people is as good as any—and better than most! But I can tell you that talk is indeed cheap. If anyone believes it is a simple matter to resolve this problem as they perceive it and as they say it is, I hope that in the not too distant future they will have responsibility for the subject. Let me sit back and see how long they take to make any forward movement.

We have taken over the responsibility for the registration and licensing of vehicles. For the first time in the history of this government, we have seen a sub-office for it. We did that about two years ago in West Bay. And at the moment, we have agreement with an owner of property in the Bodden Town area to establish a second sub-office for vehicle licensing purposes, which we promised the people last year we were going to do. We have to apologise because we didn't get it done, but there are always extenuating circumstances why it didn't happen. Believe me, they were there at this particular time too.

When we went to drawings and costing we realised that we were talking about \$300,000 for this facility. And the location we were looking at at the time was near the police station in Bodden Town, which is also near the health clinic, which is also near the civic centre, which we recently created a field next door and we said as this facility in Bodden Town will also deal with inspections of large vehicles we felt it was not the correct location for this facility. So we have moved to a different site. But it remains within the Bodden town area, and I believe the location of it, having visited it accompanied by members of the Bodden Town district. Others from other districts were invited. Unfortunately, they were unable to be present at that time. I agree it was short notice, but we couldn't avoid that.

For the first time in the history of the Cayman Islands, we established a bus depot. And never before

were bus routes coordinated where a bus can take you from one end of the island to the other.

It is easy to say *'Well, you had enough time to do it, so we hope you come with a proposal today.'* Why was there no proposal put forward in Select Committee, since they know what to do? For all the time I have been in the House, I have never spent so much time in this House in my life as we have in the last two years in particular! So much so that when members make remarks saying *'We raised this in November, and you had time to do it, so we hope you have a proposal.'* We've been in here since November! Granted, we took a little break for Christmas, but we've been in here since November.

So where is all this time going to come from when in fact we are running ministries with more responsibilities than just one item? But I am going to let my voice be heard on this issue, and when I am finished, I am going to let the people of this country decide whether or not Tom Jefferson has been helpful to that industry or not.

There was a time when they were asking that racks to hold brochures be installed in hotels. And we came with the legislation requiring it to be done. Yes, there are hiccoughs with it. And there will be with most things in life, especially when you are blazing trails and making changes. But we have to keep working at it to hopefully put it into a frame we can all agree is working to our satisfaction.

In my view, what is required is a global view of these services. We need to look at the number of seats in a taxi or tour bus, or in an omnibus. We need to look at the number of seats available to visitors coming in by cruise ship. We have 1100 seats available at the port. Just about every week there is some request to add another person or bus to that operation. I believe that in the best interests of the people already there we have to look at it in depth because we know that at peak season (October to April) there's 1100 seats. The people who own them are able to make a decent living. The problem comes when the summer season comes (May to September) where there are too many seats for the number of visitors coming.

I am saying that there is a need for the Public Transport Board to look at this in depth. And I have asked them to. But there needs to be some time to carefully sort out the way forward, otherwise all the people in that business could be receiving less income because there are too many seats and too many providers.

I believe that I have held discussions with members operating from the dock providing watersports activities. We have talked about the signs down there; we have talked about having a desk to book these people, and we have gone round and round in circles on this trying to ensure that we are providing the service these operators wish to have.

There is also an agreement between those watersports operators at the dock and me that no further persons will be allowed into the dock without consultation with them because that will also cause their share to be less. And I have requested a listing of their passenger capacity if they all come together. I believe there is a serious need for us to pursue it along those lines.

But we are working on a number of issues and I think the public has come to its conclusion so I am only summarising. We are working on a number of issues that affect watersports operators in the North Sound. We are working on a number of issues that affect taxi drivers, tour bus and omnibus operators. We now have our public transport inspectors who are carrying out a variety of inspections both on the routes, to make sure that persons assigned to a particular route are adhering to that route and not pinching business from some other person's route. We are also looking at the facilities of those vehicles. We will also be looking at the persons driving tour buses among other things.

So, we have a number of issues we are working on. I will be coming back to the House in the not too distant future to seek members' approval on some proposals. Not to say they cannot be amended. We have no problem with this particular motion because we are working on it already in any case.

The Speaker: The floor is open for debate. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you.

This matter dealing with taxi drivers and watersports operators seems to be like what Jesus said about the poor.

Mr. W. McKeeva Bush: Always with us!

Mr. John D. Jefferson, Jr.: It's been with us for some time.

This is an area that I feel very passionate about because for a period of a year and one half I depended on the transport industry for an honest livelihood. Many attempts have been made to address issues that affect these respective areas, that is, Caymanians involved in the watersports industry in the tour bus and taxi industry.

I have personally brought a number of motions dealing with these issues. I recall back in 1994 or 1995 I brought a motion dealing with the control of local businesses in the hands of Caymanians. That motion dealt specifically with watersports and taxi operators and the like.

The Minister of Tourism mentioned that quite a bit had been done in addressing these issues. I, for one, am not prepared to say that nothing has been done. But there is still much work to be done in order to create an environment where all Caymanians who depend on these areas for their livelihood have a chance to operate. What I see happening . . . and this is nothing new, it has existed since I was in the industry back in 1985. The industry is basically controlled by a few very large special interest groups. That hasn't changed over the years.

I must say that there is some organisation from the dock in that there is now a system in place that requires operators to line up and wait their respective turns for business. But one observation I made is that I recall when I was in the business we had two lines at the dock,

the small taxi operator, and one for the 14 and 30-seaters.

In order to get the best position in the queue it was necessary to be at the dock from 5.30 in the morning when they drew numbers. The number you drew determined the position you took in the queue. It was very difficult, after being up at that hour of the morning, to not move until 9.00 or 10.00 in the morning because the first batch went to the snorkelling area off the dock, and tours. But you could sit there as an independent operator until 9.00 or 10.00 in the morning before you had an opportunity to move.

When your turn came, if you saw an individual or a couple who needed transportation to the airport, it was very difficult, after being in line for four or five hours, to have to pull out of line to meet that demand for maybe \$9, because when you got back you had to queue up at the end of the line. I understand there has been a change in the system. With that system the small taxi operators could accommodate that request and come right back and get in the little queue (because there were five or six of them). So, they moved quite quickly and frequently.

Some time ago, it was agreed that the independent taxi and tour bus operators could have a brochure rack in the hotels where they could display their brochures. I am not saying it hasn't improved the potential business to some extent. But the staff at hotels are still being told that under no circumstance should they refer business to independent operators because there are concessions that have been granted by these hotels.

If we had one big operator controlling one hotel, we could say we have four or five other hotels so somebody else would be in the position to get the other hotels. But that's not the case. One major watersports operator basically controls 75% of the business coming out of a majority of the hotels.

It appears that we are fighting a losing battle in getting assistance for our people. Things are tough in this country for the average Caymanian interested in making an honest living. I think the time has come where hotels have to be told that the concessions or franchises they have in place in regard to their watersports services have to be not renewed, or they have to be mutually terminated.

When you are out there as a watersports operator holding up your little sign trying to solicit business, and you see passengers by the hundreds being organised through the cruise directors for special interest groups in that business . . . it all boils down to money. The cruise ship directors are going to push for any entity that gives them the highest return. It's simple as that.

The Cayman Islands is a very important destination for these cruise ships. It helps them to sell their cruise. I personally think that the time has come to negotiate in good faith. More has to be done to influence the cruise ships to book only a certain amount of passengers for tours, be it island tours or watersports. I also believe it can be done. And if they were told that they have to do it, they would probably cooperate. We have a large percentage of independent tour operators, taxi operators

and watersports operators here in the Cayman Islands—the majority of which are Caymanian—who run reputable, reliable services. We want them to make their passengers aware that it is not necessary for them to book their tours from the ship, but they can come ashore and negotiate with these independent operators for their tour.

I also believe that there should be someplace on the dock where a booth could be set up that makes cruise ship passengers aware of the services being offered locally. Many of us sit in here in comfort, suggesting things, and if it takes six months to a year to do, fine. But it's a totally different situation when you are there being affected on a daily basis.

I feel very passionate about this issue. We have the local transportation system organised. But I believe that it really has not achieved what the main objective was. The main objective was that you limit the number of licenses so there will be a fair chance to make an honest, decent living. Basically what has happened is that we have issued—not we, government! Government has issued a licence to basically anybody who was there operating at the time the new system was put in place.

I don't think we can please everybody. I personally believe that our first obligation is to look out for Caymanians. I have been preaching that for the past 12 years that I have been a member of this House. And I am preaching it for two reasons: (1) I have a genuine interest in the welfare of Caymanians; and (2) I am aware that the way of life we enjoy today depends on Caymanians continuing to feel they are getting their fair share of whatever business exists in this country.

Being a taxi, tour bus, or watersports operator is not a very glorified position. The attitudes that I have seen displayed over the years is that they are more of a nuisance and they had to do something in order to appease them, rather than looking out for those individuals.

Mr. Speaker, I don't know how often you go out to eat. I do at least one a week. The feedback that I get is that the visitor to this country is looking for the experience of meeting the local people. Now, even government, the civil service in particular, is the greatest culprit in regard to this issue. When you call most offices nowadays, the person answering has an accent. Right? Well, Mr. Speaker, in my mind there is no necessity for that. Every year we have three or four hundred students graduating from the high school. Does it take somebody with a degree to answer the telephone?

There is a little passage in the Bible that says a prophet is not accepted in his own country. Believe you me, we suffer from that in this country. I am telling you, we suffer seriously from that in this country. Do you know what is bad? People in authority continue to promote the philosophy that you have to be somebody from the outside in order to be any good.

I graduated from university back in 1973. I went to a black school. And the day I finished my qualifications for graduation, I was walking across the campus reflecting my three and one half years spent at university, and I wondered what was the greatest lesson learned from

the experience. I thought of accounting, economics and all the other subjects that I was exposed to. Do you know what conclusion I came to? The greatest thing I learned was that I was prepared to accept my identity. I was proud to be a Caymanian, proud to be a minority in terms of definition in the US. I was black. And I was proud of that fact.

Until we have a change in our thinking at the top, we will continue to suffer in this country. I am not a politician; I am a businessman in politics. There is a slight difference. In my opinion, the whole objective of politicians is re-election every four years. My attitude is that I do things that I think are right and that can benefit the majority of people in this country regardless if people hold it against me at the polls.

I am frustrated. I am really frustrated with what I see going on in this country. Crime is rampant. Every day you pick up the newspaper there's another prison break. I mean, what is going on? And in the meantime our people go to Hell trying to make a living.

I mentioned that I had brought a motion dealing basically with this same issue. I recall that one of the excuses I got back was that it was necessary to establish the Trade and Business Licensing Board in order to ensure that those objectives being promoted could work. The Board is in place. I personally haven't seen any tremendous improvement. As a matter of fact, I think it's gotten worse.

I think that our main responsibility as elected representatives is to look out for our Caymanian people. You might say that I am being prejudice. You can call me anything you want, that's the way I feel. If you go to someone else's country, like I did, you are told that Americans have a certain position. There are certain positions that you as a resident have no access to. That's understood. It's expected and accepted. That's the end of it. But here in this country, . . . you know, it's getting so bad that if we do not address this situation soon—and I am not just talking about the taxi, bus and watersports operators, that's just one area of problems we have. People are going to start taking matters into their own hands and we'll all lose.

It appears that nobody is prepared to deal with these issues until there is a crisis. I better shut up and sit down. Like I said, I am very passionate about this issue and frustrated that more hasn't been done in this area because a large percentage of my Caymanian people depend on these areas for an honest, decent livelihood. Much more has to be done, and much more can be done if there is a genuine interest in seeing that it is done.

The Speaker: I think this would be a convenient time to take a fifteen minute break.

PROCEEDINGS SUSPENDED AT 4.05 PM

PROCEEDINGS RESUMED AT 4.22 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion 29/99. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) If not, does the mover wish to exercise his right of reply?

Mr. W. McKeeva Bush: This motion before the House is a very important one resolving to do two things, that is that government immediately take whatever action may be needed to ensure that all taxis, watersports operators and tour buses operating from the Port get a fair share of the business emanating from the cruise ships operating in these Islands; and that government look at the North Sound jetty situation. It deals with the watersports industry in general.

I listened to the minister responsible for these matters, the Minister of Tourism, and he trotted out a not too long list of what accomplishments he thinks are helping these people. I can tell him—and I don't need to tell him because he knows—that this is not helping the vast majority of people in the business.

He said that government hopes to bring some proposals to the Legislative Assembly to assist the operators in the North Sound. Then he went on with a spiel about how it is easier to promise than it is to deliver, and that when he promised he had the good sense to deliver. Well, that's according to his bible! But the proof of the pudding is in the tasting, and the vast majority of what has been done has not helped the people operating taxis nor the watersports operators.

I would like to say that the minister has promised far too much for far too long and he has not delivered. The people suffer!

If these people were getting the benefits he was talking about, we would not have a letter signed by some 30 people, and other letters indicating their problems. So there is no use in his getting up in here saying what he has done to help these people and how much they are getting out of it because the sad fact is that very few are getting something out of the business.

He went on to mention something about the election year. Sure, this is an election year. He came back this election year as he did in the last election year making promises about proposals to help these people. As I said, he has not done it since 1996 and I [have no] doubt that very little will be done in the next few months of the year 2000. He said there was a lot promised in the House for far too long. That is true! But the biggest culprit is the Minister of Tourism!

A motion was brought here which recommended several things. A committee was set up and the Minister of Tourism did nothing. The committee made several recommendations, (1) that a Trade and Business Licence Board be established and that its members include the Chief Immigration Officer or his designate. Well, that has been done, but what good has come out of it for these people we are talking about?

The next recommendation was that government undertake a study to collect data to determine the numbers involved in all retail trade and industries and thereafter a decision made as to how best to resolve the ex-

pressed unsatisfactory circumstances—the same unsatisfactory circumstances we talk about year in and year out. We are now into the year 2000 and nothing has been done to satisfy the unsatisfactory circumstances. The minister did [little or nothing] to assist our people in those industries.

The committee noted that His Excellency the Governor appointed an assessor to inquire into and make a full report and recommendations concerning all tourism related transportation in the Cayman Islands including North Sound watersports operations as they are affected by tourism related transport. The concerns expressed to the committee by the watersports and transport operation would be a topic of that inquiry.

Where are the results from that inquiry? What has he done to effect better business but to stand in this House and trot out a long list of who got taxi licenses and who got this and who got that and hasn't done anything about the amount of business derived from the business coming to these islands via cruise ships and the hotel industry.

There is no use in talking to the minister about this. This report was tabled on 25 November 1996. The minister can't say that members of this House and others have not talked to him concerning this business. And what we got then is what we got today—he is going to do this, and he has the sense and the experience to do that. But when the time comes to deliver very little is done.

If you have the sense and the experience to do all the things you say are necessary, then for God's sake do them! Our people are being affected—not today, for far too long now.

He had the audacity to say that he hoped he heard something about doing something for the taxi and watersports operators in the next report of the Immigration [Select] Committee. Would you believe that after reading what I read here (the decisions made by the committee in 1996) that four years later he comes here saying that he hoped the Immigration [Select] Committee would do something about this? The Immigration [Select] Committee is just about ready to make a report and we are not discussing those things because those things came to a conclusion back in 1996, but the minister did nothing about it. Nothing!

Of course, he went on the usual trend of asking why the opposition hasn't done something, and why our proposal wasn't put forward if we can do something. We have some things to do, and I will talk about that before I finish.

He went on talking about racks for brochures. These racks are not worth one common nail driven into them because they are of hardly any use to the people. Do you know how many trips I have had in the night with the people who operate in the local watersports industry to the hotels to see the operation? The racks are down in the back of the building when the law specifically says that they should be put in a prominent place. And the only prominent place is where the rest have theirs and that is in the lobby of the hotel. No, they hide them

somewhere back in the halls. Those racks aren't doing much good. It is not working.

If you ask what I have done, I have tried to do something. That's why his friends in the hotel industry don't like me. He went on to say that he has held discussions with people about putting a desk to book tours at the dock, about some agreement that no taxis be let in to the dock; working on a number of issues carrying out inspections. What he needs to inspect is the problems with the cruise ships. What he needs to inspect are the special interest groups that have the concession, the power, the wherewithal who are getting the business. That's what he needs to inspect. But there's too much vested interest.

How can the minister say that he cares or that he is doing something when they just permitted another hotel by the Youngs to give a monopoly to a foreign company to supply watersports services at the new Holiday Inn? How can they say they care when this is one of the biggest problems? And don't ask me about it because I know my father was in it from the 1950s. And when they used to operate in those days they could go to the old hotels themselves, Capt. Gleason, Capt. Marvin, Solomon Ebanks and my father, Capt. Ertis and the rest of them. They could go and get all the business they wanted. They can't put a foot in a hotel today because of the concessions that the Minister of Tourism has allowed. Not only him, but other governments allowed them as well.

The fact is that our people are not deriving the amount of business that they should from the hotels. Concessions/monopolies all same dog/puppy.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Can I interrupt you? We have reached the hour of interruption. Will you be finished shortly?

Mr. W. McKeeva Bush: I could be finished in another 15 minutes.

The Speaker: Is it the wish of the House that we suspend Standing Order 10(2) so that we can continue until he completes?

The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Thomas C. Jefferson: I think we should allow the member to finish his winding up.

The Speaker: I shall put the question Those in favour of Suspending Standing Order 10(2) to allow the First Elected Member for West Bay to conclude please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: Please continue.

Mr. W. McKeeva Bush: I thank the House for its indulgence.

The minister went on a long spiel about politics, election year, and who has the sense to do what, and who needs to do what, and who's not doing for these people.

I would just like to read from the *Hansard* what he said about the same sad situation—the one he claims is so difficult to deal with. This is what he said back in 1995, and I quote: **“It was not that many years ago that those operators in the North Sound who by their daily visits to a particular area of the North Sound where they had been feeding the stingrays for many, many years, developed what is now one of the most popular dive sites in the Cayman Islands. I think what is important is that they who developed it have an opportunity to reap the benefits from it.”** How prophetic!

He went on to say, **“We have seen the significant traffic to that area over a period of time, so much so that it is almost difficult on some days to pull up another boat. Sometimes people who are heavy on the commercial side of watersports tend to forget who actually created it.”** Then why give more concessions at the hotel for the rich and the powerful few?

He went on to say, **“The control of local business is not anything new. I believe that one of the reasons why the Caymanian Protection Law was put in place was with that objective in mind. If we now find that the law is not working as effectively as it was intended to, then there is need to take another step. Rather than reacting to a crises situation, I believe it is in our best interest to head off any possible crisis and to resolve it as best we can, hopefully being fair to all parties concerned. In my view, this control of local business does not affect the financial industry, it is basically dealing with people who provide local business such as in the watersports area.”**

Now, he knows all of that because he's not new to Cayman. He grew up here and has been in government long enough to understand the problems our people face. Then why not do something meaningful?

This was in 1995 on the debate on a private member's motion moved then by the Third Elected Member for West Bay.

He went on to say, **“I believe that the local people in the watersports industry who were there from almost as far back as I can remember are going through very difficult times. If we are, as we have been, successful in promoting tourism to our shores, whether they arrive on airlines or cruise ships, I believe that they too should get a little bit of what everybody talks about, trickle down economics, by tourism traffic.”**

But that is the bad part of it. It always has to be a trickle down—the crumbs. Why not put our people in and stop the concessions in those hotels? Why not al-

low, when 6,000 people come off the cruise ships, our people to get a little bit more than they have gotten?

I heard him say sometime back last week that the problem with the people who operate from the dock is that they leave too early. That's a pile of nonsense! I will deal with that in a short time.

He went on to say, "**Certainly, if you have a group of people who are not earning as much money from it as they believe they should, and I believe the should, then we need to take some steps to ensure that it happens. The free market system is not a solution to every problem. It does not take a genius to figure out that people with significant amounts of money can capture just about any industry in these islands. My question is, if government allows that to happen, is that fair? I say it is not.**"

Yet, Mr. Speaker, the very words he has said, he is allowing to happen day, after day, after day. Our people are suffering and the minister seems not to recognise it. Why?

Our people line up on that dock from 4.30 in the morning until late in the afternoon, and they still do not get any business. One of the things that hurts me most is to see people who are in their 70s, who went to sea when Cayman had nothing, and they sent home their money to help build up this country, now have to go on the waterfront of this country to stand up and hold up a little sign begging for business. It's an indictment against the management style of the Minister of Tourism who is supposed to be representing those people. It's a serious indictment.

He talked about people not spending time on the dock. I don't know where he gets his information, but that's a pile of nonsense. Our people go on that dock sometimes between 4.30 and 5.00 in the morning until the people stop coming off the cruise ships. That's the taxis and the minibuses. The people doing the North Sound trips go there from early morning also and stay as long as it makes sense. However, it makes no sense for the North Sound operators if the ship is leaving at 5.30 or 6.00 in the afternoon to stay beyond 2.30 or 3.00 in the afternoon because if they managed to get a Sting-ray City trip they need at a minimum three hours.

So, Mr. Minister of Tourism, don't talk nonsense about people not staying long enough on the docks. The fact is that they are staying there too long. What needs to be done is a regime put in place where the cruise ships adhere to the business. Now, I know that those people have something to do to help themselves. And I will come to that before I close. But it is unfair—to say the least—for the Minister of Tourism to stand in the House and talk about the people not being there long enough. You want to tell me from 4.30 in the morning until 3.00 in the afternoon with 6,000 people coming off and they go home with \$50 in their pocket, or less than \$100, that that's good for the country? No, it is not good because people cannot pay their mortgage, they cannot live, and the quality of life is affected.

I know because I have people in the business.

Hon. Thomas C. Jefferson: Mr. Speaker, on a point of elucidation.

The Speaker: Will you give way?

Mr. W. McKeeva Bush: The Minister spoke for quite a long, long time, but I will hear his elucidation.

The Speaker: Thank you.

The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

POINT OF ELUCIDATION

Hon. Thomas C. Jefferson: My recollection is that when I was referring to the number of people at the dock, I was talking about the earnings of taxi drivers at the dock. I asked members to query whether a person who comes to you and says that he only earned \$48.00 for the month, how many days they actually worked there. I don't recall making any comment that suggested that the watersports people did not put in full time.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: What I understood from the minister when he made some reference to people making \$48.00 was that if they had stayed at the dock longer (and I think those were the words he used) then . . . well, let's say the taxis. But whether they are taxis, omnibuses or whatever, the fact is that they stay there from early in the morning—from 4.30 am, 70-year-old people go there.

And the minister needs to do better. It's late in the day and he can still do something. And I hope that he dips in the River Jordan and comes on board and does something. He needs to repent of his sins!

There is no use saying that he, as Minister of Tourism, is called upon to restrict the number of vehicles operating at the dock when there are 6,000 people coming off the cruise ships and the people operating the taxis and watersports can't make \$100 per day. This is absolutely ridiculous.

The minister needs to pull up his socks, or if he can't then somebody else can do better, because he said he hoped that whoever came on board could do better. I say anybody who can't do better than this shouldn't be in this House! He needs to pull up his socks and fly right!

He asked what the opposition was doing to assist them. Well, I am trying, among others. And we recognise the need for those people to be able to assist themselves. It's not that they don't want to help themselves, but I think that we can help them a little bit more. We recognise the need for them to be better organised, better able to help themselves, and provide among other things marketing, insurance, and safety standards for all to operate by. This will come through the Land and Sea Cooperative that we have formed. I trust that when we go to the minister, since he wanted us to help, that he will assist the Land and Sea Cooperative with certain

things. If they can help the Cayman Brac tourism with marketing, then they can help a body like that also. And I have no problem with them helping CETA, because I appreciate the assistance.

There is no use for government to talk but not act. It seems that government can spend loads of money—over \$100,000 I hear—for a PR firm to promote a Diving Hall of Fame, but refuse Land and Sea Cooperative assistance. I would hope that the minister is prepared to sit down when we get to that point to assist us. I am calling on him through this avenue to assist the Cooperative when it comes to him, but assist in a meaningful way. We need to sit down with the cruise ships.

He needs to stop the issuance of concessions. The taxi and watersports operators need to do some things themselves. Those boats that are not insured will need to get insurance. And I have approached a company about group marine insurance for them. These things will assist. I know those are some of the things keeping them back. But the fact is that the arrangements the minister made down at the dock, and especially with the concessions, have done nothing for the welfare of the people in this business.

I am appreciative for their assistance, saying they are going to vote for the motion. But there's no use to vote the motion and then take a mortar pestle and lick us in the head. If they are going to vote the motion to look good up front, assist us genuinely. Thirty people signed this petition and sent it to the minister. This is not the first time.

This thing has been going on for far too long. Why, at one point the Third Elected Member for George Town and I moved motions in the House together about the same sad situation. Other members have moved them. When can we stop moving motions and see our people with a better quality of life because government does the right thing? Assist those people in those industries. Thank you. And I thank the House for their indulgence.

The Speaker: I shall put the question on Private Member's Motion 29/99. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 29/99 PASSED.

The Speaker: I will now entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: Before I put the question, I have given permission to the Third Elected Member for Bodden

Town to raise a public matter, a matter he considers to be of an urgent nature. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Before I raise the matter, I would ask your permission to make a remark or two to the Chair, if I may sir.

The Speaker: Certainly.

Mr. Roy Bodden: Thank you.

Out of deference to the Chair, I circulated the statement to the honourable Leader of Government Business and the honourable First Official Member prior to this. I had some trepidation doing that, and being someone who is outspoken I want to say why.

I don't consider it my business to make anyone look good in this House. So I gave in to you out of respect for you; but I have a heavy heart, and I gave it with a heavy heart. And I want to say that. I hope that in doing so (to coin an old phrase of my mother's) I didn't buy a whip for my own hide. I hope that it is understood that I consider the matter serious and a matter to be raised. That is one of the reasons I acceded to your request, because you are such an honourable gentleman.

When you called me yesterday afternoon I knew immediately what the call was about. I have nothing but the best interests of the country at heart. I hope that both the official and elected arms of government will take it in that light. I want them to consider that I have extended a courtesy. I expect that their reply is going to be in like fashion and serious.

I hope that there is nothing I can interpret as personal, because, believe you me, I will show them the teeth of Frankenstein if there is.

The Speaker: If you will give me a moment, I would like to address you on that.

I would like to say to honourable members that what the Third Elected Member for Bodden Town has stated is correct. After reading the statement I felt it was of such an important nature to the country that the person answering needed pre-knowledge in order to give a proper answer. I took the initiative to call him and request his cooperation. He gave it, and I immediately drafted a letter thanking him for returning my call and also for acceding to my request. I sincerely feel that this is in the best interest of the Cayman Islands. My decision was simply made in that vein.

The Third Elected Member for Bodden Town.

RAISING OF PUBLIC MATTER

Standing Order 11

JUVENILE GANG ACTIVITY UNREST AT NORTHWARD PRISON ESCAPES FROM THE CENTRAL POLICE STATION LOCK-UP FACILITY

Mr. Roy Bodden: Thank you, Mr. Speaker.

I rise in accordance with the provisions of Standing Order 11 to raise matters that I consider to be of national interest. These matters concern the apparent recent rise in juvenile gang activity, the continued state of unrest at Northward Prison and the recent spate of escapes from the Central Police Station lock-up facility.

Mr Speaker, in the Editorial of Tuesday 8 February 2000, the *Caymanian Compass* newspaper, in the opening paragraph, stated: "**Cayman seems to work itself up to a point where we finally have to admit openly that we have a problem with juvenile violence.**"

Having raised the question of gang activity in the schools some years ago, I am alarmed that the government, including the elected ministers, has treated the matter with such nonchalance so as to allow it to reach almost pandemic proportions at this time.

In the second instance, there seems to be no good reason for the wider public to be content with the state of affairs at Northward Prison. Just yesterday, there was a report from one of the major merchant establishments of one of its employees being assaulted by a prisoner while delivering stores at the prison. Then, too, there are continuing reports of unrest and gang activity inside the Prison. In the recent past, one of the news media carried a story of one prisoner being wounded as a result of a fracas among prisoners.

Added to this litany is the most recent escape from the Central Police lock-up facility of a group of prisoners, which the authorities describe as "dangerous."

Mr Speaker, I call on both the official members and elected ministers of the government to inform this honourable House as to what the government has done or is doing so that the citizens of this country can feel some semblance of safety; and also feel that the social control agencies are operating with such effectiveness that the national security in our country is not at risk by disruptive elements.

In conclusion, let me record my concern, disappointment and alarm at both the official and elected arm of government, but more so with the elected arm since in its 1996 Manifesto, the National Team Government promised continued stability, peace and good order in the Cayman Islands.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker.

I rise on behalf of the government to speak to the three issues which have been raised by the Third Elected Member for Bodden Town. These issues are (1) the apparent recent rise in juvenile gang activity; (2) the continued unrest at Northward Prison; and (3) the recent escapes from the Central Police Station Lockup facility. I will deal with each of these.

As a former principal of a high school in the Cayman Islands which had students come in from different districts, I am well aware of geographical groupings within a school. I believe that this holds true of the John Gray High School and the George Hicks High School with these groups from the different districts.

There were three crimes reported to the police which can be attributed to juvenile gangs between late 1999 and the early part of this year. They were (1) a security guard attacked on Walker's Road; (2) a passer-by was assaulted on Walker's Road; and (3) a student leaving school was terrorised by a juvenile gang. There were a further two suggested gang related incidents at schools. Of the three incidents I mentioned, all were investigated and detected by the police. The offenders are charged and before the courts.

The government has not been sitting idly by on this issue. There have been meetings and briefings with Executive Council by the Commissioner of Police. He has established a special team of police officers to work on gang related matters. Four Royal Cayman Islands Police Officers are currently in the United States attending a course on policing juvenile gang activity. There was a recent programme on CITN Issues 27, and I requested the Commissioner of Police to make himself available to be on the panel that spoke and he fielded questions on that occasion. I believe much useful discussion and information came out of that programme.

The second point I want to deal with is what the Third Elected Member for Bodden Town called the continued state of unrest at Northward Prison. Following the riots at Northward Prison on 30 September and 1 October, immediate efforts were made to recruit a temporary director for that facility. This was accomplished in November and since that time he has systematically gone about restoring security, good order, and discipline at Northward.

However, it is not easy to bring a facility such as Northward under complete good order and discipline following the incidents that took place. Since mid November 1999, we have been able to restore most of the buildings that housed inmates and we have re-instituted many normal daily routines which ensure that inmates can be locked up when required.

A search was carried out of the Northward Prison compound before the prison authorities went back to a lockdown position, and the number of items that could be used as weapons were found. A further quantity of weapons and tools were either surrendered or discovered by staff in January. Then, on Tuesday, 8 February (yesterday), a metal detector search of the compound was carried out and a few other items were recovered. The temporary director has instituted a programme of cell and area searches which will be part of normal operations.

It is to be expected that where there are significant numbers of inmates of different nationalities housed on the same compound that there will be occasional problems. Within the last two weeks, the temporary director has been able to significantly increase the employment for inmates at Northward, but there is the need to rebuild the workshops that were destroyed by fire in the riots to ensure that more inmates are employed. To echo the temporary director's words at Finance Committee, the devil finds work for idle hands.

Next week it is planned to reopen the educational classrooms and operate a full timetable of classes

thereby providing purposeful activities for further groups of inmates.

The perimeter fence is still a cause of concern, but the matter is being dealt with on an urgent basis and the new perimeter fence will be erected as soon as the materials arrive on the island. I want to again thank the Finance Committee for authorising funds for that.

Additionally, 20 prison staff from the UK were recruited last month and the first of these will arrive in Cayman on 27 February. The 24 cells which are under construction at Northward are slated to be completed the 1st week of March. Once completed the male inmates now housed at Tent City will be relocated to Northward. This new accommodation will enable prison authorities to locate inmates in living units appropriate to their security category and behaviour, and should also help to break up any groupings that have been formed.

The escape of prisoners held at Central Police Station is indeed a tragedy. A combination of factors including the apparent substandard construction of the building, coupled with poor prisoner management by individuals is attributed to their escape. An investigation into the escapes has been ordered.

Security at Central Police Station was immediately upgraded as PWD strengthened the physical structure, while stricter procedures for prisoner movement have been implemented by the Commissioner of Police. A sizeable task force led by a chief inspector is dedicated to the recapture of these prisoners.

At a meeting earlier this week, between Executive Council and the Commissioner of Police Government agreed, subject to the approval of Finance Committee, for the recruitment of 24 trained and experienced police officers from the UK to assist the stretched resources of the Royal Cayman Islands Police Service. In the meantime, overtime payments will be made to off-duty police officers, again subject to approval of Finance Committee, to offer better cover for this country.

I would like to point out that the government has devoted a considerable amount of its time and efforts to law enforcement matters and has taken positive action to deal with these problems.

In closing, I should like to point out that reported crime in the Cayman Islands for the year ending 31 December 1999 was 12% less than it was in 1998. While I would not wish to minimise the serious incidents that have taken place, I would like to assure this honourable House and the listening public that all efforts are being taken to ensure that this country is as safe and secure as we possibly can make it. Thank you.

Mr. W. McKeeva Bush: Mr. Speaker?

The Speaker: The First Elected Member for West Bay. I really don't want to get into a debate, so please remember that.

STATEMENT BY MEMBER

Mr. W. McKeeva Bush: Mr. Speaker, no, but this is an important matter and not too long ago, in fact in 1998, I

asked on the same Standing Order at the end of the day that a task force be set up. But I will say this: We have to realise that we have a problem before we can deal with the problem. The fact is that our community feels it. I started a series of meetings to form district forums. The one thing we need is statistics and information. I had the Director of Social Services come. At the last minute she had to withdraw because of the flack she was receiving. That is not good. We have to have information, and the public needs to have information. I take a dim view of any pressure put on any civil servant when they should be giving the information and assisting representatives with information.

That was in 1998 after a young man was killed. We were in denial then. I hope that that denial is not going to continue. There is no use saying that we have a decrease in crime. The fact is that we are contending with some very serious crime. I certainly thank the Third Elected Member for Bodden Town for raising this issue today.

The Speaker: I will now put the question that this honourable House do adjourn until tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

**AT 5.15 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 10 FEBRUARY 2000**

**EDITED
THURSDAY
10 FEBRUARY 2000
11.22 AM**

[Prayers read by the Honourable Minister for Education, Aviation and Planning]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Fourth Elected Member for West Bay, who is not feeling well.

Moving on to item number 3 on today's Order Paper, Presentations of Papers and Reports. The Honourable Second Official Member.

**PRESENTATIONS OF
PAPERS AND REPORTS**

**THIRD INTERIM REPORT OF THE SELECT
COMMITTEE OF THE WHOLE HOUSE DEALING
WITH THE IMMIGRATION LAW, THE LOCAL COMPANIES
(CONTROL) LAW AND THE TRADE AND
BUSINESS LICENSING LAW**

Hon. David F. Ballantyne: Mr. Speaker, I beg leave to lay on the Table of the House the Third Interim Report of the Select Committee of the whole House dealing with The Immigration Law, The Local Companies (Control) Law and The Trade and Business Licensing Law.

The Speaker: So ordered. Do you wish to speak to it?

Hon. David F. Ballantyne: If I may.

The Speaker: Please continue.

Hon. David F. Ballantyne: Thank you, Mr. Speaker.

Mr. Speaker, the Select Committee to review The Immigration Law, The Local Companies (Control) Law and The Trade and Business Licensing Law was established by this Honourable House on 21st April 1997 with the passing of Government Motion 1/97 moved by the First Official Member. Government Motion No. 1/97, which established the Committee, set out its terms of reference as follows:

“WHEREAS there is considerable inter-relationship between the Immigration Law, 1992, the Local Companies (Control) Law (1995 Revision) and the Trade and Business (Licensing) Law (1996 Revision);

“AND WHEREAS there has been considerable passage of time since these Laws were enacted or substantially amended;

“AND WHEREAS a Select Committee entitled ‘Select Committee (of Elected Members) Control of Local Businesses’ made certain recommendations in its final Report to this Honourable House;

“BE IT NOW THEREFORE RESOLVED THAT the Immigration Law, 1992, the Local Companies (Control) Law (1995 Revision) and the Trade and Business (Licensing) Law (1996 Revision) be referred to a Select Committee of the whole House, without prejudice to the final Report of the Select Committee (of Elected Members) Control of Local Businesses, for review to formulate principles in accordance with which specific amendments to these and any other relevant laws may be drafted and brought to this Honourable House by the Honourable First Official Member;

“AND BE IT NOW THEREFORE RESOLVED THAT, in considering the matter, the Select Committee seek input from the public.”

Mr. Chairman, the Committee has thus far held 16 meetings, on five days of which the Committee met members of the public.

The Committee has tabled in this Honourable House two interim Reports, the first of which was laid on the 17th day of December 1997, and the second on the 19th day of November 1998.

In accordance with the provisions of Standing Order 74(1) the Committee wishes to report that although it has not as yet concluded the work referred to it, it wishes at this time to make various issues for consideration by the public concerning immigration issues. These are set out as follows (and I would propose to give an outline of these issues as contained in the report for the benefit of the listening public). Issues for consideration by the public: The Committee has thus far addressed five main immigration issues, which are: Caymanian status, permanent residence, British Dependent Territories Citizenship, work permits, and procedure for appeals, and puts forward, for consideration by the public, the following issues for possible changes:

(a) Caymanian status: That the Law should remain unchanged in regard to the provisions for acquisition of Caymanian status by birth and descent (section 15 (1) and (2) refer), but that in regard to the acquisition or loss of status by grant that the following criteria should be met:

- (i) Acquisition of Caymanian status by grant:
 - ◆ A person wishing to apply for the grant of status should have resided within the Is-

lands for a period of 25 years and shall have at least five years' residence immediately preceding submission of an application.

- ◆ The person should be an existing permanent resident.
- ◆ All evidence of qualification should be submitted to the Immigration Department for processing and determination by that Department and that such determination should be made on the basis of the application and supporting documentation and not in a discretionary manner.

(ii) Loss of Caymanian status by grant: That it is not necessary to make any changes to the current Law in regard to the loss of Caymanian status by grant, but that the loss of status upon reaching the age of 18 years should be examined,

That –

- ◆ the Governor-in-Council should have no part in the granting of Caymanian status,
- ◆ the power under the current Law, which gives the Governor-in-Council the power to make directions, should be repealed,
- ◆ there should be legislative participation in the issuing of Directives.

(b) Permanent Residence: That applications for Permanent Residence should be considered under three categories:

1. Retirees;
2. Existing residents with Caymanian connections; and
3. Existing residents without Caymanian connections.

In respect of:

- (i) Retirees: That a person must be of independent means, be required to have a minimum annual income and have investments of not less than CI\$250,000. This form of residence would not allow a person the right to work.
- (ii) Existing Residents with Caymanian connections: That such persons must have the capacity to be self-supporting, should not require a qualifying period of residence and have the right to work without restrictions.
- (iii) Existing Residents without Caymanian connections: That a qualifying period of at least 15 years' residence should apply prior to submission of an application by a person who must have the capacity to be self-supporting and that such persons should have the right to work without restrictions.

In relation to all categories, all applicants should have a clear criminal record, all assets used in qualifying for residence should be retained and that persons retain Permanent Residence if they become destitute, provided that such destitution is not a result of their own acts and they are not a charge on the country.

Loss of Permanent Residence: That no changes are necessary to the present Law.

(c) British Dependent Territories Citizenship (BDTC):

- ◆ That an amendment to the British Nationality Act 1981 should be sought to provide that BDTC shall not be granted to any person who does not have Caymanian status, but shall be granted, upon application, to any person who has status.
- ◆ That the Government of the Cayman Islands should discuss with other overseas' territories their willingness to adopt the same position on this issue, prior to a submission to the Government of the United Kingdom.

(d) Work Permits:

- ◆ That, if changes are made as set out in paragraphs which I have just said regarding status, residence and BDTC, that thereafter work permits should be issued only for five years in aggregate and such policy should apply across-the-board, irrespective of nationality or category of occupation.
- ◆ That applications for non-controversial work permit renewals should be dealt with administratively by the Immigration Department, but by the Board in cases where controversy exists.

(e) Appeals Procedure:

That the present Law should be varied so as to provide that:

- ◆ Appeals in respect of decisions relating to Caymanian status and Permanent Residence should be dealt with by a magistrate appointed for that purpose by the Chief Justice and shall be based as a matter of law.
- ◆ Appeals on decisions relating to work permits (both renewals and grants) should be heard by a tribunal comprised of three persons with the chairman being a person with legal qualifications and appointed by the Governor, one member representing employers and one member representing employees. Members of the Legislative Assembly should not qualify to represent either employers or employees or be a chairman.

Generally, that the Immigration Law should contain minimum discretionary powers so as to eliminate arbitrary decisions and to remove all elements of discretion by the Immigration Board and that the Immigration Department,

except where there exist controversial cases, should administer all renewals.

Taking this slightly out of order, Mr. Speaker, Private Member's Motions 5/99 and 12/99 that some of the concerns relating to those persons mentioned in those private member's motions will be the subject of separate deliberations when the Committee resumes its work.

Lastly, Public Input: I said earlier that these issues have been put forward for consideration by the public and it is now proposed that the public be invited to give feedback on the issues contained in the report either through their elected representatives or in writing to the Select Committee through the Clerk of the Committee, PO 890, Grand Cayman within 30 days of the tabling of this Third Interim Report.

In conclusion, Mr. Speaker, I would like to say as Chairman of the Select Committee, in my ordinary capacity as Attorney General, I have found this to be a privilege to serve in this way on a very important topic. And I would like to simply acknowledge that I have tried to act as a facilitator in this process since I am clearly not from the islands.

However, I would like to pay tribute to the work of all the Members of this Legislative Assembly in the work of the Select Committee and congratulate them on having reached a degree of consensus on this issue and look forward to working further with them on the topic.

Thank you, Mr. Speaker.

The Speaker: Moving on to item number 4, Other Business, Private Member's Motion No. 30/99, Government Assistance for Local Farming Community, to be moved by the Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 30/99

GOVERNMENT ASSISTANCE FOR LOCAL FARMING COMMUNITY

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I am pleased to move Private Member's Motion No. 30/99, Government Assistance for Local Farming Community, which reads:

"WHEREAS much money and effort has been made by both Government and the local farming community to promote local agriculture and farming;

"AND WHEREAS as a result of these efforts the Island is now self-sufficient in certain fruits and vegetables and much progress has also been made with respect to improving the supply of local beef, pork and poultry;

"AND WHEREAS the local farming community is experiencing difficulty finding a sufficient market for its products and, as a result, many of the local farmers are concerned with their financial survival;

"BE IT NOW THEREFORE RESOLVED THAT the Government take immediate steps to meet with representatives of the local farming community to discuss ways that Government can assist the local farming community to ensure its financial survival."

The Speaker: Do we have a seconder?
The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am pleased to second the motion.

The Speaker: Private Member's Motion No. 30/99 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, the reason why this motion is being moved is that late last year (I cannot remember exactly what month it was) I had representation from the local farming community who met with me to express their concerns with respect to the difficulties they were having as local farmers with regard to the sale of their products.

After listening to them, I said I would do whatever I could in order to assist and the best way I could do it was probably through a private member's motion, and that is why I agreed to move this motion.

Mr. Speaker, with regard to agriculture, much has been done by Government in order to provide the idea of agriculture in this country. I am always very pleased when I visit the Agricultural Pavilion especially the Agricultural day on Ash Wednesday. It really pleases me to see the quality of the products and animals that are reared here in the Cayman Islands by our local farmers.

Mr. Speaker, there are certain individuals in this country . . . and the first one that comes to mind is Mr. Ebanks in North Side who has devoted his entire life to farming. I have been there quite a few times and I am also impressed with regard to the entire operations. He is into products like cassava, potato, plantains, and he is also into farming of pigs.

Mr. Speaker, I recall as a boy being involved in feeding pigs that my Dad used to raise. I can guarantee you that our operation looked nothing like his (Mr. Ebanks'). His is a very clean operation, very well organised, very modern and it is a delight to see the devotion and commitment that has gone into farming by this particular gentleman.

You know, what also surprises me, because I have done it on a number of occasions where I had to call him and say, *'Mr. Ebanks, I need 50 pounds of pork and I need some plantains, cassava'* and all the other things that go along with cooking that particular meat, his prices and the quality of his products are excellent.

We have a number of other farmers. I know the Minister in his district has some. The other name that comes to mind is Mr. Otto Watler, who has been involved in this industry a very long time. So, these individuals and Government have spent a considerable amount of time and effort in order to promote local farming.

What has also been very positive is that through the Ministry of Agriculture, the Agricultural Department, there is also expertise available for the local farmers to draw on. If they need advice with regard to any particular plant or animal, normally that advice is available free of cost.

Mr. Speaker, I recall when the Third Elected Member for George Town was the Minister of Agriculture. We did a number of farm visits and I was very impressed, like I said, as we visited different farms, with the quality of the products and fruits that we being grown and also the high quality of the animals that were also being raised.

Mr. Speaker, the other thing that is significant about an industry of that nature is that the Cayman Islands is so heavily dependent on outside sources for basically everything that we use and consume in this country. The more that we can do locally in order to reduce that dependency, the better off we are all going to be. I recall on a number of occasions when we had a Nor'wester, or a cold front, coming in and the ships could not get to the dock, it doesn't take very long before the shelves in the supermarkets are depleted.

The other thing is that our local farmers and residents alike can be proud is when they walk into a supermarket or walk into the Farmer's Market and see things that are locally grown and produced. You walk into a T-shirt shop in this country and it says "Cayman Islands" on the T-shirt but when you look on the label it says "made in Hong Kong" or "China" or someplace else, there is very little that is done locally. Mr. Speaker, we must do all that we can to encourage that type of local industry.

Like I mentioned, a number of farmers have been in this business for some time now. They have done very well with the quality of the products that they produce. As far as I can see, they are also very competitive with regard to the price most of them are requesting for the sale of their products. As a result of their efforts, I am told that there are certain products that we are self-sufficient in, things like green bananas and, to a certain extent, mangoes especially during the main season. There has been a substantial improvement in the production of pork, mutton, and beef also by our local farmers.

I was talking to the group and one of the individuals said that he now raises a certain pig that is very lean as far as the meat is concerned, which makes it much more attractive as far as consumption. Today people in general are very conscious with regard to cholesterol and all the other health related problems. So, if you can get meat that is much leaner, it makes it much more attractive to the consumer.

Like I mentioned in my opening remarks, the farmers at the present time are expressing some difficulties. After the motion was filed (and I don't know who was responsible for it, maybe it was the Agricultural Society) there were a number of local articles and advertising in the papers reminding people that the local farmer was available and was producing good quality crops and animals like beef and pork and all that, and just urging people in general to support the local farmer. It was very positive Mr. Speaker!

In an effort to assist, the Government also assisted with the establishment of a Farmer's Market to serve as a main outlet for the products that were being produced by the local farmers. A number of the officers of the local farming community that came to see me did mention that many of them were involved personally with guaranteeing loans that were necessary for the establishment of that facility. I am also aware that Government gave them quite a bit of money also with regard to improving that facility there.

The main problem that the local Farmer's Market experiences is cash flow. They are not properly capitalized, and when a farmer brings in his products, I am told by some of the local farmers that quite a bit of money is still owed to them. But because it is their facility they do exercise a little patience in order to wait for their payment.

The local Farmer's Market should not be the only outlet for these locally grown and raised products. We have the Foster Brothers and the Kirkconnell Brothers who are big merchants in this country and they sell tons of food every week to the local community. Mr. Speaker, the experience I have had is that when you walk into a supermarket and you see something that says "locally grown," people buy it because in most cases it is of a higher quality and the price is probably just as good as what they have imported from Canada, the United States or wherever else they are bringing products from. I believe that the local merchant community has to have some consciousness and commitment with regards to seeing to it that they provide an outlet for locally produced farming products. I don't think you would have a problem with the sale of these products.

One of the difficulties that they have (that is, the local merchants) is that they want a consistent supply and that is the excuse that a lot of them will use '*well, if you cannot guarantee that every month you can provide me with 10,000 pounds of beef, 5,000 pounds of pork*' most of them really don't want to talk to you. Mr. Speaker, I think the way that they should do it, whenever these farm products are in season, lets say, mangoes, avocados, green bananas or whatever it is, at least during the peak season their commitment should be, '*I will take whatever you can give me locally and then when you have an off season I will go back to increasing my imports*'. I believe if the local merchants took that approach, it would greatly assist the local farmer and at the same time also produce an outlet for our locally farmed products.

Mr. Speaker, one of the areas that I think the local farmers . . . and I am proposing or recommending that some type of council or committee or whatever you want to call it is established that has representation from the local farming community and maybe a representative from the large merchants here, who get together and say, '*ok, here is what we can do to assist*'. One of the main weaknesses that I see in the whole system is the lack of sufficient marketing of local products. You and I both know that you can be in business and you can be in a position where you can produce the very best products, but unless the local public or market is available for what you have for sale it really doesn't make a whole lot of

sense. So, I believe that the local farming community needs to set aside a little money for advertising.

Mr. Speaker, you and I are both in business. With one of the franchises that I own I am obligated to spend at least 4% of my projected sales in advertising. Even with that there is great competition. Your competition is doing the same but it is very difficult to really survive unless you are producing a very good product and people are made aware of what you have for sale.

Mr. Speaker, as a result of the lack of a proper outlet for the products that farmers produce locally, many of the individuals who were involved in farming on a very large scale have cut back their operations. Some of them have basically said that *'it doesn't make sense, let me get out of the business and find something else to do.'* Now, Mr. Speaker, that is sad because not everybody loves to do farming. It is not a very easy thing to do in most cases. I recall as a boy being involved in it and I tell you the truth I really didn't look forward to Mondays when I had to go into my father's farm to pull bush or plant seeds or whatever it was. It is not a very easy thing, but it is very enjoyable and if you are inclined in that area then you should be encouraged to continue to be involved.

The Speaker: May I interrupt you for a moment?

Is it the wish of the House that we continue straight until 1.00 p.m. rather than taking the morning break?

Mr. John D. Jefferson, Jr.: I think so.

[Members in the background: Yes, sir]

The Speaker: Thank you, please continue, Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Like I said Mr. Speaker, the farmers right now are desperate and they are crying out for assistance. I believe that we owe them an obligation to do whatever we can do in order to assist. Now, I know that this is a subject that is very near to the heart of the Minister of Agriculture. He is also a local farmer who has been involved, and continues to be involved, in this very, should I say, stressful undertaking.

Mr. Speaker, what I am proposing by way of assistance is that (like I said before) I think we need to establish some type of working council with a membership consisting of the Chief Agricultural and Veterinary Officers or a member of his staff, representatives from the large local merchants, and also representatives from the local farming community. I don't have a problem if a member of staff from the ministry is interested in being a part of that committee or council. I think it will be very positive. You know how it works, the more support we have for any particular effort—especially with highly visible individuals involved—the chances are it will help to move it forward.

This council would basically be responsible for discussing ways of mutual benefit. Since I filed a motion I did take the time to look in the supermarket that I shop at to see what is available locally. I was very pleased to see that there were some local products, especially meat,

being displayed. If I am not wrong, there was also a label that said 'local beef' which is very positive. But I think if this council is to get together to discuss ways of mutual assistance and benefit, it would be very positive.

Mr. Speaker, if the large merchants don't want to buy the products outright, there is no reason why they cannot (and I quite sure they do a lot of this) take the products on consignment, sell the products and get their little commission or whatever for the sale; or designate certain areas that the local farmers would be responsible for maintaining as far as supplying the fruit and meat side of the business. Whichever way makes them comfortable, the main objective is that they have additional outlets for their products.

Mr. Speaker, today people are very health conscious. I think one of the major marketing points for local products is we could advertise them as being organically produced, that is, lack of pesticides and excessive fertilizers and that type of thing that are used in their production. Mr. Speaker, you and I both know that imports in order to get the crop quick and for them to look attractive a lot of artificial products are used in order to enhance their image. For example, an apple that's imported looks waxed. That is not natural. That is enhanced through chemical or whatever in order to improve the attractiveness. But people today are very health conscious and there are some people who will not purchase anything that they believe is grown or produced under those types of conditions.

Mr. Speaker, health food stores and those types of thing have become a very huge success and people don't mind paying a little more for products that are organically grown because they feel that they are healthier and statistics prove that they are much healthier.

Even though Government has done quite a bit by way of supporting the local farming community I believe that the Government has to really look . . . and I think that we even dealt with this issue in one of our recent Public Accounts Committee Report dealing with the Farmer's Market. The Government needs to go in there or get somebody who can go into the local Farmer's Market and look at the whole operation objectively and say what the needs are. Maybe they need \$150,000 more per annum in order to make sure that the market has sufficient cash flow to take care of its daily operation and daily purchases and that type of thing. There should be a commitment from Government saying this is our additional commitment in good faith in order to assist. I don't think the present Minister would have a problem with supporting that type of commitment.

Mr. Speaker, I am told, and I am aware, that the Farmer's Market is a facility that is owned basically by the local farming community. But these gentlemen that I spoke to should not be in a position where they are obligated on a personal basis to finance that operation. I don't know how much money we are talking about, but maybe this is another area that Government could assist by saying, *'let's assume those commitments to relieve the personal individuals of this obligation.'*

Mr. Speaker, I could say much more on this subject but I think I have said enough. I suggest, in summary,

that we join hands, that is, the Government, the local farming community and the local merchants, to see what we can do in order to address this very important issue. The investment that Government has made, the investment that the local farmers have made in the industry should not be wasted through a lack of assistance, through a lack of effort and through lack of co-operation from all those parties that I mentioned in my presentation.

So, Mr. Speaker, I would just like to leave these thoughts with the local farmer. Like I said, I have found their prices competitive, at least the ones I have dealt with. Now, I cannot say that's the case for all of them, but I think what they have to is appreciate that the local consumer and the local merchant are looking for the best price and they must be competitive price-wise also. I know they have competed very well quality-wise with any foreign imports, but it is also very important for them to be conscious price-wise for the sale of their products. We have a tendency in this country to want to get rich overnight—we want to get as much as we can as quickly as we can. That is not necessarily the best way to continue to be in business.

So, I do recommend that Government support this very important motion, and I look forward to hearing what their plans are for assistance. Thank you, sir.

The Speaker: Does any other Member wish to speak? The floor is open to debate?

The Honourable Minister for Agriculture, Communications, Environment and National Resources.

Hon. John B. McLean: Thank you, Mr. Speaker. The Government offers its support to the motion moved by the Third Elected Member for West Bay with regard to assistance for the local farming community.

In the final resolve section, it states, “. . . **THAT the Government take immediate steps to meet with representatives of the local farming community to discuss ways that Government can assist the local farming community to ensure its financial survival.**”

It is a fact that over the years Government has invested much into farming in the Cayman Islands. It is also a fact that with all of the interest shown by this Government and previous Governments, there still exist some problems in the farming sector. I need not go into the history of farming in the island, and I will stick with what we have come upon as problems experienced by the farming community.

Mr. Speaker, as the motion states, meetings with representatives of the farming community have been held by the Executive Council of Government not so long ago. We sat and discussed matters such as those raised here a while ago by the mover of the motion. We believe that working together on this very important sector we can come to grips with the problems experienced today. I would like to say that the large importers in this country today are co-operating to a certain degree with the farming community, I am pleased to say this. However, it could be even greater support offered in that area.

But I would like to say that there is an ongoing dialogue between the Farmer's Market, the Department of

Agriculture and the importers in the country. The three main importers, Foster's, Hurley's, and Kirkconnell's, are all at present given some help and relief with regard to taking some of the crops and meats that pass through the Farmer's Market. As I said, it is an ongoing dialogue between the manager of the Farmer's Market, the department and managers in the respective businesses.

There is a problem, Mr. Speaker, with regard to payment to farmers when goods are passed through the Farmer's Market. It is a fact that the Farmer's Market has always been under capitalised. I think this is the main problem. We, through the department and Government, have ordered that a proper business plan (which I mentioned here a few weeks ago) be put in place so that this can be attended to. It is my understanding that the plan should be in place by the 16th of the month. We are hoping that through this plan, we will be able to sensibly say to Government that these are the needs of the market in order for it to operate as a business should operate.

At that time, I will take to Executive Council the report and make the recommendations for whatever capital is necessary to put the market on a proper footing, and at the same time ensure that the farmers will not have to wait the length of time that they have been waiting in the past. Mr. Speaker, I can say that I include myself in that because I, too, happen to be a farmer.

I agree with all that mover of the motion said with regard to the quality of crops and meats that we have here in the Cayman Islands today. We must congratulate all those who have worked so hard to bring this to where it is today and I can think of people like Mr. John Bothwell in West Bay, Mr. Willy Penny, Mr. Chantilope in Cayman Brac, and the list goes on and on—persons who are now well up in age but have actually dedicated most of their lives in promoting agriculture in the Cayman Islands.

I believe that we are all saying the same thing, that is, we are in full support of the farmers, the farming community, and agriculture as a whole in the Cayman Islands. It is for Government, once the plan is put forward and the needs and the amounts that are necessary to make this work can be seen, the proper staffing to manage the market and all that goes with it, for us to take the necessary steps to make the funds available so that we can move forward to assist the farmers in these islands.

Mr. Speaker, the Department of Agriculture will continue to give the assistance that is needed as far as going to the field and offering their help and support with each and every farmer that calls upon the Department.

The matter of pricing is something else, and the cost to the farmer here in Cayman can hardly be compared to what it costs a farmer abroad. But the one selling point that we have here is the fact that we base what is produced on quality. While we do not have quantity, we do have quality. I am pleased to know that, again, as has been said, there are several areas that we can almost boast of being self-sufficient.

The quality of animals, the quality of crops speaks for itself and it is always pleasing especially on show days to hear foreign people visiting these shores speak

so highly of the quality which our farmers produce in these islands.

Mr. Speaker, speaking of on-going dialogue between the farming community and Government, I can say that until this morning, meetings took place between my Ministry and the Agricultural Society in making sure that whatever assistance can be given through Government be given to the Society making sure that we have another successful show.

We will continue to do whatever is possible to encourage the support of importers such as those mentioned, the larger importers, to co-operate with the farming community, to co-operate with the Farmer's Market and to offer their full support to the efforts of our local farmers.

I believe in all honesty that we are presently moving in the right direction, and I think like any other business, once we have a proper business plan in place and we have sufficient capital to allow us to pay bills to farmers on a timely basis, this will alleviate a lot of problems especially for the poor farmer who has to work so hard to earn a living. They, in turn, will be able to have their funds more regularly than in the past.

As I mentioned a while ago, not only here in Grand Cayman has the assistance been given, but we have also been working closely with farmers in Cayman Brac. And I need not say how important it is to have water in farming. The most recent thing that has been done by the Government is to offer some assistance in the area of good water for the farmers in Cayman Brac.

Again, I would like to thank the mover and seconder of this motion. It is a very good motion and I give the House the undertaking that I will continue to monitor the situation. I will continue to work with the farming community, and as soon as we do have this business plan in hand, I will report back to the House on the matter. So, once again, I would like to thank the mover of the motion.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I support the motion. The motion came about after local farmers discussed with various members, including the mover, their concerns. Mr. Speaker, at that time they were unhappy about the state of affairs in farming and right now the industry is unhappy.

Mr. Speaker, I am glad to hear what the Minister said about meetings. I don't know if he is meeting with the farming community, as such, but we understood in the discussions with members from the farming community that they had refused to meet with them. That's one of the things we were told. Mr. Speaker, we do need to support local farming and local industry, whatever it is.

The Minister who has responsibility for the subject certainly kicked off farming in a meaningful way some years ago. And I congratulate him for that. But, Mr. Speaker, the fact is that I believe that much more needs to be done presently for that community. Having got it off the ground you cannot leave it to die and we are spending a lot of money on agriculture. We have built a fabulous building, a wonderful facility and we have fairground

facilities where we can host regular and well-organised shows. But if the farmer, as the old people say, "cannot put pot on fire," then what use would the buildings or even the shows be?

Mr. Speaker, it beholds any country to have a sound agricultural sector. We know that we are not totally an agricultural sector and our arable lands are few and far apart. But that is the reason why we have to utilise what we have in a more meaningful manner. In view of the world-wide concern now of genetically modified food products it beholds this Government to ensure that the farmers have much more and better support than what they now have. We produce good quality farm products here. The Minister often can tell us about the big bunches of bananas and plantains that he himself grows, and I see them in other farm locations.

I think of Mr. Franklin Smith who has struggled and makes a living, but under serious circumstances. I think of Mr. Otto Watler, who has been struggling ever since with his farm. We have to ensure that these people continue if they want to. We are putting good money into farming but that money must pay off to the country.

Mr. Speaker, I was against the reduction on import duty on products because they are affecting the local farming industry—and in this instance bakeries. I don't support it because I keep saying that the people are not getting the benefit. We know that the farmers were told that either they bring down their produce by 15% or 18% in one instance or else they will not be able to sell.

No one can say that local bananas are expensive and the quality of . . . I just grow a few plantains and bananas myself and I refuse to eat anything than what I grow or what I can buy locally because mine have no chemicals whatsoever. You buy those foreign plantains and you might as well buy a piece of cork and try to fry that. You might as well buy a piece of bamboo and stew it—I don't eat it. We are not a producing country of any kind. Like I said, we have no large manufacturers. But I am one who believes we have to pay attention to what we have here as far as production.

We must be able to offer some protection . . . and don't tell me it cannot be done because you watch what you are doing and do it sensibly—you talk to everyone concerned and make sure that the prices are not out of whack. We have no mechanisms to control prices or to ensure that the public of the country get a benefit from the reduction on those items—one group is now talking about a watch on consumer affairs, and that is good. I wish them luck, once it is done right.

Somebody has to pay attention to these matters because we all know . . . and, again, it my argument that the bottom line is that the cost of living is escalating all the time, it is not going down. So, if anyone can do anything to help bring it down, I say more power to them once it is done right.

We have good quality produce here. Mr. Speaker, we have some of the best yams anywhere that I have been where they grow it. As I said, I don't think that we should be doing things that hamper them, we should do more to assist them.

The mover made some points that were given to us by the members of the farming community that came to us. But, as I said, they came to quite a few people on the Backbench. So, I would not go through those items but to say that I support the farming community. If you want a healthier nation, you must pay attention to what is being imported into the country. I repeat that there is world-wide concern about genetically modified food products or genetically engineered food products. So, we have to pay attention to these things.

We have no meaningful arm of Government that can look at the various products. We don't want to be a dumping ground and become a Third World. They might want to class us in that instance, but we don't really want that, and we have to be careful that we are not a dumping ground with any kind of products, and we know that we don't produce much here. I repeat that too. You get all brands of products coming in. I don't know if anybody is checking them to see how safe they are, and I would not take away from the integrity of the business people who sell products here—no, I would not do that. What I am saying is that the more we can do locally, the better off we are and the less we have to import.

So, Mr. Speaker, I give this motion my full support. Thank you, sir.

The Speaker: Does any other Member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to briefly make a few remarks on this motion because there was a letter some-time ago in the *Caymanian Compass* written by a farmer, I think, Mr. John Bothwell, who gave us an indication of his contribution to farming in the Cayman Islands. I would like to take this opportunity, of course, to congratulate him in his achievements. I should hope that he realises that other people have made achievements in other areas. Because people work in air-conditioned buildings does not mean that they are contributing less to the society.

Now, if we look at the history of the development of commerce . . . and let us be general since I don't want to get into any other play, but the play of creating a framework for better understanding of some of the questions with regards commerce we have in our society. In other words, how should commerce be supported? How should commerce be regulated by Government? The basis of society as we know it, modern civilisation, people staying in one fixed position for a long period of time rather than migrating and following food, is that gatherers and herders became essential for the foundation of the society.

So, if we look at society, we find that the farmers and growers are the basic foundation of the society. But they are not just that from a point of view of providing food, they provide the basis for the beginning of commerce for the basis of exchange.

If everyone were a farmer, it would mean that there would be no way of one person exchanging his products for other goods. In other words, everybody cannot be a farmer. Otherwise commerce would have stagnated and

would not have progressed. So, I think that I might not look at this from the point of view of a farmer, but I have to look at this particular motion and this particular question about assistance and protection of farmers from the point of view of somebody who understands the creation of society and what is necessary for the maintenance of society and the progress of society.

Now, if certain persons become farmers and remain farmers while other people become candlestick makers, and we have as a result a diversified and differentiated society, we all become interdependent: The farmer is dependent upon the dentist, the dentist is dependent upon the farmer; the farmer is dependent upon the carpenter, the carpenter is dependent on the farmer; the shoemaker is dependent on the shoemaker, but the farmer is also dependent upon them. So, the farmer does not exist in isolation on his own, therefore the farmer's interest cannot be that interest which regulates the society. We must put all the interests together in order to decide how the society should be regulated. That is basically what I am saying.

It is easy for us when we get spurred on by interest groups to bring the interest of that particular group and not see how that group's interest relates to the general interest of the society—and a lot of time it does. If we are all interdependent it means that each interest group really has some connection with other interest groups, and our job is to explain it, to rationalise why we are saying that Government should take certain actions or not take certain actions. People accept it much better in a democracy when it is explained to them.

Now, I believe that we have a sufficient amount of people in this society that are interested in farming, but the mere fact that our society at one particular time was not dependent upon the local production of foodstuff is a relevant point. Our society like other societies was able to get over that hump and to be able to bring food from the outside rather than to raise food from the inside.

Now, this could mean that our society is very much like New York City. That does not produce food, but it has buildings that are involved in finance and other things. So, the mere fact that New York City might be dependent upon upstate New York, or Iowa, or Texas for beef or whatever, is a phenomena that has to do with the growth and the diversification of society.

Now, the fact that we are near to other food producing territories, the fact that we did not have the abundance of cheap labour, the fact that we might not have the kind of land that could be easily transformed from manual farms to what we consider to be commercial farming where machinery could be used, could mean that there are certain factors that the people who are involved in agriculture in this country have to begin to take into account. Why is it that even with the assistance from Government over the years that the farming community has not been able to transform itself from a self-sufficient industry that is producing a sufficient surplus in order to commercialise the entire venture?

If we look at America, we see that fewer people are farming and the farms go bigger. If we look at Russia, we see that fewer people are involved in the actual produc-

tion of foodstuffs. Those people are pushed out and they are pushed into other useful productivity centres in the society and farming becomes more and more commercial.

Now, there might very well be a change in this trend because of the fact that a lot of people are interested today in getting quality food, and people are interested in paying even more, if they have to pay more, because the quality is better. If I can get a local avocado, I am going to get that. If I can get a local mango, I am going to get that. If I can get local beef and I know that there are no steroids, I am going to buy the local beef because as a conscious consumer I also become conscious of health things.

So, in terms of getting people to buy local products you also have to market it properly, which means you have to get the consumer to make the kinds of choices that are based upon more factors than just price—freshness, for instance, could be one thing; the fact that you know where it comes from and the fact that you know it wasn't sprayed. All of those things could be important.

So, we know that Government could be doing more. Not to say that Government has not done, but there are aspects of marketing whatever the product is that will improve the possibility for the product to survive even if the product was more expensive. We have a typical example with water—people are willing today to accept bottled water and pay more than for water that is not bottled. People in Cayman are drinking water from France and other parts of the world—water! Water, of all things, has become an export commodity. Why? Because there are certain people who are conscious for certain health reasons, even if it is not real, even if somebody has just created it in their head, that bottled water is better than cistern water or brackish water and so.

They are paying, so prices are not the only point with regard to the marketing of any product. It has to do with the way that the consumer chooses and, therefore, if we are going to have an effective Farmer's Market, we have to have an effective marketing strategy that will cause the consumer to make choices—free choices based upon the gathering of information.

Now, most Governments think that the best way to get people to make choices is to force them to make choices, so legislation is always what is considered. Taxation, in other words, with regard to import duties. You put a high import duty on it and it is going to make that product more expensive and this one cheaper, and the one that is cheaper will be more successful—the furthest thing from the mind. All market factors and all market information will prove to you that is not the price of the product only that causes the product to survive on a market.

So, I am just saying this to suggest that because I might have been calling for the reduction of duties with regard to foodstuff does not mean that I do not appreciate the historical contribution of the farming community in this country and in Western Civilisations. I know that farming as a result of the commercialisation of industries has gone through a tremendous transformation. If the

farmer is going to serve the community, the farmer—just like the candlestick maker—has to become modernised. His approach to growing has to become modernised. Equally important is that his approach to marketing must become modernised. So, the mere fact that I might make certain statements does not mean that I intend to misunderstand because my Grandfather Lemmie was a farmer. My father farmed and we all farmed because we were all self-sufficient growers and we fished to subsidise what we grew and we lived from that.

But at very little stages were we able to work long enough hours or to apply ourselves sufficiently in this in order to create a surplus, because other people were growing yams and tomatoes just like we were growing yams and tomatoes. Therefore, our surplus was created at the same time their surplus was created and there was, therefore, no basis for the exchange of this. But as we go along and get involved in working in an air conditioned building, it creates a market for Mr. Bothwell because now that I am in an air-conditioned building I cannot be out there growing the bananas and tending to the coffers and, therefore, it creates a market for him. He has to persuade me. He doesn't get my money freely because it is my money. And Government does not have the right to compel me to spend that money with anyone. I am living in a free society and we say that we should have laissez-faire and Capitalism, in other words, I am supposed to be able to freely decide what it is that I abide by.

So, it is no hostility to the farming community that I am saying this, because the usual arguments that people use in order to support farming is that the country has become self-sufficient. Now, in a globalised context, this is even beginning to sound more ridiculous when any country in the world would talk about self-sufficiency. One thing happens in one country and the other country is perished regardless. We cannot deny the fact that we must be our brother's keeper in this global village, in this global world.

So, if you are going to take food from me and you are not going to supply me with food, the mere fact that I have food myself in my community . . . the situation in Cayman is no different than the situation would be in Kingston, New York, or Atlanta because those cities themselves have no food producing abilities. They still have to fall back on the villages. We are falling back on those villages to that same extent, but if we didn't have the money to buy the food from the farmers in the first place, the farmers would have to throw away their food.

We saw this in the 1930s in the United States where a lot of food was being produced in America but, because of a collapse of the monetary system, there was a collapse in the farming system. So, the farming system is not an independent system, you do not get food simply because your community grows food. You get food because you have the ability to buy food. That is an important understanding. Therefore, when we begin to interfere with our commerce system to the point to protect farming, labour, or anything, we have to understand that we begin to influence the money system. So, we have to be careful.

We have to be considerate about any kind of additional regulations because if we start saying that we are going to protect farmers, of course, we will be protecting cabinet makers and that is desirable to them, and you are going to protect another group and another group. You come back to this very nationalistic kind of early capitalistic development that has smothered the Caribbean.

Part of the reason why I see problems in other Caribbean countries is because of this protectionist mentality that existed in those countries. They have producing groups that are large enough to influence government and government's regulation to the point where they start to impose import duties in order to curbe imports rather than to facilitate the growth of the society and the accumulation of capital and expertise within the society.

We have to understand some of these economic dynamics here, Mr. Speaker. And I am not going to talk all day about this because I am quite sure that the world is not ready to hear this type of mediation. But I will say one thing: If we look at the Jamaican economy, the fact that you have the agricultural producers and the small manufacturers, those people prevented Jamaica and other Caribbean islands from going to the finance stage of capitalism. We have jumped to the finance stage already, which means we have the ability (because we are in the money system) to be able to pay for a lot of things. If we begin to create protection here and there, and regulations here and there with regard to the agricultural and the small manufacturing systems, what we will find is that those regulations will begin to impact the finance system and the finance system will then be pulled down. We have typical examples of this when people are arguing about "knowledgeable workers" being able to come to Cayman and work within the Caymanian society. So, protectionism is not always good. We have to be careful.

Sometimes it is better for Government to rather than regulate to subsidise. In cases like these it might be better for Government to be thinking about more subsidy to the actual farmers rather than to invest in large agricultural department staff and large agricultural buildings, where the Agricultural Department is looking like an incredible type of building but when you go and look at the way in which people are farming and the way in which people are supported to farm you don't have it.

If our country wants to have a farming community base, if there are people that are willing to give up other jobs to make farming their sole occupation, we have to give them protection. We have to assist them in some ways. But, we must assist them in a way that will not impact negatively on the other commerce and transactions that are going on.

Farming in the modern world is a part of the commerce system. The commerce system has to do with the exchange of goods and services. In most cases, it is better that the community be left alone to regulate that as free producers and as free labourers that they come to their conclusion, if it can be done without Government intervention. Sometimes, of course, it cannot be done. But anytime we can help to get people organised to the point where they can achieve a lot of these things on

their own it is better. If we can get the farmers to be properly organised, if we can get them to be properly connected to the Farmer's Market, if we can get them to deliver the produce to the market, the tourists, Caymanians and residents that are working here will buy these things because ultimately at the end of the day people are concerned about their health, getting fresh fruit and meat, getting things that don't have a lot of chemicals, and they are concerned about knowing where their food comes from.

I do believe that farming in the Cayman Islands can become profitable. But if that is to be done, the farmer must become a businessman just like any other businessman. Thank you.

The Speaker: I think this would be a convenient time to take the luncheon break. We shall suspend until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 12.56 PM

PROCEEDINGS RESUMED AT 2.55 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 30/99. Does any other Member wish to speak? The floor is open to debate.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker.

It is heartening to hear that the Government is minded to support this motion. There are perhaps a few issues that have already been discussed, but maybe thoughts can be extended just a tad further.

The Government has said that they have always been in dialogue with the farmers, and they will continue to have dialogue with the farmers with a view to bringing about certain remedies and also to perhaps enhance the farming community within these islands. A few examples were brought to bear, but the first area that I wish to concentrate on is the Farmer's Co-op that we know as the Farmer's Market.

Now, if memory serves me right, the Minister has said there is a business plan which is being worked on, and that once that business plan is produced he intends to take a paper to Executive Council with some plan to deal with the problems within the Farmers Co-op. One of the problems that I have, Mr. Speaker (and I said this in Finance Committee recently), is that I don't believe the Farmer's Market and its operations have the latitude to continue to exist in the same manner that it exists now for much longer.

There are some inherent problems, one of which the Minister talked about in his reply to the motion, and that is the fact that the entity has been under-capitalised from day one. So, I would take it to be obvious that one of the intentions with this business plan is to address that deficiency which exists. I don't know the legal ramifications, and I won't get into them because I do understand that there are some individuals within the community who make up the Co-op and they basically help take on cer-

tain financial responsibilities. Nevertheless, when we look at the Agricultural Society, when we look at the entire farming community, we have some problems that arise because of this.

The Minister also mentioned that some farmers have difficulty getting paid for their produce. While the tying-in was not obvious, I think that once one looks at the bigger picture one can easily see that the fact that the place has been under-capitalised helps to create a cash flow problem. In effect, what is happening to them on a daily basis is that they have to be robbing Peter to pay Paul.

Having said that, while I am strongly not only recommending but actually at this point in time making a plea to the Government to act hastily on the matter, I still believe that it has to be thought out carefully. I don't believe anyone including the farming community would want to create a situation where Government is dealing with a continuous subsidy at the level where responsibilities . . . well, let me leave it at responsibilities that should be left with the farming community should fall away. It has to be a two-sided affair for it to work.

Let me show for example why there are difficulties existing at present: Typically, some of the farmers have a problem with taking their produce to the Co-op because of the Co-op not having the cash flow that it would desire—not just cash flow by way of volume but because it has never been able to bring all of its payables up-to-date so that its current receivables can take care of all of those payables. The farmers have this problem about collecting money and have to wait for considerable periods of time on occasion, what the farmers have resorted to in many instances is they go directly to the outlets with their produce.

Now, in talking about it, it is not a question of blaming them because perhaps it is safe comment to say that some of them have to do that in order to be able to survive. The problem that creates is that they end up selling their produce to the same people who would perhaps buy the produce from the Farmer's Market. Naturally, the first person the farmers sell to they are going to sell the best products to—that is an obvious statement also. So, what you find on occasion is the produce that the farmers cannot readily dispose of directly to purchasers is the produce that they then bring to the Farmer's Market. The Farmer's Market then has to take those products and in turn sell them to the same people that have been sold the better products. Also, on many occasions what the Farmer's Market ends up with when it all comes together is a load of produce in a saturated market.

So you see, there are difficulties on both sides of the fence. I believe if the idea of the Co-op is to be successful, two things have to happen: the farmers have to be assured that once they produce quality products that the market is willing to take these products from them and they can be paid on a reasonably timely basis. That will give the Co-op the strength that it needs to market the products with a collated effort rather than from a myriad of outlets, so to speak. When I say outlets, I don't mean outlets selling the products back to the consumer, but outlets meaning from the farmers on an individual

basis. If the Co-op then has the ability to do that, I think the situation can be streamlined and the financial risk to the Co-op will be much less.

So, the Co-op has to be in a financial position basically to start over afresh and be able to deal with the farmers directly on a satisfactory basis.

I think also that the farmers must realise that the Farmer's Market is not a catchment area for anything and everything that they produce, whether it be beef, mutton, pork, cassava, yams, green bananas, mangoes, avocados, whatever. The Farmer's Market cannot be expected to accept and pay for the inferior products, and still be able to market them because it is not going to happen.

So, there are things that have to be accepted on both sides of the coin, and I believe that once everything is put on the table then a reasonable arrangement can be made. Now, for whatever reason this has extended itself into the time period that it has I won't get into, simply because I don't know all of the facts. So, it is perhaps best to look at the way forward.

Mr. Speaker, the other area that I think we should be looking at with this specific circumstance is if Government is going to be proactive. I am just a part-time backyard farmer myself. I am not really a farmer, but I do grow some stuff. But there are a lot of crops that are seasonal in these islands and we have what we call feast or famine. Yet, from areas that have close proximity to us and have similar climatic conditions, we see certain types of fruits imported during the time that we don't produce the same type of fruits. I hold firmly to the belief that with a little bit of innovation and research there are some types of fruits we could grow in what we call "out of season," which would also assist in the effort. Certainly, tree-bearing crops like mangoes and avocados don't cost any more in one season than any other time. So crops where you get varieties at certain times of the year and another variety at another time of the year, I don't see that as one that is going to cost a farmer any more to be able to produce. I think we need to look at that seriously in order to maximise the efficiency of that same farmer from the same area of land that he produces the seasonal crops, having a lot of time waiting on the next season of crops.

Again, I don't know all of those details. But from a logical point of view, I see no reason why some serious research cannot be done in those areas. I am sure if the farmers are given the right information, perhaps the right initial stock to deal with, that this can happen.

There are times when the Agricultural Society and its membership have been known to be at odds with the Government, with various philosophies differing in the process. I believe that logic needs to prevail because there are arguments on both sides of the coin. One of the things that I really believe is important is the education of the farming community with regard to maximising their efficiency in producing these crops, bearing in mind that you cannot produce these crops and simply demand a price whatever that price may be. I understand that because of volume and technology in other territories, bulk shipping, lower labour costs and all of that, the vast majority of items can be imported at a cheaper rate than the

the farmers locally can actually produce and be able to sell.

So, there has to be a certain amount of leeway there to allow the farming community to survive. At the same time, every effort must be made to maximise the efficiency of their efforts so that they can make a fair living from their produce, yet be able to sell that produce at a price with some semblance of competition to the imported products. That is important.

The Fourth Elected Member for George Town mentioned marketing strategies from the point of view that if you have, for instance local beef . . . and I have tested this myself and I will use it as an example. If I go into Foster's and I see a certain cut of beef that is USDA Choice at \$2.65 per pound and I see the label, Local Lite Beef and that same cut is \$2.95 per pound, I make a conscious decision as to which one I want. Naturally, I am going to say that I am going to buy the local beef whether it is true or not—but it so happens to be true because I like local beef! And for the volume that I will purchase it is not going to make a lot of difference in my shopping bill.

The point in all of that is that if we understand and the outlets understand that if they have the different products and there is a slight difference in the cost, then they can test the products themselves by the way of the volume sold to ensure that they are not putting themselves at a disadvantage by putting local produce on the shelf. I believe that we should not go so far as to say stop importing certain things. I don't think we should do that. But I think we should try to level the playing field as best as we can and work on the areas where the discerning consumer has a choice. I believe if we can get to that level based on that premise, then we will find that the consumer can make the choice and both the imported and the local stuff will sell.

The vast majority of the local produce is not to the level where, as the Minister would term it, the country is "self-sufficient" in that area. Hence, for all logical reasoning you wish to have the ability to purchase one or the other.

Now, Mr. Speaker, we need some innovation in what we are doing. And since we are not arguing this one I am not going to take the line trying to tell the Minister and or/the Government what they haven't done that they should be doing because perhaps that is not going to get the best results. So, we are not going to deal with it at that level. But I sincerely believe that more emphasis needs to be put into the area of effectiveness of personnel and I will explain that.

A situation has existed for several years where a gentleman who was an employee in the Department of Agriculture had to be seconded to the Farmer's Market to try to keep the thing together. He is now working countless hours trying to keep it together, but he is not doing what he has been trained to do. The whole farming community is now without the benefit of his expertise in the area that he would benefit that community the best, so it causes a problem.

I am not suggesting that what transpired might not have been probably the only solution at that time. All I

am saying is that if we are going to be effective and be positive and pro-active, we need to be looking at it and putting the entire picture in place. There are certain responsibilities the farmers must be prepared to accept and deal with at whatever level, whether they are the big produces like Furtherland Farms and a few others, or whether they are the smaller ones. It doesn't really matter. They have to understand the market forces.

There has to be an effective marketing strategy. I believe that like most other things in life presentation is the key if you want to sell. If I want to buy a new car, I look at the lock, and it has a dent on it, I don't care what they tell me about a discount, I don't want the car if my intention is to buy a new car. It is as simple as that. So, we have to ensure the quality of the products. We have to ensure that there is a marketing strategy to help to level the playing field.

This is my one bone of contention, which can be agreed with or can be argued (and I am sure that the Government would argue against my point): I do believe that the efforts of the Government at this point in time have been in a fashion that is too disjointed. You cannot try to solve the problem by isolating a particular situation and once you get that under control think that everything is all right. That is not what is happening. Everything that has gone wrong has a spill-over effect and it is causing things to go wrong elsewhere.

I believe that this business plan for the Farmer's Market must ensure that we are not just looking at one area of its operation, we need to take into consideration from the day the farmer starts to grow the product until the day the consumer gets it. We have to look at that entire spectrum to make sure that efficiencies are created in the best way possible throughout that period of time regardless of where the players in the game find themselves, whether they are producers or sellers or whether it is the Co-op.

What I am really trying to say is that you cannot isolate that plan to the Co-op itself. You could set up the greatest of business plans, but if you don't have your other area working efficiently and in tandem with this business plan, you are not going to make it work. The best of business plans cannot work unless you are selling the right products.

The Farmer's Market does not produce the goods that that it sells; it simply collects and pays from a wholesale point of view, and then moves on again. Therefore, consideration has to be made to the farming community.

Now, some of them will be easier to deal with than others. Some create higher volume than others do and some have more latitude than others do in the dealings. But it simply has to be done. I understand the difficulties, and I am not suggesting that you can call everybody overnight and by the next morning everything is smooth. But it has to be worked at. One of the things I think they will be most receptive to (and I am not suggesting that this hasn't been done in the past but I think more meaningful efforts have to be done) . . . you have to try to maximise their ability to produce. I believe that with a little bit of innovation and knowledge many of the farmers could produce more efficiently—more volume at less

cost. That is going to be the key to it to be able to assist with creating this level playing field.

You see, Mr. Speaker, throughout all of this, the last thing you want to happen is to have to decide between the consumer and the producer. If everything you were talking about was an imported item, then it becomes a whole different ballgame. But what you have now are producers locally who rub shoulders with the consumers locally and you have to find a way for both to co-exist. I am not persuaded at any point in time that you have to choose one from the other. What is happening now is because of deficiencies in certain areas—especially at the political level, you find where you have to be paying attention to a certain group of people. Then you are almost forced to make a decision about which side you are taking. I think that focus should be on not having to get to that point because when you get to that point somebody has to lose and I think this is a situation where everybody can win.

There are naturally thousands of percentage points more consumers than producers, so you don't want to have to look at the producers as a lesser amount of people and have to say well we are going on the side of the consumer. You have to find a way to ensure that the consumer is happy to allow the producer to co-exist in that world. And it can happen.

Mr. Speaker, I contend that once the Government uses a bit of innovation and takes into consideration all of the factors that are involved it is going to take some money. Let no one think that is it not going to take some money. But I am not suggesting it means a whole pile of money. What I do suggest right now is that if it is done properly from the beginning, then in the long run it is going to cost less than every minute of the day having to drop little piddles. When you add it all up its ten times the amount than if you did it right from the first time.

I mentioned this quite a while back. It is not from a political standpoint to be looked at as a supporter of a certain faction—nothing like that. The truth of the matter is that it is not going away. Just by its very existence, Mr. Speaker, you don't want to say that because you can import certain items cheaper than you can produce it locally that you simply go the way of importing it. That is not the way the world was made.

If we look at the North American continent which we are most familiar with, and if we remember that thing, I think they called it 'Farm Aid,' an annual event where musicians came together to assist the farming community because the farming community was floundering . . . it is almost at that point in time considered to be a charity. But it was worth it because they didn't want the farms to close down. And there is reason for that because you don't know what is going to befall this world to where the day might come when you might not have access as you readily do now to certain types of imported products. There are weather conditions that can temporarily affect us, all kinds of little things. You want to encourage as much local produce as possible. You just have to find the way that the cost of that production and the quality of the produce is as competitive as it can be to what you can import it for.

At that point in time, you take care of the supermarkets justifying purchasing the goods from the farmers, you take care of the fear that the disparity in the prices will cause local consumers to not buy local produce and I think that is the way to go. I don't have the knowledge, Mr. Speaker, to impart all the technical details to tell them what they have to do is something that the professionals are going to have to look at. But I do believe that the focus should be on the way that I have presented my arguments.

Mr. Speaker, there are other things that can be discussed, but it is perhaps best to leave well enough alone now. Before I close I would simply say this: I do trust that . . . and the other thing is that I have been hearing about this business plan now for a while so it is high time it be finished. We seemingly have a date for that, that's fine. What I don't want to see happen, Mr. Speaker—and I bring this to the attention of the Government because I know it is possible. The Government has to function in all areas, I am not going to accept from where I sit anyone telling me this business about the farmers is not important because so many other things came up and that has to wait—the Government has to function. There are certain areas where you might find things cropping up that you didn't bargain for and it takes away your attention, I accept that. But the point I wish to make is that if I am around I don't want to see another budget time come and we hear about '*this report was done; this business plan was produced and it is still with Executive Council.*' The Minister knows that I am not fingering him, but he has had more than one occasion to report to this House and in his own words, he would say, '*I can say no more than the fact that it is with Executive Council.*' That is not acceptable, Mr. Speaker.

That was not to chide the Government. That was simply stating a fact. And I am saying that, like all the rest, this one is as important in its own right so it must be dealt with. I would implore on the Minister to act expeditiously and perhaps he might wish to consider informing the Legislative Assembly as soon as this plan is produced, costings are done as to the way forward. While I am not about to try to change the system, I sincerely hope that we don't hear for months on end that this thing is still being battered back and forth between his ministry and Executive Council. Thank you, Mr. Speaker.

The Speaker: The floor is open to debate, does any other Member wish to speak?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I do not purport to be long in my contribution, but I have listened to what honourable members, said and I have especially paid a keen interest in what my good friend and colleague, the First Elected Member for George Town just said. I wish to associate myself with his observations. In addition to that, I wish to add a couple of my own.

I have always contended that one of the problems we have with being able to farm successfully in the Cayman Islands—one of the problems beside the most obvious, the lack of large tracks of land where we can

mechanise agriculture—is that the farmers have problems accessing affordable capital. That is one problem.

There always seems to be a perpetual problem when the farmers have produced their crops the problem of marketing in such a way where the farmers can immediately take their crops to the market and realise payment so that they can be able to return to continue the farming.

One of the things that I would really love for the Government to explore in the future (and it has been a challenge now for some years) is access available capital for people in farming, particularly persons who do so on a commercial scale. And there are a few of them in the Cayman Islands that could find some ready source of capital (which would be affordable) outside of the commercial entities, which is prohibitively expensive as far as interest rates are concerned. Mr. Speaker, it is recognised universally that farmers have to contend with the forces of nature as well as the rise and fall of markets depending on what products and commodities they market. So, one of the things we have going against us in the Cayman Islands is a source of affordable cash.

Mr. Speaker, in all candour, I believe that much has been done, and I would like to give credit to the efforts of those persons who have tried to do something—including the Minister who holds responsibility for the subject of agriculture now. I am not saying that his efforts could not be improved, and sometimes I am impatient and I don't understand the tardiness but it will probably happen again. In all candour, I believe that he has done well and he is sincere. From my conversations with him, I am led to believe that for all of his shortcomings, he is sincere. And he has realised some positive efforts from his exercises. Let us not forget that he himself by his own admission is a practising farmer albeit not on a commercial scale. So, if it comes down to it, it is to his interest to see that the vocation carries with it some attraction and some semblance of success. So, I have to give credit where credit is due—in spite of the fact that this is an election year and I don't want him to look too good!

Nevertheless, Mr. Speaker, we have some challenges. I believe, from speaking with the Honourable gentleman, that he is aware of the whole establishment—the Farmer's Market and the Agricultural Society—and he is doing his best along, of course with his colleagues, some in the Government and those outside including the farmers, to surmount.

I want to say a couple of things that have not been said before. One of the big arguments and debate now concerns genetically modified and genetically engineered crops. I was reading (because I am very interested, Mr. Speaker, as you will know in many of these things which are current events) that one of the advantages that genetically modified or genetically engineered crops hold is that they are resistant to certain pests and the yields can be increased almost by geometric proportions. You can even now engineer crops that are even resistant to drugs. I brought this up because it would strike me that countries like the Cayman Islands would be ideal places to look into and investigate these kinds because for the

because for the limited agricultural lands that we have if we can get the increased yield it might make farming commercially viable.

I want also to say that there are countries and people who believe that these genetically modified and genetically engineered crops also have a down side. Mr. Speaker, there is a big argument now (not a debate) between the countries of the European Union and the United States, whereby the countries of the European Union absolutely refuse American crops and farm produce that has been genetically modified and engineered. They claim that not enough is known of the long-term effects this might have on human beings that consume this and they refuse to take the beef and the crops.

There are those people who argue that there is nothing wrong with it as long as it is labelled so the consumer can be informed and can be knowledgeable and in so doing can make a conscious choice of whether they want stuff which is naturally grown or genetically modified or engineered.

But I revert to the original point: I believe, Mr. Speaker, and I am following it with interest, not that I am conscious of the Minister of Agriculture's position, but because I believe that if it pans out in the final analysis, this may be a thing that pushes agriculture in the Cayman Islands and makes agriculture commercially viable to the persons who currently practice it. So, it holds some promise if in no other area than the fact that it would make agriculture commercially feasible. I don't want to introduce the debate here of whether or not the products should be labelled that they are genetically engineered or genetically modified. I am saying that it has an economic attraction to us; a commercial attraction we should follow.

The second thing is that it will allow farmers that use it to have access to seeds, which by their own manufacture or creation removes the necessity for any pesticides of this nature. That is one of the problems that we have now, because using pesticides and herbicides and all that, has a downside because this stuff, particularly where it seeps into the streams and into the water lens, creates problems of its own.

I am attracted to the notion of genetically modified and genetically engineered produce and seeds because it could do two things: It would offer a commercial advantage, and it would also reduce the necessity to use herbicides and pesticides which in themselves are expensive—expensive to purchase and expensive and technical to apply.

So, there is, I believe, some hope. I also think that the Government is well aware, certainly the Minister for Agriculture is well aware, of what needs to be done, for example, to make the Farmer's Market more attractive and commercially viable. I am happy to say, from the comments and sentiments that I have heard expressed by the Minister both formally and informally, that the merchant houses, the supermarkets, are now looking more favourably on local produce. I believe that local produce holds several advantages. It holds the advantage of immediately knowing the freshness of the produce; and it holds the advantage that you can buy in the

quantities that you can manage when the crops are on the market. Also, of course, it keeps the money in circulation right here in the Cayman Islands. It stands to reason that if someone goes to the supermarket with a truckload of pumpkins and they get their cash, nine out of ten chances are when they get their cash for the pumpkins they are going to buy something that supermarket has. So, the cash stays in a small and tight circle.

I am happy to learn that the proprietors and the managers of the local supermarkets are now realising that there are advantages to supporting the local farmers. I would be happy (and here is the challenge) if we could carve a niche in the hotels in the same way that we are making progress with the supermarkets. I would be happy to learn that the hotels are supporting us in the same way.

I believe, Mr. Speaker, that events of the recent past should serve to encourage us. I certainly give my support to the farmers, to the society, and to the Minister. I am happy to know that there are persons in this Honourable House who deem it important enough to bring these matters to the forefront for debate. It is certainly comforting to realise and know that we can debate these things without the level of acrimony and accusation that sometimes happens here—not that I am decrying that as being unnecessary, but I think it shows a sign of maturity and the concern of us all for the farmers and with the problems of agriculture that we can air these problems in the mature way that we have aired them.

I certainly look forward to the Minister and the Government continuing to encourage the persons who go into agriculture at a commercial level and even to encourage the hobby farmer. I hope that one day we can achieve an even greater self-sufficiency in both agricultural produce and in beef than we have at present. If that means that we are attracted to genetically engineered or genetically modified produce, if that is the will of the majority then so be it because I think the goal of the Cayman Islands should be to become as self-sufficient as we can possibly can. Thank you, Mr. Speaker.

The Speaker: Would this be a convenient time to take the afternoon break or you would rather forego it?

We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.13 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No 30/99. The floor is open for debate. The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. I rise to offer my contribution to Private Member's Motion No. 30/99, Government Assistance for Local Farming Community.

The resolve section is as follows: **“BE IT NOW THEREFORE RESOLVED THAT the Government takes immediate steps to meet with representatives**

of the local farming community to discuss ways that Government can assist the local farming community to ensure its financial survival.”

Mr. Speaker, this motion has my full support wherein it concerns our local farming industry. I, for one, must agree that any assistance to farmers should be given. And I am truly encouraged with the remarks from the Honourable Minister for Agriculture that meetings between him and various local farmers are continuing. This communication is so essential because for farming to be successful in the Cayman Islands it has to be a partnership between Government and the farmers, as well as the private sector.

Mr. Speaker, I can certainly speak for the kind of produce that is grown locally. Having an Agricultural Pavilion and Nursery pretty much in my backyard, I have firsthand knowledge of what is available. Last year during the Savannah/Newlands Heritage Day, I took the opportunity to involve the Agricultural Department. Mr. Speaker, what the staff of that department brought out that day to be displayed was of such high quality, it was indeed some of the most beautiful and healthy produce one could ever wish to see. Mr. Speaker, I felt so proud of the amount of work that went into what was displayed and even more so that it was locally grown.

We know it is so hard at times for local farmers to survive because of so many constraints, but it is encouraging that Government is now committed to providing assistance after consultations as to the best way forward.

Mr. Speaker, just in my district alone, the district of Bodden Town, just to name a few of these hardworking farmers that come to my mind: Mr. Otto Watler, Mr. Harvey Stephenson, Mr. Hamlin Stephenson, Mr. Franklin Smith, Mr. Kent Rankin, and even my colleague, the Third Elected Member [for Bodden Town] is involved in farming on a small scale. Mr. Speaker, I see how hard these farmers have to struggle to make farming worthwhile day in and day out. They certainly do work very hard and at the end of the day, they are totally exhausted.

Mr. Speaker, I would at this time like to take the opportunity to thank the mover and the seconder of this motion and once again I give this motion my full support. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The floor is open for debate.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I know it's late in the afternoon, but I feel I have to make my contribution to this very important motion. I must give a great deal of credit to the mover and the seconder for bringing this motion. The mover, in expressing an opening on this motion, was quite comprehensive and very detailed and did not leave much else for us to talk about.

What I found quite interesting, Mr. Speaker, was the aspect that the Fourth Elected Member for George Town gave. And it made some good sense. I think it pointed

out some of the areas that we have been unable to address in the past, and that is to get some of these farmers better organised to actually be able to market their produce. This has been one of the difficulties that we have been faced with over a period of time.

We all know of the top quality of produce that comes not only in the line of fruit and vegetables, but we have sampled here some of the meat that comes from the meat market. I know that my good friend, the First Elected Member for George Town, has gone a long way in making it very savoury and tasty, but I think the basic quality is that he had something good to work with. We all know from experience what the quality is in Cayman, and it is a matter of us going forward and assisting where we can.

The Honourable Minister has given the commitment, and I, along with him and others, have met with members of the Agricultural Society. The commitment is there.

We also need to assist in Cayman Brac where I understand there was a big problem with water. Not only in Cayman Brac, but here in Grand Cayman, we know that from approximately the middle of November until May or June, there is very little rainfall. Until we can address the problem of good water for farming no matter what the farmers do there is a difficult time period there for them to deal with this problem. Maybe in making the water somehow more affordable, with better access to it, it would go a long way in going forward and improving their plight.

As my colleague (the Second Elected Member for Bodden Town) said, there are many farmers in the district of Bodden Town. And I think among Bodden Town, North Side, and East End, there is probably a great concentration of these farmers. I must also take my hat off to Mr. John Bothwell, who has laboured for many years and has kept the standard up, and my good friend in North Side, Mr. William Ebanks (Willy), Mr. Otto Watler and his brother, Halsey, in Savannah; Mr. Melbourne . . . and I could go on and on. But I think that the seed is now sown there and it is incumbent on us to act on this and to stick with it as we go forward to make Cayman as productive, in whatever area, as we can.

We all know that the farmers in the United States are heavily subsidised. Just a few weeks ago, maybe a month or so ago when the price of milk started to drop, the Government had to pay the farmers to bring the cost back up. So, what is happening here in Cayman it is not unusual. I think it is incumbent on us to now join hands. As I said earlier (with what the Fourth Elected Member from George Town pointed out), maybe we can sit with these people and put forward these ideas and work with them.

The other farmers in district of Bodden Town are Mr. Hamlin Stephenson and Mr. Harvey Stephenson. These people have invested significant amounts of money, and I feel great progress can be made with us as a concentrating group working to make things better for them.

Once again, I want to thank the mover and the seconder and the across the board support in this Honourable House from both sides. Thank you very much.

The Speaker: Does any other Member wish to speak? The floor is open to debate. (Pause) If no other Member wishes to speak, does the mover wish to exercise his right of reply?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I am going to be very brief. Let me say thanks to Government for accepting the motion, and thanks to the respective members who spoke in support of the motion and all those who didn't speak but I know we have their silent support as well.

Like the Minister for Health said, the seed has now been sown. Let's continue to water it and move forward with this very important problem to ensure the survival of our local farmers and the local farming community. So, Mr. Speaker, thank you and all Honourable members for the support.

The Speaker: I shall now put the question on Private Member's Motion No. 30/99. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO 30/99 PASSED.

The Speaker: It is rather late in the afternoon. Is it the wish of the House that we should now adjourn, or should we try to go ahead on another motion? I am in your hands. Can I get an indication?

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow morning.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House stands adjourned until 10.00 a.m. tomorrow.

AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 11 FEBRUARY 2000.

**EDITED
FRIDAY
11 FEBRUARY 2000
10.50 AM**

[Prayers read by the Third Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Fourth Elected Member for West Bay who is not well.

Moving on to item number 3 on today's Order Paper, Presentation of Papers and Reports, The Government Minute on the Report of the Standing Public Accounts Committee on the Special Report of the Auditor General on Quarrying Operations on Crown Land.

The Honourable Third Official Member responsible for the Portfolio of Finance and Economic Development.

**PRESENTATION OF
PAPERS AND REPORTS**

**GOVERNMENT MINUTE ON THE REPORT OF THE
STANDING PUBLIC ACCOUNTS COMMITTEE ON
THE SPECIAL REPORT OF THE AUDITOR GENERAL
ON QUARRYING OPERATIONS ON CROWN LAND**

Hon. George A. McCarthy: Mr. Speaker, I beg to lay on the Table of this Honourable House the Government Minute on the report of the Standing Public Accounts Committee on the Special Report of the Auditor General on the Quarrying Operations on Crown Land.

The Speaker: So ordered. Honourable Third Official Member, do you wish to speak it?

Hon. George A. McCarthy: Just to table the report.

The Speaker: Thank you.
The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: In light of the fact that I think we are planning on ending this session today, I beg to move that the debate on the Auditor General's Report, the Public Accounts Committee Report, the Government Minute and the Private Member's Motion on Quarry Products be deferred until the next sitting which begins next Friday, 18 February 2000.

The Speaker: I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: DEBATE ON THE GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL REPORT OF THE AUDITOR GENERAL ON QUARRYING OPERATIONS ON CROWN LAND, TOGETHER WITH PRIVATE MEMBER'S MOTION NO. 25/99 ENTITLED "SPECIAL REPORT BY THE AUDITOR GENERAL - QUARRYING OPERATIONS ON CROWN LAND" BE DEFERRED UNTIL THE FIRST MEETING OF THE 2000 SESSION OF THE LEGISLATIVE ASSEMBLY.

The Speaker: Moving on to item number 4 on today's Order Paper, Questions to Honourable Members and Ministers, Question 182, a deferred question, to be asked by the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**DEFERRED QUESTION 182
(Deferred on 9 February 2000)**

No. 182: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what monetary contributions were made to the Government for the year 1998 by the Civil Aviation Authority, the Water Authority and the Port Authority.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The following contributions were made by the following authorities to the Government for the year 1998:

Civil Aviation Authority	\$1.5 million
Port Authority	\$321,011
Water Authority	Nil

The Speaker: Supplementaries? The First Elected Member of George Town.

SUPPLEMENTARIES

Mr. D. Kurt Tibbetts: Can the Honourable Third Official Member state what reasoning or logic was used to col-

lect the sums listed in the answer, and at the same time what constituted the decision why there was no contribution from the Water Authority?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: In the first instance, each year the annual budget provides for contributions to be made by the various Authorities. On the basis of funding available to the Authorities during the course of the year, those expected contributions might quite likely be revised downwards.

From the Water Authority, as honourable members will recall, the government collected a sum in previous years over and above the sum that was budgeted. This caused a bit of disagreement in terms of the views of the Authority concerning exactly what their contributions should be to the government. Since that time, Mr. Speaker, quite a number of questions have been raised in this honourable House concerning the policy of government in regard to dealing with contributions from the various Authorities.

On 29 December last year, the Deputy Financial Secretary, the Auditor General, and I met and we have started discussions with a view to developing a policy which will be put to Executive Council for consideration and also a policy that will be discussed with the Authorities. Hopefully, on this basis we will establish a very good framework that will remove all doubts as to the basis of the expected contributions from the Authorities each year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, I am heartened to hear that there is some move towards developing a fixed and understood policy.

Can the Honourable Third Official Member state why it was that in 1997 monies were collected from the Water Authority which exceeded the budgeted amount?

The Speaker: The Honourable Official Member.

Hon. George A. McCarthy: Mr. Speaker, the government requested a contribution of a fixed sum from the Water Authority in 1997. But I should point out that while at that time it would have appeared to have been an anomalous situation in terms of requesting a sum over and above what was budgeted, the research that we started revealed that the contributions from the Authorities in terms of the expected contribution, and even where it exceeds the sum that was budgeted, is not an unusual situation given the expectation of contributions from Authorities in other countries.

But, as I pointed out Mr. Speaker, that was a situation that gave rise to the policy being questioned and that policy is now under review. We trust that it will bring about a very clear understanding between the government and the Statutory Authorities. When I say "the gov-

ernment," that will include the entire Legislative Assembly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. With the greatest of respect, and not wishing to be rude at any time, I contend that the honourable member has not answered my question. I asked the Honourable Third Official Member why the government made this decision. He did not tell me why sir, and I am asking the question again.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the government made a decision to request the Authority to make a fixed contribution in the year 1997.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: With the greatest of respect, I know that the government made that decision. I am asking why.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The decision of the government to request the Authority to make a fixed contribution in 1997 was a decision taken in Executive Council. There are procedures in terms of giving details of discussions that would have taken place in Executive Council. What I can say is that the culmination of that decision or the results were that the government took the decision in order to request a fixed sum to be contributed. There were reasons for it, Mr. Speaker, but those reasons would be a part of the deliberations that took place in Executive Council.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: What I can glean from the Honourable Third Official Member's answer is that there was a fixed amount in the 1997 budget. He has since gone on, in answering supplementary questions, to say that the government made a decision regarding a fixed amount. If there are two fixed amounts involved, and the second decision after the amount that was decided in the budget was changed from the original fixed amount . . . understanding procedures in Council, I am not asking the member to disclose what he should not disclose. Certainly, there had to be some logical reasoning behind it which, if that came forward, would not necessarily constitute any breach of information coming out of the deliberations of Executive Council.

Now, Mr. Speaker, while I know I have to turn this into a question, what I am really trying to say is, I see no reason why my question cannot be answered. If the

Honourable Third Official Member from where he sits thinks that he shouldn't answer the question, so be it. But I wish to state that from where I sit I don't see any reason why the question cannot be answered. I know what he said about fixed and set procedures to get these answers. If that is the route he wishes to take, then we will see what happens from here.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: When the government requested the Authority to make a contribution in December of 1997 (I am not sure of the budgeted sum but I can confirm that), the contribution that the Authority was asked to make was \$1.5 million. This was needed by the government in order to improve its cash position at the end of the year.

After that contribution was made, the Statutory Authority was left with cash at the bank, \$380,754; and cash on fixed deposit, \$2,811,109. The Authority went on to make the statement that when it paid over the sum of \$1.5 million it created an overdraft of \$774,568. When we take this overdraft balance against a balance of approximately \$3.2 million—a favourable balance—this showed that the Authority would have \$2.4 million as a favourable balance as at 31 December.

So, this was a request that was made by the government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I wish not to test any ruling from you this morning, sir. And I know that this is Question Time and I will have to turn it into a question, but, surely, the Honourable Third Official Member with his knowledge, expertise, and qualifications would agree that notwithstanding any cash balances on hand, just to allude to cash balances and not take into account what obligations may be forthcoming from any Authority is not necessarily painting the picture fully. Obviously the reasoning why this was the situation was because there were obligations and they were going through plans with regard to future development.

Perhaps, then, the Honourable Third Official Member, having alluded to a policy, would indicate to members whether this policy will bear in mind the medium- and long-term planning of these Authorities so that the criterion used doesn't limit itself to simply cash balances on hand being passed on to the government at will.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The government recognises the importance, as said by the First Elected Member for George Town, to look beyond the immediate cash position—to look to the medium- and the long-term operations of the Authorities. But what is very important is that on the principle of transparency the details as to the plans of the Authorities for the immediate, medium- and

long-term should be made available and examined in this honourable House and by the government.

This is what is coming out of the results, and these are the findings of the Auditor General. He has suggested that we do not use what we have come up with as a basis to arrive at any decisions immediately because further research needs to be carried out.

We have for example, taking the financial year 1997, the Water Authority's net profit (I am taking it to be the net profit) was \$371.8 million. The tax by the British Government was £13.8 million or C\$51.4 million and the equity dividends paid to the government were \$132 million or 35.5%.

When we combine the contributions of this Authority to government in the United Kingdom, it amounts to 49.3%. We take what is called the Severn Trent Water Authority—and I am going to ask your indulgence on this just to demonstrate to this honourable House . . . and I do appreciate the question that has been put by the Honourable First Elected Member for George Town as I realise the policy is very important. I am certainly glad that those questions have led us really to arrive at a point where we have recognised the importance of developing this policy, so I am very grateful for that.

I think it is very useful to just share this information: For the year 1994, the profit of that operation was \$294.1 million, taxation was \$5.3 million, equity dividends were \$135 million or approximately 48% of profits.

The Speaker: Honourable Third Official Member, I think, you said \$294 million?

Hon. George A. McCarthy: \$294.1 million.

Mr. D. Kurt Tibbetts: [Inaudible comment]

Hon. George A. McCarthy: No, this is not the Water Authority of the Cayman Islands—I am talking about the Severn Trent Water Ltd.

The taxation by the Government in the United Kingdom was \$5.3 million, equity dividends, \$135 million, so in effect \$140.3 million or 48% was paid to the Government of United Kingdom.

For the year 1995, the profit was \$275.3 million. Taxation was \$6.3 million, equity dividends \$140 million or a total pay out to government of \$53 million.

This is where it becomes very interesting. I have two other comments and then I will just conclude my remarks on this. The profit for 1996 was \$359.6 million, taxation was \$29.9 million, equity dividend \$129 million or 42%. In addition to that, the Government requested the Authority to pay an extraordinary dividend of \$386 million. As you will note, this exceeded the profit of that operation for the year, so this would have had to come from retained earnings.

We see, again that same operation in 1997, the profits were \$351.1 million, taxation was \$34.8 million and equity dividends were \$275 million. When you combine the two of these, it is 88%.

Finally, for the year 1998, \$361.5 million was made by way of profits; taxation was \$115.3 million, equity divi-

dend was \$130 million, a total of 68% paid out to the Government. But in addition, the Government further requested a sum of \$309.6 million and the bulk of this would have had to come out of their retained earnings.

Also reference was made in terms of the type of investment schemes the Authorities were allowed to get into, in that they did not enter into non-productive projects which were considered to be generating rates of low return. So, this is where the policy is very important, and when it is finalised, it will allow for the Government to prescribe the contributions by the Authorities on an on-going basis.

The Speaker: Honourable Member before asking for a suspension of Standing Order 23(7) and (8) to continue Question Time, on a procedural matter we are returning to item number 3 on today's Order Paper, Presentations of Papers and Reports.

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL REPORT OF THE AUDITOR GENERAL ON QUARRYING OPERATIONS ON CROWN LAND (Recommitted)

The Speaker: The motion to suspend the debate to the next sitting was duly moved by the Third Elected Member for West Bay. I did not get a seconder. At this time and I will now ask for a seconder.

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I rise to second that motion.

The Speaker: The motion has been duly moved and seconded and I shall again put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: DEBATE ON THE GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL REPORT OF THE AUDITOR GENERAL ON QUARRYING OPERATIONS ON CROWN LAND TOGETHER WITH PRIVATE MEMBER'S MOTION NO. 25/99 ENTITLED "SPECIAL REPORT BY THE AUDITOR GENERAL - QUARRYING OPERATIONS ON CROWN LAND" DEFERRED UNTIL THE FIRST MEETING OF THE 2000 SESSION OF THE LEGISLATIVE ASSEMBLY.

SUSPENSION OF STANDING ORDER 23(7) & (8)

The Speaker: Now, the question on Standing Order 23(7) and (8) that Question Time continue beyond 11.00

a.m. I will ask for a motion to suspend Standing Order 23(7) and (8). The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I so move.

The Speaker: The motion has been made that Standing Order 23 (7) and (8) be suspended in order that Question Time can continue beyond 11.00 a.m. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question Time continues the First Elected Member for George Town.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.

Mr. D. Kurt Tibbetts: Thank you.

Mr. Speaker, I will certainly try to conclude my supplementaries on this before I get the signal.

Having understood exactly what the Honourable Third Official Member has said, and while I understood all the figures he read, in my opinion that parallel (because of many unknowns with these other Authorities) doesn't necessarily ring any bells in the direction that it might have intended.

I would ask the Honourable Third Official Member if he can state, of the three Authorities listed in the substantive answer, which of these Authorities at present is in (in my language) the worst financial position compared with equity and loans?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Rather than attempting to just give a response I would rather wait until the review that is underway has been carried out, as this is going to form a part of the consideration that will be given in terms of the development of the policy. We know that all of the Authorities have loans—some of them have larger loan balances than others. But I think we will have to look at everything together. I am not trying to evade the question or to put it off, but I think it is reasonable under the circumstances. I trust the First Elected Member for George Town will understand.

The Speaker: Are there any further supplementaries? If not, moving on to Question 186, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 186

No. 186: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what arrangements are in place for Caymanians who have completed their studies in medicine or related fields to do internship or residency within the Health Services Department of the Cayman Islands.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Health Services Department has not obtained formal recognition to do internships or residency for post graduate training in any medical or related field, despite approaches and discussions with various training institutions. On occasion, some training institutions have allowed students to make arrangements to obtain work experience or carry out part of their internship with the Health Services Department.

To obtain formal recognition for postgraduate training in any medical or related field, the Health Services Department would have to demonstrate that there is sufficient volume of caseload work to provide the student with an adequate learning experience in the particular field of study. In addition, the department would have to ensure that there is an adequate level of staff who have the time, experience, and qualification to operationalise the training programme.

With the opening of the new Cayman Islands Hospital, Grand Cayman—which has increased the bed capacity, enhanced staffing levels and provides full diagnostic services—new efforts have recently been made to request that another review be carried out by the University of the West Indies Faculty of Medical Sciences to consider the hospital for postgraduate training for some areas of medicine.

Returning Caymanian nursing graduates are placed in positions which enable them to consolidate their theoretical knowledge and clinical skills. Once they have obtained the State Board licensure from the country or state in which they were trained, the officer is moved into a Registered Nurse's post.

Returning Caymanian medical graduates are also placed in positions which enable them to obtain experience while working along with experienced consultants or specialists. Most medical graduates then pursue further training at overseas institutions to obtain their specialist qualifications and registration.

The Speaker: Supplementaries, the Third Elected Member for Bodden Town.

SUPPLEMENTARIES

Mr. Roy Bodden: Can the honourable minister tell the House then, if it is to be understood that where Caymanians have obtained postgraduate training in fields such as psychology and psychiatry and have to do internship, that they will not be able to do such internships here even if this is the jurisdiction in which they will be ultimately practising?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, there are two returning persons and they would work along for a period of time with the local psychologist, Dr. Von Kirchenheim.

But they could not just come here and start practising without a certain degree of supervision initially.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the minister also tell the House if in attention to the academic qualifications these psychologists are going to require being licensed by the authorities in the Cayman Islands and that as a prerequisite for that licence they would have to satisfy a certain internship or a certain mastery of clinical practices here in the Cayman Islands.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Mr. Speaker, they would have to be registered by the Health Practitioners Board. As a matter of fact, for one of the ladies a programme has been agreed where she would come in and gradually take on her own caseload.

The Speaker: If there are no further supplementaries, we will move on to Question 187, standing in the name of the Third Elected Member for George Town.

QUESTION 187

No. 187: Mr. Linford A. Pierson asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state what plans, if any, are being made to provide adequate public health facilities at the George Town Hospital.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I appreciate the Third Elected Member for George Town asking this question. There have been a number of queries about this since all of the other districts have their own health centre. We have discussed this in some areas in Finance Committee, but just to respond here officially, the Ministry and Health Services Department have focused attention in recent years on the design, development and construction of the Cayman Islands Hospital and on new health centres for the districts of West Bay, Bodden Town, East End and North Side. It is recognised that in the years ahead, attention will have to be given to the development of a new health centre for George Town which would be the headquarters for the Public Health Services and would provide General Practice and Public Health Clinics.

Presently, General Practice clinics are held in the former temporary casualty area and this will be renovated this year to provide better facilities. The former nursing administration area was renovated last year, providing accommodation for three staff from Public Health and the Public Health clinic area will have minor repairs carried out this year.

A sum of \$15,000 has been placed in the 2000 Budget to provide funds to commence the design phase for a new George Town Health Centre which will address the need for adequate Public Health facilities at the Cayman Islands Hospital. I trust that whenever the new government comes on line later on this year that they will follow up on this.

The Speaker: Supplementaries? The Third Elected Member for George Town.

SUPPLEMENTARIES

Mr. Linford A. Pierson: The honourable minister said that presently general practice clinics are held in the former temporary casualty area and that this will be renovated this year to provide better facilities. I wonder if he could state exactly what the old hospital building will be used for, whether any of that will be also used for public health facilities?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the decision has pretty well been made that the whole general ward area will be demolished for part of the continuing new hospital programme where mental health, geriatrics and a partial hospice will go in there for probably less than a 10% increase instead of renovating.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Perhaps, the honourable minister could then state where it is proposed to locate this new facility that he mentioned in the answer.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the final decision has not been made, but we are considering the present location to just bulldoze that or remove that old building and build there. There is a sufficient space to do this—a purpose built building.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I am very pleased to hear the honourable minister say that consideration is being given for a mental health facility. I wonder if he is in a position to say whether any sort of work is being done in cooperation with Social Services to deal with the number of mental health people on the road publicly today?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Mr. Speaker, there are present and on-going discussions as part of our overall programme for improvement, especially in the area of mental health, which we all know we must now address.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to follow up on the supplementary that the Third Elected Member for George Town just asked. Can the minister state if there is anything being done with regard to housing the several individuals who basically at this point in time find themselves homeless and are prime candidates for such a mental health facility?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, at this time the only place designated is for them is Northward, and it depends on their condition as sentenced by the court. But right now, this is what the new facility will deal with.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Understanding the minister's difficulty and understanding the difficulty of the situation itself, I was actually leaning my question more towards those who are not at Northward Prison, and perhaps have not found themselves afoul of the law.

But since the minister answered in that vein, I am certain that it is not a satisfactory circumstance with these individuals being housed at Northward. There are others now who are not in Northward. So, we have two groups basically. Understanding that there is going to be a certain amount of time before there is a permanent facility to accommodate these people, is there anything physically being done at present with the ones who are not at Northward?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, that is a very good observation the honourable member has pointed out. Through the Social Services, we are trying to address this problem. We know this is a very vulnerable group of people. To be specific, there is no provision at this time, but I am hoping that as we go forward this year we can find somewhere to assist these people.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state whether the problem at present is simply a lack of funding with regard to any further movement forward having been accomplished? We have recognised the situation and we have talked about it for several years now, but is the

problem simply a lack of funding or are there other reasons why the plans are no further ahead with regard to providing this facility?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the funding could be one of the difficulties. Through Social Services moving into the districts we are trying to develop a comprehensive programme involving not only Social Services but including the Health Services to try and help these people.

The Speaker: Two final supplementaries. The Third Elected Member for George Town.

Mr. Linford A. Pierson: The honourable minister stated that a sum of \$15,000 has been placed in the 2000 budget. In view of the obvious need for this facility, I wonder if he is a position to say whether any sort of design has been done for such a facility with the costing; and when can we expect that he would be back to the House to seek further financing?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Mr. Speaker, the in-house people within the Public Health have a general idea how this could be functioned. They have put together preliminary stuff that would then go to the architectural people at Public Works. Once this is more firmed up, I will then share with the House those plans as we go forward.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the minister state whether or not priority will be placed on this, and if the attempt is going to be to ensure that, at least by next year, such a facility can be created and be put in place?

Truthfully, I cast no aspirations. The minister knows that we have been talking about this forever, and it just seems . . . I am now talking about the facility for mental health. But it just seems like it has been dragging on forever, and it is way down on the priority list. I wish to bring to the attention of not only the minister but the government that this is a priority. If we are not prepared to do something about it, then we should all take up the responsibility and each of us house some of them.

The Speaker: Your question is?

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, I asked him about the priority before that sir, but I just sneaked the rest of it in.

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I didn't get the last part of the question, but it is the number one priority of the Ministry and the Health Services Department to have this functional by next year.

The Speaker: Moving to question number 188 standing in the name of the First Elected Member for George Town.

QUESTION 188

No. 188: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning how many government scholarships were awarded by the Education Council this year.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thirty-four scholarships were awarded for students to do the bachelors degree abroad. Nine scholarships were awarded for students to do post-graduate studies abroad. Thirty scholarships were awarded for students to attend the Community College. Two scholarships were awarded for students to attend the Cayman Islands Law School.

The Speaker: Supplementaries, the First Elected Member for George Town.

SUPPLEMENTARIES

Mr. D. Kurt Tibbetts: Can the honourable minister state what might be the breakdown between these scholarships coming from individuals who were not within the Civil Service at that time and what would be the number for people who are already employed by government but were given opportunity for further training?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is not really dealt with by my ministry but by the Honourable Chief Secretary's and I don't have it. It is different funding.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Going back to the original question to the minister, can he state if the Education Council is trying to deal with any type of incentive programmes for specific areas in tertiary education that the country finds itself lacking with Caymanians? For instance, teaching and the medical field, nursing and perhaps other areas could be added to that. But just looking at those two, outside of the normal possibilities for individuals are there any specific incentives which are being looked at which might attract young Caymanians to enter into professional areas such as these?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: What the Education Council does if it cannot give out all scholarships . . . and in recent years there was never a time when we have not had sufficient money to give out all scholarships to all Caymanians who qualify. But the high priority areas such as teaching, nursing and areas where there is a need are what are looked at.

Now, there is a list of these (which I don't have with me here), but in the application some of the information given out are the courses that are accepted. We now have 21 on scholarships, mainly teaching, but in education. Some of those may be doing a master's speciality or something. There are at present two in medical technology; one doing medicine; four doing nursing; two doing pharmacology; one doing physical therapy, one doing psychology and one doing radiography. I believe that covers basically all that would be on the medical side.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While there may be a downside to the question I am going to ask, I am still going to ask it. Can the minister state if he would be prepared to put forward a suggestion whereby the incentive for these specific areas might allow for the terms of a scholarship to be more attractive for individuals namely what the entire costs are for such scholarships to be dealt with outside of the norm that is given when applicants apply for scholarships?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: Mr. Speaker, at present . . . in fact, when I came into the Ministry I don't remember what it was but the maximum was quite low. At present, we can go up to CI\$17,000 per annum (which I guess is US\$22,000), which by and large we have found has been able to cover the vast majority.

What the Education Council does, sir, is look at the means of the parents and not all the time it will award \$17,000 but it will balance and by and large it always awards an excess of one-half.

Now, if there is a student who says to us (and it wouldn't be often that this arises), *'Look US\$23,000 cannot get me through, I have no means and I have to spend and save US\$30,000. I doubt if there are too many colleges that go beyond that.'* Then what we do, sir, is to take that student into the Student's Loan Scheme so that the child is not deprived of going away. And when he comes back, only a small amount would be there for repayment.

I believe I need to just say it is always good to have either the student or the parents do some sort of small commitment in there because that lets them have a feeling of ownership and accomplishment, even if it is a small amount that is in there. But by and large what I can

say, sir (and you know this because you are on the Council as well), is that students who come to the Council once they have the qualifications for entry they are given a scholarship and they are treated fairly. If they come back, the Council will look at each individual's case and give more, up to the maximum of 17.

We have now moved into the area of dealing with post-graduate degrees. One of the things we may well have to do is to lift the ceiling in relation to some of those, which sometimes can be far more costly because they are far more intense. So far, we haven't had a problem with that. But it is always good if we can go about the \$17,000 where it is justified. But I believe it is a comfortable amount at this stage. I can ask the Council to review this then it can be looked at for an increase if that becomes necessary.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I have two questions. I wonder if the honourable minister can say whether or not there has been any consideration to review the age requirements. Recently what I have experienced is that there are older individuals who are interested in going off to school, but they require the same thing, a scholarship. I am not sure what the maximum age limit is, but has any consideration been given to maybe being a little flexible with the age so that Caymanians who are a little older would qualify for consideration?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: Mr. Speaker, that is a good question because maybe the perception that the public has is that it is only for students. As far as I know (correct me if I am wrong), there is no age limit. If somebody is 30 or 40 years old and they have the qualifications, they can apply for a scholarship. I don't think somebody should be barred by age because many of us have done our degrees after we got out of school especially if you are going to do a second or third degree.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I want to thank the minister for clearing that up because I was under the impression that there was a specific age limit.

The other question I have, Mr. Speaker, is whether or not any consideration is being given by the Council with regard to the bonding requirements. I know if a student has a government scholarship, we require him to come back and work in the civil service. I think one of the problems we are running into, Mr. Speaker, there are so many young Caymanians who are qualifying for degrees that we might run out of space to find meaningful positions for them once they return to the civil service. Maybe the consideration should be that they be required to come back to work in the Cayman Islands for a period of time.

The Speaker: The Honourable Minister of Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the member has really asked a very important question because the scholarship has been so good in the last three or four years, especially where every child who qualifies gets a scholarship. We are now facing a problem where the government doesn't have (as the member said) meaningful positions. What happens then, sir, is that we normally make recommendations to the Financial Secretary to vary the bond so that they work in the private sector. We do try, for example if they are going to an institution that can afford it, to get them to pay a part of the bond because they now get the benefit of what could well be \$50,000 - \$60,000 of education by the government. We have found that there has been cooperation in that area.

I think one thing that should never be done is to put a qualified student into a position that is not appropriate. It will just frustrate them and it will burn them out. It is better to take a sensible approach and for them to go into the private sector.

The Speaker: The Third Elected Member for West Bay—two supplementaries.

Mr. John D. Jefferson, Jr.: Thank you, sir, I only need one. I would like to thank the minister for what he has said. My question is: Are we granting government scholarships to qualify Caymanians to come back specifically to work with government, or are we granting government scholarships for Caymanians to qualify to come back to work in the Cayman Islands? There is a slight difference. I think once we clarify what the real objective or requirement is then I think it makes it easy for the Council to decide whether or not they will be just bonded to come back to work in the Cayman Islands for three or four years.

In light of the huge demand that we have for work permits in this country for foreign people coming in, I would urge the Council to be a little lenient with regard to the bonding requirement.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the student on returning would owe a first duty to government, if there is an appropriate position, because after all if government doesn't function well, the private sector won't.

For example, we have 21 students in accounting, government obviously cannot absorb them, whereas we have 21 in teaching that we can absorb. So, the Council has, as the member quite rightly said, the flexibility to know that if they can contribute to the islands as a whole then by all means that is very important and we then have to somehow release them to the private sector getting where possible contributions from the employers towards what is really quite expensive training.

The Speaker: No further supplementaries? Moving on to question number 189 standing in the name of the Third Elected Member for West Bay.

QUESTION 189

No. 189: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to provide an update on the new Primary School which is scheduled to be constructed in West Bay.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The architectural design drawings have been completed by the architect engaged for this project, OBM Ltd. They were recently submitted to and approved by the Planning Department. The architect and the quantity surveyor (BCQS) are now proceeding with completion of the detailed engineering drawings, specifications, bills of quantities and construction tender documents. This work is anticipated to be finished by the first quarter of 2000 at which time construction tenders will be called. Occupancy for the new school is planned for September 2002.

The Speaker: Supplementaries. The Third Elected Member for West Bay.

SUPPLEMENTARIES

Mr. John D. Jefferson, Jr.: I wonder if the honourable minister can state the anticipated cost of the new primary school?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, it's \$9.2 million to 350 students. It will be three classes.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will move on to Question 190 standing in the name of the Third Elected Member for West Bay.

QUESTION 190 (Withdrawn)

Mr. John D. Jefferson, Jr.: Mr. Speaker, when this question was filed it was relevant, but I think at the present time it is not. We have, thankfully, just recently opened the new hall for the John A. Cumber Primary School. I kindly ask that this question be withdrawn.

The Speaker: The question is that question number 190 be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question 190 has been withdrawn.

AGREED: QUESTION 190 WITHDRAWN.

The Speaker: That concludes Question Time for this morning. At this time, we will take the morning break. We shall suspend proceeding for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.48 AM

PROCEEDINGS RESUMED AT 12.20 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 5 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 31/99, The Removal of Import Duties from Imported Foods, to be moved by the Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 31/99

THE REMOVAL OF IMPORT DUTIES FROM IMPORTED FOODS

Dr. Frank McField: Thank you, Mr. Speaker. I rise to move Private Member's Motion No. 31/99, The Removal of Import Duties from Imported Food Stuff, and it reads:

"BE IT RESOLVED THAT the Legislative Assembly record its concerns with the impact of Government duty on the price of food items imported into these Islands;

AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly make meaningful suggestions with regard to removing this tax which greatly burdens the people of these Islands."

The Speaker: Do we have a seconder?
The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I am pleased to second the motion.

The Speaker: Private Member's Motion No. 31/99 has been duly moved and seconded. Does the mover wish to speak to it? The Fourth Elected Member for George Town.

Dr. Frank McField: When I decided to campaign in 1996 to become a Member of the Legislative Assembly, I decided to suggest to potential voters that it would be a meaningful exercise to remove duties from imported foodstuff, at least some. In my campaign manifesto it says "some imported foodstuff."

Since that time, we have had several meaningful debates and members have registered their concern with regard to the way in which the government goes about raising revenue. I think it is quite obvious at this point in our economic and social development that the method of raising revenue burdens the poor in this country much more so than it does the rich. If we have a family of four (being a mother and three children), we will find that single family with one income will have to contribute to the government's revenue more than if we had a very wealthy family of two.

The job of raising a family is important for the society, because without the continual production and socialisation of people the society would cease to exist. Therefore, parenting is an important aspect of the growth and survival of any society. It could be said that the society is not acting in its own best interests if it supports a revenue system that would impact more adversely on that family of four that is poor and earns below \$1,500 a month, than it would if it taxed the family of two that was earning perhaps over \$100,000 per year.

Now, Mr. Speaker, most people feel that as soon as you begin to debate something, it means that you have an idea of what the resolution should be. For this reason I think we have tried to make it quite clear (both myself and the seconder of this motion) that we are asking that the Legislative Assembly make meaningful suggestions with regard to removing this tax. We are asking this because we are concerned with the way in which government revenue enhancement measures cause the cost of living to rise steadily and to come to a point to almost make it prohibitive for families to exist as an economic and social institution.

I have on my desk, Mr. Speaker, a letter from the President of Wholesome Bakery, Mr. Norberg Thompson. It is addressing this question of removal of import duties from bread. It is interesting that I would have gotten a copy of this today, and we also have had representation from farmers with regard to the removal of import duties from certain foodstuffs that they also produce. In this particular case, we are talking about fruits.

Now, I have said before that society really is a collection of different individuals with similar and sometimes very diverse interests. Sometimes the interests of individuals in the society are in fact antagonistic to each other. Part of the role of government as an institution which fosters harmony and which insists upon a social course of behaviour that would maintain order is to be able to create the forum within which to resolve these differences in a peaceful manner. This is, of course, why we are here in the Legislative Assembly—to debate the different interests and to debate why one interest should be seen as more important at a particular phase in our development over another interest.

If everything can coexist and if nothing is antagonistic towards the other thing then we are living in a very blessed and harmonious environment. But, Mr. Speaker, the rapid development of commerce in the Cayman Islands has caused our interests as Caymanians to be sometimes antagonistic. Sometimes you hear people say, 'Well, we are all Caymanians' forgetting, of course,

that sometimes one Caymanian's interests could be antagonistic to another Caymanian's interests, or they could conflict.

The interest of those persons who have been producing food for a very long time can also be compared to the interest of those persons that have been supplying the society with certain skills and labour for a particular time. Should the interest of working people in this society be protected by some type of tax just like the producers' interest is protected by some tax?

What is the reason for government's duties? Is the reason because government is interested in raising revenue or is it that government is interested in protecting local production, local industry, and local companies?

If we were to look at what we call the tariff system, traditionally it was created in order to protect local industries especially during the period of mercantilist development in the Americas and in Europe. If we even were to go back and refer to the very peculiar policies of Great Britain during the period of mercantilism, we know that the imposition of tariff had specific useful functions. But after awhile, in the 1830's and 1860's, they then began to talk about free trade because it was important that countries were not so rigid with regard to the imposition of tariff in order to discourage the trade between countries.

The trade between countries came to complement the trade between cities and, in particular, geographical states. The trade between these countries, as we can see today with the unification of Europe into the United States of Europe, means that the tariff which would have prevented trade between themselves as nations is now being replaced—as was the case in the United States when it was developing as a physical and economic entity.

So, if the purpose of the tariff today on foodstuffs is to protect local producers of foodstuffs then it is necessary that those persons that are responsible for industry, that are responsible for raising revenue, make this clear to the general population. Of course, the general population will understand if you are saying that you are depending upon these import duties in order to raise revenue. The general population might say to you, *'Why is it that you are just raising revenue by taxing us? Why is it that you are raising revenue by taxing the tea and sugar that we must use? Why aren't you taxing the luxury items that other persons are selling and using?'*

The general population might have that particular perspective, and that's the reason why I am raising this as a representative who is interested in a deeper meaning and understanding of what is just, what is judicious, and what is fair.

Mr. Speaker, I really do believe that when we are talking about globalisation, when we are talking about capital being mobile, and the fact that the capital in this country from the point of view of cash or cash-worth is not necessarily uniquely Caymanian, not necessarily uniquely Caribbean, not necessarily uniquely North American, but that capital has an international composition. Having an international composition, it is owned by more persons and more nationalities. Therefore, we our-

selves, although we got involved in capitalistic development at a late stage and were able to do so, we got involved at a stage when tariff was not considered to be significant.

Therefore, when we hear the Financial Secretary or someone else saying, *'Let us not put a stamp duty that is high on the transfer of property or the transfer of an insurance policy or the making of an insurance policy because it will make us less competitive with other countries'* what you are saying in other words, is that you do not want to create any prohibition or any situation that will prohibit the accumulation of capital within this particular jurisdiction with regard to this particular type of liberal taxation and the so-called financial industry; yet, the continuation of a more stringent, rigid taxation with regard to the actual material things.

So, the concentration of the government is in fact on those things that are tangible, that are moveable; but it is not with regard to monies or wealth that is mobile. It taxes mobile goods that are being brought into the country for this specific reason, first of all, that we remain conscious of raising revenue for the country. In most countries where people say keep the import duties on, keep the tariff on, those businesses turn around and pay taxes to the government in order that the government has a source of revenue.

So, the industry that says it wants the duties to remain on there has to have somewhere also of contributing to the general upkeep of the society. It is not good enough that these people are saying that they are Caymanians and they have been in business for 30 years . . . because there have been Caymanians that have been working for 30 years, and their labour is not being protected, their labour is not being collectively viewed as a monopoly or should it have monopoly status.

I am making the point that the only reason why certain considerations are made is not because of the usefulness of certain measures, not because of the usefulness of certain systems, but because there are interest groups with the consciousness and the ability to keep certain things in place. The government has continued to have to answer to these particular interest groups, be it the people who own the restaurants or the hotels who might want cheaper import duties on alcohol, cheaper import duties on building their hotels by getting the materials in at a reduced rate under auspices that it is good for the society because it will provide jobs for the people and therefore, as a result of that, there should be concession and government has shown a certain amount of flexibility.

The point that I am labouring is that it is okay for Mr. Thomas, in particular, to say that his production of bread is being affected by bread being able to be sold on the shelves cheaper because he knows his business better than I do. But when you have Members of the Legislative Assembly getting up and saying that there is no point in reducing the tariff on imported foods because the consumer will not benefit, and saying this in a disagreeable manner in certain cases, yet a person who is responsible for the production and sale of bread is saying that his sales are affected, it goes to show that the Members of

the Legislative Assembly that are saying this don't know what they are talking about. They have not done their jobs!

Here is the imperial evidence to suggest that they are expressing an opinion when I was expressing facts. I said that the price of the goods can be lowered by the government revenue not composing a part of the price.

If you have 15% or 20% duty on something, when it goes in the store it is not a 15% hike it is more like a 30% hike—the merchants want to make a profit on the money that he puts out to pay duties. If you get \$200,000 worth of stuff and you have to pay government 20% on that, that money has to factor in as money as part of the cost of the goods. So, when you retail the goods that particular thing is in there as a cost and, therefore, it has to make a profit.

So, when the Financial Secretary says that what people might be paying as a result of consumer taxes is something like 11% Mr. Speaker, it is something like 25% we are paying—which is very high for poor people. We see this by their inability to function economically, by the social disruption caused by the economic hardships, pressures, insecurities, and uncertainties. Whether you are building homes, feeding people or dispensing medicine, it all has to be imported. Therefore, government's attitude toward the importation of goods is one of the first considerations with regard to the price of the goods. If there were no tariffs on these goods, they would be sold cheaper.

And for people to say it would not happen, it is just for them to make an excuse. It is the simplest excuse to convince the consumer that the consumer would not get things cheaper. It is not true that the consumer would not get things cheaper, we see examples where the consumer in fact is getting these things cheaper.

If Caymanian producers are at a disadvantage, then we have to take this into account. But we have to be honest about what we are taking into account, and we have to measure this. We have to ask which is more important at this particular point. Is it more important to make sure that the bread production in this country is safeguarded by a tariff than [it is to make sure] that the child gets the bread without us standing in the way of that? There are ways that we have suggested that government could subsidise certain foodstuffs to poorer people. But government cannot ignore the fact that whether or not it is a great burden that it is a burden.

If you go to a supermarket and you are short 2 cents for bread, you cannot buy the bread because that is the way we do business. So, for government to believe somehow that their taxes on foodstuff do not get in the way of people providing for their children and providing for the elderly is nonsense. When the government takes and gives support to people over 62 who cannot support themselves, who do not have people to assist them, how far can this money go in the supermarkets?

Rents are impacted by the duty that government has by the cost. And we are not dealing with that, we are dealing with the foodstuff, but I just wanted to make the point that it is nonsense for government to act as if somehow it is not responsible for the prices in this coun-

try. The government is very much responsible for the prices in this country.

The fact that the cost of living rises in this country faster than it does in any country has partly to do with this, partly to do with the interest system, partly to do with the speculation on land. All of these things go together to make it impossible for the normal average Caymanian to live. But the normal average Caymanian has not written a letter to say how good it is that they have had a break with regard to foodstuffs. I know that a lot of these Caymanians are happy that they have had a break with regard to these things.

Now, government can go back to their original way of acting and take away these concessions from these people in order to give protection back to the local producers of bread and other foodstuff. Government has a right to make these considerations. Government has a right to openly debate these things without being accused of giving preferential treatment to any particular group, or being biased simply because we work in air-conditioned buildings.

I am here to look at the rights of everyone, and to try to fathom a way of looking at and preserving the rights of the majority. The majority is consumers. And the majority of our consumers work in order to consume. The only way to have access to consumer goods is by way of exchanging their labour for cash that they then exchange for these consumer goods and for foodstuff.

What is being done by the government to assure that these persons who are labouring in the Cayman Islands in order to get cash to buy food are making the amount of necessary to participate in the consumer system? Government hasn't brought in any legislation to force any kind of price control or to make sure that there is any kind of minimum wage that would prevent people from sinking below some poverty level. So, why is government then obsessed with bringing in or preserving legislation that would preserve any particular kind of production? If it is not interested in safeguarding labour and maintaining the rights of labour, why is it so interested in maintaining the rights of producers? It is again because labour has never had truly any kind of voice.

The consumer has never really, truly, had any kind of voice. So, it is the consumer that has paid for the physical development of this country. The consumer has paid for the roads; the consumer has paid for bettering the airport, improving the hospitals the schools and all the infrastructure that people are now coming here to take advantage of. The consumer has been made poorer as a people. They have been made so poor by this burden of this peculiar kind of taxation that the consumer today in the Cayman Islands—whether he is in the swamp, or in Central George Town, or Walker's Road, or down Pond Side—feels it when he goes to the supermarket. He comes out and says "How expensive!" And the merchants have said . . . because I have worked with merchants.

I worked at Foster's Food Fair in the warehouse. I know what kind of duties they have to pay. For those who say that it wouldn't give them a benefit if they had to pay less duty, that is nonsense. One of the first things

that Mr. David Foster did when he reduced the duties on the fruits was that he made a sign to show people that he was reducing his prices. He wanted everybody to do so and has always been excited about being able to give the consumer better prices.

But when it comes to the poor, the government goes there and says, *'You owe us this and that, and we want our money!'* This particular kind of taxation means that if I bring in \$100,000 worth of stuff (not foodstuff perhaps, but lumber or anything) and put it up on the shelves . . . there goes my taxes that I have already paid the government sitting on the shelf for one to two years. That is accumulating interest. I had to pay interest on that. Therefore, it makes the goods more expensive. So, we can see how our commerce is impacted by the peculiar form of taxation we have.

I feel that we have to answer the question of how to make it possible for Wholesome Bakery (if we use it as an example) to continue to exist. But one way that he might be able to continue to exist is by making less profits. Everybody wants the other group to give up something. But what are they willing to give up? He might be able to become more competitive like I was talking about with the farming community in terms of how they market their stuff and how they make people aware of the positive health qualities their local products have. You can also develop your product by asking the consumer to patronise you as a local producer rather than being forced by government tariffs to patronise you.

In a lot of cases in the free enterprise system, we say that the consumer should have the freeness to choose and that government should not intervene. Those same people that are talking about government not intervening in this and that, and government not subsidising this and that . . . there is a subsidy to this bakery when government puts a tariff on stuff that would come in to go to the consumer at a cheaper point. I think we need to have these types of discussions with regard to how fair it is to the consumer.

What is the position of the consumer? How does the position of the consumer compare to the position of the person that is producing, for instance in this specific case, bread? I would not want to destroy anybody's business especially if somebody has laboured long. But I said my father worked all his life therefore he laboured long—what was he entitled to? What was he entitled to have protected? My mother laboured long. I am in my fifties—what can be protected about the skills that I have? What kind of particular compensation can I get from government to make sure that some company, some labour, or some skilful person from abroad cannot come and compete against me?

I believe that the same kind of protection by way of tariff that this gentleman is asking for will be perhaps the same that we will be asking for from the point of labour in particular. I have warned about that: If they continue to have tariff to protect them, we will want to have tariff or something else to protect labour to make sure that we see the Caymanian that has been labouring in this country for the last five to fifteen years as an investment; that we see the growth of these people's children as an in-

vestment by these people that are supposed to be protected just like any other economic investment.

This would mean at the end of the day, Mr. Speaker, that companies that want to have special compensation, like Wholesome Bakery for instance, should say that at least 65% of the people employed by them are Caymanians. When they can come and show us on their rosters, Mr. Speaker, that the majority of the people they have are Caymanians and no foolishness about Caymanians don't want to work and Caymanians this and that, when you can prove that it is more than your pocketbook that you are trying to protect, then government has a right to come in there and act to protect the majority.

But when you are talking about yourself—your pocketbook—it is a slightly different argument. Whenever you make an argument to government, it cannot just be based upon one man, it has to be based upon the others.

Mr. Speaker, I know that it is getting to that particular time so I will give you the opportunity to—

The Speaker: You can go ahead for a couple more minutes. I was hoping that you were going to conclude.

Dr. Frank McField: Mr. Speaker, I am quite sure you are always hoping that I will conclude, but I am not going to conclude. *[Laughter]* What I have to say, Mr. Speaker, might not change things, but it will certainly set the stage for things to be changed. I believe that we have to have an overview of this, and when I come to the Throne Speech, I will even make that a bit more apparent.

But what we are saying is that the government has already made a move to remove the duties from foodstuff. In doing so it has shown that the government is willing to take a decrease in income being derived from this particular tax and to give the benefit to the consumer, and the consumer could very well deal with this or use this particular concession at this point.

The merchants, the persons who control the supermarkets, have shown good faith in that they have passed on these benefits to the consumer and that as a result of their doing so rather than keeping these benefits for themselves in the form of profit other producers have now become concerned about this. This has caused government to now want to take back again from the consumer what they gave to the consumer.

I am saying, Mr. Speaker, if government is supposed to do this, we can educate the consumer—who is the majority—to say that if they take back from the consumer what they have given to the consumer without reasonably justifying why they have done that, without showing that they are not being unfair to the consumer and showing interest to some other group, then the consumer will take back what they have given the government—which is the power to represent them—and they will change the government.

This is a very important point that I brought here because I brought it up in 1996. Rather than continue to bore you with my overview I will just sum it up this way I think, because as you know I do have other forums to get my points across but I will say this: The reason why I

think it is unfair for taxes in this modern time to be placed on food when we have poor people, poor children and poor old people, when we are talking about living in the most prosperous country in the world, we must be talking about the most selfish place on earth if those people with so much wealth who have been able to accumulate it without any kind of threat to it continue to not see some kind of connection between crime and poverty. If they cannot see that the greatest crime in the world is the creation of poverty, then they have lost sight of what I believe is important.

We are able in this country to speculate with regard to land value to the point now where our people find it more difficult to own land than anything else. So, if there are no concessions that can be given to the poor, why is there so much concentration on the rich? I would like to hear an answer to that, and I will have the possibility to wind-up. Thank you.

The Speaker: At this time, we shall suspend proceedings until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.55 PM

PROCEEDINGS RESUMED AT 2.48 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 31/99. Does any other member wish to speak? The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I rise to comment on behalf of the government on Private Member's Motion No. 31/99 which deals with the removal of import duties from imported foods.

The motion, Mr. Speaker, reads: **"BE IT RESOLVED THAT the Legislative Assembly records its concerns with the impact of Government duty on the prices of food items imported into these Islands;**

"AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly makes meaningful suggestions with regard to removing this tax which greatly burdens the people of these Islands."

Mr. Speaker, the government does not have a difficulty in accepting this motion because in effect what this motion is doing is inviting the participation of all honourable members to consider this very important issue.

Mr. Speaker, the government has always been mindful of the fact that any tariff imposed, be it by way of customs import duty or any other tariff, will have some unfavourable effect in terms of having to take money out of the consumer's pocket. The government has always been very careful in terms of managing the expenditures of government in such a way in order to minimise this burden.

We know that governance in any society is necessary, and governance carries with it a cost. When we look in terms of the historical perspective or we look at what has been happening over the years in these communities, the government has made every conceivable attempt in order to try to minimise the cost to the people

within the community. In the area of customs import duty, every effort has been made to minimise these costs or tariffs where possible.

When we consider, Mr. Speaker, that most food items in the Cayman Islands are either not taxed at all or carry low taxes in the form of import duties, this in itself underscores the position of this government and previous governments. I know that this is a commitment of not only the government but of all honourable Members of the Legislative Assembly.

Mr. Speaker, unlike most other countries, however, the Cayman Islands do not have value added tax, sales tax, or any other kind of taxes on food items other than what is imposed through import tariffs.

In formulating our customs duty structure, the government took into account the need to ensure that food items are affordable to all persons within our community, especially to those at the lower end of the income scale. As a result, Mr. Speaker, most food items have a zero percent duty. Of the 37 main categories of food items in the customs tariff, roughly 65% or 24 categories are duty free. These include basic food items such as bread, milk, rice, fish, macaroni, chicken, sugar, butter, eggs, cheese, cocoa, tea and coffee.

Since 1997, the government has taken steps to remove duties on a number of food items. This is in line with its expressed intention to keep food items, as I mentioned earlier, as low as possible and to ensure that low income families are not disadvantaged. The areas where there has been removal of duties since 1997 are:

Particulars	Previous duty charged	Current duty charged
Flavoured milk, yoghurt and ice cream	20%	0%
Cocoa and drinking chocolate	10%	0%
Tea	20%	0%
Cereal and cereal preparations	20%	0%

In 1999, the following measures were introduced:

Particulars	Previous duty charged	Current duty charged
Bird eggs and egg yolks	15%	0%
Bakery products including biscuits	20%	0%
Butter	20%	0%
Beet and sugarcane refined	7.5%	0%
Fruit with some exceptions	15%	0%

With regard to imported fruits, Mr. Speaker, the government acted swiftly in response to concerns expressed by local farmers that the removal of duties would hurt their sales. Government is therefore now proposing a two-tier duty structure for imported foods and the Bill is currently being drafted. These fruits are produced locally by our farmers, and if imported would carry a 15% duty. These include: avocado pears, bananas, plantains, citrus fruits, mangoes, papayas, breadfruit, June-plums, golden apples, Barbados cherries, tomatoes, okra, peppers,

pumpkins, sweet-sops, melons, star-fruit and cucumbers. There is one here that I will spell it rather than attempt to pronounce it, it is pommescythere. Apparently it is the description of a fruit that is given. I am not going to run the risk and mispronounce it! All of the fruits are duty free.

Mr. Speaker, government is continuously monitoring its duty structure. It is expected that duties on non-essential items or on those that may not present the healthiest options will have to be retained, for example: fried potato chips, chocolates, and confectioners. However, government is committed over time to removing duties on all essential food items. This exercise will require proper research and analysis.

Mr. Speaker, the Honourable Fourth Elected Member for George Town raised quite a number of issues. As I said earlier, these proposals in terms of this motion that are under review are very much consistent with the policy of government. As honourable Members of this House are aware we have the financial reform initiatives, those initiatives are currently in train. They present a very good opportunity when everything is being considered to look very closely in terms of the revenue measures and the revenue structures.

Mr. Speaker, it is very important, and this is where, as I said earlier, honourable Members of this Legislative Assembly will have to come together in order to consider all of these matters. It would be very useful. I think this is very much consistent with the motion that has been proposed by the honourable Fourth Elected Member for George Town. He touched on certain areas such as land and who is allowed to purchase. I will not comment on that issue, but to keep the cost to the consumer in our society at a minimum through the imposition of duties or tariffs. This is a commitment of the government to do so when and where possible.

The member recently made the comment that we are living in a First World society with Third World revenue measures. I would endorse those comments fully. It is high time that we sat down and looked very carefully at all of these issues. But it is very important that the facts and figures be presented.

I mentioned in this honourable House that the Economics Unit will be separated from the Statistics Department so that unit can conduct the necessary research whereby recommendations that are being made to the government and to honourable members of this House can be done on the basis of proper research being carried out to show not only the economic impact but also the social consequences of decisions to be taken. It is very good when we are in a position, rather than believing that something is good and just having this intuitive feeling, when we can back this up with concrete evidence in terms of what is available and what can be gleaned from scientific findings. This is the direction in which we are heading and that is very much consistent with the financial reform initiatives. What is being proposed, as I said, is very much consistent with the government's policy at this time.

As I mentioned, approximately 65% of all food items that are brought into Cayman Islands are presently duty

free. But, given our revenue structure, it is important to maintain the tariff at this time, or so it is felt. I think really that it would not be advisable to suggest any immediate reduction on those items until proper research can be carried out to endorse the government's position.

In the meantime, the government is quite agreeable to support the motion as proposed because it is always felt that when we have more than one person sitting down to consider an issue often times a more informed judgment and opinion can be obtained.

Mr. Speaker, with this I would like to record the government's support for this motion. Thank you.

The Speaker: The floor is opened to debate. Does any other member wishes to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you Mr. Speaker. I certainly will not be long. I am one who was very heartened to hear what the Honourable Financial Secretary answered on behalf of the government. But I could not resist the opportunity to say that it is a pity that the Honourable Third Official Member finds himself in the position he finds himself in, having to reply on behalf of the policymakers.

Following the statement that I am going to make it is a real pity that we couldn't have elections every year, because if every year was an election year we might get some results—because the positions that are being taken today by the government of the day are positions that we have been crying out for for years! But they are suddenly very happy to accept certain thoughts and ideas, and welcome everybody on board to share in the load.

Mr. Speaker, as I said, I won't be long. I just hope . . . and it has no reflection on the Honourable Third Official Member because as I said it is such a pity that he finds himself having to answer. But I just hope that those words—which I know he means—are not words to placate everyone coming from somewhere else, when in truth and in fact if life were different and times were different and this was not February of the year 2000, you would have found every excuse in the world not to support the motion because the Member bringing it was a radical with some foolhardy ideas.

Mr. Speaker, if the Minister of Education wishes to answer he can answer right after I speak. It doesn't matter to me, I say how I feel.

Now, my only thoughts are with a Select Committee that, understanding the position, perhaps it is the best way forward. Perhaps, it is the only method by which we could truly get the ideas that the Honourable Third Official Member has been talking about pooled together in order to try to come up with a sense of direction. Not wishing to repeat myself too much, I know that the Third Official Member is mindful of a lot of areas that needs to be dealt with. I know because I have had conversations with him. I have travelled with him. I understand.

But, you know, Mr. Speaker, being annoyed is not the right word. What really gets to me is if this government had the will to deal with these matters in the way that

they are professing to now—why have we wasted so much time? And we have! Life is not going to get any easier. And with just about everything that we faced in this Legislative Assembly we have had to make decisions. Every one of us has to be thinking about how will it affect this group of people, how will it affect that group of people; what is politically expedient, what's the best way to come out smelling like a rose out of the whole situation.

Mr. Speaker, I contend that is not what it is all about. It is because of the way that government has operated that we find ourselves in these positions having to make such difficult decisions. On most occasions, the policy-makers make no decisions if they can avoid making the decisions. Perhaps this may be seen as an opportune time for me to put a little bit of a tongue-lashing on them. Perhaps they are going to come back and say what they want to say about me. That's fine. There is nothing that I am telling them on the floor of this House today that they have not heard me say to them before.

Mr. Speaker, with regard to the issue of relaxation of duty on food products, the Honourable Third Official Member said during his reply on behalf of government that the government is mindful (I cannot say it verbatim but I think I understood the gist of it) of relieving any burden on the consumer wherever it is possible. Now, I firmly believe that the Third Official Member meant that from the bottom of his heart when he said it. But if we examine the track record of this government, the statement cannot apply.

Mr. Roy Bodden: Preach brother, preach!

Mr. D. Kurt Tibbetts: It cannot apply! And I am not going to go into that this evening, but this has not been the style of this government.

This government has fallen into the trap and they keep preaching about how good the economy is and how everybody has money in their pocket. But, all of a sudden, they are realising that people are hurting. Those same people have to vote! So now, they are trying to make sure that they nullify that argument. And it is a real pity because had they been thinking like this from the day they were elected, life would not have to be like this and we would not have so many angry people in this country.

Unfortunately, I find myself having to say that they have had their turn, and it is time for others who are prepared to do what has to be done in this country to move forward and be given an opportunity to do that. I pray to God that the people of this country give us that opportunity when that time comes. Thank you.

The Speaker: The floor is open to debate. Does any other member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, to the best of my knowledge, the only government who has ever taken import duty off foodstuff was the government that the Minister of Agriculture and I were in from 1976 to 1984,

and now this government which has been for the last seven years. So, to try and say that we as a government have not taken duty off to assist the people of the Cayman Islands is not correct. We are the only government that has ever reduced import duty and it started many years ago.

I know the Financial Secretary didn't go that far, but it started in the early governments from 1976 - 1984. As can be seen, 24 categories out of 37 main categories of foodstuffs—which is roughly 65% of all the foodstuffs—that are duty free. The people of this country know the difference between talk and action.

Mr. Speaker, I have heard every opposition in the last sixteen years that I have been in government stand here and talk, and talk, and talk, but there are no solutions, they are not producing any solutions. There was no solution put forward today by the First Elected Member for George Town. Talk is cheap! If there is one thing that we can say about this opposition in the last four years—because we have been in here every day of our life nearly—it is that they have talked. But I ask the public of this country to show me any action that those who talked the most have really done. The answer is none!

I would have expected on a motion like this . . . and I commend the Fourth Elected Member for George Town for bringing it. But rather than trying to say that the Financial Secretary should not reply on matters that relate to his ministry . . . that too, as you know, is patently wrong to try to say otherwise. This is the responsibility of the Financial Secretary, he deals with import duty, he deals with taxes, and he—

POINT OF ORDER

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir. Obviously, the minister is referring to my statements of a few minutes ago. I did not imply that the Financial Secretary should not be answering on this motion. I was simply saying that it was a pity that he found himself in a position where he had to say the things that he said, because in my view it did not reflect the actions of the government in the past. I did not say that he was not supposed to answer it.

Hon. Truman M. Bodden: Mr. Speaker, if that is the case then I withdraw it. But I understood that what was being implied was that an elected member, rather than the Financial Secretary, should have been replying on this motion. Let me move on, sir.

The Speaker: I would have to look on the *Hansard* before I could make a ruling on that. If you want to adjourn and let me get the *Hansard*, I would be prepared to rule on it. But without that, I cannot.

Hon. Truman M. Bodden: I have withdrawn it, sir, so I don't really want to waste anymore time. I have been talking about words and wasting time and I would rather just withdraw it and move on, sir.

The Speaker: I thank you, please continue.

Hon. Truman M. Bodden: Mr. Speaker, the question of the removal of products is not something, as may attempt to be implied, that is just being done now because there is an election this year. This was done 2½ to 3 years ago when there was no election around. I am proud that I have been part of the only government that has seen fit to remove and reduce import duty.

Now, Mr. Speaker, what is the solution to having import duties and to having revenue items domestically? The answer has to come with an alternative to raising government funds from import duty. If anyone in the last 20-odd years had come up with any better ideas, then where are those ideas? I would have expected that we would deal with this motion in a constructive way—if people were going to criticise the government they should say what the alternative is. What is the solution to the problem? The answer is simple: revenue must be raised from different heads rather than on import duties. But we are a consumption-based revenue earning country and we have no income tax. There is no direct taxation. If anyone in here believes that income tax is an alternative to import duty then they are sealing the death of this country.

So, where are the solutions? Suppose \$10 million is taken off import duties, the money must come from somewhere else. I mean, anyone can say that government should be removing this, or, as we saw in the budget, that they should be spending this and that. But when it came to the crunch with the \$1 million for housing, were there any bright suggestions as to how to raise revenue, other than on local persons? The simple solution was just taking the easy road out—\$1 million in loans. Who is going to pay for it? It is going to be paid for out of import duty and the other items that government gets its revenue from.

Mr. Speaker, I would welcome the alternatives. And when we get into a select committee if the Fourth Elected Member for George Town sees fit to put it there then let us see what the alternatives are to this. I think it is good that the Fourth Elected Member [for George Town] has brought this motion because all of the talk that we have been hearing for so long, the time will come when that select committee will have to come up with alternatives.

One good alternative was put forward, Mr. Speaker, by the Third Elected Member for George Town with the e-commerce, which is a new area of technology. That is an alternative. Suggestions like that are constructive, they will help the country. But that has to be done on a widespread basis because the import duty is the largest single revenue item in this country . . . well on foodstuff. Well, there is very little left on foodstuff because we have taken it all off. In fact, we had a hard time trying to find foodstuff when we were going through that still had duty on it so there isn't very much left.

In fact, Mr. Speaker, a government that I was a part of (I think it was 1980 to 1984) was referred to as the "Chicken and Potato Government" because we took [duty] off about 16 or 18 items including chicken and potatoes.

So, I support the Fourth Elected Member for George Town in what he has brought but what I am saying, Mr. Speaker, to criticise this government . . . in fact, show me a government over the past 30 years that has come up with any more new heads than government that I have been in have done. We brought in the Insurance Law, we diversified, we brought in the mutual funds, and we have recently in relation to exempted companies added a small amount to policies that are dealt with offshore. We have amended the Companies Law. We have set up the infrastructure that has produced vast amounts of income, such as the Monetary Authority, the Stock Exchange and, in fact, governments that we have been in—especially this government—has done more to diversify and increase the revenue of the country than anyone else.

If members of the opposition—especially the First Elected Member for George Town—have alternatives to diversify the country then let's hear them, because this government has been one of the most tolerate and one that has listened to ideas. In this case, we are always eager to know what good alternatives exist. But it is not as simple as standing up in here and talking. When decisions have to be made on the alternatives of how to raise revenue without touching the local population there are not that many ways of doing it because if we go to direct taxation then that goes on the people of the country.

If direct taxation is put on offshore industries then they are not going to be here anymore. So, it has to be a balancing act to ensure that there are alternatives to reducing the tax because money has to come from somewhere. Mr. Speaker, if it is not going to affect people locally it has to be put on the offshore industry, and that can only take so much and no more. I believe e-commerce will give us some very good revenue. And I think that is the type of constructive move that is needed.

This motion says: "**AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly makes meaningful suggestions with regard to removing this tax which greatly burdens the people of these Islands.**"

It is a very good motion. But where are the meaningful suggestions to cover the revenue that the honourable member's motion is taking off? I guess what I am saying is that anybody can get up and bash government. That's simple to do. But can they come up with meaningful suggestions so that we can take off the balance of the import duty?

If you look at the record of the governments that we have been in, including this one, it is a very clear history of reducing import duty and taking it off foodstuffs. I don't want to go back into these because the honourable Financial Secretary has named them out. But we have systematically every few years removed import duty from foodstuff. In fact, all of the basic foodstuff has had duty removed. There is no good in saying (not referring to the mover of the motion because I commended him for bringing it but if I refer to the opposition—the other members) *'I have an answer, I have a solution but I am not going to tell the Government, put me in the Executive Council first and I will give you the solution.'*

Mr. Speaker, anyone who has a solution and doesn't care enough for his country to bring that solution forward and help the country is dealing purely with politics.

By the way, Mr. Speaker, there have been many times when suggestions have come forward from the opposition. And when they are good suggestions we have accepted them. This government has been far more tolerant—I know it has been more tolerant in that respect than any other government. So, what really needs to happen here is that the Legislative Assembly has to come up with meaningful suggestions that will allow for an increase in revenue from areas that do not affect local persons. It is no good taking it off one area and putting it on another if it still going back on the same people locally.

There can be no doubt that in consumer based countries such as the Cayman Islands . . . in fact all other islands in the Caribbean just about or most of them have import duty and they have income tax. We are blessed in this country that at least we do not have direct taxation. What remains with import duty still on would also have to be looked at as to what out of those are the most basic to reduce it. But what I can say, sir, is that most or just about all of the basic necessities (given a few that are still here) have had the import duty removed by this government and its previous governments.

So, we are happy to support the motion and it is something that this government and all four of the governments that I have been in have always done. Like I said, sir, in 1997 this government removed duties from a number of food items, and all of the rest that has been removed, the governments that I have been in have done so.

I commend the Fourth Elected Member for bringing forward this motion. I believe it will take time and in-depth study to try to come up with alternative ways to be able to remove the import duty because it is not a matter of just simply taking it off now. If we take it off now, Mr. Speaker, before we have looked at the alternative ways of raising the revenue, then it obviously is going to cause the budget to be way out of whack as far as the revenue side goes.

Time spent would be constructive in looking at ways in which we can bring in new heads of revenue. There are areas that still allow us some flexibility. The e-commerce is a wide area, it is not just related to—

POINT OF ORDER

Mr. Roy Boddén: Mr. Speaker, on a point of order, sir.

The Speaker: Let me hear your point of order.

Mr. Roy Boddén: Repetition with the honourable speaker has become . . . there has been so much repetition now it is beginning to become tedious.

The Speaker: I have to agree with that. Unfortunately, that has been going on for quite some time.

Hon. Truman M. Boddén: Mr. Speaker, very few things in this House that are bad I have invented. If I have any of those traits, I have inherited them from other politicians! Having said that, I am about at the end of my time anyhow sir. I won't be very long because I think my points have really been put.

If there are members in this House who have meaningful suggestions to raise revenue that do not affect the people of the country then, Mr. Speaker, this motion is asking just that. Show us ways—meaningful ways. The Fourth Elected Member [for George Town] obviously chose his words well because it said “meaningful,” in other words, not a lot of talk with nothing constructive.

One of the areas that I think needs to be looked at in more depth is the area that relates to structured transactions of aircraft. We now do a considerable amount of business in this area, but I believe that a look at the possible ways that this could be further developed is one that would bring some more revenue.

I also feel that a further revision (and I know this has been considered and I am now into the “meaningful suggestions,” sir) that could be considered is the extension of the “cell principle” beyond insurance companies and into mutual funds. I would like to explain what I mean there, sir.

This has to be looked at carefully because there is a downside to this. What has been done is to permit a company to structure cells within it which in effect, and to a certain extent with clear limitations sir, have the way of limiting the liability of the cells within the company. In other words, there could be one company that is dealing with say four (I think we put a limitation of about ten in the amendment for the insurance) . . . but it allows the equivalent of what was once referred to (and probably still is referred to) as the “rent a captive insurance company.”

So, a person who has their captive business (and in this case a fund business) within a company would have the safety of ensuring to a large extent, not absolutely, sir, that their part of the business is separated through limited liability from the other pieces of business. In the event of a liquidation, there would not be a vast pooling of all of the assets within the company itself. And, what it does, Mr. Speaker, is this: It permits business that otherwise could not afford to have its own insurance company (because the setting up, the managing and the licensing of any of the companies that are regulated can be very expensive) . . . but business we would not otherwise get, that smaller business, could be pooled together and dealt with within the ambit of a vehicle that would provide the limited liability and the security to the smaller investor. When I say smaller investor, they are not necessarily small, but in terms of the general size of that business it is not sufficiently large enough to produce the revenue to have its own, let's say, insurance company.

The down side, Mr. Speaker (and this is why everything has to be looked at carefully) is firstly, it is a very complex structure within the law because it goes against the traditional bankruptcy and voluntary winding-up provisions that say that funds are pooled. And in the event

of liquidation, they are prioritised in a certain way. The legislation in some countries (especially in the traditional area of insurance) is to ensure that a sufficient cap is put on the number of cells within that company. Because, if the business that is going into those regulated companies would otherwise have required a normal company, an exempted company, then we may be losing the equivalent of four or six exempted companies. So, a balance has to be weighed, because if that legislation permits too many interests within one company it may reduce revenue that we get in another area.

We are now one of the largest mutual fund countries in the world. There is obviously a lot of business here that can be looked at. There are areas of the Companies Law, and beyond that, that would improve and increase revenue in areas that we now have. A lot of this is being worked on. I would like to point that out. But you cannot produce complex legislation in novel fields and get it right over night. It takes some time to do so.

The Companies Law can be improved in several areas. One of the areas that has been in the drafting stage for some time . . . and I need to just point out that a lot of this has been prior to the time of the Honourable Attorney General here, especially what I am now going to say. It relates to the liquidation procedures and legislation, as well as an updating of a very old Bankruptcy Law that we have.

I know sometimes that members may be asking, *'How will it help to do that because that is liquidation and that's bankruptcy.'* But if our laws in the financial area do not stay on the cutting edge of new legislation and remain competitive, then we will find business going to other areas. The transferring of companies from jurisdiction to jurisdiction has been a worry over the years. In the last few years, it was introduced. But it was one of the alternatives that gave the investor flexibility and showed that the jurisdiction was one that would retain the investor because it did what was necessary to keep the investor and gave him the freedom of transferring his company to certain jurisdictions if that became necessary for whatever reason.

There are other areas within the Companies Law that I think could increase the amount of business if it is looked at, strengthened, and developed.

Now, the question may be asked, *Why have I spent this time dealing with very complex matters that have very little relation to the local person?* The answer is because the revenue that comes in from those areas is not coming out of the pockets of the people locally. Those companies that have a presence here, such as the insurance companies, the mutual fund administrators, the banks, the trust companies, the management companies, bring some employment to the island. The people who run them purchase goods in the country on which the import duty is imposed and they all contribute to the country's betterment and the government's revenue which eases the burden on the local person.

There are areas that can also be looked at. And a recent revision came out in that area, it's the area of merchant shipping. Once again, we have developed a niche in the market for the registration of private yachts,

small yachts, and a lot of very large yachts. In fact, we are probably one of the countries that are best known for the registration of private yachts. With that comes a company as well as fees that relate to the cost of registering the ship, and also putting on the mortgages or the financing on it as well as the importance of the fact that they fly a British flag.

Mr. Speaker, in recent times a move has been made to establish a presence in London, which is a large market for shipping. I believe if it is developed, if we keep up the revisions to the Merchant Shipping Law, which is by any means the longest law that exists on the books of this country, if we ensure that we develop the standards that are necessary for growing that business then I think in that area too we will have extra revenue that can be generated.

Mr. Speaker, the strengthening of the regulatory aspect in this country, the introduction of the Mutual Legal Assistance Treaty together with the Monetary Authority and the Stock Exchange has gone a long way towards showing that this country is a stable and well-regulated country. Mr. Speaker, good business goes to countries who have good regulations. That in itself, when looked at from a philosophical point of view, may seem not to be logical. But it is a known fact that if we are going to attract and keep the large banks (because we have attracted many of those), we are going to attract the large insurance companies, the mutual funds to broaden the base of the economy of this country so that we can remove import duty that hurts people locally. It must come from a concerted and forthright development of the regulatory aspect.

A balance has to be kept between what is over-regulation and what can be regarded as internationally acceptable standards of regulation in relation to the business that we presently do.

Mr. Speaker, if you wish, I think I have a natural break there. My throat is going a little bit.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.47 PM

PROCEEDINGS RESUMED AT 4.12 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion number 31/99. The Honourable Minister for Education, Aviation and Planning, continuing.

Hon. Truman M. Bodden: Mr. Speaker, another important matter that has to be borne in mind when introducing legislation, especially new areas that raise revenue, is to ensure that the principles put forward by the European Union, and to a lesser extent adopted by the OECD, of standstill and rollback are in no way affected.

The principle of standstill is one in which the legislation I have mentioned, which I believe is outside that principle, should not do anything to introduce new areas that could be deemed to be harmful tax competition to

the European Union countries and, by implication, the 29 OECD countries. So, whatever I have said there, sir, falls within that principle.

One of the areas that is still being completed, and drafted I should say, is the revision to the Monetary Authority Law which follows along one of the principles relating to regulatory authorities that was crystallised in the United Kingdom White Paper. The advancement of legislation in that area, I believe is going to be extremely important to the continuation of development of the banking business in the Cayman Islands.

The principle of cross-border banking supervision in which a supervisory country carries the ultimate responsibility for any branches or subsidiaries abroad, has now been extended globally to a stage where there is more of a global supervision rather than what happened in the past of having country by country supervision. That, I know sir, will assist the Cayman Islands with countries where we otherwise would not get business from and who would not allow their banks to establish branches or subsidiaries abroad without the necessary regulation between the regulatory authorities and that's all I need to point out within our law.

Any information there that is necessary for the regulatory aspect of a bank has to fall within our own legislation. But if it is not done right, could either lose us some business with some countries . . . and already we know that one country (lucky for us not a significant country to the Cayman Islands in the area of banking) has started to take steps toward deterring its bank from establishing branches abroad.

Ultimately, if it becomes necessary, then they would ensure the effective persuasion (if I may call it that) of business that would come to a well-regulated country like the Cayman Islands to remain and continue the flow while causing business from countries that are less regulated to either be subject to some type of transaction bar or in some other way to hurt business going to a country that is not well regulated. Mr. Speaker, good regulation brings good business and the Honourable Financial Secretary has assisted in building this country on that principle.

Our legislative framework must be such that we are not enticing business other than good business. In fact, Mr. Speaker, the damage that one gets from a lower regulatory supervision framework within a country sometimes only needs one bad case to hurt the country internationally. While business that is here may not necessarily go, it will hurt new business coming here. And it is the new business that must provide the meaningful way and meaningful revenue to ensure that we can lessen the burden of the duties and other revenue measures that have been put on over the last twenty years.

It is very easy to say that we must broaden the base that revenue comes from—that's easy. It is easy to say that we should not be adding onto any more of the traditional areas. But that can only come about with meaningful suggestions that lead to an alternative. There has to be an alternative to the present tax base, which is not a direct taxation base to fill the void that is left from a reduction of import duty.

I am only going to mention two other areas, Mr. Speaker, that I think can be done to ensure that we do have an alternative in relation to the removal of further tax. I assume that in the second resolve part of this motion . . . it is more general and really goes beyond or maybe it doesn't go beyond food items. It looks like it doesn't, but there are also other areas where if sufficient revenue can be raised or attracted then we may be able also to ease back the tax. I was thinking just recently of the reduction in tax, stamp duty, by nearly 400% in relation to insurance policies issued locally.

Now, if I may just mention, not only has tax been removed on imported food items, but in the past we have reduced tax on motor vehicles and land at one stage and brought in the concessions for local Caymanians who are buying homes. All of these ways do help people locally. I was also reminded that we removed tax on bicycles and on dogs. *[Laughter]*

Mr. Speaker, while that may seem to be very little, it all adds up. But we have been a reducing tax government not an increasing tax government.

Anyhow, on to the more serious side, there is one piece of legislation that I think is very important, provided we get this right. It has actually passed through this House but not been assented to, and that is the Management Companies Bill. Because it will in my opinion bring the necessary stability (if I may use that word) to the business that is coming in through the management companies and which is an important part of the business in the Cayman Islands to ensure that business remains of a very high quality.

One high quality piece of business many times can be equal to ten normal quality pieces of offshore business and creates a lot less problems. It reduces risk if we remain with high quality business. Related to that is the Code of Practice for Banking under the Procedures of Criminal Conduct Law, and ultimately will be a general code as it now is and then specifics for the industry that is related to this legislation. It will cause a better acceptance because all of the large regulated banks, insurance companies—I should say all of the reputable companies have no fear of that type of regulation. I think the finalisation of it is going to be important for us keeping our niche in a market that more and more is producing a larger and larger area of revenue.

While I don't have the time today, one important area of diversification is naturally to increase the return that the country gets from its largest single revenue and income producing because it does affect the country and that is in tourism. But I am not an expert in that, the Honourable Minister for Tourism is. I believe that innovative ways there that raise the level of . . . maybe I shouldn't get into that. In fact, I will just finish off right now, sir. I know 4.30 p.m. is here.

So, in summary, Mr. Speaker, we support this motion and we think the motion is good. We have done what this motion says—at least Mr. John McLean and I have for the last twenty years—by reducing the burden especially on imported foods, which we did quite recently. Sorry, the Honourable Minister for Tourism, as well, was part of that government, in fact he was a very integral

integral part, he was the Financial Secretary who did it. We also had the Chief Secretary, the Third Elected Member for West Bay, the Fourth Elected Member for West Bay, the Third Elected Member for George and you, Mr. Speaker.

I guess, Mr. Speaker, we have all been moving this for some considerable time. Naturally, we fully support this. So, the answer sir, is “meaningful suggestions” to which I have given about six to broaden the tax base to reduce the tax on import duties on the few items that remain. In fact, we have already taken off 70%. So, it’s only about 30% of foodstuff that has it remaining. Thank you.

The Speaker: We have reached the hour of interruption, I would entertain a motion of the adjournment of this Honourable House.

MOMENT OF INTERRUPTION—4.30

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House sine die.

Mrs. Edna Moyle: Mr. Speaker, if I may . . . May I read Standing Order 38 concerning a closure motion, where it speaks, “. . . that the Question be now put” and unless it appears to the Presiding Officer that the motion is an abuse of the rules of the House or an infringement of the rights of the minority . . .” Certainly if we are going to conclude this motion, it should be concluded sir, since Parliament will not resume until the State Opening.

The Speaker: Would you please repeat?

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just so that we can be very clear sir, the Minister of Education moved the adjournment of the House. Might we understand if that adjournment is just for this afternoon?

The Speaker: For a date to be announced, in other words, until the Throne Speech.

Mr. D. Kurt Tibbetts: Fair enough sir. I hear what you are saying. Now I understand clearly that’s what they are saying. Certainly, the motion should be allowed to take its full passage this afternoon and not left how it is.

The Speaker: I am prepared to put it to a vote, and the majority will rule.

Dr. Frank McField: Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: As the person who brought this motion here, obviously I brought the motion because it was important. Obviously I have a right to bring the motion and I would have believed that the Honourable Members of this Legislative Assembly would have had enough respect for the efforts made in order to give it passage. That the Leader of Government Business used up all the time and then at this time moved the adjournment is not only an abuse of power, its an abuse of my rights as a representative from the same district that he is!

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: Mr. Speaker, I take exception to that member referring to following the Standing Order of this House as an abuse of the House.

Mr. Speaker, there is a lot of business that has not been finished. But there is a lot of business in this session that wasn’t finished in the session before. We have reached the stage where the new legislature will begin next week Friday and we have mentioned to members for some time that substantial numbers of us from the House will be going abroad to United States for talks and coming back on Thursday.

In any event, Mr. Speaker, there has to be sufficient time after prorogation for there to be a proclamation and at this stage there is a lot of other business that isn’t finished. There are other motions and there are a lot of questions that have not been dealt with and there will be a way of getting this, I am sure, over to the next session but this is not the first session where business has been left.

Mr. D. Kurt Tibbetts: Mr. Speaker, may I sir?

The Speaker: The Third Elected Member for George Town had caught my eye.

Mr. D. Kurt Tibbetts: Oh, I am sorry.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I believe that the procedure that has been followed, whilst it may be parliamentary to do so, the point raised by the Elected Member for North Side is a valid point. I believe that in the harmony and good running of the House it would not hurt for the government bench to consider extending the time a bit so that at least the mover of the motion could complete his summing up, since we are not going to be meeting here again until the opening of the House on 18 February.

I know the procedure that was followed was good parliamentary procedure—it was filibustering to take the time to the limit. But I believe it is, in accordance with Standing Order 38, an abuse of the rights of the minority. So, if the members of the government bench would be mindful, I feel that at least the mover of the motion should have the right to sum up his motion.

Thank you, Mr. Speaker.

The Speaker: Would honourable members care for a short suspension in order that we can work it out?

The Honourable Minister for Education, Aviation and Planning.

There is a motion before the House and I take cognisance of that.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: I had recognised the Minister for Education before.

Hon. Truman M. Bodden: Mr. Speaker, I suppose then that we do a half an hour for the member to wind-up.

[Inaudible comment]

Hon. Truman M. Bodden: Well then, Mr. Speaker, we follow the Standing Order. We have made an offer, if they don't wish it, I will ask you to put the vote, sir.

Mr. Roy Bodden: Mr. Speaker!

The Speaker: One at a time, please.
The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I pose the question, sir: Is this a House of democracy, or is it not? How can we now decide . . . and I am all in favour of giving the honourable mover time to wind up, but what of other members who may wish to speak?

Mr. Speaker, I take the dimmest view of the irresponsibility of the Leader of Government Business, the Minister of Education, who filibustered knowing that was his plan and now proposes that honourable members be deprived of their democratic right to reply—even if their reply is nonsense as I just heard not a short while ago.

The Speaker: Honourable members, let me say this: I have repeatedly over the time that I have sat here as Speaker asked all honourable members if it was the intention to go late to give at least 24 hours' notice in order that the Legislative Department be given notice. I sit in my office from before 9.00 in the morning, and I am here until after 5.00 p.m. I have not been notified that there was any intention of going beyond the hour. I have not notified the Clerk to make any necessary arrangements.

The parliamentary procedure is that a motion is on the floor. I want to give everybody an equal opportunity—but right is right and wrong is wrong.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, thank you sir. And I hear what you are saying. Nevertheless, there are two questions here. The Elected Member for North Side has pointed out to you Standing Order 38, and it is only fair for you to make a ruling regarding Standing Order 38 before we entertain a vote on the motion from the Leader of Government Business.

Now, I won't tarry, but while I appreciate exactly what you are saying about no notification of going on late, I sit here as one of the elected representatives and I have had no notification about the House closing down. No one has told me the House is closing down. As far as I am concerned, we resume Monday morning at 10.00 a.m.

Now, if they are going to come with that kind of stuff then let's resume Monday morning at 10.00 a.m. and finish the business of the House. If the Throne Speech has to wait for four days, make it wait if that's the way it is going to go.

The Speaker: As I said before, if there is going to be any additional discussion I will suspend proceedings and we will go into the Committee Room and make the necessary decision.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, being a man of peace, just the other day we went on a little late without any notice to anyone in order to finish Finance Committee. I don't think it looks right, Mr. Speaker, for us to close the House in the middle of a debate on a private member's motion or on any business. I don't see why we cannot extend the time an hour or so, if that's necessary in order to complete this piece of business.

On the other hand, even though there is a scheduled visit to Washington DC, it doesn't include the whole House so we will still have majority left here to carry on the business, if that is the wish of the majority of the people. So, Mr. Speaker, I would really appreciate if you would rule that we continue until this piece of business is completed.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, obviously a lot more than the mover wish to speak. What we would be prepared to do is allow this to be brought over to the next session by waiving the Standing Order that states that you cannot bring a similar motion within a six month period, which, as I see it, will bar it and let it be brought then. I mean, we have been here since November 18th continuously! And if a week is necessary on it so be it. But we just don't see it finishing this afternoon.

The other point I would like to mention is a motion being moved under Standing Order 38. That is a closure motion in which case there will be a vote and the motion would be voted on right away. Is that what the Elected Member for North Side wishes to do? because that will not allow the mover to reply.

We would be happy, sir (subject to further consultation here), to support having it carried forward so everyone would have time because I see another day to two days on this.

The Speaker: Procedures says that I cannot or shall not have two motions on the floor at one time, I have to dispose of one or one has to be withdrawn. I cannot have two

two motions on the floor at one time.

Time is flying by. I think the only thing that I can do . . . the will of the House will prevail. I will put the motion for the adjournment, and, if it fails, then we will continue.

Dr. Frank McField: Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Is there no other authority that I can call on beside the conscience of the obvious majority that obviously has an interest and is denying me the possibility to put my case to them with regards the very important issue of import duties on foodstuff?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, under the concession that we have put forward, there is no denial to that member. What we are saying is that in a week's time this motion can carry on. What more can we really do? To extend for half an hour or an hour this evening . . . from what I understand, it is not going to finish. There are other members here who would like to speak.

So, there is no denial of the right to speak if we then allow this to be carried forward into the next session. We will find a mechanism for bringing it in and letting it continue.

The Speaker: The Elected Member for North Side.

Mrs. Edna Moyle: Mr. Speaker, the question that I was asking the Clerk was if the House was going to be prorogued and then a proclamation to call it back in. That was the question I asked. Am I correct? And, that is the procedure.

Well, I would like to read from Erskine May's, *Parliamentary Procedure*, page 57, "Effect of a prorogation." **"The effect of a prorogation is at once to terminate all the current business of Parliament. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed . . ."**

The Speaker: That is actually correct.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, that is correct, I know that and we all know that.

What I am saying is that a similar motion—the same motion, in fact—can be brought if the Standing Order that bars the bringing of it with six months is waived. And that is correct, sir. So, if members really wish to carry this on then in a week's time it can continue.

The Speaker: Honourable members I have a motion before the House that has to be disposed of. The motion is that the House do now adjourn sine die.

I shall put the question that this Honourable House do now adjourn sine die. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

Mr. Roy Bodden: Mr. Speaker, can we have a division, sir?

The Speaker: Certainly, Madam Clerk, would you call a division?

The Clerk:

DIVISION NO. 13/99

AYES: 7

Hon. James M. Ryan
*Hon. D. F. Ballantyne
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden

NOES: 6

Mr. John D. Jefferson, Jr.
Mr. D. Kurt Tibbetts
Mr. Linford A. Pierson
Dr. Frank McField
Mr. Roy Bodden
Mrs. Edna Moyle

ABSTENTION: 1

Hon. Julianna O'Connor-Connor

ABSENT: 3

Mr. W. McKeeva Bush
Mr. D. Dalmain Ebanks
Miss Heather Bodden

** Hon. David F. Ballantyne: On the understanding that this matter can be returned on the basis outlined by the Leader of Government Business, Aye.*

The Clerk: The result: seven Ayes, six Noes, one Abstention.

The Speaker: The result of the division is seven Ayes, six Noes, and one Abstention. The Ayes have it.

Before we leave, I would like to extend my thanks to honourable members for their courtesy and tolerance to the Chair. I would like to thank Madam Clerk and her Deputy, the office staff, the Hansard Officers, the Sergeant-at-Arms for their efficient service during the entire year, and to Miss Anita for her kind service to us.

[I would like] to say that this is a very significant adjournment because this is not only the adjournment for the end of 1999, it is the beginning of a new century and let us hope for the best for the year 2000.

This Honourable House do now stand adjourned sine die.

AT 4.55 PM THE HOUSE STOOD ADJOURNED SINE DIE.